City of Biddeford
City Council
March 19, 2019 6:00 PM Council Chambers

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Adjustment(s) to Agenda**
   3.a. Add Executive Session: 1 MRSA 405(6)(D)...Labor Contract Negotiations

4. **Presentation:**
   4.a. Police Department Annual Report

   4.b. FY20 School Department Budget

5. **Consideration of Minutes:**
   5.a. March 5, 2019 Council Meeting Minutes
   3-05-2019 Council Meeting Minutes.docx
   5.b. March 14, 2019 Special Council Meeting Minutes
   3-14-2019 Special Council Meeting Minutes.docx
6. **Second Reading:**
   6.a. 2019.12) Remove from table: Amendment/Ch. 58, Solid Waste/Sec. 58-64-Large item and recycling programs/Add Disposal Fees
   2-19-2019 Ch 58-Transfer Station Disposal Fees.doc
7. **Orders of the Day:**
   7.a. 2019.21) Amendment/Land Development Regulations/Expand MSRD-2 District into R-2 District
   3-19-2019 Zoning - R-2 to MSRD-2-Historic Districts-ORDER.docx
   3-19-2019 R2 to MSRD2 - MEMO.pdf
   3-19-2019 R2 to MSRD2 Packet Info.pdf
   7.b. 2019.22) Amendment/Land Development Regulations/Change Existing R-2 District to a B-1 District
   3-19-2019 R2 to B1 - ORDER.docx
   3-19-2019 R2 to B1 - MEMO.pdf
   3-19-2019 R2 to B1 Packet Info.pdf
   7.c. 2019.23) Directive to Planning Board/Amend Official Zoning Map to Rezone a Specific Area from R-1-A to B-2
   3-19-2019 Directive to PB- B2 Zone Shift Proposal-ORDER.docx
   3-19-2019 B2 Zone Shift Route 1 MAP.pdf
   7.d. 2019.24) Approval/Proposal to Establish a Biddeford Youth Advisory Council
   3-19-2019 Youth Advisory Council-ORDER.doc
   3-19-2019 Youth Advisory Council-Policy.docx
   7.e. 2019.25) Authorization/Abatement of FY18 Property Taxes/6 Old Dogs Way
   3-19-2019 Abatement-6 Old Dogs Way-ORDER.doc

3-19-2019 Abatement Request-Old Dogs Way.docx
3-19-2019 Abatement - Settlement Agreement.pdf
3-19-2019 Abatements - State Law.pdf

7.f. 2019.26) Authorization/List Tax Lien Foreclosed Properties as City Tax Acquired Properties

3-19-2019 Tax Acquired Properties - ORDER.doc
3-19-2019 Foreclosed Properties Listing.xlsx

8. Appointments:

8.a. Ron Gobeil...Project Canopy Committee

3-19-2019 Appt-Gobeil-Project Canopy Comm.docx
3-19-2019 Appt Application-Gobeil-Project Canopy Comm.pdf

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

10. City Manager Report

11. Other Business

12. Council President Addressing the Council

13. Mayor Addressing the Council

Executive Session

1 MRSA 405(6)(D)...Labor Contract Negotiations

14. Adjourn

COUNCIL MEETING
MARCH 5, 2019

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

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

Robert Quattrone, Jr. was excused.

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

Adjustment to the Agenda:
- Add Recognition: Honorable Michael Cantara

Recognition: **Honorable Michael Cantara**
Mayor Casavant noted that Michael has had an extensive career in public service. He was once a Biddeford City Councilor; the Mayor of Biddeford; York County's District Attorney; and upon his retirement, served as a Maine Judge. In his leadership roles, Michael was always quick to diffuse contentious situations, made folks feel welcome and was fair. He has always been a firm believer in the Franco-American tradition and a proud and staunch supporter of his hometown of Biddeford.

Councilor Belanger read a plaque (which was written in French) that had been presented to Michael by Mayor Casavant and on behalf of the City of Biddeford during his retirement event last week.

Presentation: **FY20 City Government Budget**
City Manager, James Bennett gave the highlights of the proposed FY20 City Government Budget, laying the groundwork for what the Council will be asked to consider and eventually approve as the FY20 operating budget.

Consideration of Minutes: **February 19, 2019; February 25, 2019**
Motion by Councilor Ready, seconded by Councilor Clearwater to accept the February 19, 2019 meeting minutes as printed.
Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the February 25, 2019 meeting minutes as printed.
Vote: Unanimous.

Second Readings:
{For a copy of the ordinance amendments and first readings, see the council meeting minutes of February 19, 2019}

2019.9) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/ Add on Granite Street, Odd-Numbered Side
Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the ordinance amendment.
Vote: Unanimous.

2019.10) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations enumerated/Change Violation Fine
Motion by Councilor Ready, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.
Vote: 4/4; Councilors St. Cyr, Belanger, Swanton and Clearwater opposed.
Councilors McCurry, Ready, Seaver and Lessard in favor.
Mayor Casavant voted in favor to break the tie.
Motion carries.

2019.11) Amendment/Ch. 58, Solid Waste/Grandfathered Facilities Recycling Program Standards
Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.
Vote: Unanimous.

2019.12) Amendment/Ch. 58, Solid Waste/Sec. 58-64-Large item and recycling programs/<u>Add Disposal Fees</u>
Motion by Councilor Ready, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Motion by Councilor Swanton, seconded by Councilor Belanger to amend the ordinance, Sec. 58-64 (a) by striking "All personal items (stereos, chairs, sofas, lamp fixtures, etc.)" and replacing with:
<u>Residents may dispose of up to one yard of household items in any one day for free. (furniture, stereos, lamps, fixtures, etc.) Any additional loads of household items may be disposed of for a fee of $20 per yard.</u>

Motion by Councilor Seaver, seconded by Councilor McCurry to table the ordinance amendment in order for the amendment language to be cleaned up.
Vote: 4/4; Councilors Ready, Belanger, Clearwater and Swanton opposed.
Councilors McCurry, St. Cyr, Seaver and Lessard in favor.
Mayor Casavant voted in favor of tabling the ordinance amendment.

2019.13) Amendment/Land Development Regulations/MSRD-2 Density for Residential Conversion & Condominium Projects
Motion by Councilor Ready, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Motion by Councilor Clearwater, seconded by Councilor Lessard to amend section B.2.c by adding, "…units shall not be sold for a price that exceeds 125% of the York county median home price affordable to median income households <u>calculated on a square foot basis."</u>
Vote: 1/7; Councilor Lessard in favor.
Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready and Seaver opposed.
Motion fails.

Vote on ordinance, as written: 7/1; Councilor Lessard opposed.
Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries.

2019.14) Amendment/Land Development Regulations/Elimination of Newspaper Notifications for Planning Board and Historic Preservation Commission
Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.
Vote: 5/3; Councilors Lessard, Ready and Swanton opposed.
Councilors Swanton, McCurry, St. Cyr, Clearwater and Belanger in favor.
Motion carries.

2019.15) Amendment/Land Development Regulations/Expanded Prohibition of Street-level Residential Uses
Motion by Councilor Ready, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.
Vote: 7/1; Councilor St. Cyr opposed.
Councilors Swanton, McCurry, Clearwater, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.

2019.16) Amendment/Land Development Regulations/Permitted Uses in B-1 Zone/ Add "Art Studios" and "Art Galleries"
Motion by Councilor Ready, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.
Vote: Unanimous.

Orders of the Day:

2019.19 IN BOARD OF CITY COUNCIL…MARCH 5, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations**, Section 42-90 No Parking,** is amended by adding or ~~deleting~~ to read as follows:

~~*Cardinal Lane*, odd-numbered side, from the intersection with Marial Avenue to dead end.~~

Cardinal Lane, even-numbered side, from the intersection with Marial Avenue to dead end.

NOTE: This is a correction to an ordinance amendment that was approved at the January 3, 2019 Council Meeting. In order to resolve the on-going issue in this area, the Council is asked to consider and approve this as an emergency ordinance amendment.

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

Motion by Councilor McCurry, seconded by Councilor Clearwater to suspend the rules and allow for an immediate second reading and pass as an emergency amendment.
Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the ordinance amendment and that it become effective immediately.
Vote: Unanimous.

2019.20 IN BOARD OF CITY COUNCIL..MARCH 5, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the allocation of additional funds to cover the final stages of work for the South Street Project. The estimated additional amount needed to cover the rest of the project is $300,000.00, with funds being used from Bond proceeds 411.

