

City of Biddeford
City Council
April 16, 2024 6:00 PM Council Chambers & Zoom

Please click this URL to join:

<https://biddeford.zoom.us/j/96730863535?pwd=aEhsYnVSVXE4M1dqQ2ZTL2Y3K1NEZz09>

Passcode: 501589

Webinar ID: 967 3086 3535

Or One tap mobile:

+16469313860,,96730863535# US

+13017158592,,96730863535# US (Washington DC)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 931 3860 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325

International numbers available: <https://biddeford.zoom.us/j/96730863535>

Status:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Recognition:**
 - 4.a. Recognition Public Works Sustainability Leadership Award
- 5. Proclamation:**
 - 5.a. Proclamation Eid-al-Fitr
[20240416 Eid-al-Fitr-PROCLAMATION](#)
- 6. Presentation:**
 - 6.a. Fathom Update & Presentation regarding 3 Lincoln Development
[Fathom - 3 Lincoln Update- Presentation Brief 4.16.2024](#)
[Pearl Street Riverside District - City of Biddeford - Site Concept Plan Presentation](#)
- 7. Public Hearing**
 - 7.a. Public Hearing Liquor License Pho-Ly Vietnamese Restaurant
[Pho-Ly Vietnamese Restaurant 4-16-24](#)
- 8. Liquor License Consideration**
 - 8.a. Liquor License Approval - Phy Lo Vietnamese Restaurant
[Pho-Ly Vietnamese Restaurant 4-2-24](#)
[Pho-Ly Vietnamese Restaurant Liquor 4-2-24](#)
- 9. Appointments:**
 - 9.a. 2024.45 Approval/Mayoral Appointments to Citizen Committees
[2024.45 Approval Mayoral Appointments to Citizen Committee-ORDER](#)

[20240416 William MacKeil -Harbor Commission-Application](#)
[20240416 Dan Boucher Capital Committee -Application](#)

10. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

11. Consideration of Minutes:

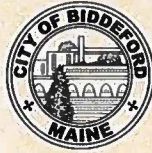
- 11.a. Approval of minutes 4-2-24
[Council Minutes 4-2-24](#)

12. Orders of the Day:

- 12.a. 2024.46 Approval/Mayoral Appointments to Ad Hoc Sustainability Committee
[2024.46 Approval Mayoral Appointments to Ad Hoc Sustainability Committee](#)
- 12.b. 2024.47 Approval/Authorize Creation of Ad Hoc John F. Kennedy School Building Re-Use Committee
[2024.47 Creation of Ad Hoc John F. Kennedy School Building Re-Use Committee -ORDER](#)
- 12.c. 2024.48 Approval/CSO Projects Engineering Services RFP
[2024-04-16_CS0 Projects Engineering Services RFP - Council Order](#)
[2024-04-16_CS0 Projects Engineering Services RFP - Council Brief](#)
[1 - RFP](#)
[2 - BH2M Submittal](#)
[3 - Latest DRAFT CSO Master Plan](#)
- 12.d. 2024.49 Approval/Amend Density Bonus Ordinance
[2024.04.16 Amend Land Use Regulation Density Bonus BRIEF](#)
[2024.04.16 Density Bonus.Ordinance.Adoption ORDER](#)
[Amend_Land_Use_Regulation_-_Density_Bonus_-_Order from Nov 21 2023](#)
[City Council Meeting Transcribed 10m 11-21-24](#)
[Full Text passed by Planning Board and provided to Council Nov 21 2023](#)
- 12.e. 2024.50 Approval/Avesta Housing CZ
[Application for Contract Zone](#)
[City Council Order - Avesta Housing Contract Zone 23 4-16-24 first reading](#)
[Policy Brief AVESTA Housing CZ 23 4-16-2024](#)
- 12.f. 2024.51 Approval/Adams Point Affordable Housing Development Project Extension
[Policy Brief Adams Point Funding Extension 4-16-2024](#)
[City Council Order - Adams Point funding extension 4-16-24](#)
[2-26-24 Final NOD](#)
[10-17-23 City Council Meeting Minutes](#)
[20231017_2023.131_Approval_BHA_Adams_Point_Funding_Request_-_ORDER](#)
[adams point extendtrustfund.040824](#)
[Adams Point Reapproval Request PB MEMO 2-21-2024](#)
[BHcityadamsrequest.100523](#)
- 12.g. 2024.52 Approval/Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet.
[2-21-24 CEO TO Chair Fire Code Considerations.pdf](#)
[2-21-24 Signed Meeting Minutes.pdf](#)
[MSRD2 side - rear setbacks Ordinance Council Order 4-16-24 attest first reading.docx](#)

- [MSRD2 side and rear yard setback reduction PB MEMO 1-31-2024.pdf](#)
[MSRD2 side and rear yard setback reduction PB MEMO 2-21-2024.pdf](#)
[Policy Brief MSRD2 side and rear yard setbacks 4-16-2024.docx](#)
- 12.h. 2024.53 Approval/Zoning Ordinance Text Amendment: Part III: Land Development Regulations, Article XI – Site Plan Review, Section 4 – Applicability, Subsection C – Delegation of Planning Board review authority.
[Policy Brief SRC Composition and Rules 4-16-2024](#)
[SRC Composition and Rules Ordinance Council Order 4-16-24](#)
[2-21-24 Signed Meeting Minutes](#)
[Bennett Policy Memo to CC 6-20-23 IZ incentive](#)
[Staff Review Committee Composition 1st reading DCMG PB Report 1-31-24](#)
[Staff Review Committee Composition 2nd reading DCMG 2-21-24](#)
- 12.i. 2024.54 Approval/Purchase of three 2024 law enforcement Dodge Durango Pursuit vehicles
[2024 Police Department Cruiser BRIEF- Council](#)
[2024.54 Council order cruisers](#)
[PD vehicle mileage](#)
[Two dealer bids Quirk Motors Marc Motors](#)
- 12.j. 2024.55 Approval/Authorize Special Shortened Nomination Process
[2024.55 Special Shortened Nomination Papers order](#)
- 13. Public Addressing the Council..(5 minute limit per speaker)**
- 14. City Manager Report**
- 15. Other Business**
- 16. Council President Addressing the Council**
- 17. Mayor Addressing the Council**
- 18. Adjourn**

City of Biddeford



PROCLAMATION

Whereas, Eid-al-Fitr is a celebration which holds profound significance within the Islamic faith, commemorating the conclusion of Ramadan, a sacred month of fasting, prayer, and spiritual reflection; and,

Whereas, Muslims worldwide gather in unity during Eid al-Fitr to rejoice in the blessings from the month of Ramadan bestowed upon them, due to their steadfastness, faith, and devotion, demonstrated throughout this holy month; and,

Whereas, Eid al-Fitr is a time for Muslims to come together with family, friends, and neighbors to share meals, exchange gifts, and extend acts of charity and goodwill; and,

Whereas, the values of compassion, generosity, and community, emphasized during Ramadan and Eid al-Fitr, resonate with the principles upon which the City of Biddeford stands; and,

Whereas, the celebration of Eid al-Fitr enriches the cultural mosaic of the City, offering an opportunity for residents to embrace the values of empathy, generosity, and solidarity espoused by the Islamic tradition and to celebrate alongside our Muslim neighbors in Biddeford and beyond; and,

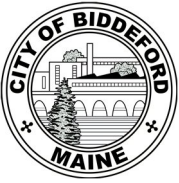
Therefore, I, Martin Grohman, Mayor of the City of Biddeford, do hereby honor that April 10th, 2024, was Eid-al-Fitr in our City. May this proclamation serve as a testament to our unwavering commitment to inclusivity, respect, and mutual appreciation for the religious and cultural heritage that enriches our collective identities.

*In Witness Whereof, We the undersigned have here with affixed
our signatures this 16th day of April 2024.*

City Clerk



Mayor



City Council

Meeting Date: April 16, 2024

Meeting Time: 6:00PM

Agenda Item No: 6.a.

Item Description: Fathom Update & Presentation regarding 3 Lincoln Development

Submitted by: George Gervais

Supporting Information/Documentation:

1. Presentation document (*Presentation in person by Fathom representatives*)

Key Terms: [N/A]

Executive Summary:

At the December 19, 2023 City Council meeting the council approved an amendment to the original Joint Development Agreement between 3 Lincoln, LLC and the City of Biddeford.

The Developer will provide an update to the Council on the Site Concept Plan and associated timetable, as well as cover accomplishments since the City successfully amended, and Maine DEP approved, the Shoreland Zoning Ordinance that allows the project to move forward.

A summary of what the amendment accomplished:

- Redefined the "Start Date" as January 24, 2023
- Within 15 months of the "Start Date", complete 'Site Concept Plans' to be accompanied by a timetable by which the Developer shall complete the improvements described in the 'Site Concept Plans'.
- From within 15 months from the start date ... Developer shall use commercially reasonable efforts to obtain federal, state and municipal permits and approvals ("Governmental Approvals") necessary to proceed with the development and improvements described in the Site Concept Plans for one of the development sites.
- The City's obligation to reimburse the Developer in the event of termination is amended to strictly limited to the direct incremental costs associated with Lot 3. Once a Site Concept Plan is successfully moving forward, or the date of July 24, 2024 is reached without such success, all obligations for the City to reimburse the Developer ceases.

Accomplishments of note since the City passed, and Maine DEP approved, the Shoreland Zoning Ordinance amendments that allow this project to move forward:

- Developer completed Site Concept Plans and the associated timetable.
- Developer achieved Planning Board Approval of Lot 3 Site Plans.
- Developer achieved Historic Preservation Commission approval of an Application for Certificate of Appropriateness.
- City will complete removal of contaminated soils from the site (*starting on April 8, 2024 with completion on Thursday, April 18, 2024*).

Funding Source: [N/A]

Staff Recommendation: [N/A]



Pearl Street Riverfront District
Site Concept Plan Presentation

Table of Contents

› Project Overview

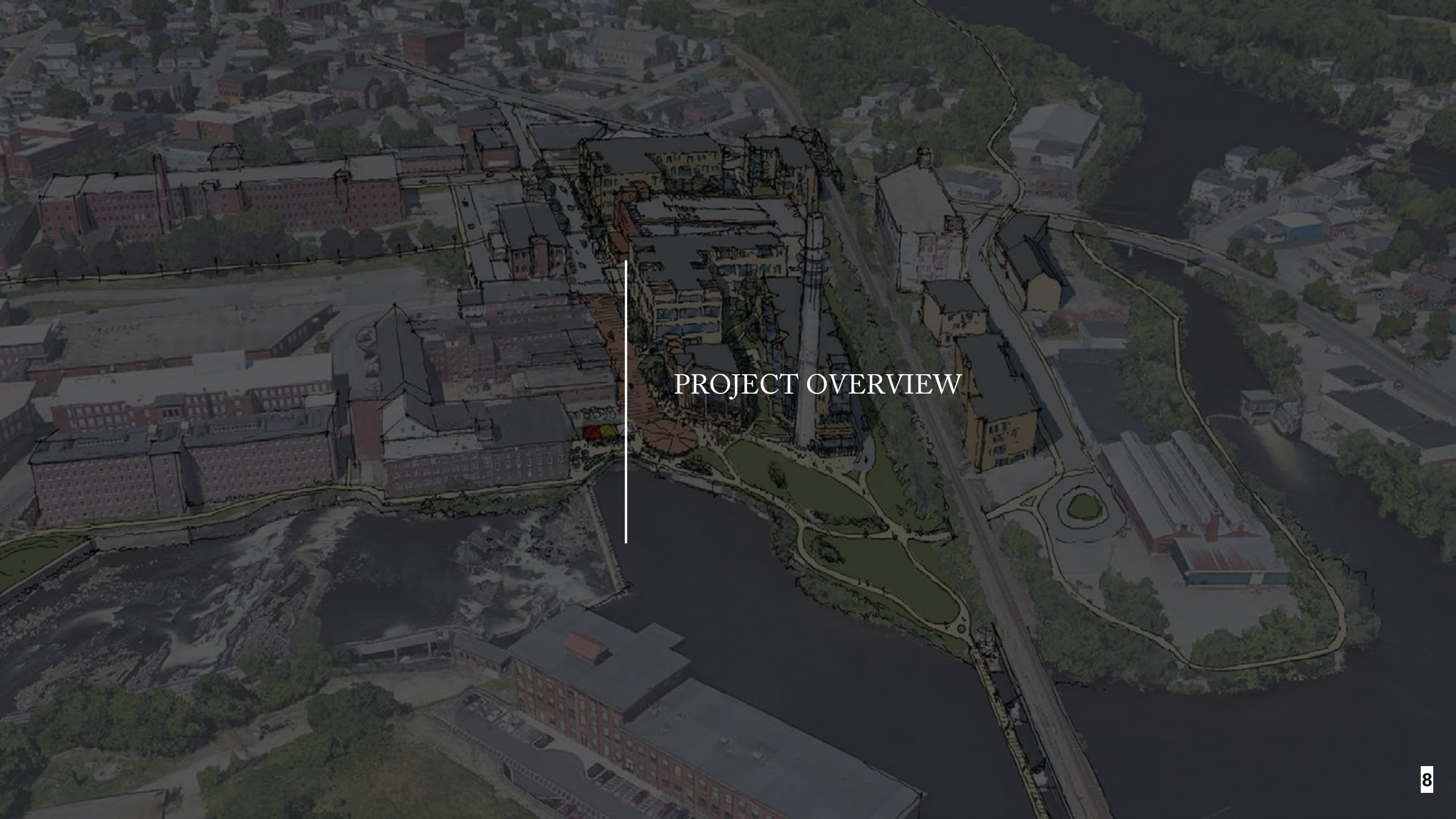
- Existing
- Concept
- Identity
- Architecture
- Site Plan
- Potential Development Program

› Lot 1

- Site Design Concepts
- Renderings
- Internal Layout
- Timetable

› Lot 3

- Site Design Concepts
- Renderings
- Internal Layout
- Timetable

An aerial photograph of an industrial area, likely a mill complex, with a river flowing through it. The image is overlaid with architectural sketches and a semi-transparent dark layer. The sketches show various buildings, including large multi-story structures and smaller industrial buildings, along with a central green space with a winding path. A vertical white line is positioned to the left of the text. The text "PROJECT OVERVIEW" is centered in the middle of the image.

PROJECT OVERVIEW

Project Overview

EXISTING



Pearl Street Riverfront District

Project Overview

EXISTING



Pearl Street Riverfront District

Project Overview

CONCEPT

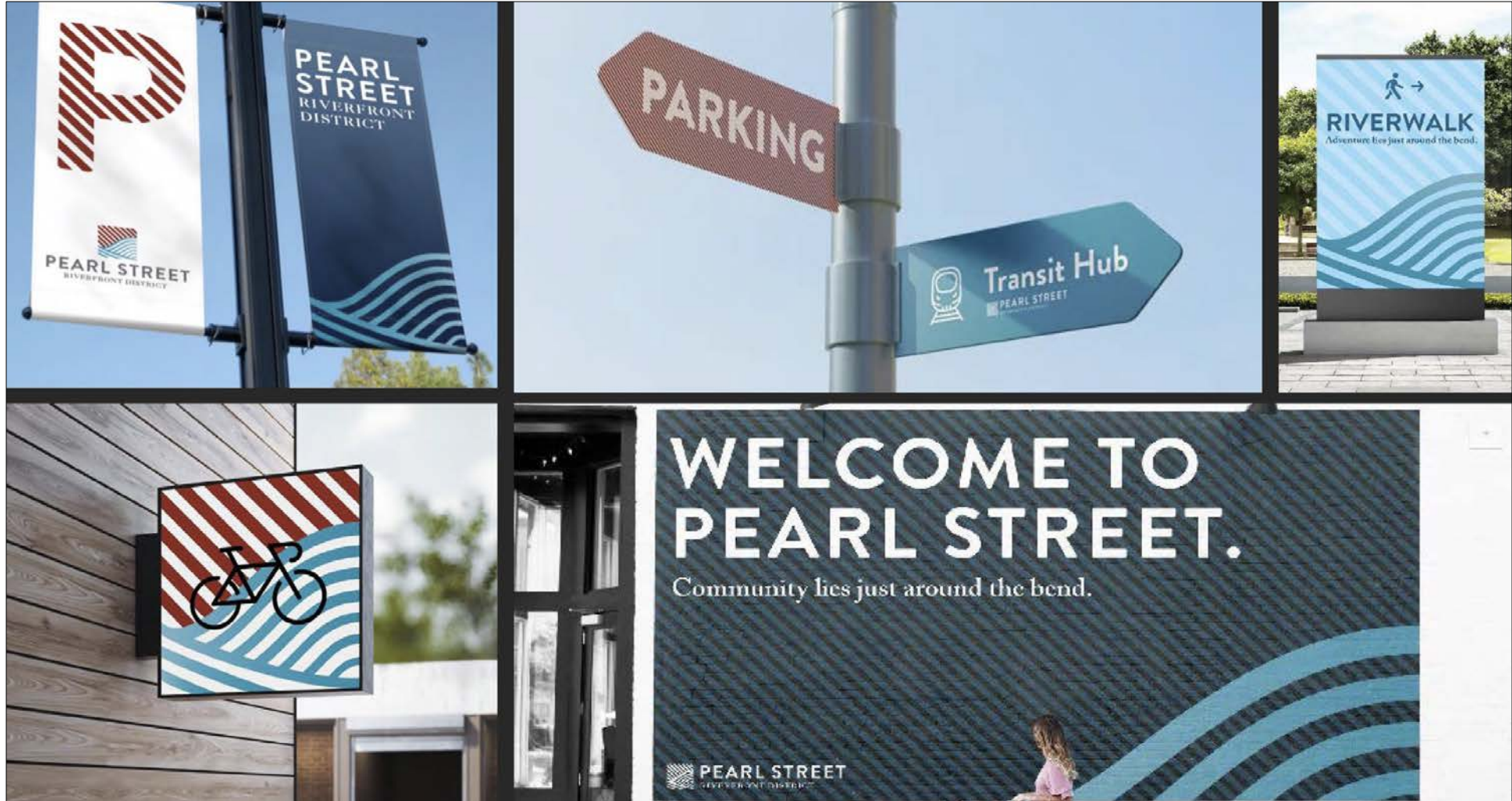


Pearl Street Riverfront District

forward-thinking
design-focused
experiential

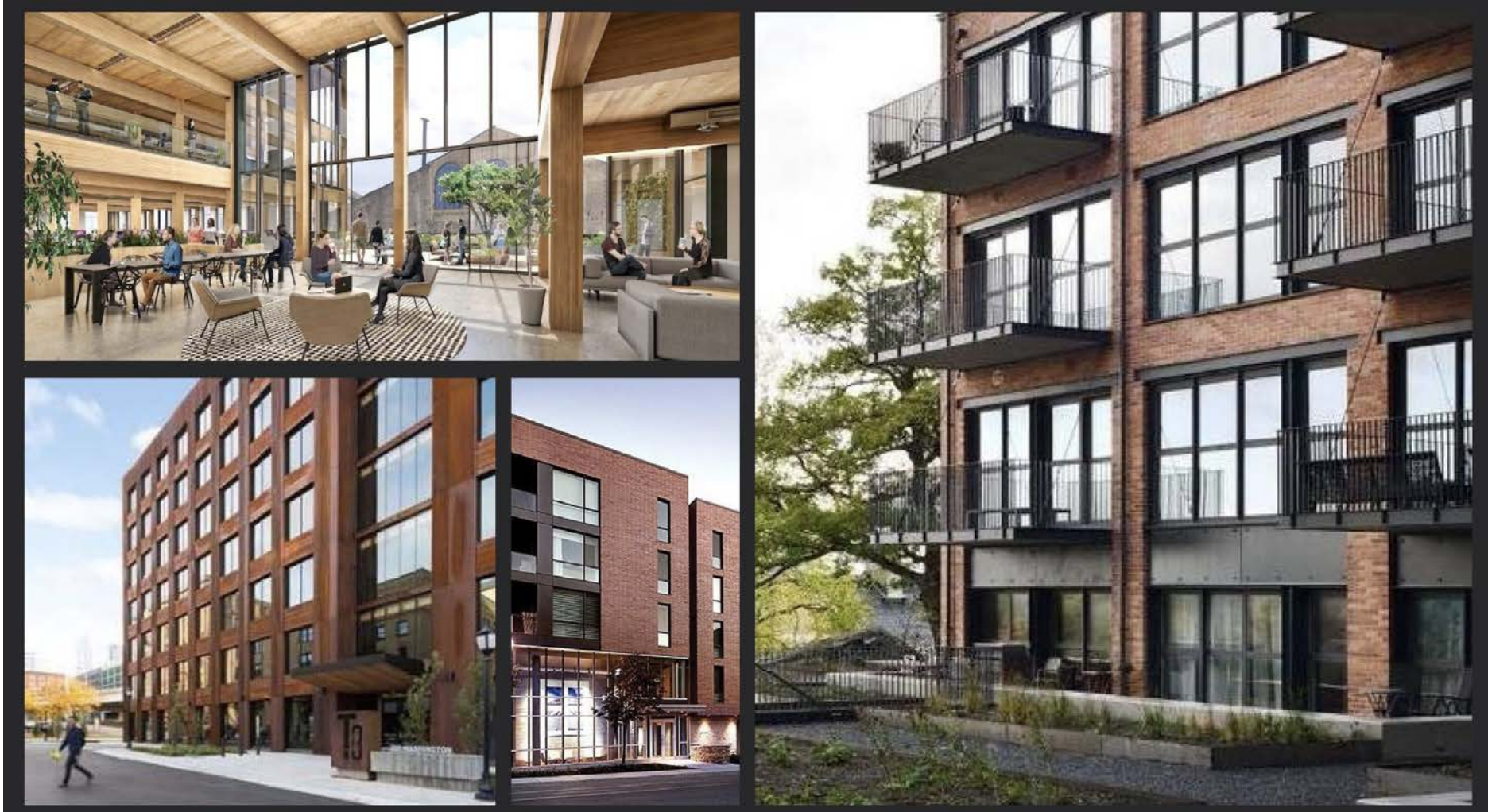
Project Overview

IDENTITY



Project Overview

ARCHITECTURE



Project Overview

SITE PLAN - EXISTING



Pearl Street Riverfront District

Project Overview

SITE PLAN - PROPOSED



Project Overview

POTENTIAL DEVELOPMENT PROGRAM – LOT 1

Building 1A		
Floor #	Name	Gross Area
Floor 1	Office Level 1	15,750
Floor 2	Office Level 2	16,200
Floor 3	Office Level 3	16,200
Floor 4	Office Level 4	16,200
Floor 5	Office Level 5	16,200
Total		80,550

Building 1B		
Floor #	Name	Gross Area
Floor 1	Retail/Unit Level 1	15,431
Floor 2	Unit Level 2	15,431
Floor 3	Unit Level 3	15,431
Floor 4	Unit Level 4	15,431
Floor 5	Unit Level 5	15,431
Total		77,156

Building 1B - Unit Schedule		
Unit Type	Net Area	Quantity
Studio	7,064	14
1 - Bedroom	19,726	28
2 - Bedroom	29,721	28
Totals	56,512	70

Lot 1 Parking Capacity		
Building	Provided on Site	Pearl Street Parking Garage
1A	None	All
1B	None	All

Project Overview

POTENTIAL DEVELOPMENT PROGRAM – LOT 3

Building 3A		
Floor #	Name	Gross Area
Floor 1	Parking/Retail Level	10,471
Floor 2	Unit Level 1	9,150
Floor 3	Unit Level 2	9,693
Floor 4	Unit Level 3	9,693
Floor 5	Unit Level 4	9,693
Floor 6	Unit Level 5	9,693
Total		58,393

Building 3A - Unit Schedule		
Unit Type	Net Area	Quantity
1 - Bedroom	10,669	19
1 - Bedroom + Den	15,766	23
2 - Bedroom	8,495	10
Totals	34,930	52

3A Townhomes		
Floor #	Name	Gross Area
Floor 1	Level 1	4,974
Floor 2	Level 2	4,696
Floor 3	Level 3	4,974
Floor 4	Level 4	4,002
Total		18,647

3A Townhomes - Unit Schedule		
Unit Type	Net Area	Quantity
Townhome A	3,498	1
Townhome B	3,490	1
Townhome C	3,490	1
Townhome D	3,490	1
Townhome E	3,498	1
Totals	17,468	5

Building 3B		
Floor #	Name	Gross Area
Floor 1	Parking/Unit Level 1	11,461
Floor 2	Unit Level 2	16,928
Floor 3	Unit Level 3	16,928
Floor 4	Unit Level 4	16,928
Floor 5	Unit Level 5	16,928
Total		79,173

Building 3B - Unit Schedule		
Unit Type	Net Area	Quantity
Studio	1,869	4
1 - Bedroom	14,382	26
1 - Bedroom + Den	19,687	29
2 - Bedroom	22,981	26
Totals	58,921	85

Building 3C		
Floor #	Name	Gross Area
Floor 1	Restaurant Level 1	6,500
Floor 2	Restaurant Level 2	6,500
Total		13,000

Lot 3 Parking Capacity		
Building	Provided on Site	Pearl Street Parking Garage
3A	24 Spaces	30 Spaces
3A Townhomes	5 Spaces	0 Spaces
3B	22 Spaces	63 Spaces
3C	None	All



LOT 1

Lot 1

SITE DESIGN CONCEPTS



Lot 1

BUILDING 1A - RENDERINGS



Lot 1

BUILDING 1A - RENDERINGS

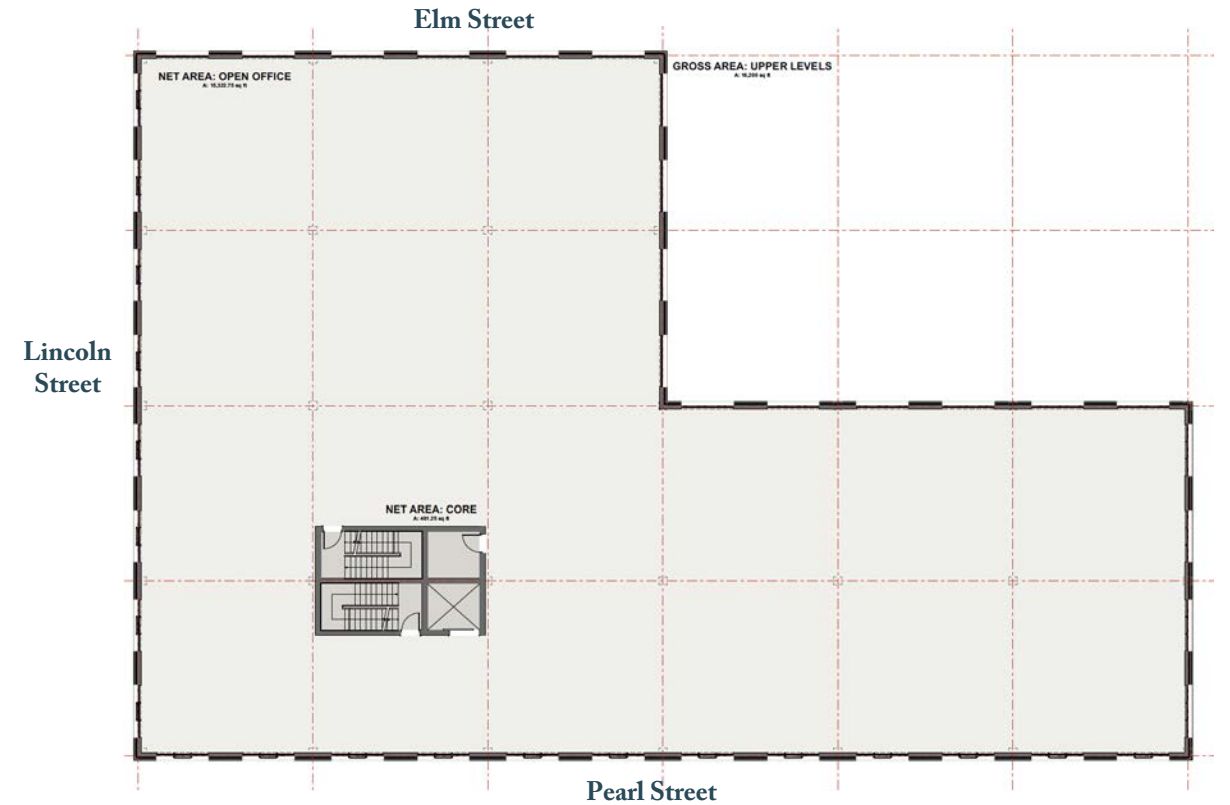


Lot 1

BUILDING 1A (OFFICE) – LAYOUT



Ground Level



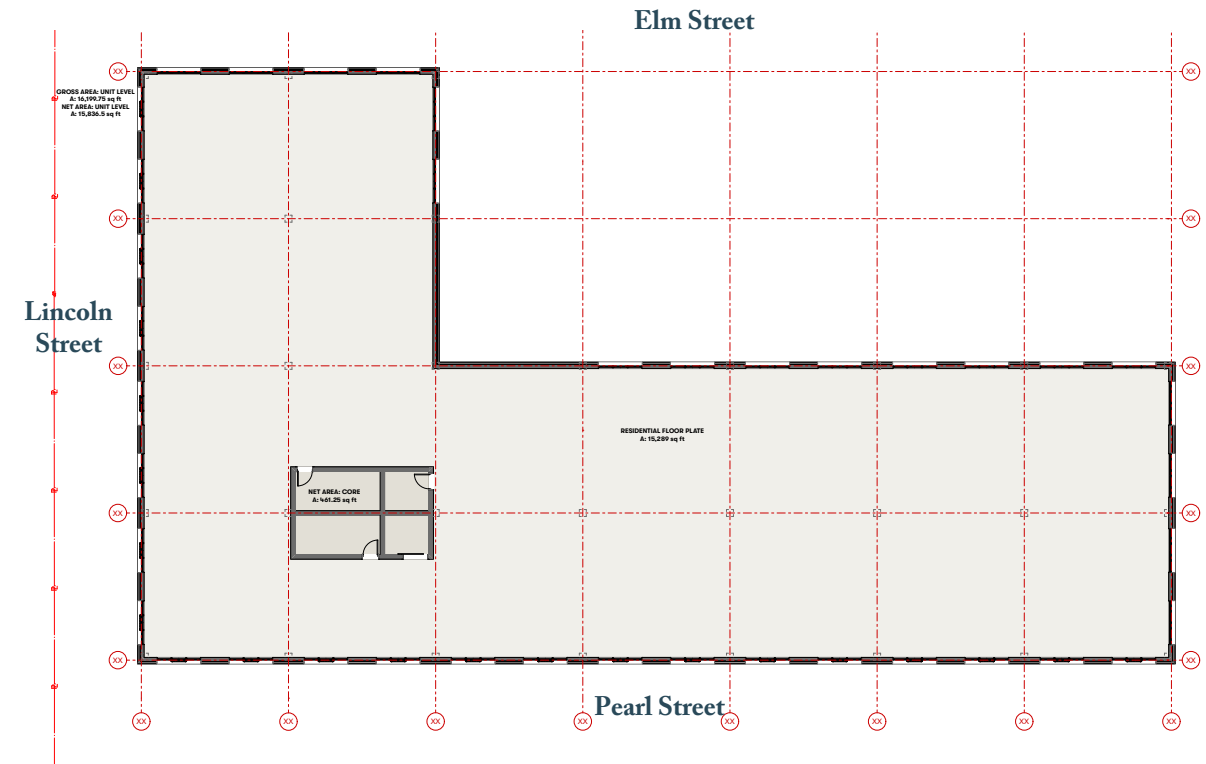
Typical Level

Lot 1

BUILDING 1A – ALTERNATIVE LAYOUT (RESIDENTIAL)



Ground Level



Typical Level

Lot 1

BUILDING 1B - RENDERINGS



BUILDING 1B (RESIDENTIAL) – LAYOUT



Ground Level



Typical Level

Lot 1

TIMETABLE



	2024				2025				2026				2027				2028			
Building	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Lot 1A Permitting																				
Lot 1A Design																				
Lot 1A Construction																				
Lot 1B Permitting																				
Lot 1 B Design																				
Lot 1B Construction																				