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

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

Other Business:

Councilor Swanton – asked about the tabling of Order 2019.12. It was explained that Staff will work on re-wording the ordinance amendment and this item will be included on the March 19th council agenda.

He requested that, as has been done in past years, the Irish Flag be flown on the City Hall flagpole on St. Patrick's Day. Assurances were given that this would indeed be done.

He agrees with Mr. Rhames, (who spoke during the Public Addressing the Council portion of the meeting) that print media is still an important resource and would like to see Order 2019.14 reconsidered.

Councilor Clearwater – has noticed that the meeting bulletin board on the first floor of City Hall is not being consistently updated; and she would like to see the bulletin board kept up-to-date or not used at all.

Councilor Ready – asked where the City is with the public access situation; and would like to see the City have some say in rate changes. Councilor Swanton did note that the cable contract is up in July 2020, and the Cable Committee is discussing what to do in regards to renewing the contract.

He has noticed that the City has been dealing with on-street parking issues on a complaint basis; and he wonders if there is a better and more collective way of dealing with parking on all the streets in the City. He'd like to see some kind of plan to deal with this.

Councilor Seaver – was at Westbrook Skating Rink over the past weekend to help sort out the skates. She stated that the group trying to revitalize the Rink is looking for organizations to help out monetarily.

Council President Addressing the Council: Councilor McCurry agrees with Councilor Ready that there needs to be a more complete analysis of the City's on-street parking.

He is looking forward to getting to work on the FY20 Budget.

City Manager, James Bennett had a couple of notes:

(1) All the budget documents should be available electronically within the next couple of days.
(2) The next set of survey questions have been posted via POLCO, and are in reference to the green space at the end of 3 Lincoln Street.

Executive Session: **1 MRSA 405(6)(C)…Real Estate Matter**
Motion by Councilor McCurry, seconded by Councilor Lessard to move into Executive Session.
Vote: Unanimous. Time: 7:20 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Executive Session.
Vote: Unanimous. Time: 8:58 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 8:58 p.m.

Attest by:_____
Carmen J. Morris, City Clerk

SPECIAL COUNCIL MEETING
MARCH 14, 2019

Mayor Casavant called the meeting to order at 7:15 p.m.

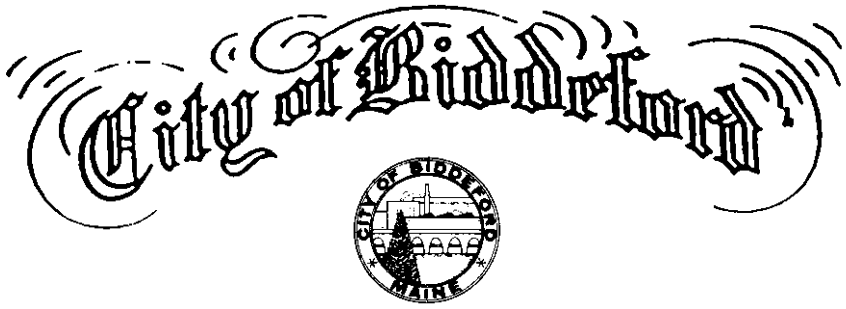
Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

Executive Session: **1 MRSA 405(6)(C)…Real Estate Matter**
Motion by Councilor McCurry, seconded by Councilor Quattrone to move into Executive Session.
Vote: Unanimous. Time: 7:15 p.m.

Motion by Councilor McCurry, seconded by Councilor Clearwater to move out of Executive Session.
Vote: Unanimous. Time: 8:35 p.m.

Motion by Councilor McCurry, seconded by Councilor Clearwater to adjourn.
Vote: Unanimous. Time: 8:35 p.m.

Attest by:_____
Carmen J. Morris, City Clerk



2019.12 IN BOARD OF CITY COUNCIL..FEBRUARY 19, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, SOLID WASTE**, **Article III, WASTE FLOW CONTROL AND TRANSFER STATION, Sec. 58-64-Large item and recycling programs**, is amended by adding and ~~deleting~~ to read as follows:

Sec. 58-64. Large item and recycling programs.

(a) Free disposal.

- ~~All personal items (stereos, chairs, sofas, lamp fixtures, etc.)~~
- **Residents may dispose of up to one yard of household items in any one day for free. (furniture, stereos, lamps, fixtures, etc.) Any additional loads of household items may be disposed of for a fee of $20 per yard.**
- Up to four tires per year from Biddeford residents.
- Twice a year, for two-week intervals, residents will be allowed to deliver up to one cubic yard per delivery of construction materials and/or wood debris.
- Wet cell and dry cell batteries.
- Metals (items that have had the Freon removed by licensed vendors must show a certificate of proper removal for free disposal of the item at this facility).
- Cardboard
- Plastic Nos. 1 and 2
- Paper/magazines
- Glass (jars and bottles)
- Tin cans
- **~~Grass clippings~~, leaves, ~~brush and branches~~**
- Waste motor oil
- Telephone books

(b) Fees.

(1) Fees for the disposal of the following acceptable items will be charged “at cost”. Note: “at cost” means that the charges for the disposal of the

following items will be based upon the previous quarter's actual disposal costs incurred by the City for the particular item.

a. Freon containing items
b. Tires (car and pickup truck only, greater than four tires per year)
c. CRTs (televisions, computer monitors, laptops)
d. Computer CPU, keyboard, mouse and printers

(2) Fees for the disposal of the following acceptable items will be established by the Public Works Director.

a. Construction materials / wood debris
b. Grass clippings:
~~i. Resident – free~~
ii. Commercial - $10.00/cubic yard
c. Brush and branches:
~~i. Resident - $4.00/cubic yard~~
ii. Commercial - $10.00/cubic yard
d.
~~i. Household items: $20.00/cubic yard~~
ii. Demolition Debris: $20.00/cubic yard

NOTE: This item was considered by both the Solid Waste Management Commission and Policy Committee and both have recommended passage by the City Council.

February 19, 2019

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

Motion by Councilor Ready, seconded by Councilor McCurry to amend the ordinance by striking in (2) - (b)(i.) and (c)(i.) and (d)(i).

Motion by Councilor McCurry, seconded by Councilor Clearwater to suspend the rules to allow Councilor Lessard to speak for a third time.
Vote: Unanimous.

Vote on amendment: 5/4; Councilors Seaver, Ready, Swanton, McCurry and Quattrone in favor.
Councilors St. Cyr, Clearwater, Belanger and Lessard opposed.
Amendment carries.

Vote on ordinance, as amended: 8/1; Councilor Lessard opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries.

March 5, 2019

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

Motion by Councilor Swanton, seconded by Councilor Belanger to amend the ordinance, Sec. 58-64 (a) by striking "All personal items (stereos, chairs, sofas, lamp fixtures, etc.)" and replacing with:
Residents may dispose of up to one yard of household items in any one day for free. (furniture, stereos, lamps, fixtures, etc.) Any additional loads of household items may be disposed of for a fee of $20 per yard.

Motion by Councilor Seaver, seconded by Councilor McCurry to table the ordinance amendment in order for the amendment language to be cleaned up.
Vote: 4/4; Councilors Ready, Belanger, Clearwater and Swanton opposed.
Councilors McCurry, St. Cyr, Seaver and Lessard in favor.
Mayor Casavant voted in favor of tabling the ordinance amendment.

City of Biddeford

2019.21 **IN BOARD OF CITY COUNCIL..MARCH 19, 2019**

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

Part III (Land Development Regulations), Article III (Official Zoning Map), be amended to expand the MSRD-2 District as depicted on the attached map.

AND BE IT FURTHER ORDAINED, that the following be amended:

Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance), Section 5 (Historic districts and historic landmarks designated) be amended as follows:

The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:

A. Districts:
   1. Downtown Historic District, as defined by the MSRD-1 Zone.
   2. Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands located northwest of Elm Street.
   3. Mixed Residential Historic District, as defined by the MSRD-2 Zone as depicted on the Official Zoning Map in effect on June 9, 2011.

NOTE 1: **The Planning Board held a duly noticed Public Hearing on this item (at the request of the City Council) and voted 4-0 to recommend this amendment be approved by the City Council along with the recommended HPO Amendment.**

NOTE 2: **The Planning Board's recommendation is based on the recommended HPO amendment also being adopted. It is unlikely the Board would have recommended this amendment pass at this time if not for the HPO amendment.**

CITY OF BIDDEFORD
PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
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Biddeford, ME 04005
(207) 284-9115
Greg.Tansley@Biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council

From: Greg Tansley, AICP, City Planner

Date: March 11, 2019

Re: Proposed Amendment to Expand the MSRD-2 District into the existing R-2 District between Elm Street and Alfred Street, north of Union Street to the existing MSRD-2 District, including a small area east of Alfred Street and north of Porter Street

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At the request of the City Council, the Planning Board held a Public Hearing about the proposed above-mentioned amendment. I am providing this recommendation back to the City Council based on the outcome of the Public Hearing. The City Planner's Memorandum dated February 27, 2019 is provided in this packet which includes the proposed Map Amendment.

On March 6, 2019 the Planning Board held a duly noticed Public Hearing on the proposal. Following the Public Hearing the Planning Board voted 4-0 to recommend the proposed amendment be approved by the City Council, including the recommended additional amendment related to the Historic Preservation Ordinance (HPO).

STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments (such as that originally discussed here) in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan. A revision of the Historic Preservation Ordinance is expected to be initiated as an outcome of the new Comprehensive Plan. This will likely involve a re-delineation of Historic District boundaries based on a new inventory (recommended) of building/structures in the Downtown Area.

Cc: M. Eddy, Economic Development Director

Encl. City Planner's Memorandum to the Planning Board dated February 27, 2019.

CITY OF BIDDEFORD
PLANNING DEPARTMENT

2019.14

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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: February 27, 2019

RE: NEW BUSINESS ITEM #B - 2019.14 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone the area depicted on the attached map from R-2 to MSRD-2 (at the request of the City Council).

MEETING DATE: March 6, 2019 @ 6:00 PM

At the request of the City Council, the Planning Board have been asked to hold a Public Hearing and provide a recommendation back to the City Council about expanding the MSRD-2 Zone into what is now zoned R-2. A summary of Table A (Land Uses) and Table B (Dimensional Requirements) is provided in this packet, along with a proposed MAP amendment considered by the City Council.

Upon review of the recent approved and now proposed expansions of the MSRD-2 District into other areas surrounding Downtown Biddeford, Staff are concerned that the City is also expanding the Historic District associated with the MSRD-2 District. The HPO states that if a property is zoned MSRD-2 it is in a Historic District. Here is the current language in the HPO:

> *Article XV (Historic Preservation Ordinance), Section 5. Historic districts and historic landmarks designated.*
>
> *The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:*
>
> *A. Districts:*
> *1. Downtown Historic District, as defined by the MSRD-1 Zone.*
> *2. Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands located northwest of Elm Street.*
> *3. Mixed Residential Historic District, as defined by the MSRD-2 Zone.*

As such, Staff are recommending that in part with this proposed amendment, if passed (or if not passed), the language in the HPO be amended as follows:

Proposed Additional Amendment:

Article XV (Historic Preservation Ordinance), Section 5: Historic districts and historic landmarks designated.

The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:

A. Districts:
1. *Downtown Historic District, as defined by the MSRD-1 Zone.*
2. *Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands located northwest of Elm Street.*
3. *Mixed Residential Historic District, as defined by the MSRD-2 Zone as depicted on the Official Zoning Map in effect on June 9, 2011.*

STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments (such as that originally discussed here) in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan. A revision of the Historic Preservation Ordinance is expected to be initiated as an outcome of the new Comprehensive Plan. This will likely involve a re-delineation of Historic District boundaries based on a new inventory (recommended) of building/structures in the Downtown Area.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change(s) pass at the City Council.

ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance Related to R-2 and MSRD-2

TABLE A: TABLE OF LAND USES

*	Subject to Article VI,
{BLANK}	Not Permitted
P	Permitted
C	Conditional Use
A	Accessory Use

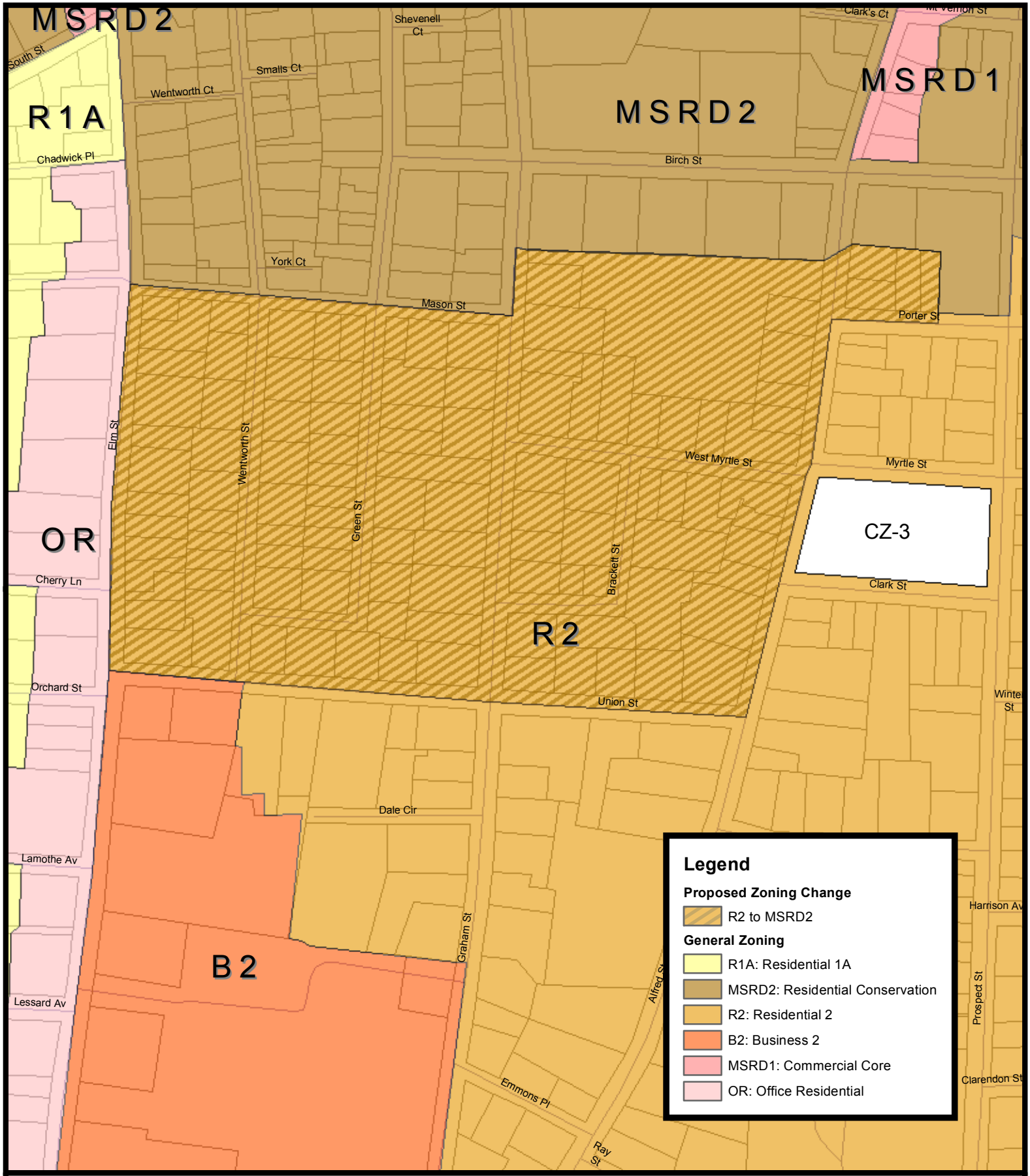
Residential uses:	**Article VI Section**	**R-2**	**MSRD-2**
Accessory dwelling units* 27	78	P	P
Accessory structure*	2	P3	P
Boarding, rooming house*	10	C	C
Bed-and-breakfast*	9	C	C
Cluster development*	18	C	C
Congregate housing*	19	C	C
Duplex/2-family	24	P	P
Home occupation*	38	C	C
Manufactured housing*	See Article VI, Section 45.		
Mobile home park*	See Article VI, Section 45.		
Multifamily dwelling*	47	P	P
Planned unit development*	73	C	C
Single-family dwelling 11	2	P	P
Commercial uses:	**Article VI Section**	**R-2**	**MSRD-2**
Adult business	3		
Amusement center*	5		
Art gallery			C
Art studio			P
Auto body shops			
Automobile graveyard, automobile recycling business, junkyard*	7		
Automobile repair, sales			
Boat building, repair, marine services, sales, boat livery, marina, yacht club			
Building materials retail sales			
Carwash*	14		
Commercial gardening, commercial greenhouse*	17		
Commercial recreation*	18		
Commercial school*	53		
Drugstore/medical supply			
Financial institution			
Firewood processing*	33		
Fisheries processing, storage*	34		
Funeral parlor			