LOT 3

Lot 3

SITE DESIGN CONCEPTS



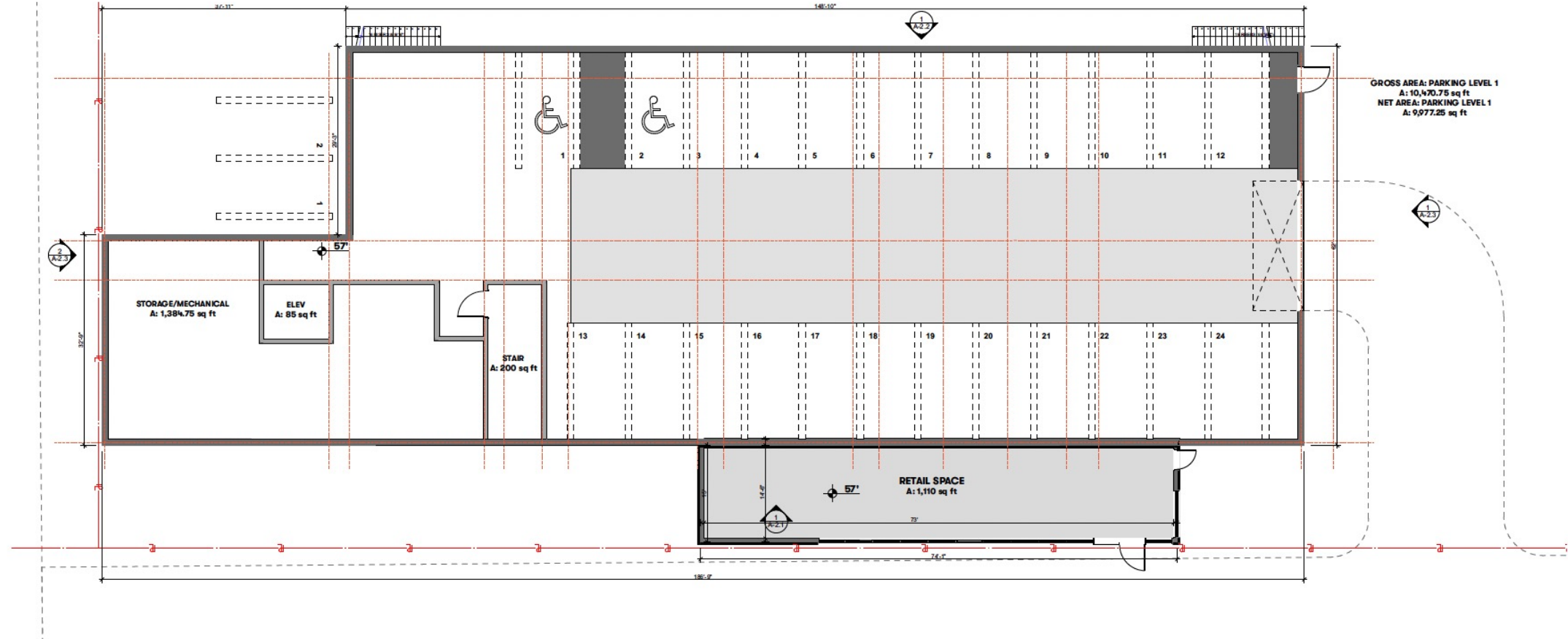
Building 3A

RENDERINGS



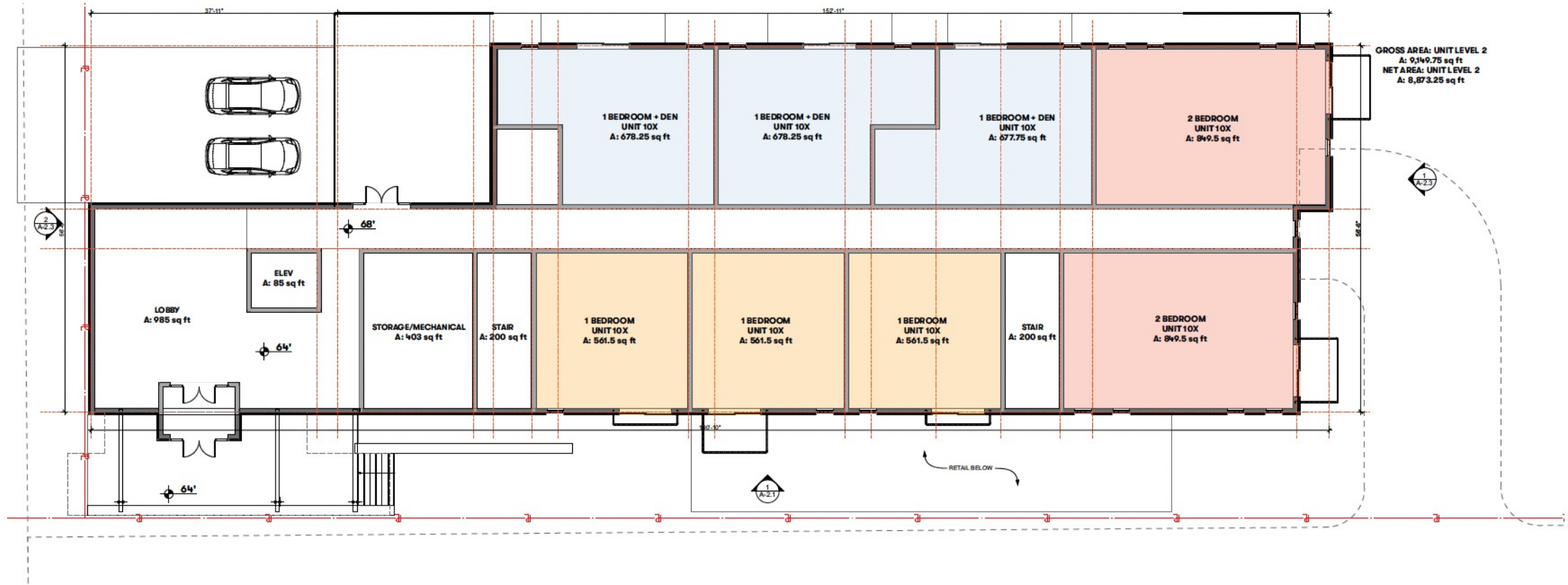
Building 3A

INTERNAL LAYOUT – PARKING/RETAIL LEVEL



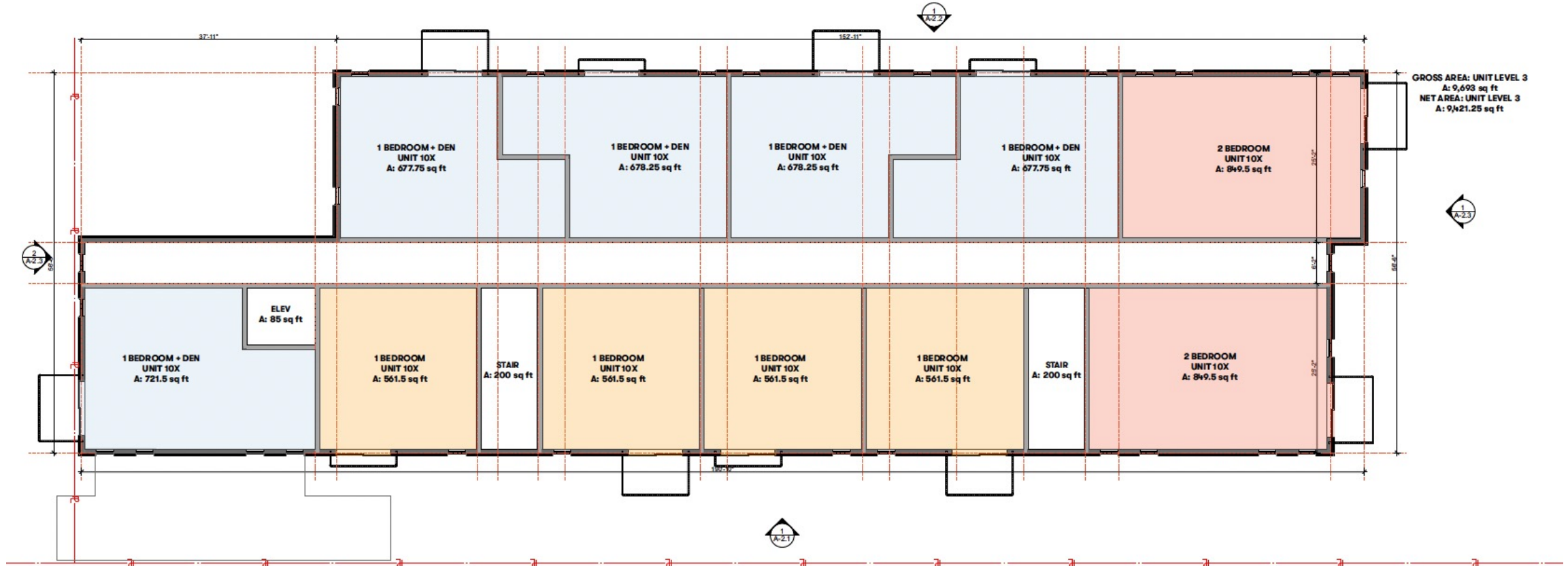
Building 3A

INTERNAL LAYOUT – GROUND LEVEL



Building 3A

INTERNAL LAYOUT - TYPICAL LEVEL



Townhomes 3A

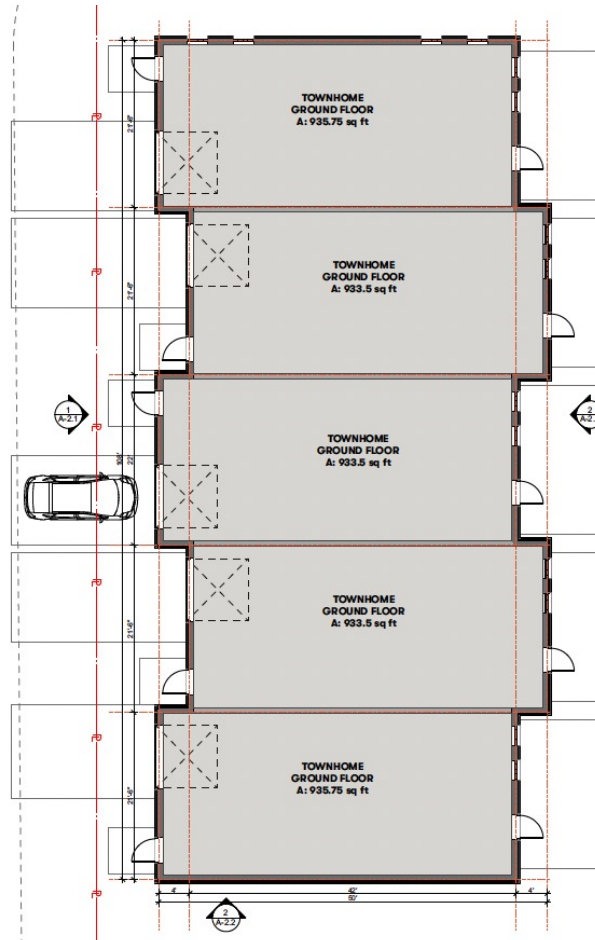
RENDERINGS



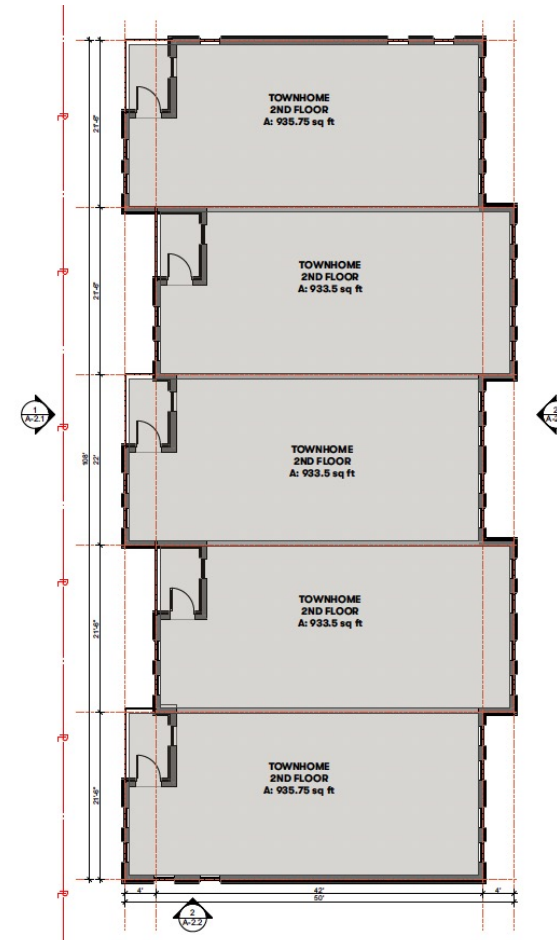
Townhomes 3A

INTERNAL LAYOUT

Ground Level

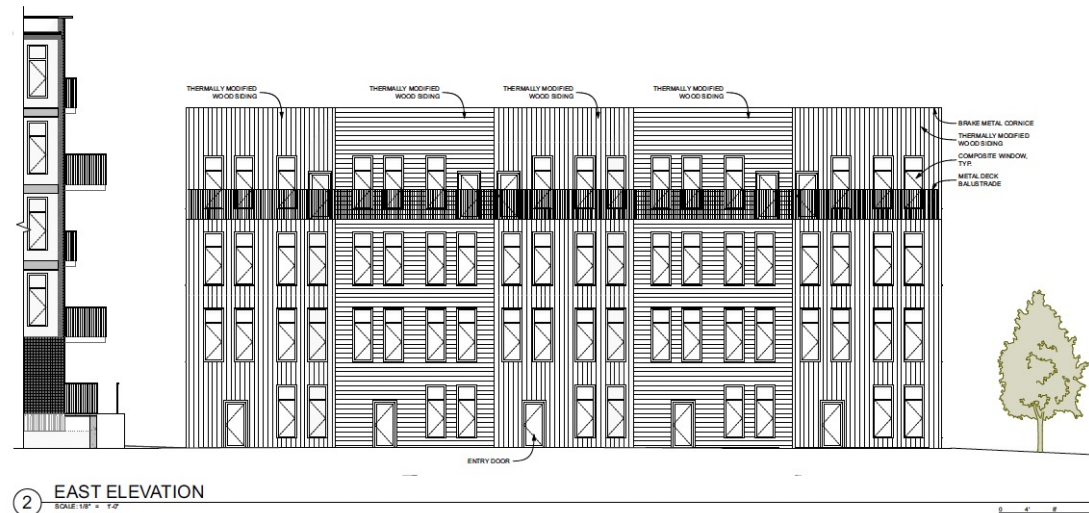
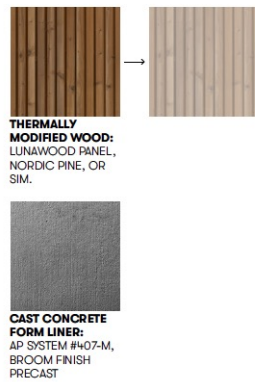


Typical Level



Townhomes 3A

ELEVATIONS



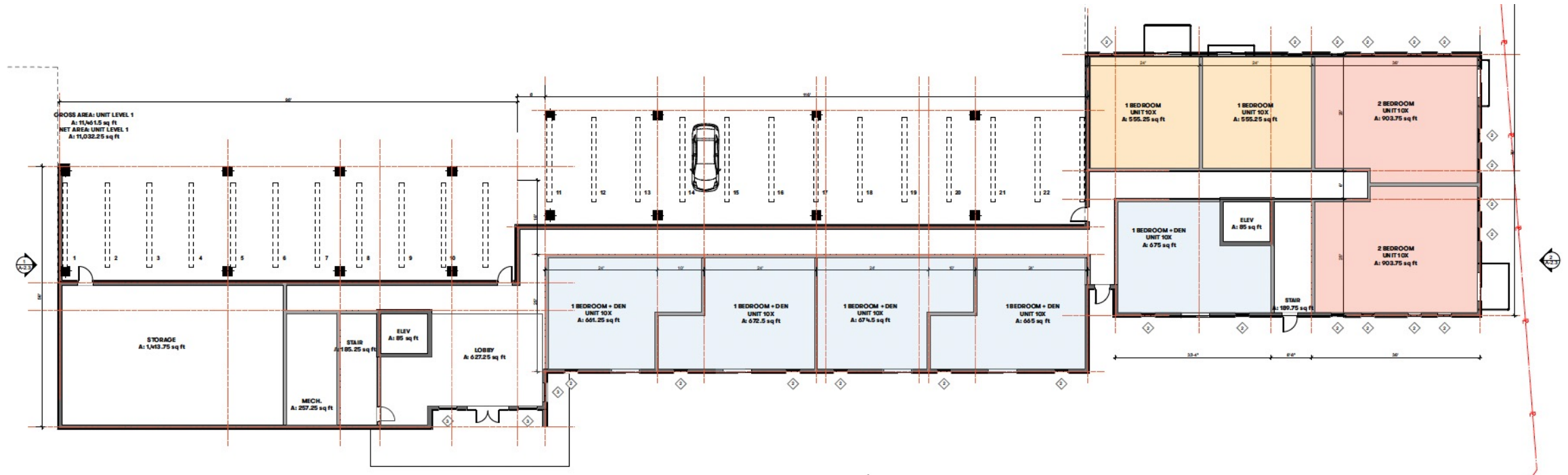
Building 3B

RENDERINGS



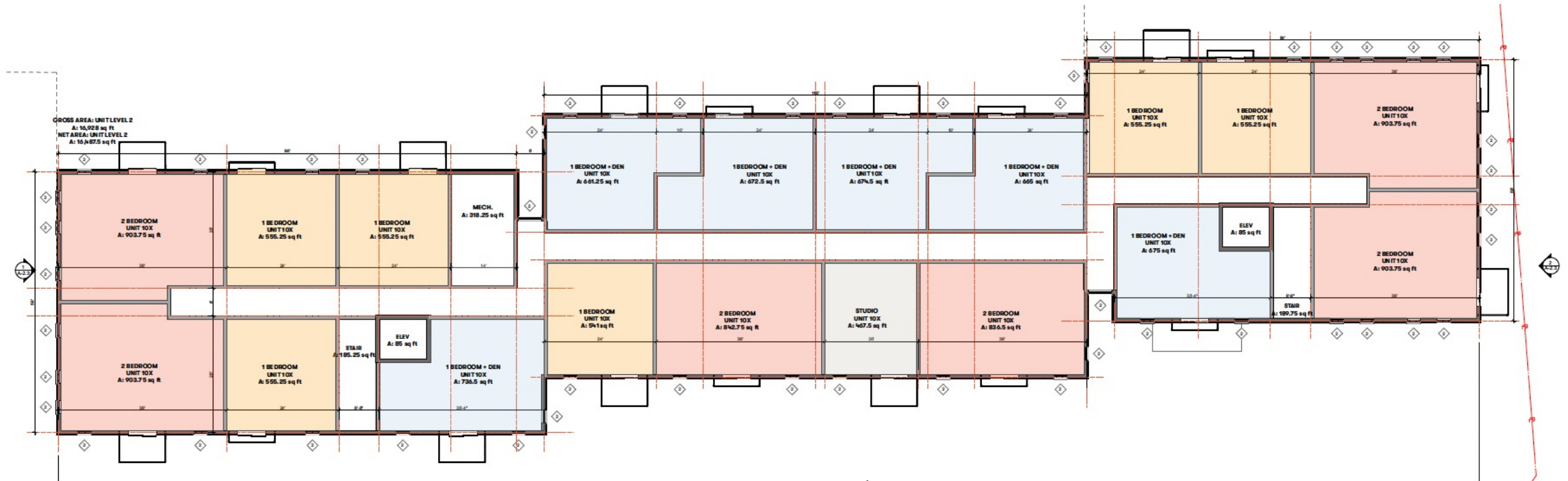
Building 3B

INTERNAL LAYOUT – GROUND LEVEL



Building 3B

INTERNAL LAYOUT – TYPICAL LEVEL



Lot 3

BUILDING 3C - RENDERINGS



Lot 3

BUILDING 3C - RENDERINGS



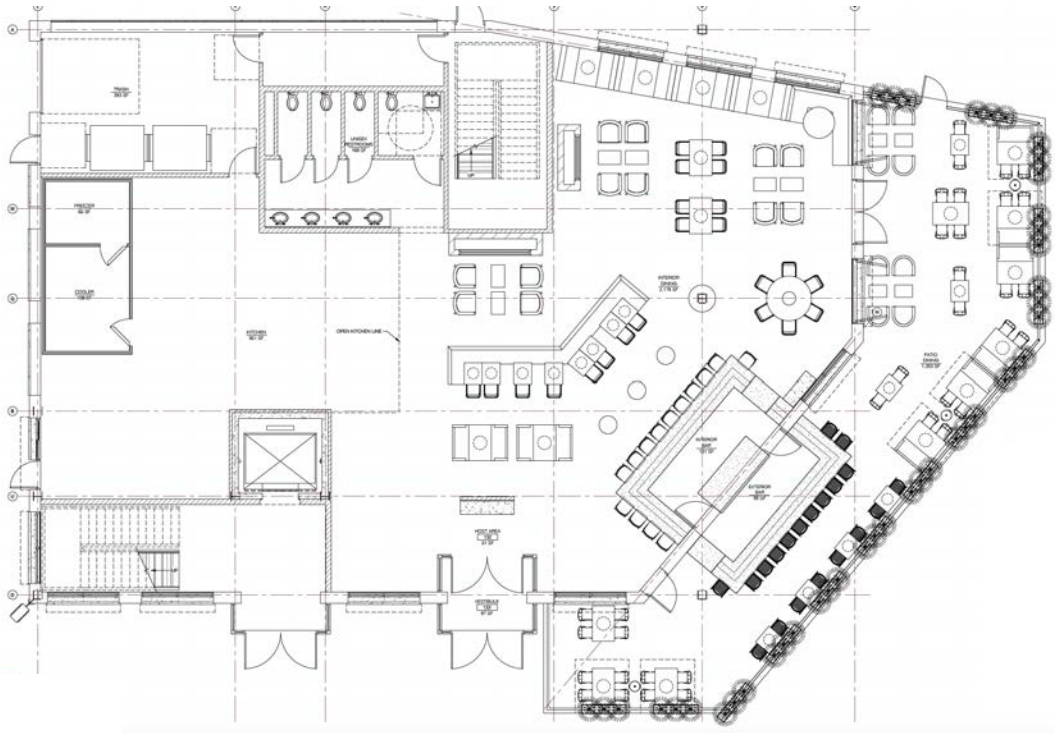
Lot 3

BUILDING 3C - RENDERINGS

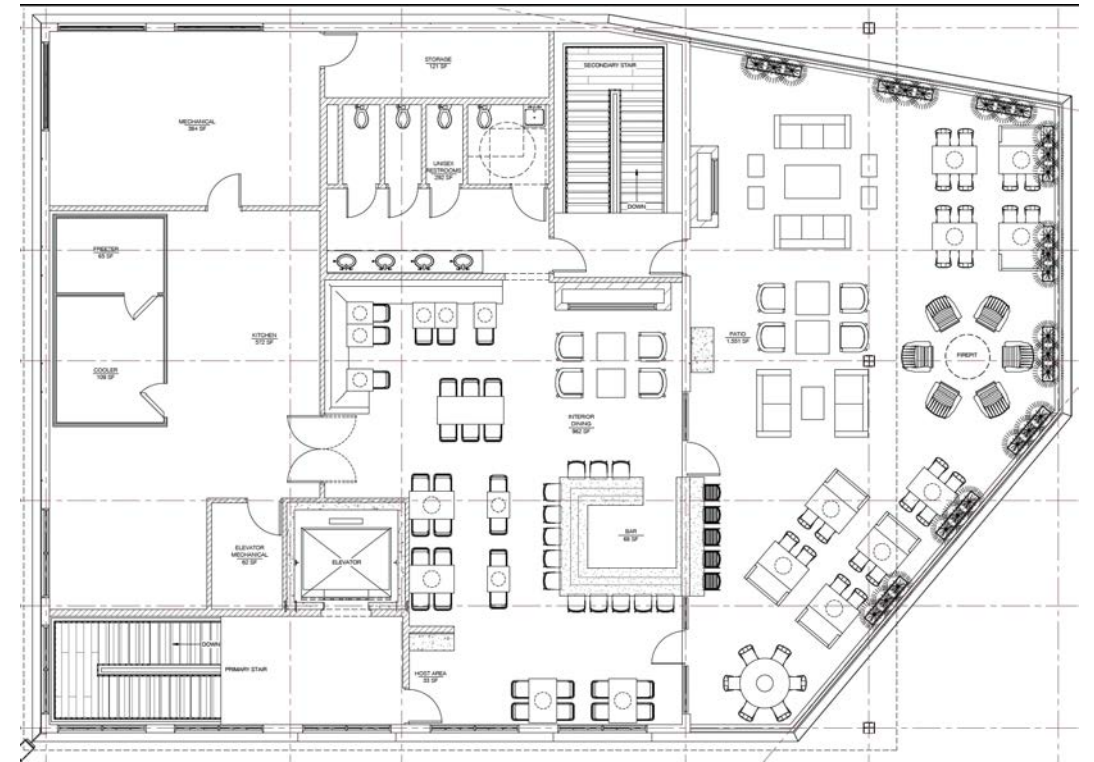


Building 3C

INTERNAL LAYOUT



Ground Level



Upper Level

Lot 3

TIMETABLE

	2024				2025				2026				2027			
Building	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Lot 3A – Residential Design																
Lot 3A - Residential Construction																
Lot 3A - Townhomes Design																
Lot 3A - Townhomes Construction																
Lot 3B - Residential Design																
Lot 3B - Residential Construction																
Lot 3C - Commercial Design																
Lot 3C - Commercial Construction																

NOTICE OF PUBLIC HEARING

CITY OF BIDDEFORD

Regarding: Liquor License, Pho-Ly Vietnamese Restaurant

Notice is hereby given that the City of Biddeford will hold a public hearing regarding this application at its City Council Meeting on

Tuesday, April 16, 2024 at 6:00 pm

at the City Council Chambers, City Hall, 205 Main Street, Biddeford, Maine.

The purpose of the public hearing is to receive public comments on the following liquor license:

Pho-Ly Vietnamese Restaurant, 49 Main Street, Biddeford

Restaurant: Beer and Wine

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

For New Businesses and Businesses with Liquor Licenses: Please be sure to contact the Code Enforcement Office to schedule an inspection (207) 284-9236

City of Biddeford

BUSINESS LICENSE APPLICATION

BUSINESS NAME: Pho-Ly Vietnamese Restaurant

Business Address: 49 Main St. Map 39 Lot 75

Mailing Address: 27 Jennirs Court, So. Portland ME 04106

Business Telephone Number: Lyly Ho 2008@gmail.com

Email Address: _____

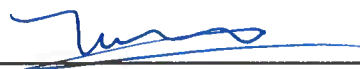
OWNER/OPERATOR: Ly Ly Ho

Home Physical Address: 27 Jennirs Court, So. Portland, ME 04106

Home Mailing Address: 27 Jennirs Court, So. Portland, ME 04106

Home Telephone Number: 207 329 3918

Applicant(s) Date of Birth: 10 / 1 / 72


Applicant's Signature

3-19-24
Date

Any information provided in this application, which is found to be false, will result in the denial or revocation of this license – per 1 M.R.S.A. 17-A §453.

TYPES OF ENTERTAINMENT:

\$150.00 (single/multiple events)

- ☐ Concert
- ☐ Exhibitions (live performances)
- ☐ Circus/Carnival

☐ Playhouse/Play

- ☐ Indoor Skating Rink
- ☐ Bowling Lanes
- ☐ Theater/Movie House
(plus \$25.00 per screen)
- ☐ Billiard Room(s)

\$150.00 (annual)

- ☐ Public Firing Range
- ☐ Bottle Club

AUTOMOBILE REPAIR AND/OR GRAVEYARD:

- ☐ Automobile Repair Garage for maintenance
- ☐ Automobile Graveyard

\$75.00

\$200.00

PLACES/DEALERS IN PRODUCTS:

\$200.00

- ☐ Secondhand Dealers
- ☐ Dealers in gold jewelry, etc.
- ☐ Antique Dealer

- ☐ Flea Market (for 20 tables; \$5 per add'l table)
- ☐ Junk Dealer/Recycling

For New Businesses and Businesses with Liquor Licenses: Please be sure to contact the Code Enforcement Office to schedule an inspection (207) 284-9236

PAWNBROKER:	\$200.00
VENDOR ON A PUBLIC PLACE:	\$50.00
ICE CREAM TRUCK VENDOR (need to show proof of at least \$500,000 liability insurance)	\$75.00
VENDING ON WATERWAYS	\$100.00
OPERATING LICENSE:	
☐ Victualer (no alcohol)-State Cert. Required	\$75.00
☒ Victualer serving beer and/or wine-State Cert. Required	\$100.00
☐ Victualer serving beer, wine and/or liquor State Cert. Required	\$150.00
☐ Taxicab, motorbus, public automobile (plus \$20.00 per vehicle)	\$50.00
☐ Massage Establishment/Therapist	\$100.00
☐ Combined Massage Establishment/Massage Therapist	\$150.00
☐ Adult Business	\$2,000.00
☐ Sludge Disposal	\$50.00
MISCELLANEOUS:	
☒ Advertising (for liquor licenses)	\$200.00
☐ Newspaper Vending Machines (per machine)	\$10.00
☐ Video Game Devices (up to a max of \$50.00)	\$10.00 (each machine)

New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$200.00 advertising, when applicable), the issuance of business license in the City of Biddeford is not guaranteed. You will be required to pay the full business license fee(s) once departmental reviews have been completed and an Occupancy Permit has been issued by the Code Enforcement Office.

CITY COUNCIL APPROVAL DATE (if applicable): _____

CODE ENFORCEMENT APPROVAL: _____
(Occupancy Permit Issued)

CITY CLERK ISSUED: _____ **DATE:** _____



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:	Yes ☐ No ☐

Section I: Licensee/Applicant(s) Information;
Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
Que Huong Vietnamese Restaurant LLC	Pho Ly Vietnamese Restaurant
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
	49 Main St., Biddeford, ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address:
27 Juniors Ct, So. Portland, ME 04106	lylyho3@gmail.com
Telephone # Fax #:	Business Telephone # Fax #:
207 329 3918	207 329 3918
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
99-1823679	1183-3563
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: March 2024
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: 185,000 Beer, Wine or Spirits: \$12,500 Guest Rooms: _____
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

427 Jennings Court, So. Portland, ME 04106

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Ly Ly Ho	10/1/72	Vietnam
Residence address on all the above for previous 5 years		
Name	Address:	
Ly Ly Ho	27 Jennie's Court, So. Portland, ME 04106	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ~~☒~~ Yes ☒ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: NO

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Full Service Restaurant serving beer + wine in dining
room of the restaurant

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: church

Distance: 1 1/2 mile

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 1 - 26 - 2024

[Signature]
Signature of Duly Authorized Person

Signature of Duly Authorized Person

LYLY T HO
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

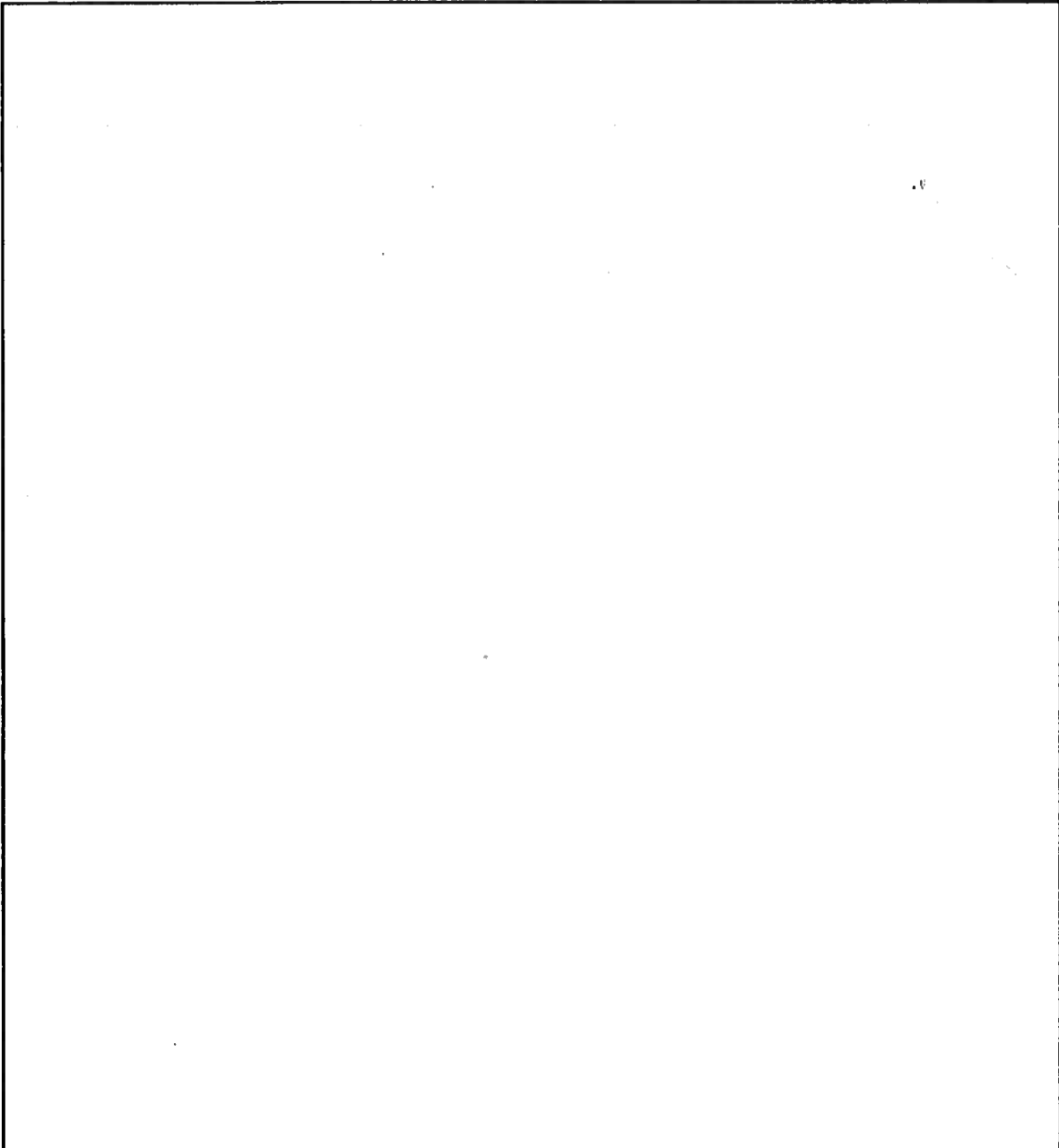
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

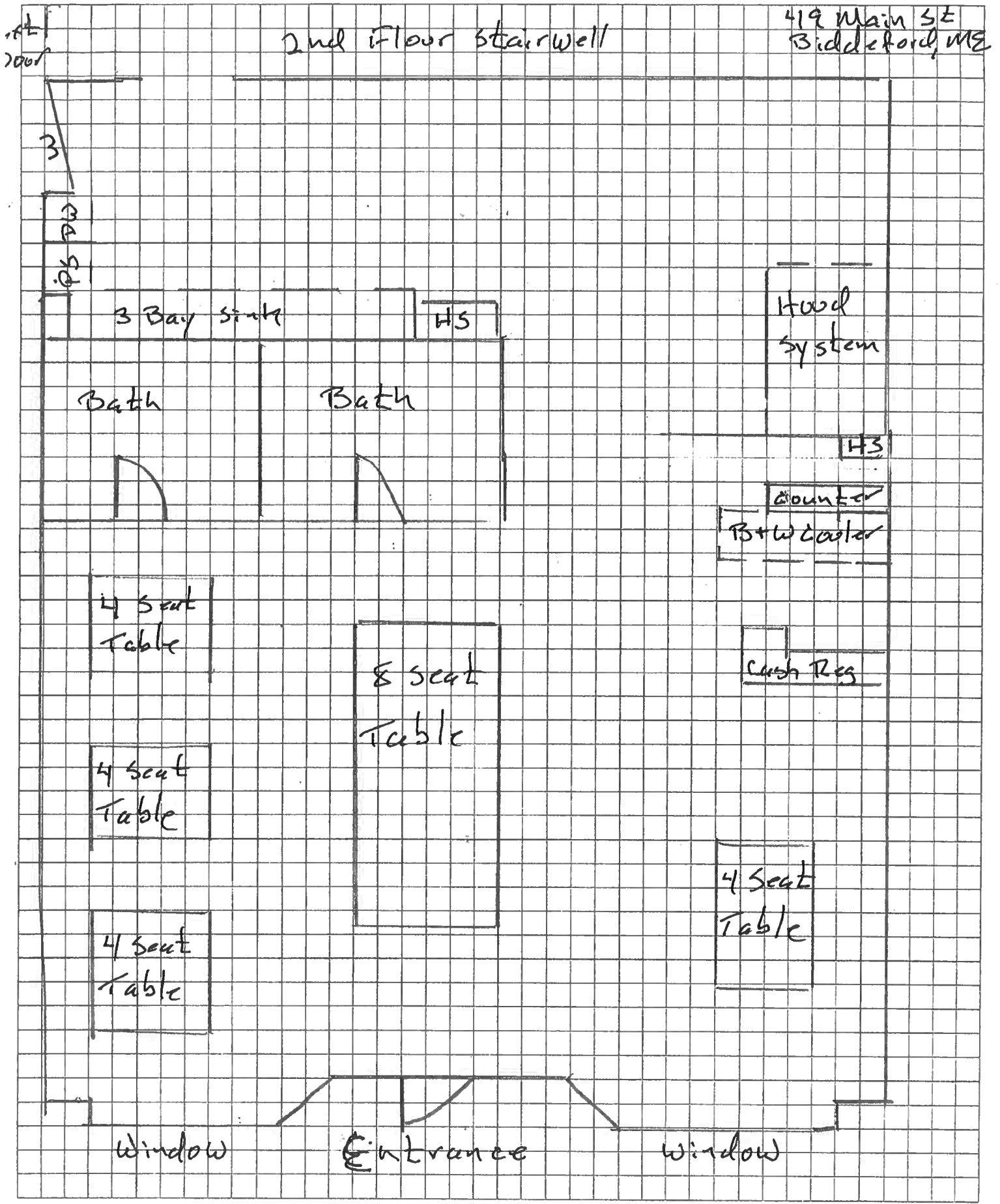
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.





Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Que Huong Vietnamese Restaurant, LLC
2. Doing Business As, if any: Pho Ky Vietnamese Restaurant
3. Date of filing with Secretary of State: 2/8/24 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Ly Ly Ho	27 Jennie's Court So. Portland, ME 04104	10/1/72	member	100%

(Ownership in non-publicly traded companies must add up to 100%.)

City of Biddeford



2024.45 IN BOARD OF CITY COUNCIL...April 16, 2024
BE IT ORDERED, that I, Martin Grohman, Mayor of the City of Biddeford do hereby
appoint:

William MacKeil
Ward 1
Harbor Commission
Term to expire December 31, 2026

Daniel Boucher
Ward 2
Capital Committee
Term to expire on December 31, 2025

Talia Kowalski
Ward 4
Biddeford Citizens Advisory Committee
Term to expire on December 2025

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name William Andrew MacKeil

Ward 1

Need to find your Ward?

[Click here to find your Ward on a map or a list of streets.](#)

(Section Break)

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

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? Support and maintain public access to The Saco River, Biddeford Pool and associated points of access to the waters of Biddeford.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. 1984 graduate of Maine Maritime Academy B.S. Marine Engineering

Mooring permit holder in Biddeford for 23 years

Current member of Biddeford Harbor Commission for 10+ years

Good listener

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). School Board, St. James School, Biddeford, ME 1995 - 2002 ish. Co-Chair from 1999-2002

Print**Committee, Board, and Commission Application Form - Submission #25123****Date Submitted: 3/21/2024****Name**

Daniel P Boucher

Ward

2

Need to find your Ward?[Click here](#) to find your Ward on a map or a list of streets.**Which City Committee, Board or Commission do you request to be appointed to?**

- | | |
|--|--|
| ☐ Airport Commission | ☐ Economic Improvement Commission |
| ☐ Biddeford Citizens Advisory Committee | ☐ Harbor Commission |
| ☐ Biddeford Climate Task Force | ☐ Historic Preservation Commission |
| ☐ Biddeford Fire Advisory Committee | ☐ Planning Board |
| ☐ Biddeford Housing Authority | ☐ Policy Committee |
| ☐ Biddeford Police Advisory Committee | ☐ Project Canopy Committee |
| ☐ Board of Assessment Review | ☐ Recreation Commission |
| ☐ Cable T.V. Committee | ☐ Recycling and Waste Management Commission |
| ☒ Capital Projects Committee | ☐ Shellfish Conservation Committee |
| ☐ Conservation Commission | ☐ Wastewater Management Commission |
| ☐ Diversity, Equity and Inclusion Committee | ☐ Zoning Board of Appeals |
| ☐ Downtown Development Commission | ☐ Other |

If other, please list below.**Why are you interested in serving the City of Biddeford?**

I am a lifelong resident of this community and have served in various capacities over the years. I love Biddeford and the people that live here.

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

I worked for Dow & Coulombe, Inc Engineers and Surveyors from 1973-1997 full time
1997-2013 contracted for a total of 40 years.
I have been doing architectural design for 40 + years as a business where I have designed hundreds of homes, additions, a bank, a furniture store from Florida to Fort Kent, Maine but mostly in southern Maine

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

City Council 1974-75
Bidd School Comm 1998-2003 2006-2009
Chair Middle School Building Comm 2002-2003
Co-Chair, High School Renovation Project. 2007-2011
Cal Projects 2012-present
Parking Garage Study Comm 2018+-
Charter Revision Commission 2016-17
Eastern Firestation Study Comm. 2022
Housing Task Force 2023

Street Address

72 Hill Street, 202

Mailing Address (If Different)

Phone Number(s)

Email Address

City of Biddeford
City Council
April 02, 2024 6:00 PM Council Chambers & Zoom

Status:

1. Roll Call - all present

Council President LaFountain

Councilor Lessard

Councilor Ortiz

Councilor Emhiser

Councilor Whiting

Councilor Beaupre

Councilor Mills

Councilor Schlaver

Councilor Belanger

2. Pledge of Allegiance

3. Adjustment(s) to Agenda - none

4. Appointments: - none

5. Presentation:

- 5.a. Presentation: Harbor Safety Plan
[ERP intro presentation 4-2-24](#)

Officer Simmons and Fire Chief Best presented an overview of the new plans. These are based on an emergency that happened last year and the team has worked to put together improved procedures, communication and signage.

6. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes) - none

7. Consideration of Minutes:

- 7.a. Approval of Minutes 3-19-24
[City Council Minutes 3-19-24](#)

Motion: Councilor LaFountain

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

8. Orders of the Day:

- 8.a. 2024.40 Approval/Biddeford Saco Chamber Beach Bash Special Event Permit
[Brief Beach bash 2024](#)
[Beach Bash Order 2024](#)
[Bidd Beach Bash YEAR 2 Request Background](#)
[Biddeford Beach Bash 6-15-2024](#)

Motion: Councilor Whiting
Second: Councilor Schlaver

Biddeford & Saco Chamber of Commerce President LaBelle gave an overview of the event, what they learned from last year and will improve this year. Overall last year was very successful and they had no complaints. They will not host it on Memorial Day this year. They would like to have 2-3 food trucks this year. Other beach goers joined in.

Councilor Mills – happy to support it.

Councilor Emhiser – in support of it. Last year the alcohol serving area was separated off and very well done.

Vote: 7 yeas – Councilors Ortiz, Schlaver, Mills, Beaupre, Whiting, Emhiser and LaFountain.

2 nays – Councilors Lessard and Belanger.

Motion passed.

- 8.b. Remove from Table 2024.37 Authorize City Manager to begin procurement process for Gilbert Boucher Park Bath House Replacement
[Gilbert Boucher Bath House 3.19.24 Amendment for 4.2.24](#)
[20240319 Gilbert Boucher Bath House -ORDER](#)
[Bathhouse Beach parking lot](#)
[Design options Bathhouse](#)
[2024-03-28_Biddeford Pool Beach Parking Lot - Concept Layout Plan](#)

Motion: Councilor Whiting
Second: Councilor Belanger
Vote to remove from Table: Unanimous in favor.
Motion passed.

Councilors discussed the size of the building, sewer options, parking, number of stalls, and exterior showers with shut-offs.

Public Works Director Jeff Demers provided a summary of wastewater capacity.

Mayor Grohman – the order is to provide direction to staff to proceed.

City Manager Jim Bennett – if Council would like to table the order again, staff can use 2 volunteers from Council to come up with a design and bring a proposal back to Council.

Councilors Lessard and Emhiser volunteered to help with a design and budget.

Councilor Belanger – motion to Table until staff can come back with a plan

Second: Councilor Mills

Vote – 8 yeas, Councilors Lessard, Ortiz, Belanger, Schlaver, Mills, Beaupre, Emhiser and LaFountain.

1 nay – Councilor Whiting.

Motion passed.

- 8.c. 2024.41 Approval/Authorize Public Works project Pearl Point Park Walking Path to Upper Saco Falls Way

[Council Brief Walking path, Lights](#)

[2024.41 Council order](#)

[EST 24032 solar lights on walk way](#)

[Walking path const](#)

[Walking Path plan](#)

Motion: Councilor Belanger

Second: Councilor LaFountain

Public Works Director Jeff Demers reviewed the project and the location of the sidewalks

City Manager Jim Bennett – explained that in the JDA the developer would build a river walk consistent with the design and the City would finish the other side. It will safely connect the development to the parking garage as requested by a potential tenant.

Councilor Belanger requested a motion to abstain from this vote.

Councilor Lessard – motion to allow Councilor Belanger to abstain from this vote.

Second: Councilor Emhiser.

Vote Unanimous in favor.

Councilor Belanger motioned to approve the order with funding from the account as voted in the Finance Committee on 4-2-24.

Second: Councilor Mills

Vote: 8 yeas Councilors Lessard, Ortiz, Schlaver, Mills, Beaupre, Emhiser, Whiting, and LaFountain.

1 abstention – Councilor Belanger

Motion passed.

- 8.d. 2024.42 Approval/Authorization of Trucking Excess Soils Pearl Street/Paving

[2024.42 Council order](#)

[Soils Removal Doc](#)
[20240331 Background Information - 3 Lincoln Street Soils and Andrews Rd Wood](#)
[Waste and Compost Projects - MEMO](#)
[Compost Pad plans](#)
[Compost Pads Paving 3-25-24](#)
[Hauling Bids Compost Soils](#)

Motion: Councilor LaFountain
Second: Councilor Lessard

PW Director Demers – reviewed the scope of the project, the equipment required and the new location. City Engineer Chekan did a great job on the design for the new pads. This will allow the City to improve our composting program.

Councilor Belanger motion to amend the Order to use funds from account 31179-61015.
Second: Councilor Emhiser.
Vote: Unanimous in favor.
Amendment passed.
Vote on Order as amended: Unanimous in favor.
Motion passed.

- 8.e. [2024.43 Approval/Opioid Use Settlement Funds refer to Policy Committee](#)
[Opioid Use Settlement Fund brief](#)
[2024.43 Opioid Use Settlement Funds order](#)
[2024.3.11 Maine Opioid Settlement Payments-Actual-by Entity](#)
[2024.3.11 Maine Opioid Settlement Payments-Estimated-by Entity](#)
[Maine Memorandum of Understanding Regarding Opioid Settlement Funds](#)
[Opioid Use Settlement Fund Draft Ordinance](#)

Motion: Councilor Emhiser
Second: Councilor Belanger

Public comments: 1 person spoke about the importance of the fund and that it should be used for the purpose intended such as access to treatment.

Councilor LaFountain – this is a once in a lifetime opportunity for the City. The intent of this information is to send this to Policy for a thorough review and then back to Council.

Councilor Schlaver requested that they make sure to review the reporting requirements and make sure to meet the deadlines.

Councilors Ortiz spoke in support of this and is very glad to see it on the agenda.

Vote: Unanimous in favor.
Motion passed.

Councilor Belanger motion to suspend the rules to allow additional public comments on this item.

Second: Councilor Mills

Vote: Unanimous in favor.

Two people from the public spoke in support of using the funds directly for treatment. A representative from the Maine Recovery Advocacy Project (ME-RAP) spoke about their program and offered to share their experience with the Council as they develop this ordinance.

9. Public Addressing the Council..(5 minute limit per speaker) - none

10. City Manager Report

City Manager Jim Bennett said that there will be a correction to the density bonus ordinance at the next meeting and additional changes at a meeting in May. He said they are holding off on putting up the scaffolding for the City Hall project until after the storm this week. He spoke of a time that both he and Councilor Lessard were involved with Biddeford becoming one of the first municipalities in Maine to get involved with litigation regarding the opioid crisis. We also have a full time social services opioid outreach position and he gave credit to the previous department Chief for that program.

11. Other Business

Councilor Lessard – is attending the York County Committee meeting next week and would like Councilors to come and support his candidacy to represent Biddeford.

In recent months he has brought forward several ideas to help with housing such as the density bonus, backlots, and ninety foot frontage. He will be working with the Planning Department to bring forward another topic to look at multiunit zoning within 150 feet.

12. Council President Addressing the Council

Council President LaFountain requested an overview from staff on the downtown development programs the City currently has.

13. Mayor Addressing the Council

Mayor Grohman said that the Biddeford School Department hasn't had a snow day yet this year so students should be finished on June 7th.

The design phase for the addition to the Biddeford Primary School is going to the Planning Board tomorrow, the 3rd.

The new Finance Director has started this week. Both the City Manager and COO will be at a conference next week.

He will be bringing forward two new ad hoc committees soon and is looking for volunteers to appoint to them.

He mentioned that the Budget Committee meeting on Thursday will probably be on zoom due to the storm. He asked the City Manager to list the categories that will be discussed that night.

14. Executive Session

Motion to enter at: 7:48 pm by Councilor Whiting

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

14.a. Executive Session 1 M.R.S.A 405 6 (e) Legal Matters

14.b Executive Session 1 M.R.S.A 405 6 (c) Real Estate Matters

15. Adjourn

Motion to adjourn at: 8:54 pm

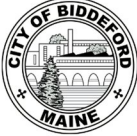
By: Councilor Whiting

Second: Councilor Belanger

Vote: Unanimous in favor.

Meeting adjourned.

City of Biddeford



2024.46 IN BOARD OF CITY COUNCIL... APRIL 16, 2024

BE IT ORDERED, that I, Martin Grohman, Mayor of Biddeford do hereby appoint the following to the Ad Hoc Sustainability Committee. This committee shall be mandated to review the proposed draft ordinance creating a permanent Sustainability Commission, and make recommendations to the Mayor and to City Council for further action. In addition, the Ad Hoc Sustainability Committee may coordinate the City of Biddeford's participation in Earth Day events, and may begin other work as needed to maintain Biddeford's implementation of actions as outlined in the Climate Action Plan until such time as a Sustainability Commission is established.

Beverly Thorpe
Ward 1

Sam Drummey
Ward 5
Student Representative

Will Kochtitzky
Ward 4

Joseph McKenney
Ward 3

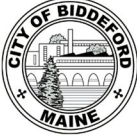
Alex Fabish
Ward 5

Kiara Frischkorn
Ward 5

Attest by:_____

Robin Patterson, City Clerk

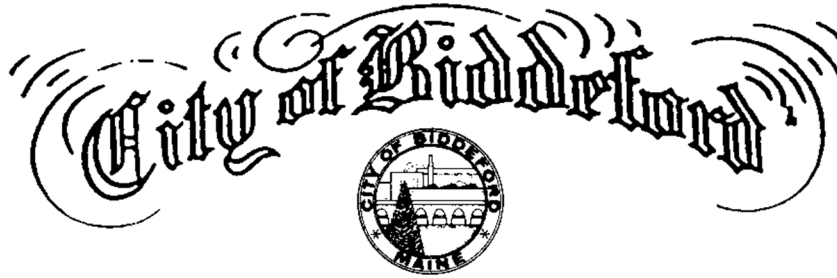
City of Biddeford



2024.47 IN BOARD OF CITY COUNCIL...APRIL 16, 2024

BE IT ORDERED, that I Martin Grohman do hereby create an Ad Hoc John F. Kennedy School Building Re-Use Committee consisting of 2 Council members and 3 citizen members. This committee will act as an advisory committee to make a recommendation to Council for either re-use or disposition of the property located at 64 West St. At least one citizen member with relevant experience in engineering or a construction/housing related industry is encouraged. The Committee is tasked with identifying any potential re-use purposes for the John F. Kennedy School. The Committee will report back to City Council by March of 2025 with recommendations on potential re-use options or a recommendation for disposition of the property.

Attest by: _____
Robin Patterson, City Clerk



2024.48

IN BOARD OF CITY COUNCIL...April 16th, 2024

BE IT ORDERED, that the City Manager or his designee be authorized to sign a lump sum contract with BH2M of Gorham, Maine for the survey, design, and construction administration of three combined sewer overflow (CSO) separation projects, as per RFPs submitted and opened on April 1st, 2024 in the amount of \$275,000.

BE IT FURTHER ORDERED, that \$55,000 (20%) be allocated for contingency/change orders and \$200,000 for test pit/ledge probe subcontractor costs.

Over the next three years, funding for this \$530,000 will be drawn from the City's authorized \$10MM CSO bond:

- Organization Code: 23CSO01
- Account Balance: \$5MM

NOTE: The Finance Committee will review this item at their April 16th, 2024 meeting.

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: April 16th, 2024

Meeting Time: 6:00 PM

Agenda Item No: 2024.48

Item Description: Approval/CSO Projects Engineering Services RFP

Submitted by: Craig Chekan, PE (City Engineer)
Jeff Demers (Public Works Director)
Tom Milligan, PE (City Engineer Emeritus)

Supporting Information/Documentation:

1. Request for Proposal (RFP)
2. BH2M Submittal
3. Latest DRAFT CSO Master Plan

Executive Summary:

City Staff is actively working with DEP on finalizing a combined sewer overflow (CSO) master plan, outlining specific sewer separation projects that need to be completed over the next ten years (otherwise known as a 'consent agreement').

Due to their size and complexity, three sewer separation projects identified within the next three years require private consulting design.

City Staff prepared a formal request for proposals (RFP) for the survey, design, and construction administration of these three projects. Six consulting firms submitted proposals. Staff is recommending awarding the contract work to BH2M, the 'lowest-fee' consultant.

Detailed Review:

Per the City's upcoming DEP consent agreement, the following three projects were identified as high-priority within the next '5-year period':

1. Elm Street & Hooper Street (Saco River to Cutts Street)
2. Alfred Street Phase 3 (Summer Street to Porter Street)
3. Washington Street & Main Street

Project #1 (Elm Street) is top-priority and slated for construction in 2025 (in order to complete required sewer separation *before* DOT's Route 1 Corridor Enhancements commence).

This RFP includes all survey, design, and construction administration for these three projects; note:

- Scope Item #3G includes an optional detailed sidewalk & accessible ramp design for Project #3 (Washington Street, Franklin Street, and segments of Jefferson Street & Adams Street).
- The consultant's proposals do not include subcontractor hard-costs for test pits/ledge probes that will be required during design (amount TBD but estimated as \$200k for the three projects).

No grant funding has been awarded for the construction of these three projects, yet. City Staff submitted another round of annual CWSRF grant applications on April 8th, 2024 for Projects #1 & 2. Should CWSRF funding be awarded by DEP, legal and Maine Municipal Bond Bank (MMBB) bond fees will ensue.

Six consulting firms submitted proposals:

CONSULTING FIRM	PROPOSED FEE
BH2M	\$275,000
New England Consulting Engineers	\$349,050
Wright-Pierce	\$527,000
Sebago Technics	\$623,344
Weston & Sampson	\$1,035,894
Kleinfelder	\$1,368,715

Staff Recommendation:

Staff recommends accepting BH2M's lowest-fee proposal and including a 20% contingency plus a hard-cost allowance for test pits/ledge probes:

ITEM	COST
BH2M	\$275,000
20% Contingency	\$55,000
Subcontractor Costs for Test Pits/Ledge Probes	\$200,000
3-YEAR TOTAL	\$530,000

Staff met with BH2M on April 10th, confirming the 'scope and fee' listed in this RFP and to discuss 'lessons learned' from BH2M's active sewer separation project on Alfred Street. While these three projects will have their technical complexities, both parties are confident in their successful completion.

Funding Source:

Over the next three years, funding for this \$530,000 will be drawn from the City's authorized \$10MM CSO bond:

- Organization Code: 23CSO01
- Account Balance: \$5MM



City of Biddeford, Maine
Public Works Department
371 Hill Street Biddeford, Maine 04005
Phone: (207) 282-1579 Fax: (207) 286-9395

CITY OF BIDDEFORD
REQUEST FOR PROPOSALS
ENGINEERING CONSULTING SERVICES FOR COMBINED SEWER SEPARATION PROJECTS

1. Introduction

- a. Per an upcoming consent agreement with MaineDEP, the City of Biddeford is seeking proposals from qualified firms to provide consulting engineering services for the survey, design, & construction administration of three combined sewer separation projects.

2. Project Background & Description

- a. The City's new consent agreement with MaineDEP will outline specific sewer separation and storm capacity upgrade projects over the next ten years. For this RFP, three projects have been identified for private consulting that need to be completed sequentially (1 project per year) to maintain the City's overall consent agreement schedule.
- b. Attached are conceptual layouts of the three proposed projects; final pipe routings may deviate once formal survey work is completed. Brief project descriptions are listed below:
 - i. Project #1: Elm Street & Hooper Street
 - 1) Additional storm capacity is required in the existing ±24" storm drain within Elm Street, especially for future upstream sewer separation work.
 - 2) This project is anticipated to replace the existing ±24" storm drain with a 42" pipe (or larger if possible) from Cutts Street to the existing storm outfall into the Saco River (±1,800-LF). All catch basins within this section of Elm Street are assumed to be 'separated'; however, once the survey is complete – the consultant should confirm and propose any additional catch basin separation required. Constructability/phasing may warrant a new storm main if underground space is available.
 - 3) The existing 24" storm outfall into the Saco River is within the DOT bridge concrete abutment. Upsizing this existing embedded outfall pipe may not be feasible. The consultant should strategize various outfall upgrade options; DOT owns the small surface lot between the bridge and Upper Falls Road which could potentially be used for a relocated outfall position (but will require additional permitting). Dialogue with DOT/DEP/USACE should commence very early in the design process.
 - 4) A handful of existing catch basins on Hooper Street requiring separation are included in this project (±300-LF).
 - 5) This project's completion is top-priority and needs to be completed prior to DOT's Route 1 Master Plan surface upgrades (WIN#25653.00).
 - 6) No full-sidewalk and ramp design is anticipated for this project; a sidewalk/ramp design only needs to be shown for segments that will be impacted during construction.
 - ii. Project #2: Alfred Street Phase 3 (Summer to Porter)
 - 1) This project will be continuing the Alfred Street sewer separation work currently being constructed downstream of Summer Street (Phase 1 & 2); designed by BH2M and constructed by D&C Construction.
 - 2) New storm drain and separated catch basins will be installed within Porter Street, the Biddeford Fire Department property, Birch Street, and Mt Vernon Street, and tied-into a new drainage manhole (DMH-19) being installed at the Alfred-Summer Street intersection.
 - 3) No full-sidewalk and ramp design is anticipated for this project; a sidewalk/ramp design only needs to be shown for segments that will be impacted during construction.
 - iii. Project #3: Washington Street & Main Street
 - 1) This will be a major sewer separation project in the downtown area that will separate Adams Street, Jefferson Street, Washington Street, Franklin Street, and a section of Main Street.
 - 2) The proposed storm drain will tie-into the separated storm infrastructure currently being installed at the Alfred-Main Street intersection during the Phase 1 & 2 Alfred Street Project.
 - 3) A full-sidewalk/accessible ramp analysis & design will be required for this project as an optional scope-of-service line item (see item #3g below). No sidewalk replacement design is anticipated along Main Street. Existing curbs, sidewalks, and accessible ramps will need to be analyzed to confirm individual segments that are acceptable, require resetting, or require replacement. All time & effort for this sidewalk's analysis, replacement layout, and fine grading should be listed under item #3g. If this optional line item is selected, fine-detail layout and grading plans will be required during Design Development & Construction Documents.



- 3. Scope of Services** (see attached drawing checklist for specific submittal requirements)
- a. Survey & Existing Conditions Plan
 - i. Detailed/thorough topographic & utility survey drawings will be required for each project, documenting above-ground site features and all underground utilities.
 - ii. Once complete and submitted to the City, the City will review and provide feedback on required revisions
 - b. Concept Design Drawing (10%)
 - i. Once the survey work is deemed complete, a comprehensive two-dimensional concept drawing shall be submitted – clearly identifying the overall project scope (pipe routings, pipe sizes, new structures, etc.).
 - ii. Assume one round of review & revisions.
 - c. Subsurface Ledge Probes & Test Pit Coordination
 - i. Once a concept design has been vetted with the City, the consultant shall prepare an exhibit documenting:
 - 1) The number & location of subsurface ledge probes required to accurately gauge the depth of ledge that will be encountered during construction
 - 2) The number & location of test pits required for any expected utility crossing conflict. Iterative rounds of test pits should be avoided.
 - ii. The consultant will be responsible for all ledge probe/test pit coordination; results should be summarized accordingly on the construction documents.
 - iii. Costs for third-party drillers/excavators can be invoiced to the City directly; consultant should receive quotes from a minimum of two (2) subcontractors prior to commencement.
 - d. Schematic Design Drawings (30%)
 - i. Once test pits and ledge probes have been completed, the Consultant should begin formalizing the vetted concept plan.
 - ii. Once a schematic design package is deemed complete, the City will review and provide feedback. Revisions can be addressed during the Design Development Phase.
 - e. Design Development Drawings (75%)
 - i. Once a design development package is deemed complete, the City will review and provide feedback.
 - ii. Major revisions shall be made prior to commencing to the Construction Document phase; minor revisions can be addressed during the Construction Document phase.
 - f. Construction Documents (100%)
 - i. Final Drawings
 - ii. Detailed Project Specifications
 - 1) Assume one round of City Review (primarily on front-end specs); any major specification questions should be resolved with the City prior to the 'Construction Document' submittal
 - 2) Specifications should be prepared in accordance with all CWSRF/Davis-Bacon requirements, in case future grant funding is awarded.
 - 3) Specifications should include strict as-built requirements
 - iii. Unit Cost Estimate (including ledge quantity estimates)
 - g. Project #3 – Detailed Sidewalk & Accessible Ramp Design (Optional Add-On Line Item)
 - i. As noted in #2biii3 above, Project #3 may require a formal analysis and redesign of the existing sidewalks/accessible ramps (except for Main Street).
 - ii. If accepted, the consultant shall clearly document what individual segments of existing curb, sidewalk, and accessible ramps require resetting or replacement
 - iii. Fine detailed grading plans will be required for all sidewalk & accessible ramp work confirming ADA compliance (i.e. spot elevations, slope arrows)
 - h. Meetings & Coordination
 - i. Assume a minimum of one (1) monthly meeting during the design phase with City Staff
 - ii. Assume an individual meeting with City Staff after each submittal outlined in the scope-of-services
 - iii. Consultant responsible for coordination with individual utility companies for any relocations required (MWC, Utilil, CMP, telecom)
 - iv. This line item shall include any expected mileage/travel expenses.



i. Permitting

- i. Consultant responsible for all permit coordination, applications, and approvals
- ii. For Project #1, the existing 24" storm outfall into the Saco River is within the Elm Street bridge abutment. Consultant should outline expected DOT/DEP/USACE/SRCC permits required for a modified/relocated storm outfall. A local shoreland zone permit will likely be required adjacent to the Saco River.
- iii. No major permits are expected with Projects #2 & #3; consultant should confirm their understanding in their proposal

j. Bid Assistance

- i. Consultant will be responsible for project advertisement (including in the local newspaper), bid correspondence (answering questions/issuing addenda), scheduling any pre-bid meetings, and facilitating the bid opening
- ii. Post-bid opening: the consultant shall review the submitted bids, prepare a bid summary sheet, and provide a brief memo outlining their awarded bid recommendation for Council Approval

k. Construction Administration

- i. Consultant will schedule and facilitate the pre-construction meeting with City Staff and other stakeholders.
- ii. Consultant will be responsible for reviewing all submittals, shop drawings, and RFIs throughout construction – and providing necessary responses/revisions; the Consultant may be required to make occasional on-site visits based on RFIs received.
- iii. City Staff will perform daily on-site construction oversight and weekly takeoffs to facilitate monthly requisitions.
- iv. City Staff will lead the monthly requisition process but may require some Consultant's assistance (especially if CWSRF funding is awarded; see section 'I' below).

l. Grant Coordination (Optional Add-On Line Item)

- i. These three projects do not currently have any local, state, or federal grant monies assigned to them; however, this may change based on annual grant applications. Grant funding is likely anticipated for one or more of the projects (primarily CWSRF, but potentially EDA/CDBG)
- ii. The consultant should list an optional line item for each project, to manage and officiate future grant coordination obligations (including all documentation, Davis-Bacon interviews, and requisition requirements).

4. Project Schedule

a. Project #1: Elm Street & Hooper Street

- i. Survey: Spring 2024 – Early Summer 2024
- ii. Design: Summer 2024 – Fall 2024
- iii. Bid Advertisement: Early Winter 2024
- iv. Construction: Spring 2025 – Summer 2025

b. Project #2: Alfred Street Phase 3 (Summer to Porter)

- i. Survey: Spring 2025
- ii. Design: Summer 2025 – Fall 2025
- iii. Bid Advertisement: End of Fall 2025
- iv. Construction: Spring 2026 – Summer 2026

c. Project #3: Washington Street & Main Street

- i. Survey: Spring 2026
- ii. Design: Summer 2026 – Fall 2026
- iii. Bid Advertisement: End of Fall 2026
- iv. Construction: Spring 2027 – Summer 2027

5. Submittal Requirements

a. Proposal Narrative

- i. Concise outline of project understanding and scope-of-services (consultant should limit extraneous information)
- ii. Approximate timeline; including individual submittal durations (start/end) and permit requirements
- iii. Qualifications
 - 1) Identifying key project personnel, related project experience, CWSRF experience, DOT/DEP/USACE permit experience, and confirmation of workload availability to meet the desired schedule

b. Lump-Sum Proposal Estimate

- i. Using the attached template



City of Biddeford, Maine
Public Works Department
371 Hill Street Biddeford, Maine 04005
Phone: (207) 282-1579 Fax: (207) 286-9395

6. Clarifications

- a. All three projects are expected to be awarded to one consultant; however, based on proposal results and potential outliers – the City reserves the right to delegate individual projects to different consultants based on their individual lump sum projects.
- b. The City's Wastewater Department will investigate the existing adjacent sewer mains to determine if they merit relining and will coordinate with contractors separate to this scope.

7. Submittal Deadline

- a. Upon their receipt, interested consulting firms should email Craig Chekan, craig.chekan@biddefordmaine.org, to be included on all RFP correspondence (i.e. addenda).
- b. Consultants shall digitally submit their proposal to craig.chekan@biddefordmaine.org by 4:00PM EST on April 1st, 2024.