Gasoline service station*	36		
Hotel/motel*	40		
Indoor theater			
Kennel, veterinary hospital*	42		
Medical marijuana dispensaries			
Medical marijuana growing facilities			
Neighborhood convenience store/service		P	C
Off-street loading and parking lot and facilities, commercial parking garage	49	C	C
Offices, business and professional*	52		C
Planned unit developments*	73		
Publishing, printing			
Restaurant*	56		
Retail store			
Sawmill*	33		
Services			
Shopping center			
Telecommunications facilities	71		
Wholesale business			
Industrial uses:	**Article VI Section**	**R-2**	**MSRD-2**
Air transportation related use			
Air transportation dependent use*			
Airport	4		
Bulk oil terminal*	41		
Contractor's storage yard			
Demolition disposal*	23		
Experimental research and testing laboratory	29		
Light manufacturing*	41		
Light trucking dependent industry*	41		
Manufacturing*	41		
Planned unit developments*	73		
Resource recovery facility			
Recycling facilities	76		
Redemption centers			
Storage of bulk gaseous fuels*	41		
Transportation facilities			
Trucking, distribution terminal*			
Warehousing and storage*	60		
Self-storage facilities*	60		C
Educational, institutional public uses:	**Article VI Section**	**R-2**	**MSRD-2**
Addiction treatment facility 22			

Church, synagogue*		C	C
Civic, convention centers			
Community centers, clubs		C	C
Day-care center, adult	22	C	C
Day-care home, adult	22	C	C
Day-care home, children's	22	C	C
Day-care center, children’s	22	C	C
Essential services	27	C	C
Fire, police station		C	
Group homes, hospice	19	P	P
Hospital*	39		P
Municipal use	47.1	C	P
Museum, library			P
Nursing home*	39	P	C
Public and private schools*	53	P	C
Public facility		C	P
Rehabilitation facility			C
University/college*			P
University uses*			P
Water supply system	27	C	C
Outdoor, resource-based uses:	**Article VI Section**	**R-2**	**MSRD-2**
Agriculture*	3, 31		
Agricultural products processing and storage*	3, 31		
Animal breeding or care	42		
Campground*	13		
Cemetery	14.1	C	
Extractive industry*	30		
Farm stands* 13	31		
Timber harvesting	64		
Golf course excluding miniature golf			
Parks and recreation*		P	P

TABLE B: DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum	
	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
R-2	4,500	N/A	N/A	N/A	45	N/A	N/A	25	15	5	5	3	35
MSRD-2	2,000	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35



Proposed Zoning Change - R2 to MSRD2

The City of Biddeford, Maine

Technologies Department - GIS Mapping

205 Main Street · P.O. Box 586 · Biddeford, Maine 04005-0586"

Tel. 207-571-0660 · Email gis@biddefordmaine.org"

This map was prepared by: BiddGIS

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1 inch = 250 feet

Document Path: S:\Projects\ApprovedZoning\20190129_Proposed_Zone_Change.mxd

City of Biddeford

2019.22 **IN BOARD OF CITY COUNCIL..MARCH 19, 2019**

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

Part III (Land Development Regulations), Article III (Official Zoning Map), be amended to change the existing R-2 District to a B-1 District as depicted on the attached map.

NOTE 1: The Planning Board held a duly noticed Public Hearing on this item (at the request of the City Council) and voted 3-2 to recommend this amendment be approved by the City Council.

CITY OF BIDDEFORD
PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
Greg.Tansley@Biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council

From: Greg Tansley, AICP, City Planner

Date: March 11, 2019

Re: Proposed Amendment to change the existing R-2 District to a B-1 District on Springs Island

---

At the request of the City Council, the Planning Board held a Public Hearing about the proposed above-mentioned amendment. I am providing this recommendation back to the City Council based on the outcome of the Public Hearing. The City Planner's Memorandum dated February 27, 2019 is provided in this packet which includes the proposed Map Amendment.

On March 6, 2019 the Planning Board held a duly noticed Public Hearing on the proposal. Following the Public Hearing the Planning Board voted 3-2 to recommend the proposed amendment be approved by the City Council.

STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments (such as that originally discussed here) in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan.

Cc: M. Eddy, Economic Development Director

Encl. City Planner's Memorandum to the Planning Board dated February 27, 2019.

CITY OF BIDDEFORD
PLANNING DEPARTMENT

2019.15

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: February 27, 2019

RE: NEW BUSINESS ITEM #C - 2019.15 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone the area depicted on the attached map from R-2 to B-1 (at the request of the City Council).

MEETING DATE: March 6, 2019 @ 6:00 PM

At the request of the City Council, the Planning Board have been asked to hold a Public Hearing and provide a recommendation back to the City Council about changing the existing R-2 Zoning on "Springs Island" (see enclosed map) to B-1. The request was precipitated by the new owners of 48 Elm Street (formerly Gadbout's Plumbing) who wish to expand the number of commercial uses on the property.

A summary of Table A (Land Uses) and Table B (Dimensional Requirements) is provided in this packet, along with a proposed MAP amendment considered by the City Council.

STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance Related to B-1 and R-2

TABLE A: TABLE OF LAND USES

*	Subject to Article VI,
{BLANK}	Not Permitted
P	Permitted
C	Conditional Use
A	Accessory Use