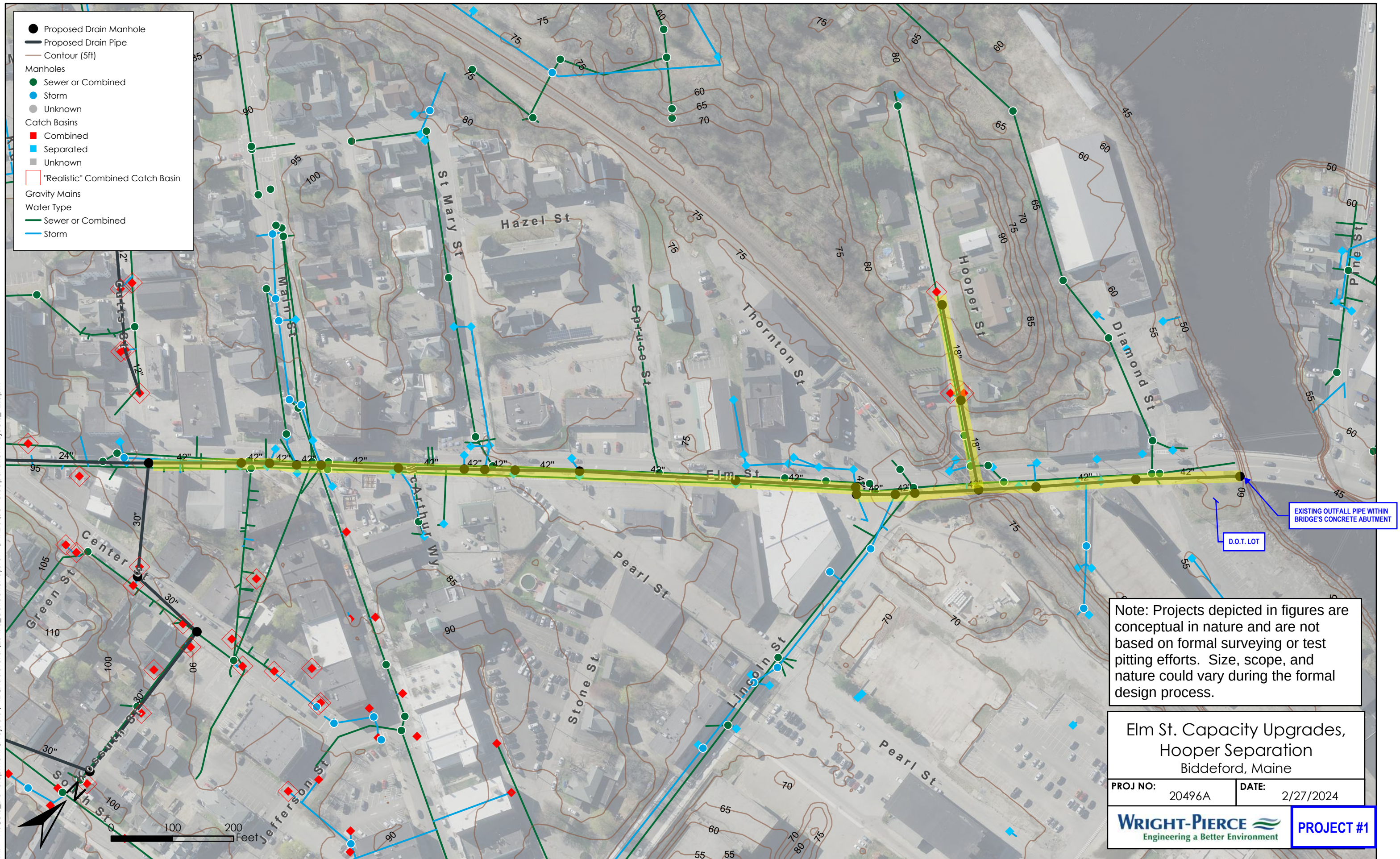
8. Selection Process

- a. City Staff will review received proposals based on thoroughness, cost, and qualifications; reference requests may be required.
- b. After identifying a lead candidate, City Staff will present the selected consultant proposal(s) to the Finance Committee and City Council for their approval (expected to be on April 16th, 2024)

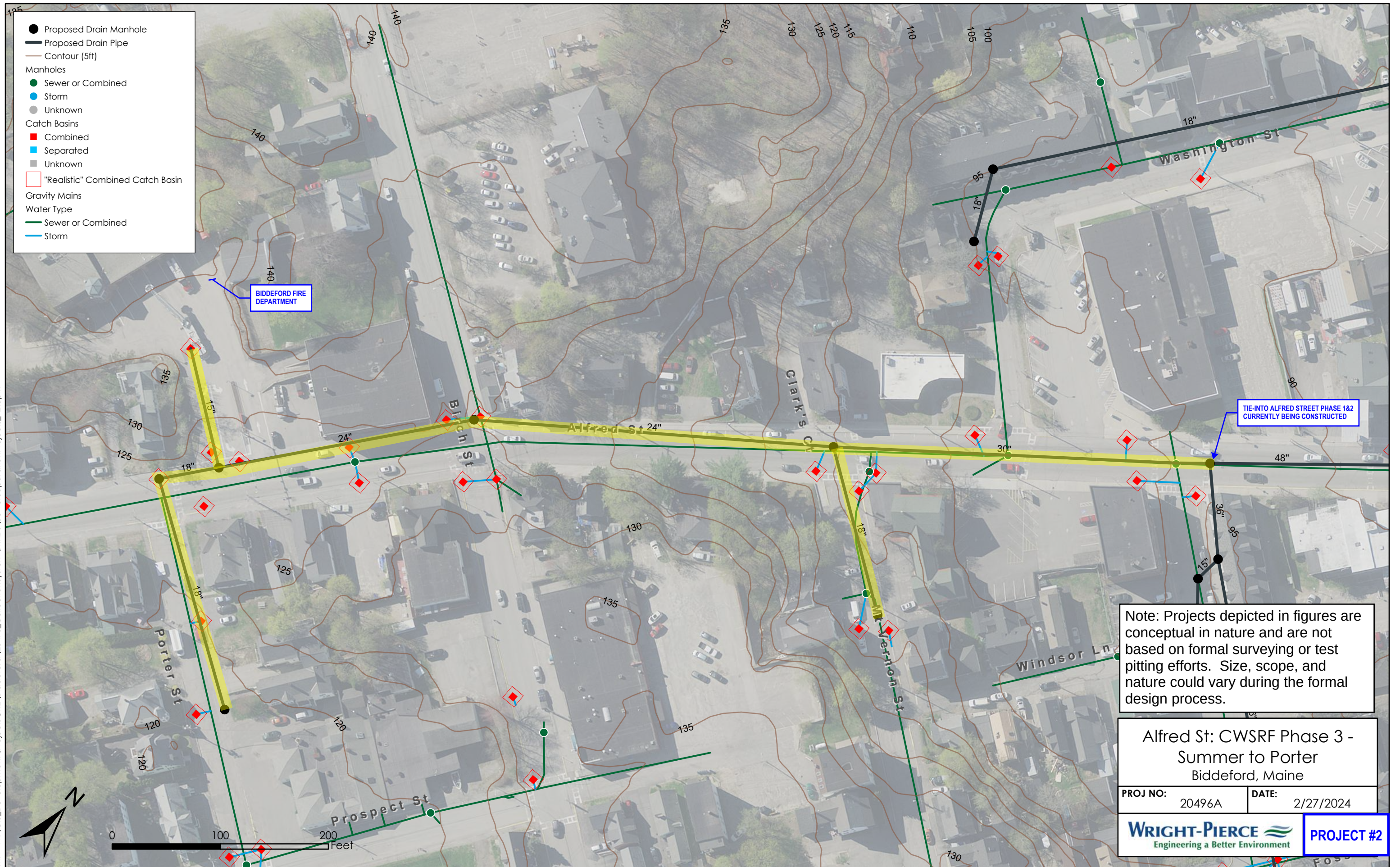
9. Questions

- a. Technical questions regarding this RFP should be directed to Craig Chekan, craig.chekan@biddefordmaine.org, no later than March 20th, 2024.
- b. Any changes or required clarifications shall be made by written addendum issued no later than March 26th, 2024.

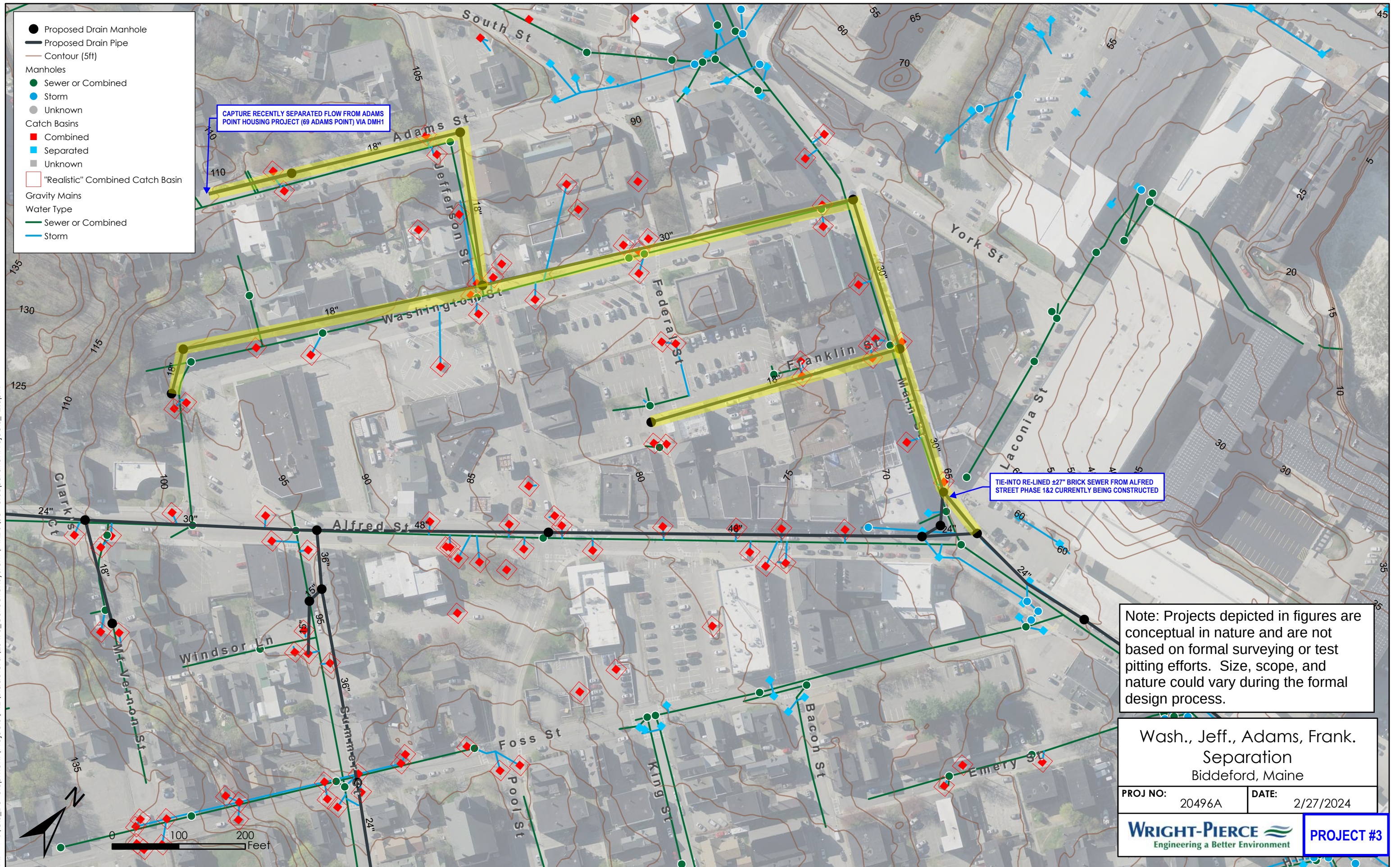
JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx



JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx



JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx



CITY OF BIDDEFORD - CSO DRAWING CHECKLIST

CHECKLIST DIRECTIONS:

1. Items in **BLACK** are required beginning with Schematic Design Drawings (30%)
2. Items in **GREEN** are required beginning with Design Development Drawings (75%)
3. Items in **BLUE** are required for Construction Drawings (100%)

SUBMITTAL CHECKLIST REQUIREMENTS	
ITEM NUMBER	DESCRIPTION
1	GENERAL PLAN REQUIREMENTS
	A Drawing specific legends (linetypes, hatches, etc.)
	B Individual drawing layer control should be utilized: freeze/thawing, changing linewidths, and screening
	C North arrows, standard engineering scale viewports, dated revision clouds/blocks
	D All drawings and surveys must be in the following coordinate systems: NAD83 Maine State Plane West (Horizontal) and NAVD88 (Vertical)
	E Drawings need to be designed, signed & sealed by a Maine licensed professional engineer (PE)
2	COVER SHEET
	A Project Name & Property Address
	B Project Team Contact Information (Owner, Engineer, Contractor, etc.)
	C Site Location Map
	D Sheet Set List of Drawings
3	EXISTING CONDITIONS PLAN
	A Horizontal & Vertical Datums annotated (NAD83 & NAVD88)
	B Survey Benchmark Locations (with XYZ Coordinates annotated)
	C Approximate Property & Right-of-Way Lines; surveyed boundary lines and metes/bounds needed for any encroachment onto private property
	D Found property pin and monumentation locations
	E Road Labels & Individual Lot Labels (Map, Lot, Owner)
	F Saco River Mean High Water Line (MHW) & Elevation
	G Existing contours with adequate contour labelling; minimum 1' contour interval
	H Spot elevations for existing building corners, door/sill entrances, accessible ramps, back of sidewalks, road centerlines, and bottom/top of curbs
	I Existing buildings, structures, & pavement areas
	J Existing ADA ramp geometry, detectable warning plates, and ADA parking spaces
	K Existing site features (sidewalks, retaining walls, curbing, lightpoles, guide rails, dumpsters, fencing, trees)
	L Existing signage and striping
	M Existing underground utility locations (storm, sewer, force main, water, gas, elec, tele)
	N Existing above-ground utility locations (manholes, catch basins, utility poles, hydrants, valves, transformers, riprap)
	O Rim, invert in, invert out, pipe size, cardinal direction (N, E, S, W) information for all existing storm & sewer infrastructure
	P Location & results of any ledge probes and test pits
4	SITE DEMOLITION & EROSION CONTROL (E&SC) PLAN
	A Callout existing site features to be demolished/removed/replaced
	B Callout existing utilities to be demolished/relocated/removed/replaced/abandoned-in-place
	C Inlet protection location(s)
	D Note requiring contractor to implement dust control measures throughout construction & pave utility trenches within right-of-way within 3 days of excavation or prior to any rain event
5	SITE PLAN
	A Partial Site Plans needed for any viewport scale greater than 1"=20'
	B Proposed or replaced curbing, sidewalks, crosswalks
	C Proposed or replaced signage, parking striping, and traffic striping
	D Limits of trench paving; if excessive trenching proposed, full-road width paving should be shown
	E Linear dimensions of all pavement, sidewalks, ADA ramp geometry
	F Radial dimensions for all curbs & sidewalks
	G Road centerline stationing shown, labelled every 0+50' with curve data
	H Detailed ADA ramp geometry, detectable warning surfaces, and ADA parking striping/signage. Spot elevations should be provided for all accessible geometry points.
6	GRADING PLAN (OPTIONAL ADD-ON FOR PROJECT #3)
	A Partial Grading Plans needed for any viewport greater than 1"=20'
	B Existing contours with adequate contour labelling, screened; minimum 1' contour interval
	C Proposed contours with adequate contour labelling; minimum 1' contour interval
	D All proposed contours tie-into existing contours at limits-of-disturbance
	E Existing spot elevations for all asphalt, curb, and sidewalk tie-in locations
	F Proposed spot elevations for all curblines (bottom/top-of-curb) and sidewalks
	G Proposed spot elevations for all building corners and door-entry locations
	H Proposed spot elevations for all ADA ramp/landing geometry points
	I Proposed % slope arrows for all sidewalks & ADA ramps
7	UTILITY PLAN
	A Existing underground utility locations; screened (storm, sewer, force main, water, gas, electric, telecom)
	B Existing above-ground utility locations; screened (manholes, catch basins, utility poles, hydrants, riprap)
	C Site features shown that could conflict with proposed utilities (trees, signs, lightpoles, bollards, foundations, guiderails)
	D Rim, invert in, invert out, pipe size, cardinal direction (N, E, S, W) information for any existing utility infrastructure being tied into (upstream/downstream/outfalls)
	E Proposed underground utility locations; bold (storm, sewer, water, gas, conduit)
	F Proposed above-ground utility locations; bold (manholes, catch basins, riprap)
	G Storm/sewer structure labels must include: rim, inverts in, inverts out, pipe sizes, cardinal directions (N, E, S, W)
	H Storm/sewer pipe labels must include: linear footage, pipe size, material, slope
	I Flow directional arrows for storm & sewer pipes
	J Proposed storm culverts, outfalls, and riprap locations and sizes
	K All storm drains must be sized to convey the 25-year storm
8	UTILITY PROFILES
	A Utility profiles required for all gravity storm drains/sewer pipes, including all laterals, catch basins, culverts, and outfalls; profiles need to be aligned on the pipe centerline (not superimposed on the road centerline)
	B Storm/sewer structure labels must include: rim, inverts in, inverts out, pipe sizes, cardinal directions (N, E, S, W)
	C Storm/sewer pipe labels must include: linear footage, pipe size, material, slope
	D Existing and proposed gravity pipe crossings shown; sizes labelled and depths/clearance annotated
	E Existing electric/water/telecom/gas crossings shown at approximate depths; sizes labelled and depths/clearance annotated
	F Test pit result information
	G Approximate ledge surface profile (based on ledge probe results)
	H For storm outfalls, include riprap sizing and grading extents
	I For all storm drains, 25-year HGL must be shown on profiles with starting tailwater condition identified
9	DETAILS
	A Utility trench/backfill detail
	B All site feature details; pavement sections, sawcut, curbing, sidewalks, crosswalks, ADA
	C E&S notes and details; only show applicable/proposed measures
	D Utility details; trench backfill, manholes, catch basins, outfalls, riprap, etc.
10	CALCULATIONS/DOCUMENTS
	A 25-year hydraulic calculations for all storm conveyance infrastructure; starting tailwater conditions/documentation must be clearly identified
	B Unit cost estimate (including ledge)
	C Summary list & copy of any required DOT/DEP/USACE/SRCC/Local permits & approvals

**PROPOSAL FOR
CITY OF BIDDEFORD – REQUEST FOR PROPOSALS –
ENGINEERING CONSULTING SERVICES FOR COMBINED
SEWER SEPARATION PROJECTS**



April 1, 2024



**Berry Huff McDonald Milligan, Inc.
380B Main Street
Gorham, ME 04038**



Civil Engineering | Surveying

April 1, 2024

Craig Chekan – City Engineer
City of Biddeford
craig.chekan@biddefordmaine.org

Re: Proposal for City of Biddeford – Request For Proposals – Engineering Consulting Services
For Combined Sewer Separation Projects

Dear Craig;

BH2M is pleased to present this proposal for existing conditions survey, design, permitting, bidding, and construction phase services for three sewer separation projects known as:

- Project #1 – Elm Street & Hooper Street
- Project #2 – Alfred Street Phase 3 (Summer to Porter)
- Project #3 – Washington Street & Main Street

This proposal is in response to the Request For Proposals (RFP) sent electronically to our office on March 4, 2024. We have thoroughly reviewed the RFP and offer the following understanding of the project, scope of services, approximate timeline, and qualifications for your consideration. We also acknowledge receiving and reviewing the following provided information:

- Email Correspondence from Craig Chekan on March 4, 2024;
- City of Biddeford – Request For Proposals – Engineering Combined Sewer Separation Projects;
- City of Biddeford CSO Projects – Engineering Consulting Services – Lump Sum Scope of Services Template;
- Project figures for Projects 1, 2, and 3 prepared by Wright Pierce;
- City of Biddeford – CSO Drawing Checklist;
- Email Correspondence from Craig Chekan on March 21, 2024;
- Biddeford CSO Projects Engineering Services RFP – Addendum #1

Enclosed for reference are the following supporting Exhibits:

- Exhibit 1 – Detailed Proposal Estimate
- Exhibit 2 – Schedule of Billing Rates

UNDERSTANDING OF THE PROJECT

We understand that the City of Biddeford is interested in soliciting a fee proposal for completing the survey, design, permitting, preparation of construction documents, and construction administration services for three sewer separation projects. The projects will generally consist of designing new and upsized storm drains and new connections to existing catch basins. The general project limits are depicted on the figures provided by the city and prepared by Wright Pierce and include Elm/Hooper Street (approximately 2,000 linear feet), Alfred Street from Summer Street to Porter Street (approximately 1,400 linear feet), and Washington/Main Street including sections of Franklin, Adams, and Jefferson Street (approximately 2,600 linear feet). The following is intended to provide a summary of scope of services, approximate project schedules, design team qualifications, and estimated project costs.

SCOPE OF SERVICES

We have reviewed the required Scope of Services provided by the City within the Request For Proposals. Below we have reiterated each scope task item, offered acknowledgment of the required scope outline, and offered assumptions for certain tasks where necessary.

a. Survey & Existing Conditions Plan

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

Task a. Assumptions: In addition to the existing condition survey that will need to be performed we have also included scope for providing a wetland delineation, natural resource report, and functional assessment for the Project #1 outfall design and permitting.

We have included a boundary and existing conditions plan survey for the ME DOT Lot located on the East side of Elm Street, Southeast corner of the bridge.

b. Concept Design Drawings (10%)

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

c. Subsurface Ledge Probes & Test Pit Coordination

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

d. Schematic Design Drawings (30%)

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

e. Design Development Drawings (75%)

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

f. Construction Documents (100%)

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

g. Project #3 – Detailed Sidewalk & Accessible Ramp Design (Optional Add-On Line Item)

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

h. Meetings & Coordination

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

i. Permitting

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

Task i. Assumptions: We understand that no major permitting effort is anticipated for Projects #2 and #3. For Project #1 we have assumed that a new outfall will be required. Permitting for this outfall will include applying for a Natural Resources Protection Act (NRPA) Permit from the Maine Department of Environmental Protection (MEDEP), a Maine General Permit from the U.S. Army Corps of Engineers (USACE), a Shoreland Zone Permit from the City of Biddeford, and a permit from the Saco River Corridor Commission (SRCC). We do not anticipate any formal permitting process with the Maine Department of Transportation (MEDOT). We anticipate coordinating designs with MEDOT and responding to comments and requests for information. Our scope for this task also includes attending a pre-application and pre-submission meeting with MEDEP, attending up to two meetings with SRCC, attending a pre-application meeting with City Planning Staff, and attending up to two meetings with the City of Biddeford Planning Board.

j. Bid Assistance

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

k. Construction Administration

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

l. Grant Coordination (Optional Add-On Line Item)

We have read the requested scope for this task and we are acknowledging the that we have included the requested scope with this proposal.

Task l. Assumptions: For each project we have assumed that the required effort will consist of 40 hours for a Senior Engineer (at a billing rate of \$125/hour). We have included a budget cost of \$5,000 for each project for this task.

PROJECT SCHEDULES

TABLE 1 - PROJECT #1 ANTICIPATED SCHEDULE		
	Start	End
Survey & Existing Conditions Plan	April 29, 2024	June 7, 2024
Concept Design Drawing (10%)	June 10, 2024	June 28, 2024
Subsurface Ledge Probes & Test Pit Coordination	July 8, 2024	July 12, 2024
Permitting*	August 5, 2024	December 20, 2024
Schematic Design Drawings (30%)	July 15, 2024	August 5, 2024
Design Development Drawings (75%)	August 19, 2024	September 27, 2024
Construction Documents (100%)	October 7, 2024	December 20, 2024
Bidding	December 20, 2024	January 24, 2025
Construction Administration	February 2025	TBD

*Includes time for pre-application meetings with regulatory agencies and time for development of permit applications. End date is when we would expect to have all required permit orders in place.

TABLE 2 - PROJECT #2 ANTICIPATED SCHEDULE		
	Start	End
Survey & Existing Conditions Plan	February 2025	April 2025
Concept Design Drawing (10%)	April 2025	May 2025
Subsurface Ledge Probes & Test Pit Coordination	May 2025	June 2025
Schematic Design Drawings (30%)	June 2025	July 2025
Design Development Drawings (75%)	July 2025	September 2025
Construction Documents (100%)	September 2025	November 2025
Bidding	November 2025	December 2025
Construction Administration	Spring 2026	TBD

TABLE 3 - PROJECT #3 ANTICIPATED SCHEDULE

	Start	End
Survey & Existing Conditions Plan	February 2026	April 2026
Concept Design Drawing (10%)	April 2026	May 2026
Subsurface Ledge Probes & Test Pit Coordination	May 2026	June 2026
Schematic Design Drawings (30%)	June 2026	July 2026
Design Development Drawings (75%)	July 2026	September 2026
Construction Documents (100%)	September 2026	November 2026
Bidding	November 2026	December 2026
Construction Administration	Spring 2027	TBD

QUALIFICATIONS

BH2M Project Personnel

Steve Blake, PE is a Maine licensed engineer and partner at BH2M. Steve has managed several Municipal utility projects for the communities of Kennebunk, Arundel, and Biddeford among others. Steve has also managed teams of engineers and surveyors in the development of infrastructure plans and complex permitting projects. Steve has been responsible for preparing Municipal, Site Law, Stormwater, NRPA, and Army Corps permit applications for multiple infrastructure projects. Steve's experience includes managing several projects for the City of Biddeford including Mile Stretch Road Reconstruction, Hills Beach Road Reconstruction, the Granite Point Road Culvert Replacement, the Lower Main Street CSO Project, and the Alfred Street CSO Projects.

Chris MacDonald, PE is a Maine licensed engineer and senior engineer at BH2M. Chris has an abundance of local expertise working on a variety of utility and development projects including multiple sewer separation projects for the City of Biddeford and private development projects within the city. Chris's recent experience includes performing engineering design for multiple projects for the City of Biddeford including the Granite Point Road Culvert Replacement, the Lower Main Street CSO Project, and the Alfred Street CSO Projects.

Bob Libby, PLS is a Maine licensed surveyor and our chief surveyor. Bob has been with BH2M since 1985 and is a partner in the firm. In addition to managing our field survey crews Bob performs a wide variety of office survey tasks such as deed research, ALTA/NSPS surveys, flood plain elevation certificates, and mortgage loan inspections. Bob is a past President of the Maine Society of Land Surveyors (MSLS) and current Treasurer of the Narragansett Chapter of the MSLS.

Blanca Monsen, EI is a staff engineer at BH2M. Blanca has worked on several utility projects in her 4 years with BH2M. Blanca is experienced in developing site plans, preparing permit applications, and stormwater modelling. Blanca, provided engineering support for the Lower Main Street and Alfred Street CSO projects for the City of Biddeford.

BH2M Project Personnel (continued)

Tyler Taggett is a survey technician for BH2M. Tyler has provided construction inspection, surveying field support, and ALTA/NSPS survey plan development for a variety of infrastructure projects in Maine.

Subconsultants

We anticipate self-performing most of the scope of services. BH2M is experienced in permitting, surveying, engineering, bidding, and construction management. We anticipate handling all these items with our in-house Staff. We do not currently have any Staff capable of performing natural resource delineations that will likely be required for Project #1. We routinely work with Alex Finamore, LSE, CWS of Mainely Soils, LLC to provide natural resource delineations. Alex will be on our Team to provide natural resource delineations, a natural resource report, and a functional assessment for the work associated with the new outfall for Project #1.

Related Project Experience

BH2M's recent relevant project experience includes the following projects that we have performed for the City of Biddeford:

Alfred Street and Summer Street Sewer Separation Project (2023 – 2024) – BH2M managed the survey, design, and bidding for this sewer separation project for the City of Biddeford. The project included approximately 1,400 linear feet of storm drain separation and was a CWSRF funded project.

Lower Main Street Sewer Separation Project – BH2M managed the survey, design, bidding, and construction administration for this complex sewer separation project on Main Street in Biddeford. The project included approximately 1,000 linear feet of storm drain separation.

Foss Street Sewer Separation Project - BH2M managed the survey, design, bidding, and construction administration for this complex sewer separation project on Main Street in Biddeford. The project included approximately 600 linear feet of storm drain separation.

Granite Point Road Culvert Replacement – BH2M managed the grant application, surveying, permitting, design, bidding, and construction administration for this complex stream crossing replacement project for the City of Biddeford. The project consisted of replacement of an undersized, failing culvert on Granite Point Road. Permitting for the project included NRPA permitting with MEDEP and a Maine General Permit from USACE.

Statement of Workload Availability

We are very excited about the potential for continuing our working relationship with the City of Biddeford and we are committed to delivering these projects within the outlined schedule. Of the three projects, in our opinion, the most challenging schedule is Project #1 due to the immediate start, coordination with DOT, and the somewhat unknown permitting schedule. Our schedule (outlined above) is a well thought out approach where we can use our internal Staff to start on the existing conditions survey immediately. We have also allotted sufficient time to allow for coordination with regulatory agencies for the complex permitting process. We are committed to having our Staff available to keep all three projects on schedule.

LUMP SUM PROPOSAL ESTIMATE

Below is a Table summarizing the estimated total costs for each project. Exhibit 1 contains the detailed estimates for each project task.

TABLE 4 - ESTIMATE SUMMARY	
Project #1 – Elm Street & Hooper Street	\$98,500
Project #2 – Alfred Street Phase 3 (Summer to Porter)	\$72,500
Project #3 – Washington Street & Main Street	\$104,000
Grand Total	\$275,000

This estimate is for completing the job as described in the scope of services above. It is based on our evaluation and does not include additional services which may be required should unforeseen conditions or requests arise after the work has been started.

Thanks for the opportunity to respond to this RFP. If you have any questions, please feel free to call.

Sincerely,



Steven J. Blake, P.E.
Vice President

Encl.

Exhibit 1
Detailed Proposal Estimate

CITY OF BIDDEFORD CSO PROJECTS - ENGINEERING CONSULTING SERVICES		
LUMP SUM SCOPE-OF-SERVICES		
ITEM	TASK	COST
1	PROJECT #1: ELM STREET & HOOPER STREET	
A	SURVEY & EXISTING CONDITIONS PLAN	\$ 16,000.00
B	CONDEPT DESIGN DRAWING	\$ 3,500.00
C	SUBSURFACE LEDGE PROBES & TEST PIT COORDINATION	\$ 1,500.00
D	SCHEMATIC DESIGN DRAWINGS (30%)	\$ 8,000.00
E	DESIGN DEVELOPMENT DRAWINGS (75%)	\$ 15,000.00
F	CONSTRUCTION DOCUMENTS (100%)	\$ 16,000.00
H	MEETINGS & COORDINATION	\$ 5,000.00
I	PERMITTING	\$ 15,000.00
J	BID ASSISTANCE	\$ 2,500.00
K	CONSTRUCTION ADMINISTRATION	\$ 11,000.00
L	GRANT COORDINATION (OPTIONAL ADD-ON)	\$ 5,000.00
	PROJECT #1 TOTAL:	\$ 98,500.00
2	PROJECT #2: ALFRED STREET PHASE 3 (SUMMER TO PORTER)	
A	SURVEY & EXISTING CONDITIONS PLAN	\$ 10,000.00
B	CONDEPT DESIGN DRAWING	\$ 2,500.00
C	SUBSURFACE LEDGE PROBES & TEST PIT COORDINATION	\$ 1,500.00
D	SCHEMATIC DESIGN DRAWINGS (30%)	\$ 6,000.00
E	DESIGN DEVELOPMENT DRAWINGS (75%)	\$ 14,000.00
F	CONSTRUCTION DOCUMENTS (100%)	\$ 16,000.00
H	MEETINGS & COORDINATION	\$ 5,000.00
I	PERMITTING	\$ -
J	BID ASSISTANCE	\$ 2,500.00
K	CONSTRUCTION ADMINISTRATION	\$ 10,000.00
L	GRANT COORDINATION (OPTIONAL ADD-ON)	\$ 5,000.00
	PROJECT #2 TOTAL:	\$ 72,500.00
3	PROJECT #3: WASHINGTON STREET & MAIN STREET	
A	SURVEY & EXISTING CONDITIONS PLAN	\$ 14,000.00
B	CONDEPT DESIGN DRAWING	\$ 4,000.00
C	SUBSURFACE LEDGE PROBES & TEST PIT COORDINATION	\$ 1,500.00
D	SCHEMATIC DESIGN DRAWINGS (30%)	\$ 8,000.00
E	DESIGN DEVELOPMENT DRAWINGS (75%)	\$ 17,000.00
F	CONSTRUCTION DOCUMENTS (100%)	\$ 19,000.00
G	DETAILED SIDEWALK/ACCESSIBLE RAMP DESIGN (OPTIONAL ADD-ON)	\$ 13,000.00
H	MEETINGS & COORDINATION	\$ 5,000.00
I	PERMITTING	\$ -
J	BID ASSISTANCE	\$ 2,500.00
K	CONSTRUCTION ADMINISTRATION	\$ 15,000.00
L	GRANT COORDINATION (OPTIONAL ADD-ON)	\$ 5,000.00
	PROJECT #3 TOTAL:	\$ 104,000.00
	GRAND TOTAL:	\$ 275,000.00

Exhibit 2
Schedule of Billing Rates



SCHEDULE OF BILLING RATES

Effective January 1, 2024

Principal	\$155/Hour
Senior Engineer.....	\$125/Hour
Project Engineer	\$80 - \$110/Hour
Project Manager	\$125 - \$155/Hour
Survey Manager.....	\$125/Hour
Licensed Surveyor	\$90 - \$125/Hour
Survey Technician	\$60 - \$80/Hour
Survey Field Crew (One Person with GPS).....	\$110/Hour
Survey Field Crew (Two Person).....	\$175/Hour
Autocad Technician.....	\$70 - \$125/Hour
Construction Inspector	\$75 - \$85/Hour
Administrative Staff	\$75/Hour

SCHEDULE OF EXPENSES

Direct Expenses.....	Cost + 10%
(Application fees (if paid by BH2M), printing, postage, advertisements, subcontractors, etc.)	
Materials.....	Cost + 10%
(Iron rebar, granite monuments, grade stakes, etc.)	
Mileage	\$0.75/Mile

October 20, 2023

Mr. Michael Riley, PE
CSO Abatement Coordinator
Division of Water Quality Management
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

SUBJECT: City of Biddeford CSO Master Plan Update

Dear Mr. Riley,

Thank you for meeting with the City of Biddeford (City) and Wright-Pierce on August 7, 2023 to discuss the CSO Master Plan Update and the list of CSO related projects the City is proposing to be included in the pending Consent Agreement. In response to the comments and questions from the Maine DEP, the City and Wright-Pierce have been updating the list of CSO abatement projects for inclusion in the pending Consent Agreement. The Maine DEP was in general support of the plan discussed on August 7, 2023 and liked the plan, however, they had three requests as follows:

- Changing the length of the plan from 15-years to 10-years by dropping projects 18 to 21. The DEP has not had good luck with plans longer than 10-years.
- Moving projects 16 (Rumery, Bristol, & Freeman Separation) and 17 (Brook & Highland Separation) from Years 11-15 to years 6-10.
- Add the Bradbury project from the prior SSES report.