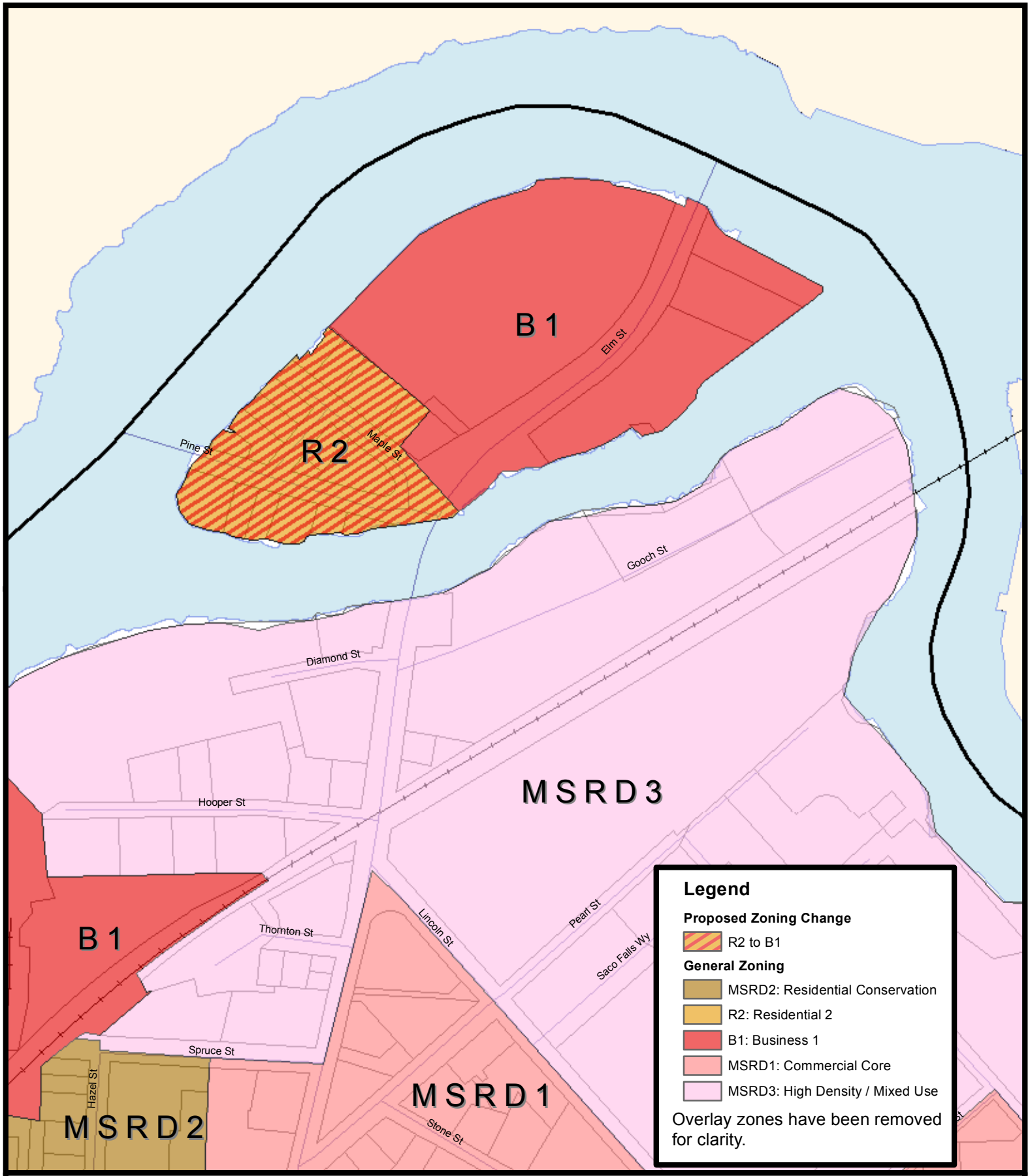
Residential uses:	**Article VI Section**	**R-2**	**B-1**
Accessory dwelling units* 27	78	P	
Accessory structure*	2	P3	P
Boarding, rooming house*	10	C	
Bed-and-breakfast*	9	C	
Cluster development*	18	C	
Congregate housing*	19	C	
Duplex/2-family	24	P	
Home occupation*	38	C	C
Manufactured housing*	See Article VI, Section 45.		
Mobile home park*	See Article VI, Section 45.		
Multifamily dwelling*	47	P	P
Planned unit development*	73	C	
Single-family dwelling 11	2	P	
Commercial uses:	**Article VI Section**	**R-2**	**B-1**
Adult business	3		
Amusement center*	5		C
Art gallery			
Art studio			
Auto body shops			
Automobile graveyard, automobile recycling business, junkyard*	7		
Automobile repair, sales			
Boat building, repair, marine services, sales, boat livery, marina, yacht club			P
Building materials retail sales			P
Carwash*	14		C
Commercial gardening, commercial	17		
Commercial recreation*	18		C
Commercial school*	53		P
Drugstore/medical supply			P
Financial institution			P
Firewood processing*	33		
Fisheries processing, storage*	34		
Funeral parlor			P
Gasoline service station*	36		P

Hotel/motel*	40		P
Indoor theater			P
Kennel, veterinary hospital*	42		
Medical marijuana dispensaries			
Medical marijuana growing facilities			
Neighborhood convenience store/service		P	P
Off-street loading and parking lot and facilities, commercial parking garage	49	C	P
Offices, business and professional*	52		P
Planned unit developments*	73		C
Publishing, printing			P
Restaurant*	56		P
Retail store			P
Sawmill*	33		
Services			P
Shopping center			C
Telecommunications facilities	71		
Wholesale business			
Industrial uses:	**Article VI Section**	**R-2**	**B-1**
Air transportation related use			
Air transportation dependent use*			
Airport	4		
Bulk oil terminal*	41		
Contractor's storage yard			
Demolition disposal*	23		
Experimental research and testing laboratory	29		
Light manufacturing*	41		
Light trucking dependent industry*	41		
Manufacturing*	41		
Planned unit developments*	73		
Resource recovery facility			
Recycling facilities	76		
Redemption centers			
Storage of bulk gaseous fuels*	41		
Transportation facilities			
Trucking, distribution terminal*			
Warehousing and storage*	60		
Self-storage facilities*	60		C16
Educational, institutional public uses:	**Article VI Section**	**R-2**	**B-1**
Addiction treatment facility 22			
Church, synagogue*		C	

Civic, convention centers			C
Community centers, clubs		C	C
Day-care center, adult	22	C	C
Day-care home, adult	22	C	
Day-care home, children's	22	C	
Day-care center, children’s	22	C	C
Essential services	27	C	C
Fire, police station		C	P
Group homes, hospice	19	P	P
Hospital*	39		
Municipal use	47.1	C	P
Museum, library			P
Nursing home*	39	P	
Public and private schools*	53	P	
Public facility		C	P
Rehabilitation facility			
University/college*			
University uses*			
Water supply system	27	C	C
Outdoor, resource-based uses:	**Article VI Section**	**R-2**	**B-1**
Agriculture*	3, 31		
Agricultural products processing and storage*	3, 31		
Animal breeding or care	42		
Campground*	13		
Cemetery	14.1	C	
Extractive industry*	30		
Farm stands* 13	31		
Timber harvesting	64		
Golf course excluding miniature golf			
Parks and recreation*		P	P

TABLE B: DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum	
	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
R-2	4,500	N/A	N/A	N/A	45	N/A	N/A	25	15	5	5	3	35
B-1 O	1,000	N/A	N/A	N/A	None	N/A	N/A	10	10	10	10	6	60



Proposed Zoning Change - R2 to B1

The City of Biddeford, Maine

Technologies Department - GIS Mapping

205 Main Street · P.O. Box 586 · Biddeford, Maine 04005-0586"

Tel. 207-571-0660 · Email gis@biddefordmaine.org"

This map was prepared by: BiddGIS

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1 inch = 250 feet

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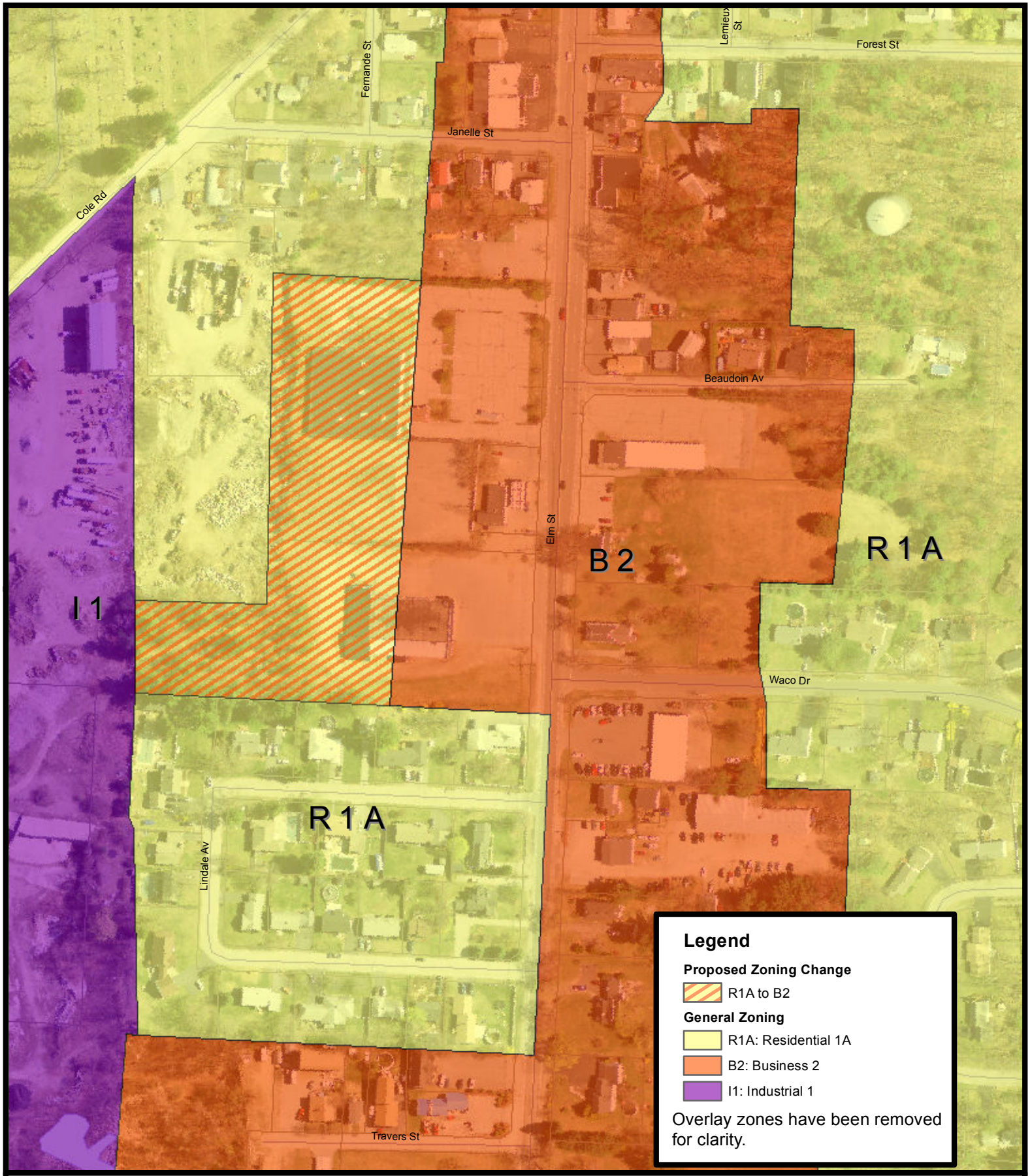
City of Biddeford

2019.23 **IN BOARD OF CITY COUNCIL..MARCH 19, 2019**

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

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone the area depicted on the attached map from R-1-A to B-2.



Proposed Zoning Change - R1A to B2

The City of Biddeford, Maine

Technologies Department - GIS Mapping

205 Main Street · P.O. Box 586 · Biddeford, Maine 04005-0586"

Tel. 207-571-0660 · Email gis@biddefordmaine.org"

This map was prepared by: BiddGIS

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1 inch = 200 feet

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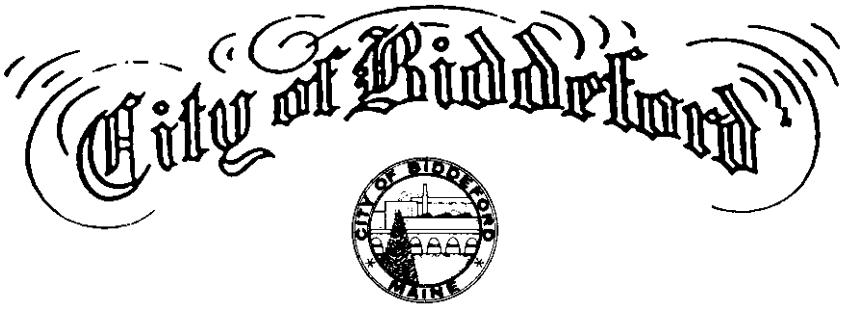

2019.24 **IN BOARD OF CITY COUNCIL…MARCH 19, 2019**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the proposal to establish a ***Biddeford Youth Advisory Council***.

Proposal: Biddeford Youth Advisory Council

Purpose:

The purpose of the Biddeford Youth Advisory Council (BYAC) will be to give Biddeford youth a voice in their local government.

Function:

While other towns and cities have youth councils that are focused only on learning about government, BYAC members will actually participate in the governmental process themselves. Members will identify, design and complete projects and/or research that are intended to help make Biddeford a better place. The Youth Council will be able to write resolutions for the City Council that are informed by the work they have completed.

Program Dates:

The program duration will coincide with the Fiscal Year, and each member will serve from July 1 – June 30.

Meetings will be held at least once per month in the Council Chambers on a regular date and at a regular as determined by the BYAC based on availability.

Eligibility:

The Youth Council will be open to Biddeford students in grades 9-12. All members must either live in Biddeford or attend school in Biddeford (i.e. homeschooled students, students who attend a private high school but live in Biddeford, or students who live outside of Biddeford but attend BHS are all welcome to participate).

Advisor:

The advisor to the program should be someone who likes working with youth. Preferably, a future Community Outreach/Communications staff member would fill this role, but the advisor should ultimately be selected based on their interest in the position rather than their title. An Executive Assistant or Management Analyst may also be an appropriate advisor.

The advisor will attend the BYAC's meetings and events, provide input, and act as a resource available to assist the BYAC but will not facilitate the meetings.

City Council Liaison:

One member of the City Council will be selected as a liaison between the Youth Council and the City Council. As with the advisor, this person should be selected based on their interest in the position. Similarly to the advisor, the Council Liaison will attend meetings and events and facilitate the relationship between the City Council and the Youth Council.

Application Process:

Students will apply to the program through the City of Biddeford website. Applications will be due by late May to allow time for application review and possible interviews before the program begins on July 1.

Applicants will need to provide personal contact information, parent or guardian authorization, and their extracurricular activities/leadership experience. Three "short answer" questions on the application ask the student to briefly describe why they are interested in joining the Youth Council, what they like most about Biddeford, and something in their community that they would like to see change. The application will also ask students to provide two references.

Interview Process:

Members of the Biddeford Youth Council will be selected for their positions rather than voted in by their peers. This may avoid the "popularity contest" of typical school elections and could allow for more diverse representation.

Candidates will be interviewed by the Biddeford Youth Council advisor and the Council liaison to the group. Once the group has been established, at least one current member of the group should also participate in the interview process.

Selection Process:

The size of the Youth Council will initially follow the Ward structure of the City Council; however, depending on the number of applications and resident distribution the BYAC may allow for all qualified candidates to be selected. Criteria that the interviewers may consider includes:

-Genuine interest: Does it seem like this student truly wants to make a difference in their community?

-Does the candidate have an interesting project idea that they could bring forward to the BYAC? Have they shown that they can identify meaningful ways to make change in their community?

-Diversity in representation: Does the candidate contribute a diverse perspective to the group? While unqualified candidates should not be selected based on these characteristics, an effort should be made to include students of different ages, genders, races, schools, socioeconomic status, neighborhoods, academic backgrounds, etc. to ensure that the Youth Council is truly representative of the city.

Orientation Process:

All Youth Councilors will go through an orientation. All members must attend, even if they had completed the orientation in a previous year.

During the orientation, Youth Councilors should have the opportunity to meet different department heads and get a sense of City priorities and basic government functions. The orientation should conclude with the Youth Council attending that evening's City Council meeting to observe how the meetings work and to be sworn in to their positions as Youth Councilors. A formal orientation program will need to be created.

Rules:

The Biddeford Youth Council will have a minimum of 9 members although a greater number may be established depending on interest and resident distribution. The number of members may fluctuate each year depending on the number of eligible applicants.

The Biddeford Youth Council will address issues that the City Council would typically be able to address. The Youth Council will not be used to circumvent student government or the School Committee. It is also not intended for youth to take a stance on national policy debates.

At a minimum, BYAC members will review and update BYAC rules annually to include such items as an acceptable level of contribution to the group (i.e. how many absences will be allowed before a member is asked to leave the group, how many events each member is expected to attend, etc).

The BYAC may select projects/issues independently based on the needs identified by the group as a whole. The City Council and City staff may suggest projects to the BYAC, but the BYAC will maintain the right to vote on whether they want to undertake those projects/issues.

Members of the BYAC will elect four leadership positions: Chair, Vice Chair, Secretary, and Treasurer [note - treasurer only if the Council appropriates a budget].

- Chair: Runs meetings; serves as primary spokesperson; develops the agenda for meetings; provides monthly update to City Council on what the BYAC is working on.
- Vice Chair: Assists Chair in running meetings; presides over meetings or records minutes if Chair or Secretary is absent
- Secretary: Records meeting minutes
- Treasurer: Keeps track of the group's budget

Promotion:

The City will partner with the Biddeford School Department to promote the Biddeford Youth Council through flyers, possible in-class visits, and other outreach. Superintendent Jeremy Ray has expressed his support for the proposal and will help facilitate promotion of the program.

2019.25 **IN BOARD OF CITY COUNCIL…MARCH 19, 2019**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Assessor to abate $4,420.34 for the fiscal year 2018 for property located at 6 Old Dogs Way.

AGENDA ITEM: Council Approval for Real Estate Abatement for Fiscal Year 2018

COUNCILOR RESOURCE: ?