The general motivation behind these comments was to move the city towards a 1-year level of control at their CSOs except for CSO-009, which already has a CSO storage facility.

The August 7, 2023 meeting also included discussions to determine whether DEP would consider a 5-year consent agreement with projects 6-10 happening outside of the order, which might be easier for the City to obtain buy-in from their council. The DEP indicated they would consider it; however, this was discussed internally between the City and Wright-Pierce after the meeting and the City has decided not to pursue the 5-year option.

Proposed Plan

Based on Maine DEP's comments and various internal meetings and iterations of projects between the City and Wright-Pierce, the following updates were made to the plan for DEP's consideration:

- The city has elected to pursue a 10-year plan for the consent agreement, with re-evaluation of the plan after the first 5-year period.
- The plan maintains a “one project per year” goal for the entire 10-year period. A “one project per year” timeline sets realistic design cycles (survey/design/bid/build) and aligns with the one construction season per year availability in Maine. The plan also holds to a \$40 million maximum goal for the 10-year plan to best position itself for acceptance by City council.
- A portion of the former Project 18, “Westfield Ext., Congress Street Separation Project”, which was slated to be outside of the 10-year plan, is now included in the 10-year plan. The project portion moved contains approximately \$3.45 million in capacity upgrades required to handle flows from Project 8, and potential future Porter Street and Myrtle Street separation projects (both of which are outside the 10-year plan). This new project is called “Harrison to Free Street Upgrades” and is now Project 7.
- As a result, former Projects 16 and 17 remain outside the 10-year plan. Also note that the Brook and Highland Separation project is now just Highland Separation as the Brook Street catch basins were identified through ongoing field work by the city as already being separated, confirmed via dye testing. Additionally, the Hillside Avenue/CF Oaks separation project, previously a part of former Project 13, was also moved outside of the 10-year plan.
- Several projects were consolidated into larger projects to maintain the “one project per year” goal.
- Former project 19 was eliminated from all project lists as Laurier Street and Wilson Street were identified as separated through the city’s ongoing field work and GIS mapping updates. These were confirmed through a combination of dye testing and CCTV work. Additionally, Herring Avenue was confirmed to only have a single combined catch basin and is no longer viewed as a cost-effective separation option.
- Project 0 was added to the top of the table in response to the request to add the “Bradbury project” to the list of projects. This project is to show that some projects have already been completed including the Bradbury and Mason separation project and the Cutts Street separation. Please note that these costs are not included in the overall project totals.
- A new project has been added to the table called Diamond Storage Upgrade, which consists of upgrading the existing 12-inch interceptor sewer between Elm Street and Horrigan Court Pump Station to approximately 1,125 LF of 30-inch sewer and 1,120 LF of 60-inch sewer providing approximately 205,000 gallons of inline storage. This project currently remains outside the 10-year plan as it is driven by private development in the area and therefore the timeline is still variable, although likely to occur in the next 5 years.

Based on the information provided above, we have attached an updated 10-year project list along with the associated figures for Maine DEPs consideration. It is important to note that the proposed projects have been developed using the best information available at this time, however they remain conceptual in nature. No formal surveying or test pitting efforts have been completed. As these projects move into design phases, they could likely encounter previously unknown elevation, ledge, utility, or other conflicts that could lead to some projects becoming infeasible or substantially changing in size, scope, and nature. Therefore, and as discussed with Maine DEP at the August meeting, the City is requesting that flexibility be built into the Consent

Agreement to allow for projects to be shifted around and adjusted in scope as needed, including moving projects from outside the 10-year plan into it to account for any projects encountering issues described above. It is also requested that a 5-year check-in and associated re-evaluation of the next 5 years be a part of the agreement to allow additional flexibility in project order.

The City of Biddeford has put a tremendous amount of effort into developing this plan and into continued CSO abatement efforts. They are committed to providing a beneficial yet realistic list of projects for the Consent Agreement and look forward to continued collaboration with the Maine DEP. Project 1 in the list of CSO projects is already moving forward with final design completed and bidding to follow soon. We are confident this plan will position the City for long-term success in their CSO abatement program.

Sincerely,
WRIGHT-PIERCE



Ryan T. Wingard, PE
Vice President
ryan.wingard@wright-pierce.com



Steve L. Guerrette, PE
Project Manager
steve.guerrette@wright-pierce.com

cc: James Bennett, City of Biddeford
Brian Phinney, City of Biddeford
Jeff Demers, City of Biddeford
Craig Chekan, City of Biddeford
Tom Milligan, City of Biddeford
Alex Buechner, City of Biddeford
Pamela Parker, Maine DEP

Project Number: 20496A

Project: Biddeford Sewer/Storm Drain Separation Projects

ENR CCI 20CITY AVG: 13175

Date: 10/18/23

By: ABL/SLG

SEPARATION PROJECTS, 10-YEAR PLAN									
PRIORITY	Project Title	LF of New Storm Drain	Construction Cost	Engineering Cost	Estimated Total Cost	Tributary Outfall	CSO Area	Project Timeline	Dependent Projects
0	Cutts, Bradbury, Mason Separation	990	\$ 1,522,947	\$ 456,884	\$ 1,980,000	Bradbury	CSO-006	Year 1-5	-
1	Alfred Street Separation - CWSRF Project 1 (Phase 1 and 2)	1,980	\$ 3,219,248	\$ 965,774	\$ 4,185,000	Main Street	CSO-009	Year 1-5	-
2	Alfred Street Separation - CWSRF Project 2 (Phase 3)	1,440	\$ 2,310,193	\$ 693,058	\$ 3,003,000	Main Street	CSO-009	Year 1-5	1
3	Main Capacity Upgrades & Summer Street Separation	1,500	\$ 2,456,668	\$ 737,000	\$ 3,194,000	Main Street	CSO-009	Year 1-5	1
4	Washington, Jefferson, Adams, Franklin Separation	2,520	\$ 3,659,373	\$ 1,097,812	\$ 4,757,000	Main Street	CSO-009	Year 1-5	3
5	Elm Street Capacity Upgrades	2,370	\$ 3,869,539	\$ 1,160,862	\$ 5,030,000	Elm Street	CSO-007	Year 1-5	-
6	South, Kossuth, Hooper, Maple Separation	2,140	\$ 3,064,040	\$ 919,212	\$ 3,983,000	Elm Street & Former Maple Street CSO	CSO-007	Year 6-10	5
7	Harrison to Free Street Upgrades	1,420	\$ 2,655,608	\$ 796,682	\$ 3,452,000	Alison Ave	CSO-009	Year 6-10	
8	Lambert, Clark, Tachereau Separation	2,870	\$ 4,681,469	\$ 1,404,441	\$ 6,086,000	Alison Ave	CSO-009	Year 6-10	7
9	Westland, Dental, Forest, Rathier Separation	1,140	\$ 1,267,744	\$ 380,323	\$ 1,648,000	Alison Ave (Westland), Western Ave (Dental), Springfield Railroad (Forest/Rathier)	CSO-005r (Dental, Forest, Rathier), CSO-009 (Westland)	Year 6-10	-
10	Rumery Capacity Upgrades & George Separation	1,270	\$ 1,945,781	\$ 583,734	\$ 2,530,000	Rumery	CSO-013	Year 6-10	-
Total LF= 18700			\$ 29,130,000	\$ 8,739,000	\$ 37,870,000				

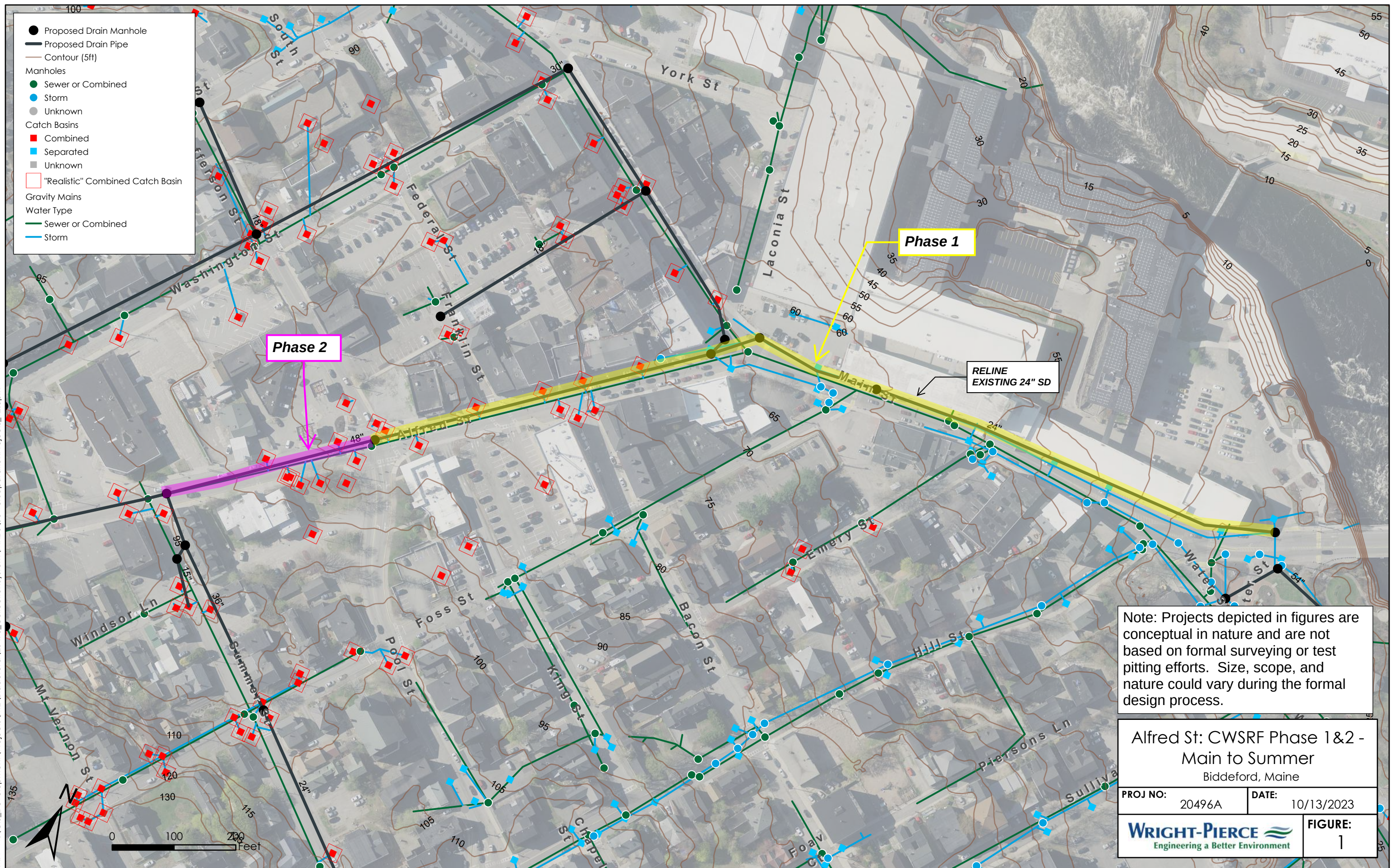
PROJECTS BEYOND CONSENT AGREEMENT									
Hillside/CF Oaks - Previously in 10-year	1,000	\$ 1,332,765	\$ 399,830	\$ 1,733,000	Alison Ave	CSO-009	Year 11-15	-	
Rumery, Bristol & Freeman Separation	1,210	\$ 2,688,656	\$ 806,597	\$ 3,495,000	Rumery	CSO-013	Year 11-15	10	
Highland Separation	1,010	\$ 623,998	\$ 187,199	\$ 811,000	N Main Street	CSO-006	Year 11-15	-	
Porter Street & Myrtle Street	2,040	\$ 3,004,785	\$ 901,436	\$ 3,906,000	Alison Ave	CSO-009	Year 11-15	7,8	
Westfield Ext., Congress Street Separation	820	\$ 873,460	\$ 262,038	\$ 1,135,000	Alison Ave	CSO-009	Year 11-15	7	
Southgate Separation	851	\$ 299,523	\$ 1,048,329	\$ 1,348,000	Alison Ave	CSO-009	Year 11-15	-	
Diamond Storage Upgrade	2,245	\$ 3,248,140	\$ 974,442	\$ 4,223,000	N/A	CSO-006/007	Year 1-5	-	
		\$ 12,100,000	\$ 4,600,000	\$ 16,700,000					

1. Projects and their estimates shown in the tables are conceptual in nature and are not based on formal surveying or test pitting efforts. Size, scope, and nature could vary during the formal design process.

JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx

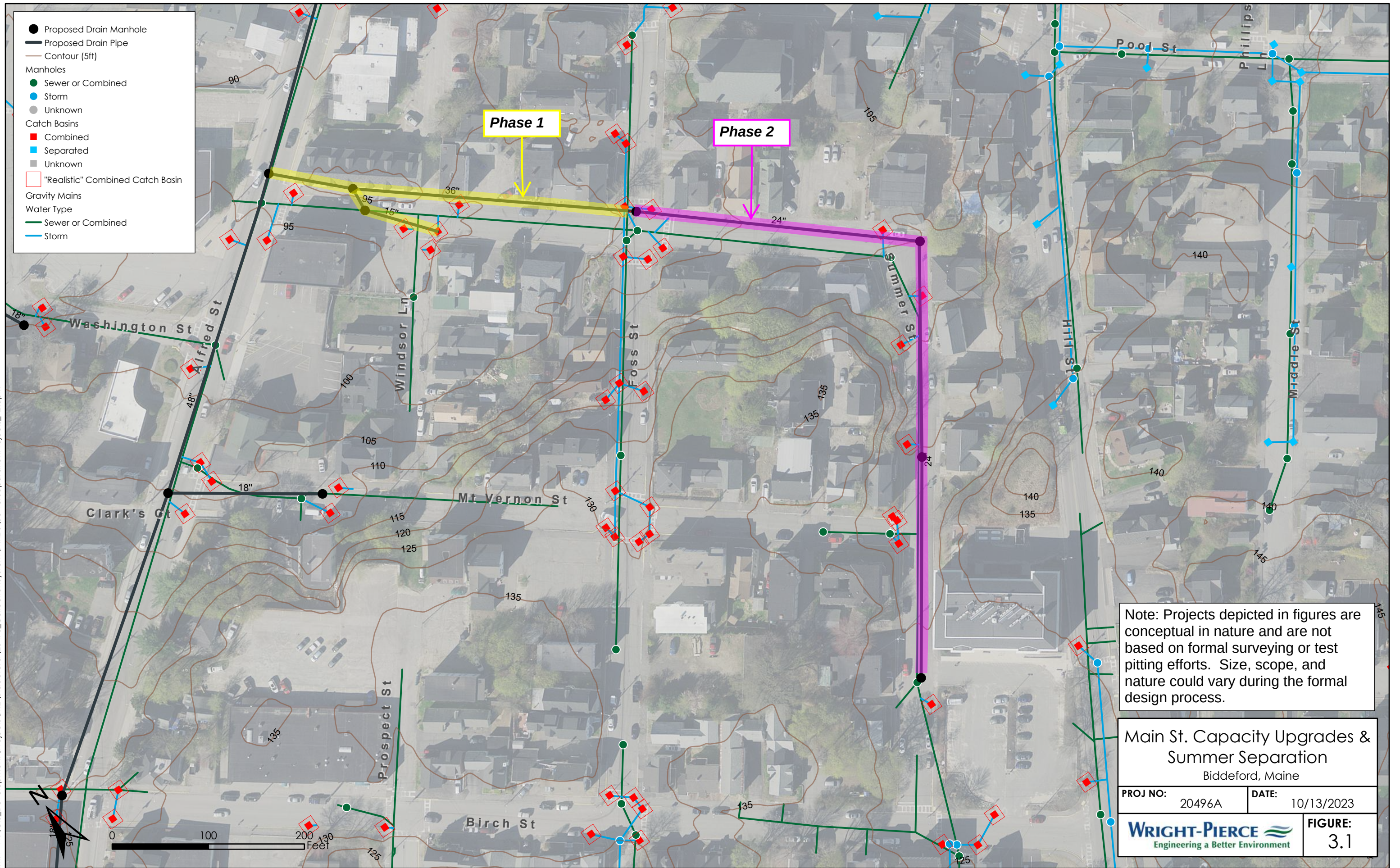


JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx



J:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx





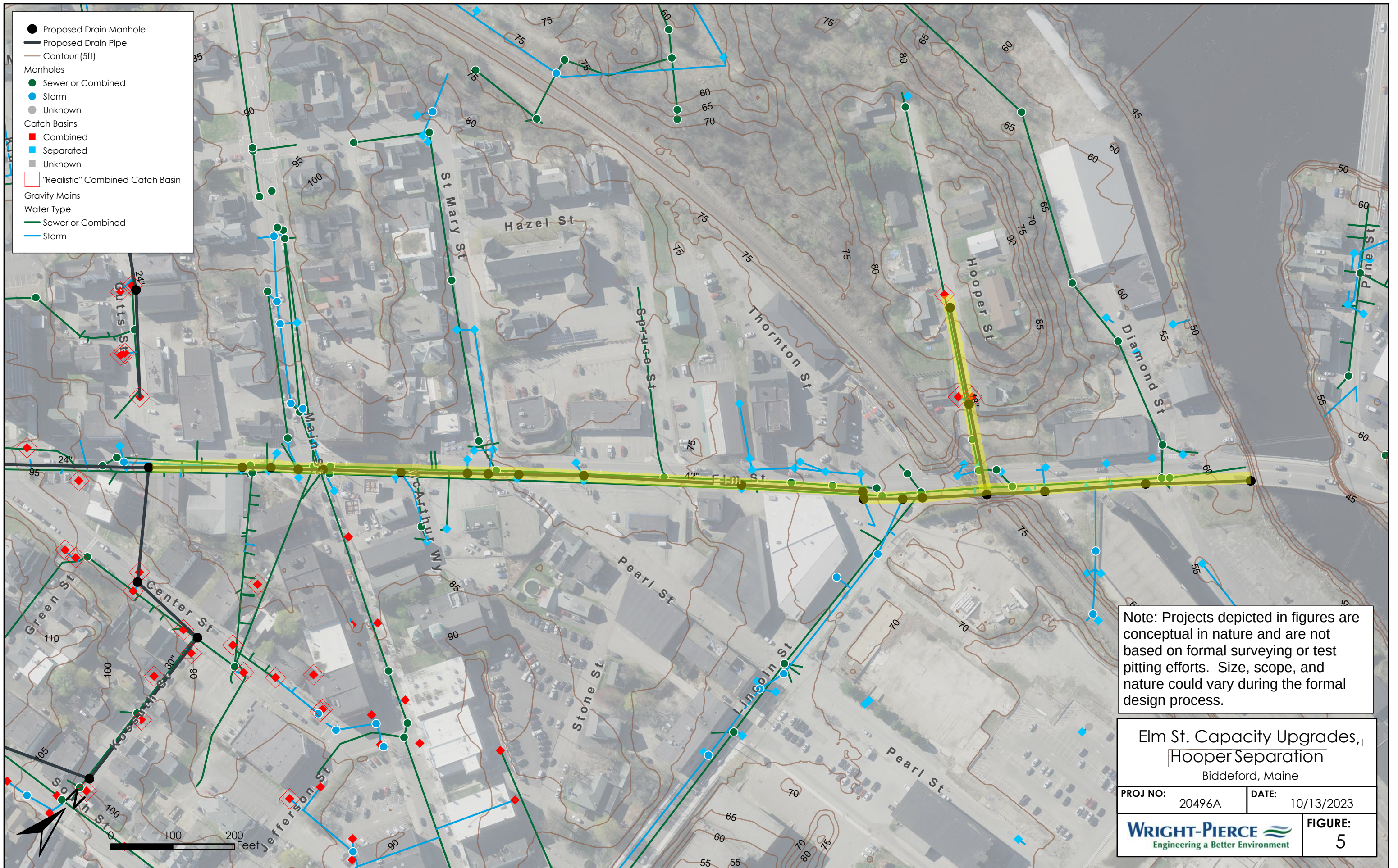


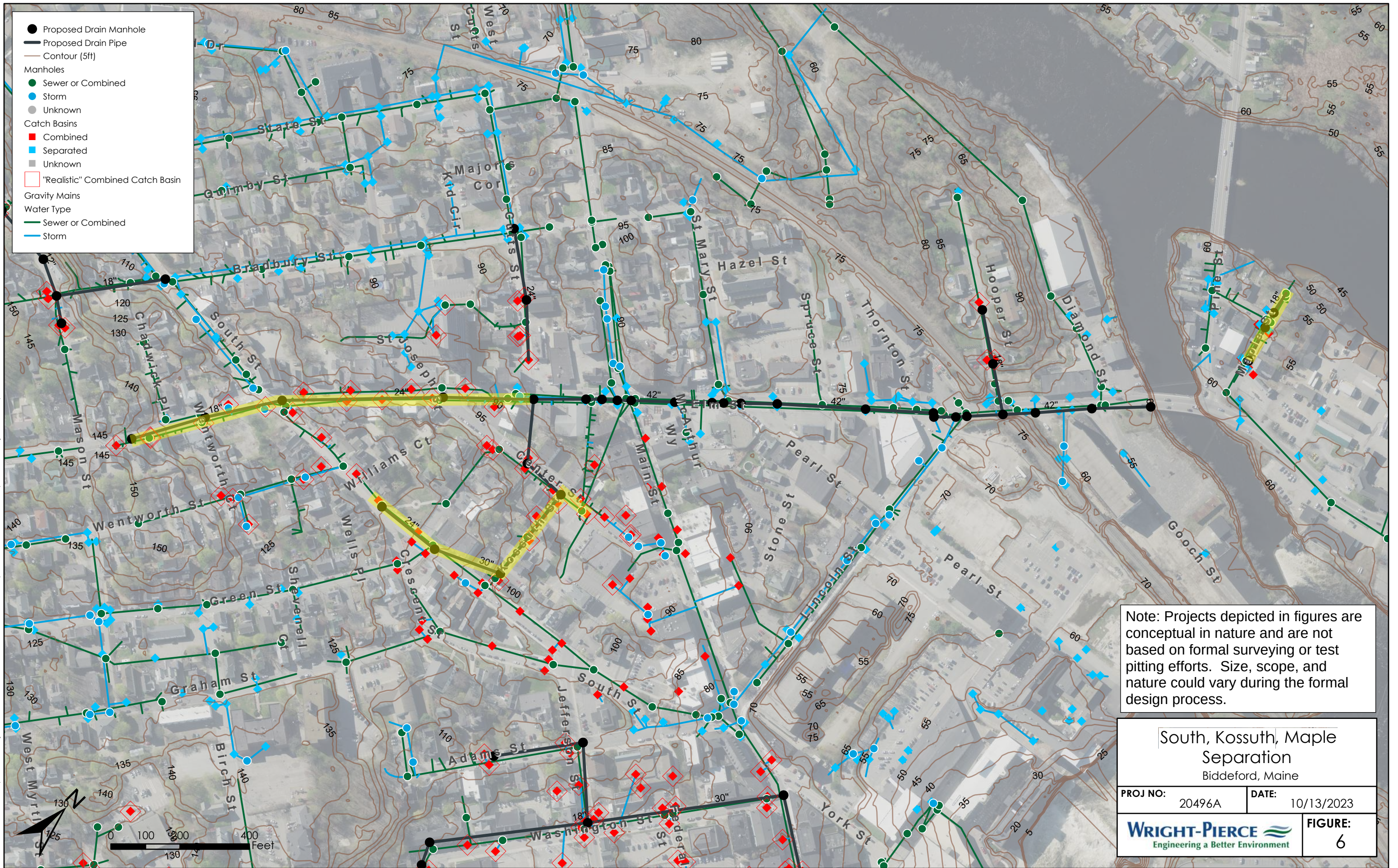
JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx

JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx

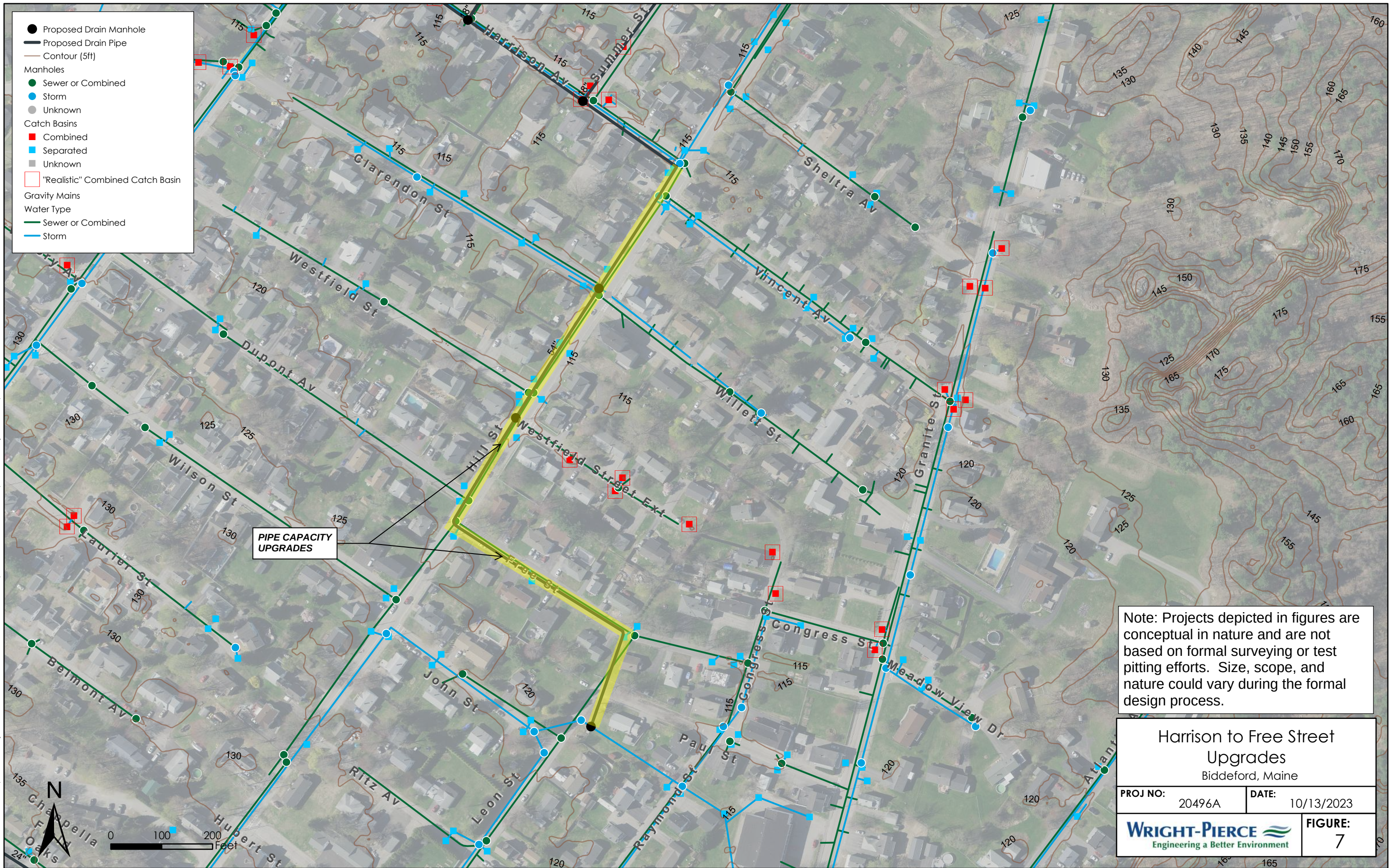


JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx





JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx

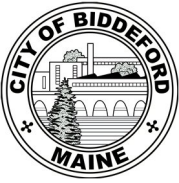


JMN W:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx



J:\GIS_Development\Projects\ME\Biddeford\20496_CollectionSystem\MXDs\SewerSeparationProjects_v2.aprx





City Council

Meeting Date: April 16, 2024

Meeting Time: 6:00PM

Agenda Item No: 12.d.

Item Description: Density Bonus Language Adoption

Submitted by: George Gervais

Supporting Information/Documentation:

1. City Council Order 2024.49
2. Transcription of related City Council Discussion from November 21, 2023
3. Copy of City Council Order 2023.147 passed on November 21, 2023
4. Document: "Full Text passed by Planning Board and provided to Council Nov 21 2023"

Key Terms:

[N/A]

Executive Summary:

At the November 21 City Council meeting the council discussed proposed language to adopt the "Density Bonus Ordinance" (11.21.2023 Agenda Item No. 10.m).

The language that was clearly discussed and agreed to by the council at the November 21, 2023 Council meeting did not match the language that was in Order no 2023.147 provided to the council under Agenda Item No. 10.m. The language that was discussed on November 21, 2023 is attached to this Order and can also be found in the November 21, 2023 City Council Agenda Packet as filename: "20231115 Plannig Board – Public Hearing Recommendation - Table B Amendment – Full Text – REFERENCE UPDATE". (NOTE: Spelling error is intentional as the file it represents the actual filename posted on the November 21, 2023 Council Agenda Packet)

The recommended action seeks to capture what was intended from Nov 21, 2023

Detailed Review:

At the November 21 City Council meeting the council discussed proposed language to adopt the "Density Bonus Ordinance" (11.21.2023 Agenda Item No. 10.m).

The language that was clearly discussed and agreed to by the council did not match the language that was in Order no 2023.147 provided to the council under Agenda Item No. 10.m. The language that was discussed on November 21, 2023 is attached to this Order and can also be found in the November 21, 2023 City Council Agenda Packet as filename: "20231115 Plannig Board – Public Hearing Recommendation - Table B Amendment – Full Text – REFERENCE UPDATE". (NOTE: Spelling error is intentional as the file it represents the actual filename posted on the November 21, 2023 Council Agenda Packet)

At the November 21, 2023 Council Meeting, after the Council discussed and agreed to the language as provided to the council, a motion was made to pass the Order, which passed unanimously.

Although it was the clearly the intent of the council to pass the language discussed and agreed to, the formality of the vote and procedure actually passed the Order 2023.147 on November 21, 2024, and again for the 2nd reading on December 19th, 2024.

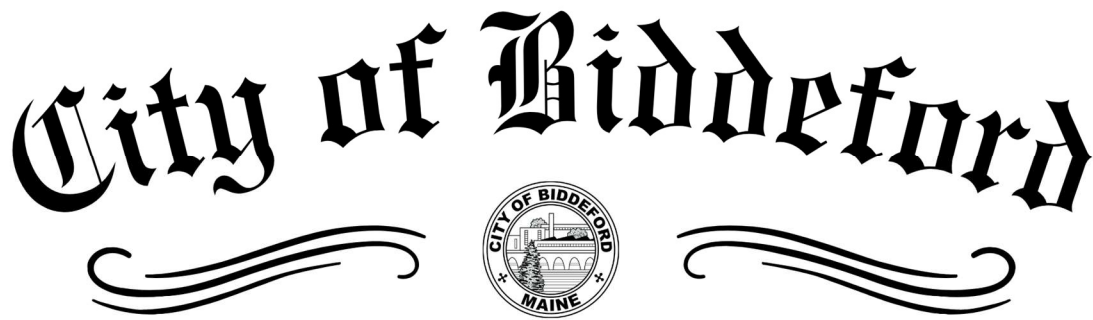
A vote on April 16th is intended to formerly adopt the exact language the Council discussed and assumed they were passing on November 21, 2024.

Funding Source:

[N/A]

Staff Recommendation:

Staff recommends passing this Order to adopt language the as originally intended on November 21, 2023.



2024.49

IN BOARD OF CITY COUNCIL...APRIL 16, 2024

BE IT ORDAINED, by the City Council of the City of Biddeford, that the Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B be amended as follows:

B.1.a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, ~~excluding unfinished basement areas,~~ provided the applicant presents 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.1.c. An applicant provided a density bonus for rental housing shall enter into a thirty (30) year contractual agreement with the City of Biddeford requiring that at least ~~30~~51% of ~~the additional~~ units created shall be leased such that they do not exceed 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be 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.

B.1.d. For projects proposing to demolish and rebuild an existing building, the existing approved density may be re-utilized within the redevelopment.

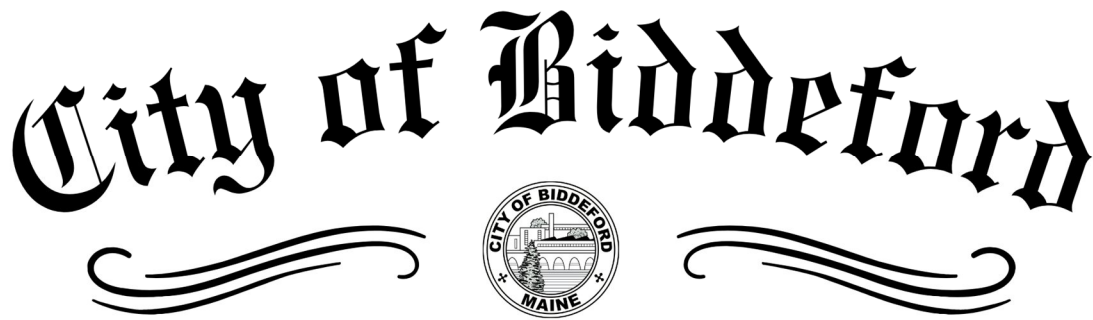
B.3. Vacant Land Development: For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the density bonus standards within Section B, for low/moderate income (LMI) housing developments, may increase the base density by up to a multiple of 2.5%times of the particular zoning district where the lot is located.