STAFF RESOURCE: Nicholas Desjardins, City Assessor

BACKGROUND: The property located at 6 Old Dogs Way (map 2 Lot 23-1), Biddeford ME 04005

(1) Taxpayer applied for formal Abatement February 15, 2018 with the City Assessor with respect to the property for the 4/1/2017 assessment date
(2) On April 16, 2018 Taxpayer's abatement was deemed denied by the Assessor
(3) On June 14, 2018, the taxpayer timely filed an appeal of the City Assessor's denial with the City's Board of Assessment Review
(4) On August 6 2018, the taxpayer agreed in writing to extend the Board of Assessment Review's 60-day decision deadline pursuant to 36 M.R.S § 842
(5) The Board of Assessment Review conducted a hearing on the Taxpayer's appeal on September 10, 2018 and issued it's written decision on the appeal on September 24, 2018 granting the Taxpayer's appeal.
(6) The City appeals the Decision to the State Board of Property Tax Review pursuant to 36 § 843 (1-A), as this matter involves nonresidential property with an equalized municipal valuation greater than 1,000,000.
(7) The City is in disagreement with the Decision, and objects thereto, on the grounds that(a) the taxpayer failed to meet it's burden of proof to show unjust discrimination, i.e. the taxpayer failed to prove that the Assessors' methodology necessarily resulted in similarly situated properties being treated differently, as is required by Maine law.
(8) The City requests that a hearing be held upon this petition, that the Decision be vacated and the assessed value of the property remain at $4,029,100 for the 4/1/17 assessment date, and that it may be granted further relief as may be just and proper.
(9) On February 22, 2019 both parties in prior agreeance on a mediator, had a mediation session to come to a settlement agreement verbally on an assessed value of the property for 4/1/2017.
(10) On February 27, 2019 both Biddeford City Manager and City Assessor signed settlement agreement
(11) On February 28, 2019 Taxpayer signed settlement agreement

IN SUMMARY: The 4/1/2017 assessed value for fiscal year 2018 was $4,029,100. The taxpayer requested and abatement of $1,130,915 with the new requested assessed value of $2,898,185. The Board of Assessment review granted the abatement which resulted in $22,697.46 of taxes before interest. The City in disagreement appealed that decision therefore at the scheduled mediation session both parties agreed to decrease the 4/1/17 assessment from $4,029,100 to the new assessed value of $3,816,000, a decrease of $213,100, which results in an abated tax amount of $4,420.34 with interest.

EXHIBITS: Attached is the signed copies of the settlement agreement between both the City of Biddeford and Winchendon LLC (Taxpayer). Also attached is the State Statutes 36 M.R.S § 841(1) stating that the municipal officers need to approve abatements filed one year from commitment.

RECOMMENDATION: City Staff recommends approval

SUGGESTED MOTION: "Be is ordered that the City Council authorize the Assessor to abate $4,420.34 for the fiscal year 2018 for the property at 6 Old Dogs Way"

"I move to approve this order"

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made and entered into as of February 27th, 2019, by, between and among Winchendon, LLC (the "Taxpayer"), the City of Biddeford, Maine (the "City") and its Assessor (the "Assessor") (collectively, the "Parties").

Whereas, the Taxpayer timely filed abatement applications for the property located at 6 Old Dog's Way (Tax Map 2, Lot 23-1) (the "Subject Property") for the April 1, 2017 property tax year and the April 1, 2018 property tax year (collectively, the "2017 and 2018 Abatement Applications"); and

Whereas, the Taxpayer intended to file a similar abatement application for the April 1, 2019 property tax year (the "2019 Abatement Application"); and

Whereas, the 2017 Abatement Application was denied by the Assessor, and the April 1, 2018 Application is pending before the Assessor; and

Whereas, the Taxpayer timely appealed the Assessor's denial of the 2017 Abatement Application to the Biddeford Board of Assessment Review; and

Whereas, the Biddeford Board of Assessment Review granted the Taxpayer's appeal relating to the 2017 Abatement Application; and

Whereas, the City timely appealed the decision of the Biddeford Board of Assessment Review to the Maine State Board of Property Tax Review; and

Whereas, the appeal involving the 2017 Abatement Application is currently pending on appeal at the State Board of Property Tax Review, Docket No. 2018-019; and

Whereas, additional litigation of the 2017 and 2018 Abatement Applications and the 2019 Abatement Application would involve significant expense, time and risk on the part of the parties hereto, and a final decision thereon would not likely be rendered in the near future, thereby causing financial uncertainties for both the Taxpayer and the City; and

Whereas, in order to avoid the costs, risks and inconvenience of litigation, the Parties desire to settle and resolve the 2017, 2018 and 2019 Abatement Applications.

NOW, THEREFORE, the Parties agree as follows:

1. **Abatements.** In order to settle the appeals involving the 2017 and 2018 Abatement Applications and, in order to avoid similar disputes for the April 1, 2019 tax year, the Parties agree that the total assessed value of the Subject Property is as follows:

A. For the April 1, 2017 property tax year, the total combined assessed value of the Subject Property will be reduced to $3,816,000 ($1,909,800 (land) + $1,906,200 (building)), resulting in a refund of $4,420.34.

B. For the April 1, 2018 property tax year, the total combined assessed value of the Subject Property will be reduced to $3,816,000 ($1,909,800 (land) + $1,906,200 (building)), resulting in a tax credit of $13,057.16.

C. For the April 1, 2019 property tax year, the total combined assessed value of the Subject Property will be $3,816,000 ($1,909,800 (land) + $1,906,200 (building)).

The parties further agree that the amounts set forth in this Agreement are the result of a good faith effort to ascertain the fair market values of the Subject Property from April 1, 2017 through April 1, 2019.

2. 2017 Refund and 2018 Tax Credit. The City agrees to refund to the Taxpayer the amount described in Paragraph 1(A) within 14 days of the full execution of this Agreement. The City agrees to credit to the Taxpayer the amount described in Paragraph 1(B) within 14 days of the full execution of this Agreement.

3. Dismissal of Pending Appeal/Application. Within 14 days of full execution of this Agreement, the Parties will execute a Stipulation of Dismissal of the appeal that is currently pending at the State Board of Property Tax Review. Such dismissal shall be with prejudice and without costs or attorney's fees to any party and shall serve to vacate the September 21, 2018 decision of the Biddeford Board of Assessment Review on the 2017 Application. Within 14 days of full execution of this Agreement, the Taxpayer shall withdraw with prejudice its 2018 Abatement Application in writing.

4. 2019 Abatement Application. The Taxpayer agrees not to file a 2019 Abatement Application for the Subject Property.

5. No Admissions. This Agreement is intended solely to resolve and compromise the disputes over the April 1, 2017 through April 1, 2019 tax years. Nothing in this Agreement is intended to be or shall constitute an admission by any party for any purpose whatsoever and this Agreement shall not be used by any party or any other person as evidence in any other matter or proceeding, except that this Agreement may be used as evidence in any suit or proceeding to enforce the terms of this Agreement.

6. Miscellaneous Provisions.

Each of the Parties represents and warrants that it has full power and authority to enter into and execute this Agreement, and that all applicable laws ordinances, rules and procedures have been satisfied in the approval and execution of this Agreement.

This Agreement may not be changed, altered, modified or waived except by written amendment entered into by the Parties or their successors-in-interest.

This Agreement shall be binding on the Parties' successors and assigns.

The Parties acknowledge that this Agreement constitutes a full, final and complete settlement of their differences with regard to the subject matter hereof and supersedes any and all other written or oral communications or understandings between or among them related hereto. The Parties further acknowledge that this Agreement contains the sole and entire agreement between the Parties related to the subject matter of this Agreement.

This agreement shall be governed by the laws of the State of Maine, without regard to its choice of law principles.

This Agreement may be executed with counterpart original signature pages that together may constitute a complete written agreement.

This Agreement is executed by the undersigned, duly authorized representatives of the Parties.

WINCHENDON, LLC

Dated: FEBRUARY 28, 2019

By: _____
Printed Name: James Mabardy
Title: Member

CITY OF BIDDEFORD

Dated: _____, 2019

_____
James Bennett
Its City Manager

Dated: _____, 2019

_____
Nicholas Desjardins
Its Assessor

6. Miscellaneous Provisions.

Each of the Parties represents and warrants that it has full power and authority to enter into and execute this Agreement, and that all applicable laws ordinances, rules and procedures have been satisfied in the approval and execution of this Agreement.

This Agreement may not be changed, altered, modified or waived except by written amendment entered into by the Parties or their successors-in-interest.

This Agreement shall be binding on the Parties' successors and assigns.

The Parties acknowledge that this Agreement constitutes a full, final and complete settlement of their differences with regard to the subject matter hereof and supersedes any and all other written or oral communications or understandings between or among them related hereto. The Parties further acknowledge that this Agreement contains the sole and entire agreement between the Parties related to the subject matter of this Agreement.

This agreement shall be governed by the laws of the State of Maine, without regard to its choice of law principles.

This Agreement may be executed with counterpart original signature pages that together may constitute a complete written agreement.

This Agreement is executed by the undersigned, duly authorized representatives of the Parties.

WINCHENDON, LLC

Dated: _____, 2019

By: _____
Printed Name: James Mabardy
Title: Member

CITY OF BIDDEFORD

Dated: 2.27, 2019

_____
James Bennett
Its City Manager

Dated: 2-27, 2019

_____
Nicholas Desjardins
Its Assessor

§766. WARRANT FOR COMPLETION OF COLLECTION; FORM

The State Tax Assessor shall prescribe the form of the warrant to be used by the assessors or municipal officers for the completion of the collection of taxes under sections 763 to 765.

SUBCHAPTER 7
POWERS AND DUTIES OF SHERIFFS

§801. SHERIFF MAY COLLECT TAXES

If at the time of the completion of the assessment a tax collector has not been chosen or appointed, or if the tax collector neglects to collect a state or county tax, the sheriff of the county shall collect it, on receiving an assessment thereof, with a warrant under the hands of the municipal assessors, or in the case of primary assessing areas, the municipal officers, or the assessors appointed in accordance with section 705, as the case may be.

§802. PROCEEDINGS BY SHERIFF

The sheriff or his deputy, on receiving the assessment and warrant for collection provided for in section 801, shall forthwith post in some public place in the municipality assessed, an attested copy of such assessment and warrant, and shall make no distress for any of such taxes until after 30 days therefrom. Any person paying his tax to such sheriff within that time shall pay 5% over and above his tax for sheriff's fees, but those who do not pay within that time shall be distrained or arrested by such officer, as by tax collectors. The same fees shall be paid for travel and service of the sheriff, as in other cases of distress.

§803. SHERIFF'S DUTY IN RESPECT TO WARRANT; ALIAS WARRANT

On each execution or warrant of distress issued in accordance with sections 891 and 895, and delivered to a sheriff or his deputy, he shall make return of his doings to such treasurer, with such money, if any, that he has received by virtue thereof. If he neglects to comply with any direction of such warrant or execution, he shall pay the whole sum mentioned therein. When it is returned unsatisfied, or satisfied in part only, such treasurer may issue an alias for the sum remaining due on the return of the first; and so on, as often as occasion occurs.

An officer executing an alias warrant against a delinquent tax collector may arrest the tax collector and proceed as on execution for debt. Such delinquent tax collector shall have the same rights and privileges as a debtor arrested or committed on execution in favor of a private creditor.

SUBCHAPTER 8
ABATEMENT

§841. ABATEMENT PROCEDURES

1. Error or mistake. The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment if the taxpayer has complied with section 706-A.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment if the taxpayer has complied with section 706-A. The municipal officers may not grant an abatement to correct an error in the valuation of property.

2. Hardship or poverty. The municipal officers, or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of hardship or poverty, is in their judgment unable to contribute to the public charges. The municipal officers, or the State Tax Assessor for the unorganized territory, may extend the 3-year period within which they may make abatements under this subsection.

As used in this subsection, "primary residence" means the home, appurtenant structures necessary to support the home and acreage sufficient to satisfy the minimum lot size as required by the municipality's land use or building permit ordinance or regulations or, in the absence of any municipal minimum lot size requirement, as required by Title 12, section 4807-A.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of hardship or poverty be informed of the right to make application under this subsection;

B. Assist individuals in making application for abatement;

C. Make available application forms for requesting an abatement based on hardship or poverty and provide that those forms contain notice that a written decision will be made within 30 days of the date of application;

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours;

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session;

F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and

G. Provide that any decision made under this subsection include the specific reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal.

3. Inability to pay after 2 years. If after 2 years from the date of assessment a collector is satisfied that a tax upon real or personal property committed to him for collection cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the municipal officers thereof in writing, under oath, stating the reason why that tax cannot be collected. The municipal officers, after due inquiry, may abate that tax or any part thereof.

City of Biddeford

2019.26 IN BOARD OF CITY COUNCIL..MARCH 19, 2019

BE IT ORDERED, that the City of Biddeford has acquired the following properties by virtue of tax lien foreclosures:

1. 587 South Street, Map 1, Lot 19
2. 15 Andrew's Road, Map 2, Lot 5-4
3. West Street (Off Of), Map 3, Lot 40-5
4. 223 River Road, Map 6, Lot 14-2
5. 448 Alfred Street, Map 20, Lot 52
6. Main Street (Off Of), Map 40, Lot 74
7. 8 Pierson's Lane, Map 41, Lot 126

The City Council hereby directs that the City hold title to the above listed properties and directs the tax assessor to revise the property tax cards to list the City of Biddeford as record owner of the properties. The Council further directs that unpaid taxes, interest and any associated lien fees on the properties be written off. The property will now be listed as tax acquired property as an asset.

Foreclosed Properties

Date good through 3.05.2019

Bracy, Roland W Jr. &
Watts, Vicki L.

Map 1 Lot 19
587 South Street 25.650 Acres

Delinquent Tax Years 2012-2019
Prin. Due $5,966.18 Int. & Fee's Due $1,092.02 Total Due $7,058.20

C & R Properties INC

Map 2 Lot 5-004
15 Andrews Road 1.070 Acres

Delinquent Tax Years 2015-2019
Prin. Due $3,027.14 Int. & Fee's Due $328.83 Total Due $3,355.97

Doyon, Beverly B Personal Rep of
c/o Robert Doyon

Map 3 Lot 40-005
West St (off of) 8.020 Acres

Delinquent Tax Years 2014-2019
Prin. Due $1,464.36 Int. & Fee's Due $136.49 Total Due $1,600.85

Pierce,Joseph William & Eliza
c/o Nancy Pierce

Map 6 Lot 14-002
223 River Road .350 Acres

Delinquent Tax Years 2013-2019
Prin. Due $1,027.71 Int. & Fee's Due $116.99 Total Due $1,144.70

TSFP

Map 20 Lot 52
448 Alfred Street 2.000 Acres

Delinquent Tax Years 1993-2019
Prin. Due $32,888.02 Int. & Fee's Due $19,816.98 Total Due $52,705.00

Union Oil Co of Maine

Map 40 Lot 74
Main Street (of off) .700 Acres

Delinquent Tax Years 2012-2019
Prin. Due $7,891.12 Int. & Fee's Due $1,496.18 Total Due $9,387.30

Wood, William R

Map 41 Lot 126
8 Piersons Lane .121 Acres

Delinquent Tax Years 2011-2019
Prin. Due $19,870.88 Int. & Fee's $5,168.89 Total Due $25,039.77

City of Biddeford

IN BOARD OF CITY COUNCIL…MARCH 19, 2019

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

Ron Gobeil
11 Havey Avenue
Ward 4

to the *Project Canopy Committee,* for a term to expire in December 2023.

CITY OF BIDDEFORD

Application for
City Committees, Commissions and Boards

Date: 3/1/2019

Name: RON GOBEIL

Street Address: 11 HAVEY AVE
BIDDEFORD

Mailing Address:
(if different)

Phone Number(s): 207-283-3734

Email Address: rjgobeil@hotmail.com

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

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

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CITY OF BIDDEFORD
Committee Application

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

BIDDEFORD PROJECT CANOPY (2002 TO PRESENT)
BON APPETIT MEALS PROGRAM VOLUNTEER (1990's TO PRESENT)
AGE-FRIENDLY BIDDEFORD (2015 TO PRESENT)
BIDDEFORD ADOPT-A-PARK (2010 TO 2018)
BIDDEFORD CITY THEATER BOARD (2004 TO 2012)

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

I HAVE BEEN A VERY ACTIVE MEMBER OF PROJECT CANOPY FROM ITS START, OVER 15 YEARS AGO.
I HAVE MANY YEARS OF LANDSCAPING AND GARDENING EXPERIENCE.

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

AS CHAIRMAN OF PROJECT CANOPY I WOULD LIKE TO CONTINUE THE WORK OF A CITY WIDE TREE INVENTORY; TREE MAINTENANCE; EMERALD ASH BORER MITIGATION STRATEGY; STREET AND PARKS TREE PLANTINGS AND PROVIDING EDUCATIONAL WORKSHOPS FOR STUDENTS.

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