B.4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in Section 1.A, or increasing the base density by up to a multiple of 2.5, as outlined in Section 3, providing it equates to more affordable housing being provided.

B.~~4~~5. Condominium conversions/development:

5.P.5.c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Low impact is defined as meeting the following standards:

- ◆1. The replacement has been approved as part of the institutional master plan. The replacement has been approved as part of the institutional master plan.
- ◆2. The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.
- ◆3. The amount of nonvegetated area after redevelopment shall be not more than the amount of nonvegetated area existing at the time of adoption of this provision.
- ◆4. No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
- ◆5. The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.
- ◆6. The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.
- ◆7. The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.



From the Nov 21, 2023
Council Meeting

2023.147

IN BOARD OF CITY COUNCIL...NOVEMBER 21, 2023

BE IT ORDAINED, by the City Council of the City of Biddeford, that the Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B, Item B be amended by amending B.1.a. and B.1.c., adding a new B.2.a and B.2.b, adding a new B.3., and renumbering existing B.2. to B.4 by adding and ~~deleting~~ text as follows:

- B. In order to promote 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 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~~ 500 square feet of living space within an existing structure, excluding unfinished basement areas, provided the applicant presents 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 thirty (30) year contractual agreement with the City of Biddeford requiring that at least 30% of the additional units created shall be leased such that they do not exceed 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be 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. Density Bonus Review Process: Expansions of low/moderate income (LMI) projects shall be reviewed as followed:

- a. Where expansions of affordable housing units under this provision are being utilized, up to a maximum of eight (8) or less units being created, shall be reviewed and approved by the City's Staff Review Committee (SRC). Projects exceeding eight (8) units shall be reviewed by the Planning Board for Site Plan and Subdivision review.
 - b. Parking standards for affordable housing projects of this nature, shall provide a minimum of one parking space for every two (2) low/moderate income (LMI) housing units created. For units exceeding the low/moderate income (LMI) threshold, parking shall be provided as required within the City's parking standards.
3. Vacant Land Development: For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the density bonus standards within Section B, for low/moderate income (LMI) housing developments, may increase the base density by 2.5% of the particular zoning district where the lot is located.
24. Condominium conversions/development:

Attest by:_____

City Council
Meeting Transcription
11-21-23
Portion 10m

Mayor-2023.147 Introduced Ordinance Change Proposal

Motion: Mills

Second (off camera)

LaFountain question 2.5% 250% or 2.5

Galbraith Line 3 & 4 should say 2.5 times, amendments to be added wrong one added, he brought the correct ones, minor in nature.

Bennett-Corrections have been uploaded

LaFountain-Do we need to make an amendment to the order

Center-No it is a scrivener's error

LaFountain-the other thing he would like to amend is density bonus, going to create denser areas, challenging, we have limited lots. I would like to see an increase in height, so the zones max 3 stories we increase it to 4 stories if they are taking advantage of the bonus density program

Grohman-Second

No public comments

Bennett if you expand the opportunity and the public doesn't have the opportunity to address it you run the risk of being challenged. You can pass it but you may have trouble with the second reading. It hasn't gone through the other areas such as public hearing, someone may not be happy with a 4 story next door to them.

LaFountain-this order has been 2 public hearings

Bennett what you have has been through 2 public readings but not the amendment the public doesn't have an opportunity to see how that will impact them.

LaFountain-I can remove my amendment if the second does

Grohman-I remove

Lessard would like to see the height listed as feet instead of stories. Stories can vary.

Grohman-Density Bonus has the biggest impact over the different zones, more impactful than IZ. Creates a lot of opportunity

Galbraith-yes this one gets us more bang for our buck.

Vote-Unanimous

ESTABLISHMENT OF ZONES

**V Attachment 2
City of Biddeford
Table B**

Updated 11/21/23
3:40 pm

**DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023**

BIDDEFORD CODE NOTES for Table B:

N/A: Not allowed.

* A new structure may be permitted to be built with less than the required setback, provided that the following are met:

1. The setback will be equal to the average front yard setback of the existing houses on the immediately adjacent lots; and
2. The setback shall be at least 15 feet; and
3. These provisions shall apply only along existing residential streets which were developed prior to the enactment of the present front yard setback requirements.

** The Building Inspector may allow a lessening of setback requirement for access structures, as necessary, to facilitate reasonable handicapped accessibility. This provision shall apply to existing structures only. Any access structure built under this provision shall be temporary to facilitate the handicapped or disabled occupant and shall be removed when no longer needed.

+ Maximum height is exclusive of chimneys, antennae, and roof-mounted, building-integrated, building-mounted or architectural wind systems when attached to a structure. Chimneys and antennae shall not be higher than 12 feet above the structure. Roof-mounted, building-integrated, building-mounted or architectural wind systems shall not be higher than 15 feet above the maximum allowed building height in the zone.

A. Minimum land area per dwelling unit.

B. In order to promote 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 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 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, provided the applicant presents 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.

ESTABLISHMENT OF ZONES

V Attachment 2 City of Biddeford Table B

DRAFT Amendments – Density Bonus Ordinance Planning Board Public Hearing: November 1, 2023

- c. An applicant provided a density bonus for rental housing shall enter into a thirty (30) year contractual agreement with the City of Biddeford requiring that at least ~~51%~~ 30% of the additional units created shall be leased such that they do not exceed ~~80%~~ 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be 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.
 - d. For projects proposing to demolish and rebuild an existing building, the existing approved density, may be re-utilized within the redevelopment.
2. Density Bonus Review Process: Expansions of low/moderate income (LMI) projects shall be reviewed as followed:
- a. Where expansions of affordable housing units under this provision are being utilized, up to a maximum of eight (8) or less units being created, shall be reviewed and approved by the City's Staff Review Committee (SRC). Projects exceeding eight (8) units shall be reviewed by the Planning Board for Site Plan and Subdivision review.
 - b. Parking standards for affordable housing projects of this nature, shall provide a minimum of one parking space for every two (2) low/moderate income (LMI) housing units created. For units exceeding the low/moderate income (LMI) threshold, parking shall be provided as required within the City's parking standards.
3. Vacant Land Development: For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the density bonus standards within Section B, for low/moderate income (LMI) housing developments, may increase the base density by 2.5% of the particular zoning district where the lot is located.
4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in Section 1A, or increasing the base density by 2.5%, as outlined in Section 3, providing it equates to more affordable housing being provided.
- ~~2.~~ 5. 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 shall be provided to the Code Enforcement Office prior to the issuance of any building permits.

ESTABLISHMENT OF ZONES

V Attachment 2 City of Biddeford Table B

DRAFT Amendments – Density Bonus Ordinance Planning Board Public Hearing: November 1, 2023

- 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.
- C. Applies only to dwelling units. All other uses shall have a minimum of 10,000 square feet.
- D. (Reserved)
- E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this table.
- F. (Reserved)
- G. (Reserved)
- H. Roadside stands may be 10 feet from the major access road.
- I. This is the density limit for the expansion of existing residential dwelling units.
- J. Applies to all uses.
- K. Hospital height limit shall be 110 feet.
- L. Does not apply to cluster development.
- M. The number of accessory structures shall meet setback requirements; and shall be limited to no more than three per lot; and shall not exceed the height of the primary structure; and any plumbing, if necessary, shall be limited to a utility sink. Structures associated with bona fide working agricultural uses are not subject to these limits.
- N. Any use not serviced by a public water supply must show evidence that it is serviced by a potable water supply meeting minimum state standards for safe drinking water.
- O. Any residential structures in existence prior to December 20, 1990, may be expanded or added to as long as they meet minimum setbacks (from major access, 40 feet; from other streets, 25 feet; from side and rear property lines, 10 feet).
- P. The location of new or expanded buildings and structures including the replacement of existing buildings in the Institutional Zone shall conform to the approved Institutional Master Plan and the following dimensional standards:
 - 1. Maximum height. The maximum height of buildings in the Institutional Zone shall be 35 feet, 50 feet, or 65 feet depending upon in which building height subdistrict the building is located. The building height subdistricts and maximum building heights are shown on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance. Notwithstanding the maximum building height provision, the tallest point of any building

ESTABLISHMENT OF ZONES
V Attachment 2
City of Biddeford
Table B

DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

or structure, including appurtenant structures, in the Institutional Zone shall not exceed 115 feet above sea level based upon the national geodetic vertical datum (NGVD), unless a higher elevation is mandated as part of a state or federal environmental approval or permit.

2. Minimum building setbacks from public streets. All buildings in the Institutional Zone shall conform to the following minimum setbacks from public streets:

- South side of Hills Beach Road from intersection with Old Pool Road east to a point 250 feet west of the zone boundary/property line: 25 feet.
- South side of Hills Beach Road from a point 250 feet west of the zone boundary/property line east to the zone boundary: 50 feet with a provision that it can be reduced to 25 feet if replacement buildings at the housing park are located further from the wetland.
- North side of Hills Beach Road from intersection with Old Pool Road east to the zone boundary: 50 feet.
- Both sides of Hills Beach Road from intersection with Old Pool Road west to the zone boundary at Route 9: 50 feet with a provision that it can be reduced to 25 feet when a Hills Beach bypass is built that conforms to the following standards and is approved as part of the Institutional Master Plan.
- Both sides of Old Pool Road: 50 feet.
- Both sides of Pool Road (Route 9): 50 feet.
- Both sides of Newtown Road: 40 feet.
- Both sides of the Hills Beach bypass road when built: 50 feet.

The reduced setback along the westerly portion of Hills Beach Road shall be effective only if a Hills Beach bypass road has been constructed that meets the following standards:

- a. The road shall be designed and located to allow traffic to Hills Beach to travel directly from Route 9 to the approximate vicinity of the intersection of Old Pool Road and Hills Beach Road without using campus roads.
- b. The intersection with Route 9 will be located at an appropriate location for this use.
- c. The road shall be designed as a limited access facility with not more than one curb cut on each side providing campus access through internal campus streets. These curb cuts shall be in addition to any intersections with public streets or roads.
- d. No buildings or parking lots shall have direct access to or from the bypass road.
- e. A landscaped street buffer shall be established as provided for in Section 43 of Article VI.

ESTABLISHMENT OF ZONES
V Attachment 2
City of Biddeford
Table B

DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

3. Minimum building setback from the perimeter of the Institutional Zone. All buildings shall be setback a minimum of 50 feet from the external boundary of the Institutional Zone where such zone boundary abuts a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone. The area along the zone boundary shall be maintained as a landscaped buffer in accordance with the provisions of Article VI, Section 12.
4. Maximum lot coverage. The maximum lot coverage shall be as follows:
 - a. Within the area south of Route 9 and west of the Newtown Road: 10%.
 - b. Within the area South of Route 9 and east of the Newtown Road: 30%.
 - c. Within the area North of Route 9: No maximum except as provided for in 5, Restricted Development Areas.
- 5.-Restricted development areas. Within the areas identified as “No Build Zones” on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance, the following additional requirements shall apply:
 - a. No new buildings, parking, roads, or access drives shall be constructed except for the construction of a Hills Beach bypass road and connections to the bypass road from existing public streets.
 - b. Existing buildings, parking, roads, and access drives may be maintained and may be improved with Planning Board approval but may not be relocated or expanded except as provided for in a.
 - c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Low impact is defined as meeting the following standards:
 - ~~1).~~ 1). The replacement has been approved as part of the institutional master plan.
 - ~~2).~~ 2). The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.
 - ~~3).~~ 3). The amount of nonvegetated area after redevelopment shall be not more than the amount of nonvegetated area existing at the time of adoption of this provision.
 - ~~4).~~ 4). No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
 - ~~5).~~ 5). The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University

ESTABLISHMENT OF ZONES
V Attachment 2
City of Biddeford
Table B

DRAFT Amendments – Density Bonus Ordinance
Planning Board Public Hearing: November 1, 2023

Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.

- ~~6).~~ The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.
- ~~7).~~ The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.
- d. No new athletic fields or athletic facilities shall be constructed.
- e. Existing athletic fields may be maintained and improved but may not be expanded.
Improvements to the existing fields shall be limited to items such as fencing, buffering, portable grandstands, scoreboards, lighting, temporary rest room facilities, storage sheds with less than 300 square feet of floor area, and similar facilities.
- f. The areas not currently used for athletic fields, parking or the student housing park shall be maintained as naturally vegetated areas and shall not be converted to lawns or other improved open space. Existing vegetation shall be maintained subject to sound management practices relative to cutting, thinning, pruning, and similar activities.
- Q. Existing nonconforming 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.
- R. The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than 10 feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.

REQUEST FOR CONSIDERATION AND APPLICATION FOR
CONTRACT ZONE
PURSUANT TO ARTICLE V, SECTION 9 OF
THE ZONING ORDINANCE OF
THE CITY OF BIDDEFORD

To: Biddeford City Council
c/o David Galbraith, Planner
City of Biddeford, Maine

Applicant: Indian Cliff Development Corp.
P. O. Box 444
Biddeford, ME 04005

Project Developer: Indian Cliff Development Corp.
P. O. Box 444
Biddeford, ME 04005

AVESTA Housing Development Corporation
307 Cumberland Avenue
Portland, ME 04101

Location of Property: Barra Road
Biddeford, Maine 04005 (the "Property")

Current Zoning: I-3 District & R-3 District

Proposed Zoning: Contract Zone #_____

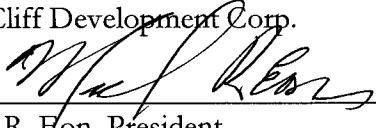
General Outline: The Applicant hereby makes application to the City of Biddeford for a zoning amendment pursuant to the Contract Zoning provisions contained in Article V, Section 9 of the Zoning Ordinance of the City of Biddeford. The Applicant is the owner of a parcel of land adjacent to and near the current terminus of Barra Road containing approximately 55.94 acres. Of that land, the Applicant and Project Developer wish to develop 7 acres, more or less, into 8 lots, one of which is to be developed by the Project Developer for 46 units of elderly affordable housing, 6 lots for single family/duplex housing and 1 lot to be non-buildable and to be dedicated to providing drainage and other infrastructure improvements. Currently the Property is undeveloped land to which public sewer and public water services are available as well as electrical and natural gas service, through extension from existing installations. The Project Developer intends to create approximately 46 units of elderly housing in one building. The residential units shall be single bedroom units. Density shall be no less than 1500 square feet per unit. There shall be a total of 35 parking spaces in the elderly affordable housing project which is .76 spaces for each unit of housing. The housing contemplated is intended to provide additional units of affordable housing in accordance with the Project Developer's organizational mission.

- A. Attached hereto as Exhibit A is a plan prepared entitled "CONCEPT PLAN, Avesta Biddeford, Barra Road, Biddeford, Maine" by BH2M Inc. dated March, 2024, which is a preliminary conceptual plan of the lot divisions planned by Applicants and improvements and parking planned by Project Developer. The requested Contract Zone applies to Lot A on said plan.
- B. The names and mailing address of the Applicant appears above. The primary contact person for this project is Michael R. Eon. His telephone number is 207-283-3000.
- C. Currently the property is located in the R-3 zone.
- D. As stated above, the property is currently unimproved. It is proposed to amend the current zoning ordinance on a contract basis to allow certain residential uses on the Property which are not currently not allowed. The Property is located in the R-3 zone and the intended use as residential housing is allowed in said zone. However, the minimum lot size in the R-3 zone is 15,000 square feet for the first 2 Units and 6000 square feet for each additional unit. The Applicant is requesting that the minimum lot size for this project be reduced to no less than 1500 square feet per unit as is allowed in the adjacent contract zone and height requirements will be no more than 60 feet as allowed in the adjacent zone. The front, side and rear minimum setbacks would be 25 feet and the minimum frontage would be 50 feet. The anticipated zone change is consistent with the City of Biddeford's Comprehensive Plan as the City has developed since the current Comprehensive Plan adopted in 1999, and the current discussions involving amendments to the Comprehensive plan. Biddeford has a greater percentage of persons renting housing instead of owning housing than other municipalities in the area. For this reason rental housing is to be encouraged. It is to be noted that the adjacent property is part of Contract Zone #18, which was created to allow the development of work force housing and that the proposed use is consistent with such adjacent use.

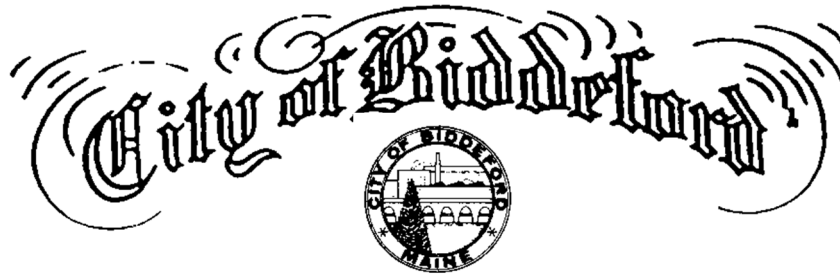
It is requested that the City Planner consult with the Code Enforcement Officer of the City of Biddeford and develop a recommendation for consideration at a regular City Council meeting. Following that, the Applicants look forward to the recommendation of the City Council that the Planning Board proceed with further review of the Project in order to develop a zoning contract.

Dated at Biddeford, Maine this 29th day of March, 2024.

Indian Cliff Development Corp.

By: 
Michael R. Eon, President

127



2024.50 IN BOARD OF CITY COUNCIL BE IT ORDERED, that the submitted Contract Zone for Avesta Housing (CZ#23) be forwarded to the Planning Board for their review / modification of the proposed Contract Zone language while concurrently reviewing the project's Site Plan Review. The Planning Board shall forward the recommended Contract Zone language back to the City Council for their review and action.

Motion: Councilor
Second: Councilor

Vote on the Ordinance:

Attest by: _____



City Council

Meeting Date: April 16, 2024
Meeting Time: 6:00 PM

Agenda Item No: 12.d
Item Description: Avesta Housing – Contract Zone Request

Submitted by: David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached are copies of the following:

1. Submitted draft Contract Zone language.
2. Council Order

Key Terms:

N/A

Executive Summary:

The Indian Cliff Development Corp. and AVESTA Housing Development Corp. are seeking approval of a proposed Contract Zone (#23) for the creation of a 46 unit elderly affordable housing development generally located to the east of the Barra Road terminus.

Detailed Review:

The Applicant, Michael Eon (dba - Indian Cliff Development Corp) and Avesta Housing are seeking City Council approval of the creation of Contract Zone # 23 for the development of a 46 unit elderly affordable housing development for Avesta Housing which includes a proposed subdivision of the land. In general, the subdivision project proposes to subdivide approximately 7 acres of the existing parcel to provide 8 new lots, with Lot A being the parcel proposed for Avesta Housing development, Lots B through G being proposed as single family or duplex lots for Indian Cliff Development Corp, and Lot H being a remainder lot that is not proposed for housing development. Lot H currently features stormwater and access easements granted to Reveler for development of the 60 Barra Road project, which construction is currently ongoing, and will propose to provide stormwater management for the extension of Barra Road proposed by Indian Cliff Development. The project proposes a subdivision of an existing parcel on Map 7 lot 15 owned by Indian Cliff Development Corp, of which Mike Eon represents. The subdivision will include a parcel, Lot A, that Avesta Housing proposes to develop a 46-unit elderly affordable housing project, consisting of a 4-story building, and associated parking and amenities. The proposed project requires Planning Board review and approval for the proposed subdivision and site plan approval for the Avesta development. The

primary reason for the Contract Zone request is to allow a four story structure on the Avesta property, which is consistent with the adjacent property's Contract Zone (#18) at 60 Barra Road.

Funding Source:

N/A

Staff Recommendation:

Staff recommends that the proposed Contract Zone be forwarded to the Planning Board for their review and recommendation during their review of the proposed land subdivision and the Avesta Housing development.



City Council

Meeting Date: April 16, 2024

Meeting Time: 6:00 PM

Agenda Item No: 12.e

Item Description: Adam's Point – Planning Housing Trust Fund Financing Approval Extension Request.

Submitted by: David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached are copies of the following:

1. Funding Extension Request Letter from Guy M. Gagnon, President of Adams Point LP, dated April 8, 2024.
2. Planning Board Report dated February 21, 2024
3. Planning Board Notice of Decision (NOD) dated February 26, 2024.
4. City Council Meeting Minutes dated October 17, 2023
5. Funding Request Letter from Guy M. Gagnon to City Manager, Mayor Casavant and City Council.
6. Council Order 2023.131, dated October 17, 2023.

Key Terms:

N/A

Executive Summary:

On October 17, 2023 the City Council authorized using \$490K from the Housing Trust Fund (HTF) to fill the funding gap for the Biddeford Housing Authority, Adam's Point project which contains 39 affordable housing units in a new five story building. This project has a lengthy history and detailed project file including the establishment of a Council approved Contract Zone. The Council's order stipulated that the Council's funding commitment for the project would expire if ground was not broken prior to June 1, 2024. Guy M. Gagnon, President of Adams Point LP is seeking City Council approval to modify the funding deadline to break ground on the project prior to December 1, 2024.

Detailed Review:

The Adam's Point project originally received Planning Board approval for the project on September 30, 2021 which expired on September 30, 2022. Prior to the expiration Mr. Gagnon sought and received an approval extension for the project to September 30, 2023. Regretfully, the project did not move forward and the approval expired. On February 21, 2024 the Planning Board re-reviewed, and re-approved the project, which will expire on February 21, 2025, if a building permit/occupancy

permit has not been issued. As an element of this project, on October 17, 2023 the City Council appropriated \$490,000, to fill the funding gap for the project. However, the approval was granted with the following caveat that the commitment would expire if the project had not broken ground before June 1, 2024 (see below excerpt).

Councilor Belanger – motion on the first part of the order that the funds will be committed but the commitment will expire if ground is not broken on or before June 1st, 2024.

Second: Councilor Mills

Councilor Belanger would like final numbers soon so Council can motion the total amount down if possible.

Councilors had questions on other funding sources including vouchers. Director Gagnon explained the formula. If part 2 of the order is removed it would lower the total.

City Manager Bennett – explained that the management fees are consistent with what is allowed.

Vote on the amendment -

5 yeas – Councilors Belanger, Emhiser, Whiting, Grohman and Schlaver

4 nays – Councilors Lessard, Ortiz, Mills, and LaFountain.

Amendment passed.

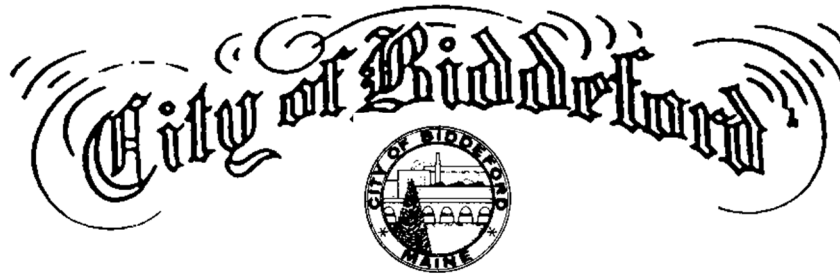
The Biddeford Housing Authority in planning on breaking ground prior to December 2024, and respectfully requests that the City Council grant a new Order, extending the City's previously approved grant funding for an additional six (6) months to break ground prior to December 1, 2024.

Funding Source:

N/A

Staff Recommendation:

City Staff continue working with Mr. Gagnon and the Biddeford Housing Authority to bring this project to fruition, in the most expedient manner possible. Staff is supportive of the funding extension request to December 1, 2024.

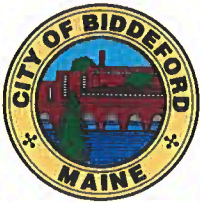


2024.51 IN BOARD OF CITY COUNCIL BE IT ORDERED, that the stipulated July 1, 2024 deadline for City's participation in the gap funding for the Adam's Point project (Planning Board Case # 2021.04) be conditioned on the project breaking ground prior to June 1, 2024, be granted a six (6) month extension to that date, so the City's previously approved funding may still be utilized providing the poroject breaks ground before December 1, 2024.

Motion: Councilor
Second: Councilor

Vote on the Ordinance:

Attest by: _____



CITY OF BIDDEFORD

Planning and Development Department

David CM Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

NOTICE OF DECISION

February 26, 2024

Guy Gagnon (via e-mail)
Southern Maine Affordable Housing
22 South Street
Biddeford, ME 04005

RE: 2021.17 Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units.

Dear Guy,

At their meeting of February 21, 2024, the Biddeford Planning Board reviewed the final Subdivision and Site Plan for Southern Maine Affordable Housing to develop 69 Adams Street (Tax Map 38, Lot 296) into 39 apartments. Southern Maine Affordable Housing owns the property you and Jacques Gagnon of Oak Point Associates were in the audience to answer questions from the public and the Board.

Based on the presentation and materials submitted the Planning Board approved the Site Plan and Subdivision, and approved the request conditioned on the following:

- 1. Prior to any ground disturbance or issuance of any permits:**
 - a. The following outstanding items related to review comments shall be addressed to the satisfaction of the City Planner:**
 - i. All Planning Board fees will be paid in full.**
 - ii. All previously approved Conditions of Approval / Findings of Fact are hereby re-affirmed and remain in effect unless specifically modified by the Planning Board.**
 - iii. The Contract Zone is not being modified and all terms and conditions remain in effect.**
 - iv. The peer review comments listed above shall be addressed to the satisfaction of the Staff Review Committee prior to the issuance of building permits for the project.**
 - b. One paper set of the approved plans (with signature block) shall be provided for signature by the Board. Final Approved Plans shall reflect any changes resulting from all Conditions of Approval and additionally required changes per Planning Board review.**
 - c. Once these plans have been signed off by the Planning Board, the applicant will have them recorded and a recorded copy will be sent to the Planning Department electronically.**
 - d. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.**

Notice of Decission: February 26, 2024

- e. A copy of all required Maine DEP Permits must be submitted to the Planning Department.
 - f. A sewer permit is required prior to any permit issuance. Sewer impact fee will be assessed once final flow numbers are provided to the Director.
 - g. A Unit Cost Estimate on City form shall be submitted to the City Planner for review and acceptance. A Separate Unit Cost Estimate shall be provided for the improvements required for the intersection of Jefferson Street and Adam’s Street.
 - h. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the City based on Condition of Approval 1.e. shall be submitted to the Planning Department.
 - i. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary. A Stabilized Construction Access shall be constructed and maintained through the duration of this project.
- 2. Prior to the issuance of any occupancy permits:**
- a. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site and off-site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
 - b. A compliance inspection needs to occur by the Planning and Engineering Departments to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans. The City will hold a Performance Guarantee sufficient to cover any remaining site improvements and/or deficiencies.
- 3. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant,
 - 4. Site lighting that is not necessary to maintain minimal security throughout the site shall be dimmed after normal hours of business, typically between 9 PM and 6 AM daily and on weekends and holidays.
 - 5. Best management practices shall be adhered to during all ground disturbance operations. All Catch Basins in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
 - 6. Copies of the maintenance logs for any stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.
 - 7. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.
 - 8. Once completed, as-built drawings of the site shall be provided to the Planning Department.
 - 9. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
 - 10. Standard Conditions of Approval apply.

2021.17 Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units.

Notice of Decission: February 26, 2024

Following the date of final approval, the site plan approval is valid for one year, the expiration date of this approval is February 21, 2025. If a building permit/occupancy permit has not been issued, then said approval shall become automatically null and void.

Appeals of the Planning Board's decision may be made as per the Biddeford Revised Code of Ordinances.

If you have any questions please call the Planning Department at 284-9115.

FOR THE BIDDEFORD PLANNING BOARD

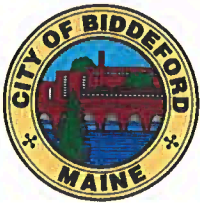
Sincerely,



David C.M. Galbraith

City Planner, Deputy Director of the Department of Planning & Economic Development

Cc: J. Gagnon, Oak Point Associates (via e-mail)
R. Fecteau, Code Enforcement Officer (via e-mail)
C. Chekan City Engineer (via e-mail)
G. Gervais, Planning and Development Director (via e-mail)
File



CITY OF BIDDEFORD
Planning and Development Department

Standard Conditions of Approval

Owner/Applicant: Southern Maine Affordable Housing

Project Description: Adam's Point 39-unit residential apartments

Project Location: 69 Adam's Street

Tax Map / Lot Number: Tax Map 38, Lot 296

Project ID: 2021.17

1. The material provided for the proposed project has been reviewed only for general conformance to the City technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. All work shall be in conformance with the approved plans and submission documents. No deviations from the approved plans are permitted without prior approval from the Planning Board for major changes, and from the City Planner and City Engineer for minor changes. The City Planner shall make the determination of major or minor.
3. Contact the Department of Public Works for driveway location permits, curb cut permits and/or street opening permits prior to the start of construction.
4. If Site Development is required as part of the project, an as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project electronically individually by page, in a format, which can be read by the City of Biddeford's Geographic Information System software.
5. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion affects from the work. All disturbed areas must be re-vegetated and/or otherwise stabilized at the appropriate stage of the work per Maine DEP standards in the Best Management Practice (BMP) manual.
6. That the Article VI Performance Standards requirements, including but not limited to, Dust, Fumes, Vapors & Gases (Section 25), Explosive Materials (Section 28), Glare (Section 37), Noise (Section 48) be followed.
7. The applicant is required to comply with all applicable requirements of Chapter 70 (Utilities) and Chapter 71 (Utilities/Industrial Pretreatment Program).
8. If Site Development is required as part of the project, at the completion of the project the owner/applicant shall request a final inspection. This request shall be directed to the Planning Office. Performance Guarantees and remaining escrow accounts shall not be released until the Planning Office certifies that the project has been completed and is in compliance with the approval and all applicable City Ordinances.

City of Biddeford
City Council
October 17, 2023 6:00 PM Council Chambers & Zoom

Status:

1. Roll Call - all present

Chairman Belanger
Councilor Lessard
Councilor Ortiz
Councilor Emhiser
Councilor Whiting
Councilor Grohman
Councilor Mills
Councilor Schlaver
Councilor LaFountain

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

4. Proclamation:

- 4.a. Proclamation Domestic Violence Awareness Month
Domestic Violence Awareness Month -PROCLAMATION
Mayor Casavant read the proclamation
- 4.b. Proclamation Extra Mile Day
Mayor Casavant read the proclamation

5. Presentation:

- 5.a. Presentation Spirit Aerosystems

6. Appointments:

- 6.a. Approval/Appointment Syed Zafar to Zoning Board of Appeals and Board of Assessment Review

Motion: Councilor Mills
Second: Councilor Schlaver
Vote: Unanimous in favor.
Motion passed.

7. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

There were several comments about unhoused encampments at Mechanics Park.

8. Consideration of Minutes:

- 8.a. Approval/City Council Minutes 10-3-2023
Motion: Councilor Mills
Second: Councilor Whiting
Vote: Unanimous in favor.
Motion passed.

9. Second Reading:

- 9.a. 2023.127) - Approval/Use of City Seal
20231003 Use of City Seal - ORDER 2nd
20231003 Use of City Seal - BRIEF

Motion: Councilor Belanger
Second: Councilor Whiting
Vote: Unanimous in favor.
Motion passed.

- 9.b. 2023.129) Approval/Housing Trust Fund Ordinance

Motion: Councilor Belanger
Second: Councilor Grohman
Vote: Unanimous in favor.
Motion passed.

10. Orders of the Day:

- 10.a. 2023.130) Approval/Elm Street CSO Sewer Crossing

Motion: Councilor Belanger
Second: Councilor Lessard

City Engineer Chekan spoke about the project. It will allow the City to solve several problems at once while the area is being worked on for another project. They are actively working with DEP on the compliance list.

Councilor Lessard – this is a great opportunity to be more efficient, he supports it.

Councilor Mills – supports it.

Councilor Grohman – great job by Engineering and Public Works

Vote: Unanimous in favor.
Motion passed.

- 10.b 2023.131) Approval/Biddeford Housing Authority Funding Request for Adams Point
Motion: Councilor Grohman
Second: Councilor Mills

Biddeford Housing Authority Executive Director Guy Gagnon gave an overview of the project. This is for 39 affordable housing units and the total cost of the project

is 12 million. The City investment is a small portion of the total. They have secured all of the other funding to get approval from the Maine Housing, they will only use this money at the end if needed.

Some Councilors had concerns with committing all of the new Affordable Housing Funds to one project and the timing of the project. Others stated that there are no other projects in the pipeline and this is what the fund is for.

Councilor LaFountain reminded everyone that they spent \$400,000 on sidewalks for a private development.

Councilor Belanger – motion to amend to separate the order into two separate votes
Second: Councilor Mills

Vote on the amendment: 7 yeas – Councilors Lessard, Schlaver, Mills, Grohman, Whiting, Emhiser and Belanger.
2 nays – Councilors Ortiz and LaFountain.
Amendment passed.

Councilor Belanger – motion on the first part of the order that the funds will be committed but the commitment will expire if ground is not broken on or before June 1st, 2024.
Second: Councilor Mills

Councilor Belanger would like final numbers soon so Council can motion the total amount down if possible.

Councilors had questions on other funding sources including vouchers. Director Gagnon explained the formula. If part 2 of the order is removed it would lower the total.

City Manager Bennett – explained that the management fees are consistent with what is allowed.

Vote on the amendment -
5 yeas – Councilors Belanger, Emhiser, Whiting, Grohman and Schlaver
4 nays – Councilors Lessard, Ortiz, Mills, and LaFountain.
Amendment passed.

Vote on the order as amended:
7 yeas – Councilors Belanger, Emhiser, Whiting, Mills, Schlaver, Ortiz and LaFountain.
2 nays – Councilors Lessard and Grohman
Motion on part 1 passed.

Councilor Belanger – motion to Table the second part on the permit fee until a later date when the total is known.
Second – Councilor Lessard.

Vote:

5 yeas – Councilors Belanger, Mills, Lessard, Schlaver, and Emhiser

4 nays – Councilors Grohman, Whiting, Ortiz and LaFountain.

Motion to Table part 2 passed.

- 10.c. 2023.132) Approval/Blanket Letter of Approval Beano/Bingo and Game of Chance applications

Motion: Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

- 10.d 2023.133) Approval/CIP Vehicles

Motion: Councilor Mills

Second: Councilor Lessard

Councilor Lessard – this was discussed in the Finance meeting. Everything checked out.

Fire Department Chief Best reviewed the status of the vehicles in his department.

City Manager – discussed the most efficient way to use some of the vehicles. All of the purchases will have to come back to Finance and Council.

Motion by Councilor Belanger to amend the chart to delete the Year, Requested and Comments columns from the chart.

Second: Councilor Schlaver

Vote on the amendment: Unanimous in favor

Vote on the order as amended: Unanimous in favor.

Motion passed.

11. Public Addressing the Council..(5 minute limit per speaker - none

12. City Manager Report

City Manager Jim Bennett gave an update on the City Hall Project, staff met today on some of preliminary details. The project should begin in April 2024. The new Council broadcast system should be in soon. New Town Road has been paved. Bike lanes have been added with some paving projects.

The Unhoused Report from the consultants will be available in November. The purpose is to identify options, costs and outcomes for the Council. Manager Bennett reminded the Council of some of the actions that have been taken on this issue so far this year.

13. Other Business

Councilor Lessard – would appreciate extra hours at the recycling station for fall clean up.

Councilor LaFountain – Absentee Ballots are available, the Housing Trust Fund provides a transparent, public process for funding; private projects are not subject to the same level of scrutiny.

Councilor Schlaver – thanked the teachers, parents and students for a great homecoming.

Councilor Mills – wanted to make a correction - the artist who painted the current mural at 230 Main Street is Susan Bartlett Rice. He also provided details about the revised Halloween events, it will be at 39 Sullivan St parking lot from 4 – 7 pm; it is not a City event but does go through the required permitting process if needed.

14. Council President Addressing the Council - Councilor President Belanger reminded everyone that this is the last meeting before the elections, he encouraged everyone to go vote.

15. Mayor Addressing the Council - Mayor Casavant did not address the Council.

Executive Session

Executive Session 1 MRSA 405 (6) (a) Personnel Matters

Motion to go into Executive Session at 8:18 pm by Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor

Motion to come out of Executive Session at 9:02 pm by Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

16. Adjourn:

Motion to adjourn at 9:02 pm by Councilor Belanger

Second: Councilor Lessard

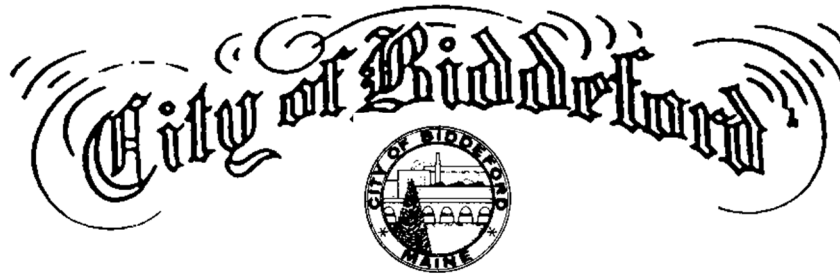
Vote: Unanimous in favor.

Motion adjourned

Attested by: _____

Robin Patterson, City Clerk





2023.131

IN BOARD OF CITY COUNCIL... OCTOBER 17, 2023

BE IT ORDERED, that the City Manager shall prepare a commitment letter issued to Biddeford Housing Authority committing up to \$490,000 from the to-be-established Affordable Housing Trust Fund, should such funds be available, for the Adams Point Affordable Housing Development Project (Project) specifying such funding shall be assigned to the end of the project and any unspent funds shall be returned to the City for deposit in the Affordable Housing Trust Fund.

BE IT FURTHER ORDERED, that the applicable building permit fee for the Project be reduced by 50%.

Attest by: _____

April 8, 2024

David Galbraith,
Planning Director
City of Biddeford
Biddeford, ME 04005

Subject : Adams Point LP - Planning Housing Trust Fund Approval Extension Request
(Map 38, Lot 296)

Dear David:

On behalf of Adams Point LP, I am writing to request a (6)six month extension to the City Council's approval of funding under its new Housing Trust Fund Program.

All the current approvals from both Planning and Historic Boards are in place as are all other City agreements. Adams Point LP is also diligently working on pre-construction requirements per the code office.

The reason for the request is that Low Income Housing Tax Credit development projects come with numerous federal and state requirements that often take months of additional time to complete. We do have 100% completed plans, specifications and all our funding sources and uses are adequately identified.

As we head toward the upcoming construction loan closing with Maine Housing and start of the project, we wanted to be certain that all our approvals remain intact and do not force us to seek last minute approvals, therefore we are asking to extend the June 1, 2024 deadline set by the council for construction start to be amended to December 1, 2024. We fully expect to be starting before then but feel this extension is cleaner and gives Maine Housing confidence that we have full city support.

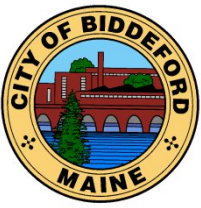
Thanks for presenting this to the City Council at its next available meeting and we appreciate your guidance on this matter. If you have any questions, please contact me at your convenience.

Regards,

Guy M. Gagnon

Guy M. Gagnon

President of Adams Point LP



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: February 15, 2024

RE: **2021.04 Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units.**

MEETING DATE: February 21, 2024

PROJECT HISTORY / APPLICANT REQUEST:

In mid-January 2023 I was contacted by Guy M. Gagnon, President of the General Partner Adams Point, regarding a letter he had written to Matt Grooms, the City's former Deputy Director/City Planner, dated September 1, 2022 where he had requested a one (1) year extension to the Planning Board's Site Plan approval for the above referenced case.

The Conditions of Approval (COA) contained the following statement:

"Following the date of final approval, the site plan approval is valid for one year one year. If a building permit/occupancy permit has not been issued, then said approval shall become automatically null and void".

Upon the receipt of Mr. Gagnon's extension request, Mr. Grooms agreed to the extension via email, but had failed to provide the requested extension approval letter. As outlined in his letter to Mr. Grooms, the reason for the extension request was due to the "Low Income Housing Tax Credits often take {ing} additional time to obtain financing and complete the lengthy construction plan design process". When contacted by Mr. Gagnon I was a private consultant, acting in the capacity Deputy Director/City Planner. Upon reviewing the request with the then Director of Planning (Greg Mitchell), I determined that the extension request should have formally been approved by Mr. Grooms and I officially granted the one (1) year project extension stating "from date of the approved / signed Notice of Decision, dated September 30, 2021. All Findings of Fact (FOF) and Conditions of Approval (COA) as approved by the Planning Board are hereby, reaffirmed". Following my granting the extension until September 30, 2023 I informed the Planning Board of this approved extension at the next meeting.

In January 2024, I was again contacted by Mr. Gagnon who informed me that the project construction was to commence in the spring and inquired if an additional 1 year extension would be required. As stipulated in my extension approval letter, the postponement of the expiration was granted until September 30, 2023. Therefore, the project expired and could not be extended or retroactively granted as extension requests / approvals need to reviewed / obtained prior to expiration, as has been discussed with the Board on prior occasions.

2021.04 Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units.

MEETING DATE: February 21, 2024

Mr. Gagnon's re-application includes a cover letter which states:

"It is my understanding that the previous approval of the above referenced project has expired and requires a new application to obtain a building permit. Due to issues related to inflation and obtaining additional project funds, the project could not begin before the previous site plan review approval expired. The project now has funding in place and is ready for construction in March. We respectfully request that this re-application be processed in such a manner that Preliminary and Final approval be granted in one meeting. We are submitting the same plans and supporting material as previously approved. The plan set reflects the changes required by the previous conditions of approval that were submitted to the planning department on January 18, 2021. There are no changes proposed to the previously approved plans".

PROJECT DESCRIPTION:

The project site, located on an approx. 1.5 AC vacant lot in the MSRD-2 Zone between. The property has access to Adams Street to the north and, via a 15-foot-wide water easement, access to Birch Street to the south. The site is located behind the current Parish Place Apartments, and the St. James School and Ledgewood Apartments (Graham Street). The applicant is seeking re-approval, in conjunction with a previously approved / existing contract zone, for 39 affordable housing units in a new five story building. This project has a lengthy history and detailed project file including the establishment of a Council approved Contract Zone.

Peer Review Comments: We have undertaken a review of the Adams Street Housing submission. We reviewed it in the context of the Notice of Decision COA and the applicant's September 22, 2021 response letter to Greg Tansley, copy attached.

There seem to be a couple outstanding items from our comments.

September 22, 2021 response letter

A. No clarification of the pole and streetlight found on CU101. The short extension of Adams Drive is not shown on the drawings.

A.4.d. The plan seems to show a 22 ft wide drive, but the typical section has not been updated to reflect a 22 ft width.

A.6.c. The I and M plan should be updated to provide separate inspection forms for each BMP.

NOD COA

1.a.vi. The fire lane markings are not evident.

STAFF RECOMMENDATION:

The City's Staff Review Committee (SRC) reviewed the requested re-approval request of the project as the plans are unchanged from the Planning Board's previously reviewed and approved plans. Staff therefore recommends re-approval of case # 2021.04 a Final Subdivision and Site Plan request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units, with the following conditions:

2021.04 Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam’s Street (Tax Map 38, Lot 296) for 39 residential units.

MEETING DATE: February 21, 2024

1. All previously approved Conditions of Approval / Findings of Fact are hereby re-affirmed and remain in effect unless specifically modified by the Planning Board.
2. The Contract Zone is not being modified and all terms and conditions remain in effect.
3. The peer review comments listed above shall be addressed to the satisfaction of the Staff Review Committee prior to the issuance of building permits for the project.

SAMPLE MOTION #1 – Table A:

- A. Motion to Approve: I motion to REAPPROVE Case # 2021.04 A Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam’s Street (Tax Map 38, Lot 296) for 39 residential units, with the provided Conditions of Approval as written.
- B. Motion to Deny: I motion to DENY Case # 2021.04 A Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam’s Street (Tax Map 38, Lot 296) for 39 residential units, with the provided Conditions of Approval for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE Case # 2021.04 A Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam’s Street (Tax Map 38, Lot 296) for 39 residential units, for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

BIDDEFORD HOUSING AUTHORITY

P.O. Box 2287, 22 South St., Biddeford, Maine 04005 Tel. (207) 282-6537 Fax. (207) 286-0580

October 5, 2023

To : City Manager-James Bennet, Mayor Casavant and Biddeford City Council

From: Guy M. Gagnon, Executive Director BHA

Re: Adams Point affordable housing development

As you know, Biddeford Housing has plans to begin construction of Adams Point, the 39-unit affordable family housing project approved by the Planning Board and the Council. We very much appreciate the cooperation and vision demonstrated by your previous approval of the contract zone and TIF agreements as they are necessary items for us to get MaineHousing's approval and funding. However, rising construction costs have resulted in funding gaps that are putting the project in jeopardy. This gap must be filled in order to close on the construction loan and start construction in the coming months.

Our development team has thus far produced approximately \$1.5 million in cuts to the overall development budget, but we are still short of the goal needed to fund Adams Point fully. Below is a summary of where the budget currently stands and two proposed solutions to help fill the gap and get us approved to begin construction by MaineHousing.

Sources and Uses budget with all current costs and funding sources:

USES

Construction	13,733,692	(Value engineering resulted in approx \$1,500,000 reduction)
Soft costs	1,305,829	
Financing	1,089,789	
Misc	216,500	
Acquisition of site	0	(BHA contribution of land)
Fees and require reserves	1,151,347	
TOTAL	17,497,157	

SOURCES

MSHA Subsidy	2,312,309
MSHA Debt	5,568,219
Fed Home Loan Bank Grant	650,000
LIHTC tax credits	8,231,277
TOTAL	16,761,805

Budget Gap

\$735,352

Means to close Gap

BHA - Addition of Housing Vouchers - 145,352
(to support additional debt)

Remaining Budget Gap

= \$490,000

Request #1. *Commit up to \$490,000 in funds from the city's newly created Housing Trust Fund for a portion or all the gap. The requested amount will be the last dollars spent on the project, therefore any excess funds could be returned to the fund if unspent.*

In the project completion timeline, these funds would not be needed until the permanent loan closing/completion of construction in early 2025, thus allowing the fund to be fully established by then. Maine Housing will require a commitment letter from the city for the amount, if approved, prior to our construction loan closing, expected to occur this December or January.

Request #2 *Allow for a reduction in the anticipated \$88,000+/- building permit fee by 50% saving the project \$44,000+/-*

Our request for additional consideration is being made in order to save the project from cancelation. We all know the extreme pressure the Maine State Housing Authority is under to fund projects all over the state. With the budget gap we currently have, the possibility of our funding being redirected to another project is very real.

In anticipation of some of the questions that you all may have I offer the following:

Question #1: *Can you cut something out of the building design to make the numbers work?*

Answer: We worked diligently with MSHA, our architects and PM construction to look for savings within our plans that also meet the minimum requirements of MSHA construction standards. We were able to come up with approximately \$1.5 million in cost cuts but have now reached the end of all our options.

Question #2: *Why can't MSHA just provide more subsidy?*

Answer: MSHA typically allocates subsidy to each project that they approve for funding. Their goal is to spend all their subsidy dollars to create as many new affordable units as possible. There are also numerous regulations, etc.. that limit their flexibility. MaineHousing has unequivocally told us that no additional subsidy is available.

Question #3: *Can you lower construction contingency line item?*

Answer: We are currently carrying the minimum 5% of construction costs contingency that is allowed.

Question #4: *If Adams Point's gap can not be filled what happens?*

Answer: MSHA would award our funding to the next project in line, and we would need to compete with other proposals in future funding rounds with no guarantee. Even if successful, a delay of at least 1.5 to 2 years would result, not to mention the added design, legal and

administrative burden to BHA.

Question #5: *Why not adjust the TIF agreement above the 75% approved in order to help fill the gap?*

Answer: Doing so would take months to get through the approval process, add more legal costs and would also negatively impact the city's future tax revenue projections.

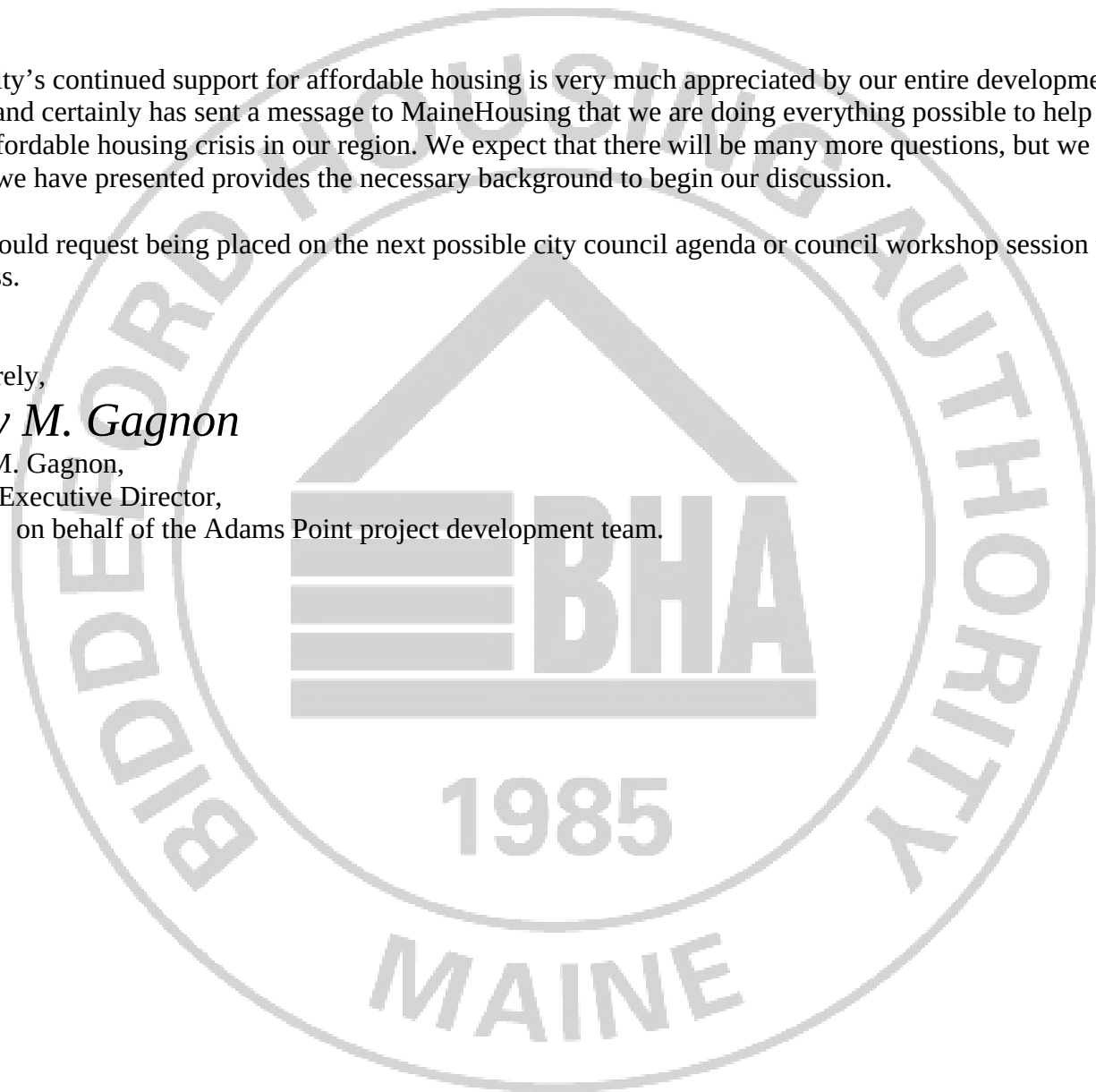
The city's continued support for affordable housing is very much appreciated by our entire development team and certainly has sent a message to MaineHousing that we are doing everything possible to help solve the affordable housing crisis in our region. We expect that there will be many more questions, but we hope what we have presented provides the necessary background to begin our discussion.

We would request being placed on the next possible city council agenda or council workshop session to discuss.

Sincerely,

Guy M. Gagnon

Guy M. Gagnon,
BHA Executive Director,
on behalf of the Adams Point project development team.



Whitten, Nan

From: Fecteau, Roby
Sent: Wednesday, February 21, 2024 9:38 AM
To: Larry Patoine; Galbraith, David
Cc: Whitten, Nan
Subject: MSRD 2

Good morning Larry,

Something has come up at home that I need to tend to this evening so I won't be able to make the planning board meeting.

I wanted to take a moment and give you my thoughts on the reduced setbacks related to the MSRD zone. The current setback allows the code office to reduce the front yard setbacks pursuant to "The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer." If the front yard setback is greater than 15' on the immediately lots than the front setback can be at 15'

The side and rear are currently at 10'. Years ago staff reviewed the District and it was clear that most properties had average setback of 5' or less. The codes office is not opposed to a lesser setback of 5' but I wanted to inform the board that building less than 10' away from buildings has a design/construction method that needs to be considered. For development of additions or new buildings, there is an element of fire separations to be considered. Construction of walls, gables, windows and doors will need to be fire rated. It's not impossible but there is a financial piece that should be considered.

The building code allows certain buildings on certain lots to be closer together. This is accomplished by increasing the fire rating so the spread of fire is limited. This code doesn't necessarily need to be in the land use code because its handled through the code office permitting

Thanks

Roby Fecteau
Director of Code Enforcement &
Emergency Management
City of Biddeford
205 Main St. Suite 104
207-284-9236
robby.fecteau@biddefordmaine.org

Monday & Tuesday – 7:00 a.m. to 5:00 p.m.
Wednesday & Thursday – 8:00 a.m. to 4:00 p.m.
Closed on Fridays



CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Planning Board Meeting Meeting Minutes

Date: February 21, 2024
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Larry Patoine (Chair), Susan Deschambault, Roch Angers, Alexa Plotkin, Stephen Beaudette & Dylan Doughty (Alternate Member)
Staff Present: David Galbraith & Nan Whitten
Chair Patoine opened the meeting at 6:00 PM
3. Adjustments to the Agenda-none
4. Planner's Business-none
5. Consent Agenda
5. A. Approval of Meeting Minutes from 2-7-23
Motion-Deschambault -Motion to approve minutes as presented
Second-Angers Motion passed unanimously
Motion passed unanimously
6. New Business
6. A. 2021.17 The Biddeford Planning Board will hold a Public Meeting to discuss and ask questions regarding a request for Site Plan & Subdivision Preliminary & Final Approval for Southern Maine Affordable Housing for 39 residential units at 69 Adam's Street (Tax Map 38, Lot 296).
 - Galbraith gave a brief overview of the project and approval/extension history
 - No changes to request from previous case
 - No comments from the public
 - Patoine, this is a technicality
 - Applicant would like preliminary and final approval tonightMOTIONS: 6:04 PM
Motion-Angers - To Reapprove Case # 2021.04 A Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units, with the provided Conditions of Approval as written.
Second- Deschambault Motion passed unanimously
6. B. 2023.36 The Biddeford Planning Board will hold a public meeting regarding a Preliminary Review Application submitted by Riverbend Reserve, LLC for Homestead by

the River. The request is to erect a 6,000 square foot pole barn, 1,950 square foot lean, and a 2,504 square foot 16-foot-wide gravel drive at Homestead by the River Campground located at 608-610 New County Road further described as Tax Map 6, Lot 35-2 in the Rural Farm District (RF) and Shoreland Overlay.

- Galbraith introduced the project and history of attempted projects for these applicants.
- Applicants would like Sketch Plan and Preliminary Approval tonight
- Peter Valcourt represented the application
- No public comments
- Patoine asked about the stop work permit, "only moved dirt around."
- Patoine asked about need of stormwater report needed-no
- Galbraith stated solar panels ok on roof, no ground mounted allowed
- Angers will that policy be reviewed, down the road
- Angers do we need two different motions-no mentioned in motion as sketch and preliminary

MOTIONS: 6:16 PM

Motion- Deschambault- Motion to waive Article XI, Full Site Plan Review. I motion to waive Article XI, full site plan review, as no site improvements are being made.

Second-Angers Motion passed unanimously

Motion-Deschambault - Motion to approve, the sketch & preliminary site plan approval for the construction of a 6,000 square foot storage building for the storage of RV's used at the facility at 608-610 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2).

Second- Angers Motion approved unanimously

7. Open Public Hearing

9. A. 2024.05 Ordinance Amendment-SECOND READING Update Staff Review Committee Membership Composite

- Galbraith re-introduced amendment, notated changed requested
- Angers happy with what he has seen
- Patoine clarified wording in the order
- Deschambault concerned about quick turn around with notifications-10 days for notification in posting and abutters within 250'

MOTIONS: 6:21 PM

Motion-Angers -Motion to approve a positive recommendation to the City Council to adopt the proposed amendment to update the staff review committee membership composite as presented

Second-Deschambault Motion passed unanimously

9. B. 2024.07 SECOND READING to amend V Attachment 2 Table B Dimensional Requirements to change the side setbacks in the MSRD-2 zone from 10' to 0'

- Galbraith described proposed changes and discussion previously held
- Codes has stated there may be some fire prevention involved with setbacks of 0'
- Galbraith read an email from CEO Fecteau regarding fire separations with setbacks down to 0'

- Patoine wants footnote added to chart explaining fire separations needed with the reduced setback
- Plotkin wondered about the necessity of the footnote, suggested date of change
- Beaudette effect of pre-existing structure-not with ordinances, how do egress windows get affected, Codes will tell them what can and cannot be done

MOTIONS: 6:32 PM

Motion-Deschambault- Motion to approve a positive recommendation to the City Council to adopt the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet. Additional footnote

Second- Angers **Motion passed unanimously**

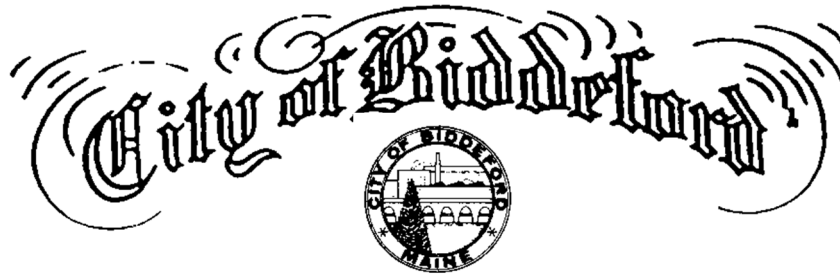
- Galbraith gave update on open position
- Deschambault visit some of the marijuana operations
- Patoine asked for update on Riverwalk Wall we have no updates
- Plotkin restaurant Magnus on the Water, traffic rerouted now has grassy area out front with sign of “Welcome to Biddeford” can someone check on this, she thinks it is supposed to be landscaped by applicant
- Deschambault used to be a road and it belongs to the city
- Beaudette landscaping being discussed by DDC
- Angers 5 Points Shopping Center in Courier, anything going on? Galbraith has contacted them and told them they have to go to Planning Board. Applicant is aware of it and preparing for submittal
- Diamond National still working on it
- Galbraith updated Board on upcoming projects

Meeting adjourned at 6:42 PM


 Planning Board Chair/Vice Chair


 Date

These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City’s website: www.biddefordmaine.org.



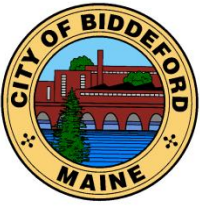
2024.52 IN BOARD OF CITY COUNCIL BE IT ORDERED, that the attached Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet, as written and recommended for adoption by the Planning Board and as shown below:

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
MSRD-2	2000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10 None	10 None	3	35

Motion: Councilor
Second: Councilor

Vote on the Ordinance:

Attest by: _____



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

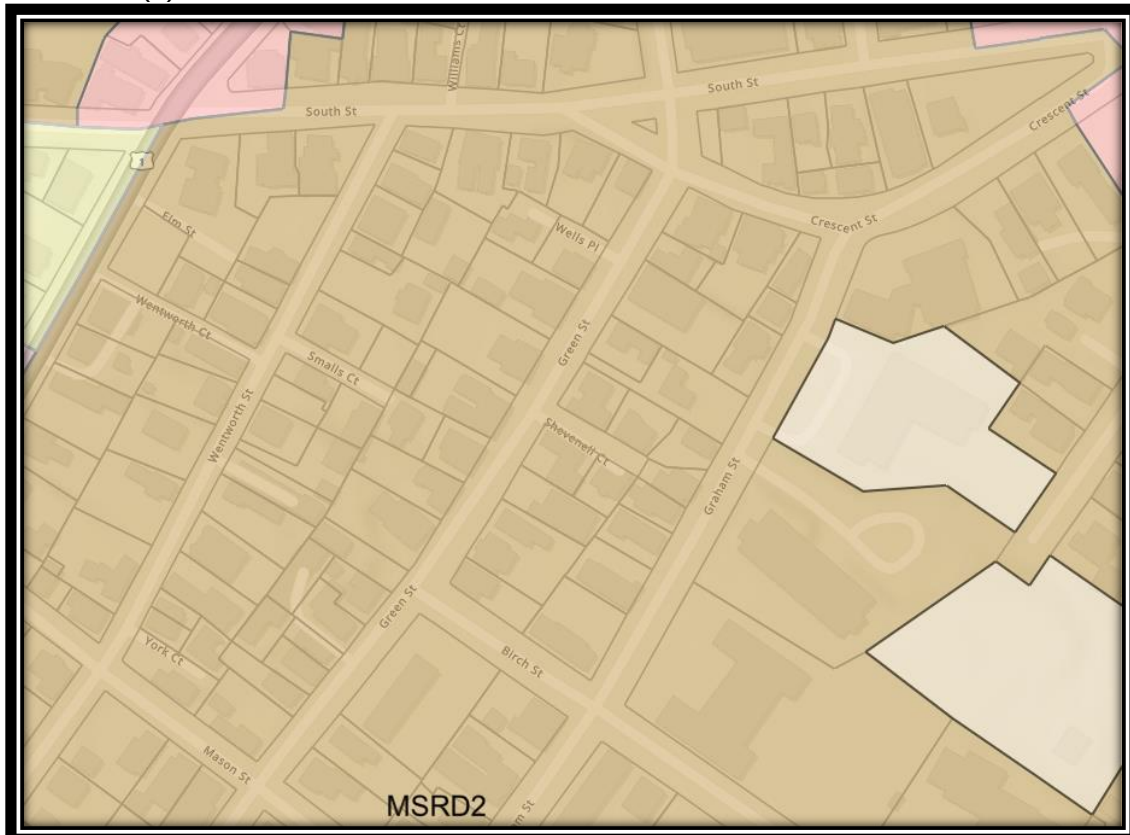
DATE: January 31, 2024

RE: Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to five (5) feet – FIRST READING

MEETING DATE: November 15, 2023

Overview:

This item was first introduced and discussed with the Planning Board at the 1-17-2024 regular Board meeting under “Planner’s Business”. The proposed zoning text amendment is to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the MSRD-2 zoning district from ten (10) feet to five (5) feet.



Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to five (5) feet – FIRST READING

Planning Board Meeting: February 3, 2024 – FIRST READING

As the Board is aware, Staff has been reviewing a number of ordinances and has been recommending a number of amendments related to the housing demands the City has been experiencing. When reviewing the MSRD-2 zoning district Staff realized that a large number of existing residential buildings within the MSRD-2 district didn’t meet the required ten (10) foot side and rear setbacks. The proposed five (5) foot setback reduction would allow additional room / flexibility when working with clients on housing rehabilitation projects. In addition, the reduction would bring properties with non-conforming setbacks into closer conformity. When discussing this matter with Roby Fecteau, Director of Code Enforcement he informed me that this Ordinance amendment had previously been discussed with prior City Planners but they never brought the amendment forward for consideration.

When evaluating the dimensional requirements of the MSRD-2 zoning district compared to the MSRD-1 & MSRD-3 (see below excerpt) you will notice that the MSRD-1 & 3 districts require no dimensional setback requirements.

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
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

Staff Recommendations:

Staff is supportive of this amendment and requests that the Planning Board forward a positive recommendation for adoption of the proposed amendments to the City Council to formally adopt:

SAMPLE MOTION #1 – Table A:

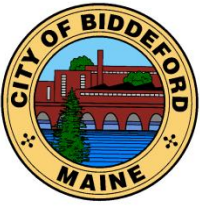
- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to five (5) feet, as written.
- B. Motion to Deny I motion to DENY the proposed Amendment to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to five (5) feet, for the following reasons:
 - 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to five (5) feet – FIRST READING

Planning Board Meeting: February 3, 2024 – FIRST READING

Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to five (5) feet, for the following reasons:

- 1) _____.
 - 2) _____.
 - 3) _____.
- _____.



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

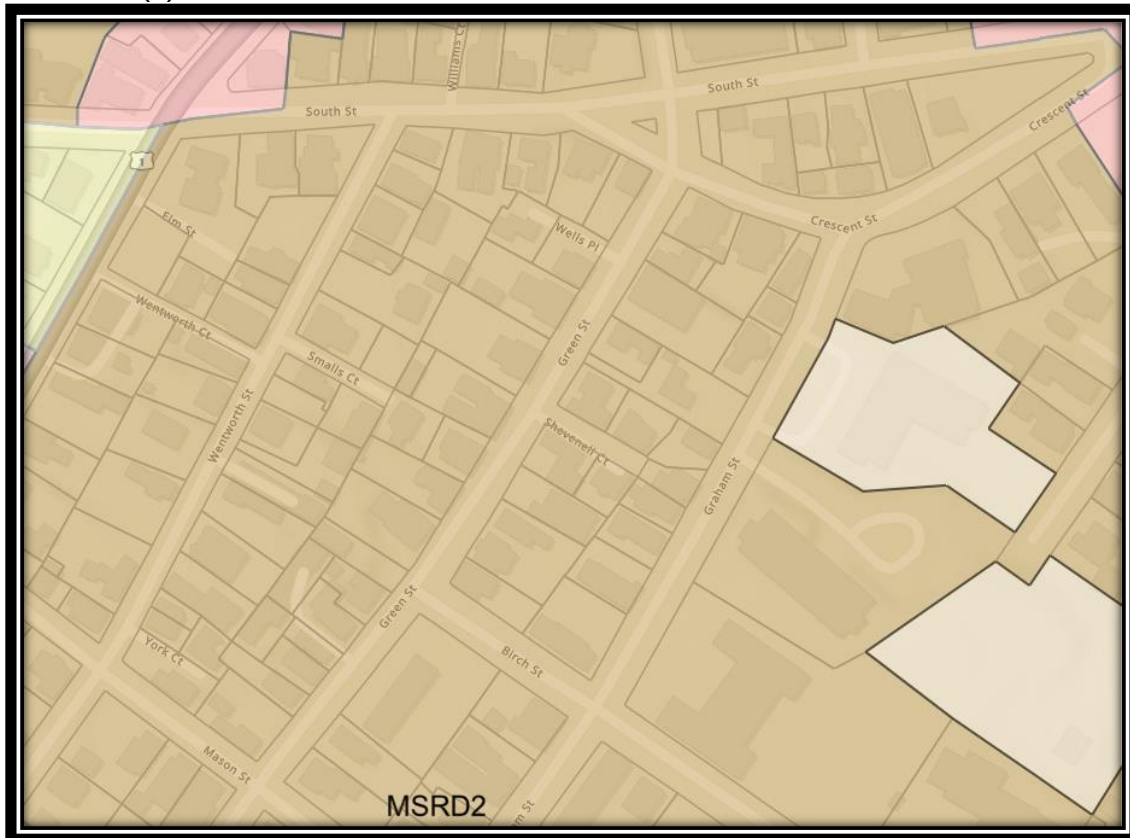
DATE: February 15, 2024

RE: Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet – SECOND READING

MEETING DATE: February 21, 2024

Overview:

This item was first introduced and discussed with the Planning Board at the 1-17-2024 regular Board meeting under “Planner’s Business”. The proposed zoning text amendment is to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the MSRD-2 zoning district from ten (10) feet to five (5) feet.



Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet – SECOND READING

Planning Board Meeting: February 21, 2024

As the Board is aware, Staff continues to review the City’s Ordinances related to the housing demands the City has been experiencing. When reviewing the MSRD-2 zoning district Staff realized that a large number of existing residential buildings within the MSRD-2 district didn’t meet the required ten (10) foot side and rear setbacks. Staff had suggested reducing these setbacks to five (5) feet to allow additional room / flexibility when working with clients on housing rehabilitation projects. In addition, the reduction would bring properties with non-conforming setbacks into closer conformity. When discussing this matter with Roby Fecteau, Director of Code Enforcement he informed me that this Ordinance amendment had previously been discussed with prior City Planners but they never brought the amendment forward for consideration.

When evaluating the dimensional requirements of the MSRD-2 zoning district compared to the MSRD-1 & MSRD-3 (see below excerpt) you will notice that the MSRD-1 & 3 districts require no dimensional setback requirements.

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
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

At the Board’s February 7, 2024 meeting the Board, after discussion determined that the side and rear setbacks within the MSRD-2 should be reduced to zero. Since that meeting, the Board’s proposed change has been discussed with Mr. Fecteau who agrees that the reduction will provide additional flexibility. However, he noted that the majority of the buildings within the MSRD-1 and MSRD-3 zoning districts are “mostly brick and mortar”, the buildings within the MSRD-2 zoning district are wood / stick construction. As such, “enhanced building technics” may be required, such as additional fire separation measures or in some cases sprinkler systems installed. The reduced setbacks certainly offer property owner’s additional flexibility, however they may need to evaluate the costs associated with utilizing them.

Staff Recommendation:

Staff is supportive of this amendment and requests that the Planning Board forward a positive recommendation for adoption of the proposed amendments to the City Council to formally adopt:

SAMPLE MOTION #1 – Table A:

- A. Motion to Approve: I motion to APPROVE a positive recommendation to the City Council to adopt the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet.
- B. Motion to Deny I motion to DENY the proposed Amendment to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet, for the following reasons:
 - 1) _____.

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet – SECOND READING

Planning Board Meeting: February 21, 2024

- 2) _____.
- 3) _____.

C. Motion to Table: I motion to TABLE the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet, for the following reasons:

- 1) _____.
- 2) _____.
- 3) _____.



City Council

Meeting Date: April 16, 2024

Meeting Time: 6:00 PM

Agenda Item No: 12.f

Item Description: Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet.

Submitted by: David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached are copies of the following:

1. Planning Board Report, dated January 31, 2024
2. Planning Board Report dated February 21, 2024
3. Meeting minutes dated February 21, 2024
4. Email from Roby Fecteau, Code Enforcement Director to Larry Patoine, Planning Board Chair regarding construction considerations, dated February 21, 2024.

Key Terms:

N/A

Executive Summary:

Staff is recommending a Zoning Ordinance text amendment to reduce the side and rear setbacks within the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet.

Detailed Review:

City Staff continues to review our land use policies / zoning to create additional housing opportunities within the downtown. As such, numerous Ordinance amendments have been presented to the Planning Board and the public, which resulted in the amendments being adopted by the City Council.

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
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

The above spreadsheet is taken directly from Table B “Dimensional Requirements”. The MSRD-1 and MSRD-3 zoning districts have zero (0) side and rear yard setbacks. Staff originally recommended reducing the side and rear yard setbacks down to five (5) feet but when the amendment was being reviewed by the Planning Board, the Board modified the request to eliminating the side and rear yard setbacks in the MSRD-2 zoning district, which allows to increased development within the downtown.

Funding Source:

N/A

Staff Recommendation:

The Planning Board has forwarded the proposed text amendment to the City Council to adopt the amendment as written. The proposed amendment would reduce the side and rear building setbacks from ten (10) feet to zero (0) feet. The Board and City Staff are recommending that the City Council adopt the proposed amendment as written.



City Council

Meeting Date: April 16, 2024

Meeting Time: 6:00 PM

Agenda Item No: 12.g.

Item Description: Zoning Ordinance Text Amendment - Part III: Land Development Regulations, Article XI – Site Plan Review, Section 4 – Applicability, Subsection C – Delegation of Planning Board review authority.

Submitted by: David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached are copies of the following:

1. Proposed text amendment, dated January 31, 2024
2. Proposed text amendment, dated February 21, 2024
3. Meeting minutes dated February 21, 2024
4. Bennett memo to Policy Committee, titled "Incentives to Create More Dedicated Affordable Housing Units", dated February 1, 2024

Key Terms:

Staff Review Committee (SRC)

Executive Summary:

The proposed amendments would include the Planning Board Chair as a member of the Staff Review Committee (SRC) and also the proposed changes establish formal procedures for how the SRC meetings and hearings will be conducted and the notifications of such.

Detailed Review:

The proposed amendment would include the Planning Board Chair, or their official designees to be a member of the Staff Review Committee (SRC) for consistency and transparency. The impetus for this amendment stemmed from the February 1, 2024 memorandum to the City's Policy Committee from the City Manager which stated:

"Create a process where the expansion of affordable housing units under this provision would go through an accelerated process. That process would be to grant authority of approval at the Staff Review Committee (SRC) level instead of the Planning Board level. No other changes to the project would be allowed, otherwise the project would need to go through the normal Planning Board process. As part of this change, a conversation with the Planning Board should occur to discuss if a member of the Planning Board be added to the SRC process". (Emphasis added)

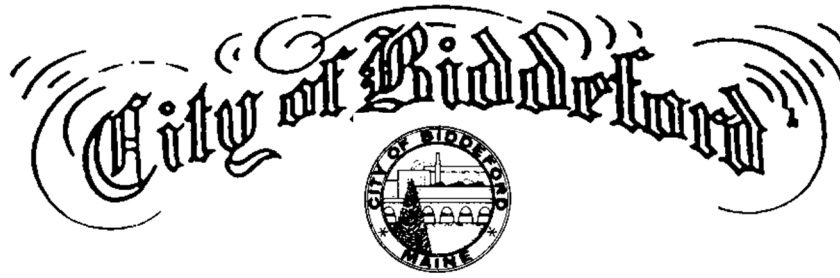
The Planning Board discussed this concept and agreed that having a representative of their Board on the SRC would provide additional consistency and transparency. While reviewing the SRC duties, Staff and the Board determined that specific policies, rules and procedures should be included in the SRC responsibilities. The proposed amendments also include / establish standards and procedures on how the Committee will conduct business and notifications of meetings / hearings. The Board and City Staff are recommending that the City Council adopt the proposed amendment as written.

Funding Source:

N/A

Staff Recommendation:

The Planning Board has forwarded the proposed text amendment to the City Council to adopt the amendment as written.



2024.53 IN BOARD OF CITY COUNCIL BE IT ORDERED, that the attached Zoning Ordinance Amendment: Code of Ordinances, Part III: Zoning Ordinance Text Amendment - Part III: Land Development Regulations, Article XI – Site Plan Review, Section 4 – Applicability, Subsection C – Delegation of Planning Board review authority, as written and recommended for adoption by the Planning Board and as shown below in blue underline for text additions:

C. Delegation of Planning Board review authority.

The authority of the Planning Board to review certain minor development projects is hereby delegated to the Staff Review Committee (SRC) in accordance with the provisions of this section. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

1. Planning Board responsibilities. The Planning Board is responsible for the review of all major projects and of any minor project for which Planning Board review is requested by the applicant. The Planning Board may conduct minor development review if recommended by either the City Planner or the Staff Review Committee.

2. Staff ~~r~~Review ~~e~~Committee (SRC) responsibilities.

a. The Staff Review Committee shall consist of the City Planner, City Engineer, Public Works Director, Code Enforcement Officer, Economic Development Director, Recreation Director, Fire Chief, Police Chief, Assessor, the Planning Board Chair, Superintendent of the Biddeford Water District, and the Wastewater Department head of the Biddeford Sewer District, or their official designees.

1) The City Planner shall precede as the Staff Review Committee's Chairperson and the Director of Code Enforcement shall act as the Vice Chair.

2) The Committee members shall meet informally on a regular basis, as determined by the City Planner, to discuss any project / issue impacting the City.

3) Any member of the Committee may request a group meeting and all participants may bring topics for discussion.

4) Hearings: All Staff Review Committee hearings shall be:

- a) Conducted following Robert's Rules of Order
- b) Open to the public in person or remotely
- c) Publicly posted on the City's web-site and include abutter notification
- d) Publicly noticed and abutting property owners notified

Motion: Councilor

Second: Councilor

Vote on the Ordinance:

Attest by:_____



CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Planning Board Meeting Meeting Minutes

Date: February 21, 2024
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Larry Patoine (Chair), Susan Deschambault, Roch Angers, Alexa Plotkin, Stephen Beaudette & Dylan Doughty (Alternate Member)
Staff Present: David Galbraith & Nan Whitten
Chair Patoine opened the meeting at 6:00 PM
3. Adjustments to the Agenda-none
4. Planner's Business-none
5. Consent Agenda
5. A. Approval of Meeting Minutes from 2-7-23
Motion-Deschambault -Motion to approve minutes as presented
Second-Angers Motion passed unanimously
Motion passed unanimously
6. New Business
6. A. 2021.17 The Biddeford Planning Board will hold a Public Meeting to discuss and ask questions regarding a request for Site Plan & Subdivision Preliminary & Final Approval for Southern Maine Affordable Housing for 39 residential units at 69 Adam's Street (Tax Map 38, Lot 296).
 - Galbraith gave a brief overview of the project and approval/extension history
 - No changes to request from previous case
 - No comments from the public
 - Patoine, this is a technicality
 - Applicant would like preliminary and final approval tonightMOTIONS: 6:04 PM
Motion-Angers - To Reapprove Case # 2021.04 A Final Subdivision and Site Plan Re-approval request for Adams Point Housing – Southern Maine Affordable Housing / 69 Adam's Street (Tax Map 38, Lot 296) for 39 residential units, with the provided Conditions of Approval as written.
Second- Deschambault Motion passed unanimously
6. B. 2023.36 The Biddeford Planning Board will hold a public meeting regarding a Preliminary Review Application submitted by Riverbend Reserve, LLC for Homestead by

the River. The request is to erect a 6,000 square foot pole barn, 1,950 square foot lean, and a 2,504 square foot 16-foot-wide gravel drive at Homestead by the River Campground located at 608-610 New County Road further described as Tax Map 6, Lot 35-2 in the Rural Farm District (RF) and Shoreland Overlay.

- Galbraith introduced the project and history of attempted projects for these applicants.
- Applicants would like Sketch Plan and Preliminary Approval tonight
- Peter Valcourt represented the application
- No public comments
- Patoine asked about the stop work permit, "only moved dirt around."
- Patoine asked about need of stormwater report needed-no
- Galbraith stated solar panels ok on roof, no ground mounted allowed
- Angers will that policy be reviewed, down the road
- Angers do we need two different motions-no mentioned in motion as sketch and preliminary

MOTIONS: 6:16 PM

Motion- Deschambault- Motion to waive Article XI, Full Site Plan Review. I motion to waive Article XI, full site plan review, as no site improvements are being made.

Second-Angers Motion passed unanimously

Motion-Deschambault - Motion to approve, the sketch & preliminary site plan approval for the construction of a 6,000 square foot storage building for the storage of RV's used at the facility at 608-610 New County Road (Property ID# Map 6, Lot 35, Sub-lot 2).

Second- Angers Motion approved unanimously

7. Open Public Hearing

9. A. 2024.05 Ordinance Amendment-SECOND READING Update Staff Review Committee Membership Composite

- Galbraith re-introduced amendment, notated changed requested
- Angers happy with what he has seen
- Patoine clarified wording in the order
- Deschambault concerned about quick turn around with notifications-10 days for notification in posting and abutters within 250'

MOTIONS: 6:21 PM

Motion-Angers -Motion to approve a positive recommendation to the City Council to adopt the proposed amendment to update the staff review committee membership composite as presented

Second-Deschambault Motion passed unanimously

9. B. 2024.07 SECOND READING to amend V Attachment 2 Table B Dimensional Requirements to change the side setbacks in the MSRD-2 zone from 10' to 0'

- Galbraith described proposed changes and discussion previously held
- Codes has stated there may be some fire prevention involved with setbacks of 0'
- Galbraith read an email from CEO Fecteau regarding fire separations with setbacks down to 0'

- Patoine wants footnote added to chart explaining fire separations needed with the reduced setback
- Plotkin wondered about the necessity of the footnote, suggested date of change
- Beaudette effect of pre-existing structure-not with ordinances, how do egress windows get affected, Codes will tell them what can and cannot be done

MOTIONS: 6:32 PM

Motion-Deschambault- Motion to approve a positive recommendation to the City Council to adopt the proposed Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Establishment of Zones, Amendment to Table B “Dimensional Requirements” to reduce the side and rear yard setback requirements in the City’s MSRD-2 zoning district from ten (10) feet to zero (0) feet. Additional footnote

Second- Angers Motion passed unanimously

- Galbraith gave update on open position
- Deschambault visit some of the marijuana operations
- Patoine asked for update on Riverwalk Wall we have no updates
- Plotkin restaurant Magnus on the Water, traffic rerouted now has grassy area out front with sign of “Welcome to Biddeford” can someone check on this, she thinks it is supposed to be landscaped by applicant
- Deschambault used to be a road and it belongs to the city
- Beaudette landscaping being discussed by DDC
- Angers 5 Points Shopping Center in Courier, anything going on? Galbraith has contacted them and told them they have to go to Planning Board. Applicant is aware of it and preparing for submittal
- Diamond National still working on it
- Galbraith updated Board on upcoming projects

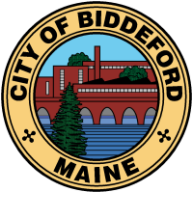
Meeting adjourned at 6:42 PM


Planning Board Chair/Vice Chair


Date

These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City’s website: www.biddefordmaine.org.

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Policy Committee
FROM:	James A. Bennett, City Manager
DATE:	February 1, 2024
RE:	Incentives to Create More Dedicated Affordable Housing Units

Below you will find recommendations that staff is supporting in order to create additional incentives for property owners to voluntarily create additional dedicated affordable housing units within the community. The following is the list of those recommendations. They are not listed in any particular order.

Major changes to every community in housing policy via the state preempting a community's local control. During the last legislative session, a sweeping land use changes were enacted in what is being referred to as 'LD2003'. Modifications to the law occurred in this session, which included the delaying of the implementation dates. For Biddeford (and other communities that do not have a Town Meeting form of government), compliance has been delayed by six months (January 1, 2024).

Final rule making by the State is not expected for least another four months. Staff has prepared these recommendations based on the assumptions of what we reasonably believe the rules will be. The most significant of those assumptions are the hurdles that a project must meet in order to be in compliance.

There are two major categories of incentives within LD2003. Relaxation of parking standards as well as the creation of additional units on a property are allowable, if the project achieves the standards established for new affordable housing units. That standard requires that 51% of all of the new units must be affordable. The State's definition of affordability is the units must rent for no more than 80% of the AMI (average median household income) for a thirty year period.

Staff has concerns that the threshold put forth by the state will be economically challenging for most projects, unless the areas have extremely high AMI. In developing the incentives, much like the balance of IZ conversation, our attempted was to offer levels that we believe are obtainable. Further restricted that our incentives cannot be more restrictive than that of the state, we are offering the following:

1. Allowing a City incentive of 30% of the new units if the units are held at 70% of the AMI for a thirty year period. The City incentives would be similar to the state's.
 - a. Lowering the parking standards to one per every two units created;
 - b. Lowering the living space per unit to 500 square feet of gross space (excluding basement);
2. These incentives would be allowed in the current MSRD 1, MSRD 2, MSRD 3, B1, GD1 and OR zones in the City.

3. Allow a portion of the R2 and R1A zones to also benefit from the affordable housing incentives. The simplest way would be to convert these areas to MRSD2. The areas are in the downtown and currently adjacent to the current MRSD2 zone. A map is included.
4. Create a process where the expansion of affordable housing units under this provision would go through an accelerated process. That process would be to grant authority of approval at the Staff Review Committee (SRC) level instead of the Planning Board level. No other changes to the project would be allowed, otherwise the project would need to go through the normal Planning Board process. As part of this change, a conversation with the Planning Board should occur to discuss if a member of the Planning Board be added to the SRC process.

Staff is suggesting that we take these steps as the initial consideration for the incentives. Further, evaluation on the impacts should be considered before expanding into areas outside of the immediate downtown area. Also, any consideration of changes to lot coverage, setbacks, lot frontage requirements should be considered outside of the affordable housing incentives based on Council feedback.

As always, staff is prepared to assist the Committee in working through these challenging discussions.

Part III: Land Development Regulations, Article XI – Site Plan Review, Section 4 – Applicability, Subsection C – Delegation of Planning Board review authority.

Planning Board First Reading February 3, 2024

C. Delegation of Planning Board review authority.

The authority of the Planning Board to review certain minor development projects is hereby delegated to the Staff Review Committee in accordance with the provisions of this section. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

1. Planning Board responsibilities. The Planning Board is responsible for the review of all major projects and of any minor project for which Planning Board review is requested by the applicant. The Planning Board may conduct minor development review if recommended by either the City Planner or the Staff Review Committee.

2. Staff review committee responsibilities.

a. The Staff Review Committee shall consist of the City Planner, City Engineer, Public Works Director, Code Enforcement Officer, Economic Development Director, Recreation Director, Fire Chief, Police Chief, Assessor, [the Planning Board Chair](#), Superintendent of the Biddeford Water District, and the Wastewater Department head of the Biddeford Sewer District, or their official designees.

b. The Staff Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Planning Board and the power to approve, approve with conditions, or deny applications for site plan approval.

c. Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of a majority of those members present and voting. A quorum shall consist of three members.

d. The Staff Review Committee shall set forth the reason for its decisions and make findings of fact, in writing, within seven days of the meeting. Such findings of fact shall be sufficient to apprise the applicant and any interested member of the public of the basis for the decision.

e. All appeals to a Staff Review Committee decision shall be heard by the Planning Board.

f. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing major development review. Individual members of the committee may in addition submit letters of recommendations to the Planning Board.

3. These regulations shall apply, as necessary, to alterations and/or additions to structures existing on the effective date of these regulations.

4. Upon request by the applicant, all or specific standards and considerations that are part of this site review process may be waived or amended by the Planning Board.

5. No building permit shall be issued for any building or structure within the purview of these regulations until such approval has been secured and presented to the Building Inspector.

6. No certificate of occupancy (CO) shall be issued for any building or structure or use of land within the purview of these regulations unless or until the building, structure, development, land or use is constructed, developed, altered, installed or used in conformity with an approved site development plan or an amendment to any such plan.

Part III: Land Development Regulations, Article XI – Site Plan Review, Section 4 – Applicability, Subsection C – Delegation of Planning Board review authority.

Planning Board Second Reading February 21, 2024

NOTE: Text deletions shown as ~~red strikethrough~~, text additions in blue underline.

C. Delegation of Planning Board review authority.

The authority of the Planning Board to review certain minor development projects is hereby delegated to the Staff Review Committee (SRC) in accordance with the provisions of this section. Whenever such delegation occurs, the term "Planning Board" shall also refer to the Staff Review Committee.

1. Planning Board responsibilities. The Planning Board is responsible for the review of all major projects and of any minor project for which Planning Board review is requested by the applicant. The Planning Board may conduct minor development review if recommended by either the City Planner or the Staff Review Committee.

2. Staff ~~R~~Review ~~e~~Committee (SRC) responsibilities.

a. The Staff Review Committee shall consist of the City Planner, City Engineer, Public Works Director, Code Enforcement Officer, Economic Development Director, Recreation Director, Fire Chief, Police Chief, Assessor, the Planning Board Chair, Superintendent of the Biddeford Water District, and the Wastewater Department head of the Biddeford Sewer District, or their official designees.

1) The City Planner shall precede as the Staff Review Committee's Chairperson and the Director of Code Enforcement shall act as the Vice Chair.

2) The Committee members shall meet informally on a regular basis, as determined by the City Planner, to discuss any project / issue impacting the City.

3) Any member of the Committee may request a group meeting and all participants may bring topics for discussion.

4) Hearings: All Staff Review Committee hearings shall be:

a) Conducted following Robert's Rules of Order

b) Open to the public in person or remotely

c) Publicly posted on the City's web-site and include abutter notification

d) Publicly noticed and abutting property owners notified

- b. The Staff Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Planning Board and the power to approve, approve with conditions, or deny applications for site plan approval.
 - c. Actions by the Staff Review Committee to approve an application, with or without conditions, shall require the approval of a majority of those members present and voting. A quorum shall consist of three members.
 - d. The Staff Review Committee shall set forth the reason for its decisions and make findings of fact, in writing, within seven days of the meeting. Such findings of fact shall be sufficient to apprise the applicant and any interested member of the public of the basis for the decision.
 - e. All appeals to a Staff Review Committee decision shall be heard by the Planning Board.
 - f. The Staff Review Committee shall provide recommendations to the Planning Board for any project undergoing major development review. Individual members of the committee may in addition submit letters of recommendations to the Planning Board.
3. These regulations shall apply, as necessary, to alterations and/or additions to structures existing on the effective date of these regulations.
4. Upon request by the applicant, all or specific standards and considerations that are part of this site review process may be waived or amended by the Planning Board.
5. No building permit shall be issued for any building or structure within the purview of these regulations until such approval has been secured and presented to the Building Inspector.
6. No eCertificate of eOccupancy (CO) shall be issued for any building or structure or use of land within the purview of these regulations unless or until the building, structure, development, land or use is constructed, developed, altered, installed or used in conformity with an approved site development plan or an amendment to any such plan.



City Council

Meeting Date: April 16, 2024

Meeting Time: 6:00 pm

Agenda Item No: 12.i.

Item Description: Approval/Purchase of three (3) 2024 law enforcement Dodge Durango Pursuit vehicles

Submitted by: JoAnne W. Fisk, Chief of Police

Supporting Information/Documentation:

Quirk Ford of Belfast quote

Executive Summary:

Approval to purchase three (3) 2024 new Dodge Durango Pursuit SUV/AWD vehicles

Detailed Review:

The police department is seeking approval to replace three (3) Ford Interceptors Police vehicles. The mileage on the 2021 Ford Interceptor SUV's range 94,500 to 108,100, which does not include idle time. The replacement of the Ford Interceptor will also ease the continuing known issues with the Ford Interceptors 1) Harsh engagement 2) Harsh shifting 3) Delayed Shifting. Ford continues to be unwilling or unable to correct these transmission issues, which have been prevalent since 2020 (see attached Technical Service Bulletin). Given the types of driving police emergency vehicles are utilized for these operational issues have created a substantial safety concern for officers. The department will continue to have some Fords in operation. These vehicles are assigned to the following units: K-9 unit, the supervisors unit, and the traffic unit. A "jump" car is at the city's public works department and is used when vehicles are in for maintenance or repairs.

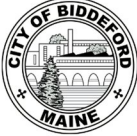
Funding Source:

Although the funding source would be the FY 2025 budget, Stellantis, which is the parent company of Dodge only accepts reservations for these pursuit vehicles until April 15, 2024. No orders are accepted after that cutoff date. If not ordered prior to this date these vehicle are subject to dealer availability, both locally and nationally. On orders prior to the April date delivery will be in either August or September.

Staff Recommendation:

Staff recommends the purchase of three (3) Dodge Durango Pursuit vehicles for a cost of up to \$150,000.00. Cost of vehicles shall be reduced upon sale/trade of three (3) Ford Interceptors.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2024.54 IN BOARD OF CITY COUNCIL... April 16, 2024

BE IT ORDERED, that the city council Authorize the Police department to purchase three 2024 Dodge Durango Pursuit vehicles in an amount not to exceed \$150,000.00.

Attest by: _____

MAKE	YEAR	MILEAGE	USEAGE	UNIT #
FORD (TRADE)	2021	108,107	PATROL	110
FORD (TRADE)	2021	94,642	PATROL	111
FORD	2022	52,032	K-9 VEHICLE	112
FORD	2022	46,909	PATROL	113
FORD	2020	67,456	PATROL JUMP CAR	114
FORD (TRADE)	2021	94,573	PATROL	115
FORD	2021	83,075	PATROL	116
FORD	2022	71,043	SUPERVISOR	117
FORD	2022	47,651	TRAFFIC	118
DODGE	2023	7,985	PATROL	120
DODGE	2023	6,357	PATROL	121

Marc C.D.J.R., LLC
1754 MAIN STREET
SANFORD, ME 040732457

Configuration Preview

Date Printed: 2024-04-11 12:03 PM VIN:
Estimated Ship Date: VON:

Sold to:
Marc C.D.J.R., LLC (60743)
1754 MAIN STREET
SANFORD, ME 040732457

Quantity: 3
Status: BA - Pending order
FAN 1: 00TC9 City of Biddleford ME
FAN 2:
Client Code:
Bid Number: TB4070
PO Number:

Vehicle:

2024 DURANGO PURSUIT VEHICLE AWD (WDEE75)

Sales Code	Description	MSRP(USD)	FWP(USD)
WDEE75	DURANGO PURSUIT VEHICLE AWD	43,075	42,881
22Z	Customer Preferred Package 22Z	0	0
EZH	5.7L V8 HEMI MDS VVT Engine	3,115	2,803
DFD	8-Spd Auto 8HP70 Trans (Buy)	0	0
PXI	DB Black Clear Coat	0	0
APA	Monotone Paint	0	0
*A7	Cloth Bucket Seats w/Rear Vinyl	150	136
-X9	Black	0	0
4ES	Delivery Allowance Credit	0	-430
MAF	Fleet Purchase Incentive	0	0
MT8	Delete Liftgate Badge	0	0
LNF	Black Left LED Spot Lamp	640	575
GXA	Entire Fleet Alike Key (FREQ 2)	350	316
CW6	Deactivates Rear Doors/Windows	80	81
4DH	Prepaid Holdback	0	-1,423
5N6	Easy Order	0	0
4FM	Fleet Option Editor	0	0
4FT	Fleet Sales Order	0	0
132	Zone 32-New York	0	0
4EA	Sold Vehicle	0	0
4FA	Special Bid-Ineligible For Incentive	0	0
TB4070	Government Incentives	0	-4,500
YG1	7.5 Additional Gallons of Gas	0	26
		1,595	1,595
Total Price:		48,015	42,060

Order Type: Fleet
Scheduling Priority: 1-Sold Order
Salesperson:
Customer Name:
Customer Address:
Instructions: USA

PSP Month/Week:
Build Priority:

99

1500 under
Invoice
Final Cost 40,560.00

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.

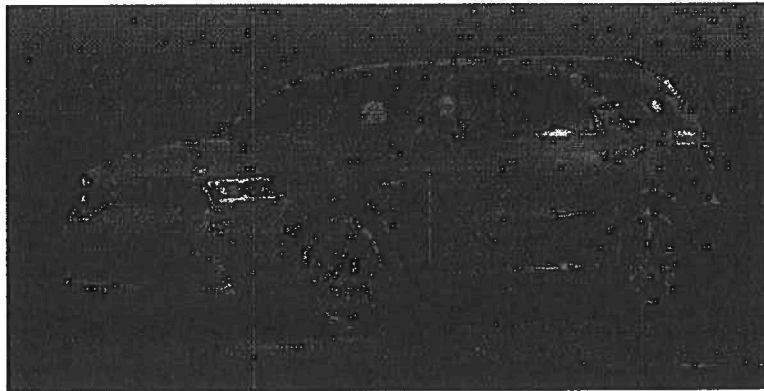


QUIRK AUTO GROUP
LEO CHICOINE | 207-430-1621

CITY OF BIDDEFORD POLICE

Prepared For: CHIEF JO ANNE FISK

Vehicle: [Fleet] 2024 Dodge Durango (WDEE75) Pursuit AWD



THANK YOU FOR THE OPPORTUNITY TO QUOTE YOU ON YOUR NEXT PURCHASE. IF YOU
HAVE ANY QUESTION.
PLEASE GIVE ME A CALL.



QUIRK AUTO GROUP

LEO CHICOINE | 207-430-1621

Vehicle: [Fleet] 2024 Dodge Durango (WDEE75) Pursuit AWD (⚠ Incomplete)

Window Sticker

SUMMARY

[Fleet] 2024 Dodge Durango (WDEE75) Pursuit AWD MSRP:\$43,075.00

Interior:Black, Cloth Bucket Seats w/Rear Vinyl
Exterior 1:DB Black Clearcoat
Exterior 2:No color has been selected.
Engine: 5.7L V8 HEMI MDS VVT
Transmission: 8-Speed Automatic (8HP70)

OPTIONS

CODE	MODEL	MSRP
WDEE75	[Fleet] 2024 Dodge Durango (WDEE75) Pursuit AWD	\$43,075.00
OPTIONS		
A7X9	Black, Cloth Bucket Seats w/Rear Vinyl	\$150.00
ADL	Skid Plate Group	\$350.00
CW6	Deactivate Rear Doors/Windows	\$90.00
DFD	Transmission: 8-Speed Automatic (8HP70)	\$0.00
DPM	3.09 Rear Axle Ratio	Inc.
EZH	Engine: 5.7L V8 HEMI MDS VVT	\$3,115.00
GXA	Entire Fleet Alike Key (FREQ 2)	\$350.00
LNf	Black Left LED Spot Lamp	\$640.00
PXJ	DB Black Clearcoat	\$0.00
WBN	Wheels: 18" x 8.0" Black Steel	\$0.00
Z6J	GVWR: 7,100 lbs	Inc.
SUBTOTAL		\$47,770.00
Adjustments Total		\$0.00
Destination Charge		\$1,595.00
TOTAL PRICE		\$49,365.00

FUEL ECONOMY

Est City:14 MPG
Est Highway:22 MPG
Est Highway Cruising Range:541.20 mi

44541.00
Leo Chicoine

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version: 22169. Data Updated: Apr 9, 2024 6:47:00 PM PDT.



Vehicle: [Fleet] 2024 Dodge Durango (WDEE75) Pursuit AWD ( Incomplete)

Technical Specifications

Powertrain

Transmission

Drivetrain	All Wheel Drive	Trans Order Code	DFD
Trans Type	8	Trans Description Cont.	Automatic w/OD
Trans Description Cont. Again	N/A	First Gear Ratio (:1)	4.71
Second Gear Ratio (:1)	3.14	Third Gear Ratio (:1)	2.11
Fourth Gear Ratio (:1)	1.67	Fifth Gear Ratio (:1)	1.28
Sixth Gear Ratio (:1)	1.00	Reverse Ratio (:1)	3.29
Clutch Size	N/A	Trans Power Take Off	N/A
Final Drive Axle Ratio (:1)	N/A	Transfer Case Model	Electronic
Transfer Case Gear Ratio (:1), High	N/A	Transfer Case Gear Ratio (:1), Low	N/A
Transfer Case Power Take Off	No	Seventh Gear Ratio (:1)	0.84
Eighth Gear Ratio (:1)	0.67		

Mileage

EPA Fuel Economy Est - Hwy	22 MPG	Cruising Range - City	344.40 mi
EPA Fuel Economy Est - City	14 MPG	Fuel Economy Est-Combined	17 MPG
Cruising Range - Hwy	541.20 mi	Estimated Battery Range	N/A

Engine

Engine Order Code	EZH	Engine Type	Regular Unleaded V-8
Displacement	5.7 L/345	Fuel System	Sequential MPI
SAE Net Horsepower @ RPM	360 @ 5150	SAE Net Torque @ RPM	390 @ 4250
Engine Oil Cooler	Regular Duty		

Electrical

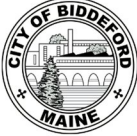
Cold Cranking Amps @ 0° F (Primary)	800	Cold Cranking Amps @ 0° F (2nd)	800
Cold Cranking Amps @ 0° F (3rd)	N/A	Maximum Alternator Capacity (amps)	220

Cooling System

Total Cooling System Capacity	N/A
-------------------------------	-----

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version: 22169. Data Updated: Apr 9, 2024 6:47:00 PM PDT.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on an island, with a ship in the water. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2024.55 IN BOARD OF CITY COUNCIL... April 16, 2024

BE IT ORDERED, that the City Council of the City of Biddeford does hereby order a shortened nomination process to fill a Council seat vacancy in Ward 4 due to a resignation. Nomination papers for the June 11, 2024 election will be available at 8:00 am on Wednesday, April 17, 2024 and all Nomination Papers, with the required amount of signatures are due in the City Clerk's Office prior to and no later than 5:00 p.m. on Monday, May 6th, 2024.

Attest by: _____
Robin Patterson, City Clerk