

City of Biddeford
City Council
March 05, 2019 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - 3.a. Recognition of Honorable Michael Cantara

Recognition

Honorable Michael Cantara

- 4. Presentation:**
 - 4.a. FY20 City Government Budget
- 5. Consideration of Minutes:**
 - 5.a. February 19, 2019 Council Meeting Minutes
[2-19-2019 Council Meeting Minutes.docx](#)
 - 5.b. February 25, 2019 Special Council Meeting Minutes
[2-25-2019 Special Council Meeting Minutes.docx](#)
- 6. Second Readings:**
 - 6.a. 2019.9) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Granite Street, Odd-Numbered Side
[2-19-2019 Ch 42, No Parking - Granite Street.doc](#)
 - 6.b. 2019.10) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations enumerated/Change Violation Fine
[2-11-2019 Ch 42-Beach permit violations - fee change.docx](#)
 - 6.c. 2019.11) Amendment/Ch. 58, Solid Waste/Grandfathered Facilities Recycling Program Standards
[2-19-2019 Ch 58-Grandfathered Facilities-Recycling Program.doc](#)
 - 6.d. 2019.12) 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](#)
 - 6.e. 2019.13) Amendment/Land Development Regulations/MSRD-2 Density for Residential Conversion & Condominium Projects
[2-19-2019 Zoning-MSRD-2 Density -ORDER.docx](#)
[2-19-2019 Zoning-MSRD 2 Density-MEMO.pdf](#)
 - 6.f. 2019.14) Amendment/Land Development Regulations/Elimination of Newspaper Notifications for Planning Board and Historic Preservation Commission
[2-19-2019 Newspaper Notifications -PB and Hist Pres Comm-ORDER.docx](#)
[2-19-2019 Newspaper Notifications-PB and Hist Pres Comm-MEMO.pdf](#)
 - 6.g. 2019.15) Amendment/Land Development Regulations/Expanded Prohibition of Street-level Residential Uses

- [2-19-2019 Zoning-Street Level Residential-ORDER.docx](#)
[2-19-2019 Zoning-Street Level Residential-MEMO.pdf](#)
- 6.h. 2019.16) Amendment/Land Development Regulations/Permitted Uses in B-1 Zone/Add "Art Studios" and "Art Galleries"
[2-19-2019 Zoning B-1 Zone-Art Studios and Galleries-ORDER.docx](#)
[2-19-2019 Zoning-B-1 Zone-Art Studios and Galleries-MEMO.pdf](#)
7. **Orders of the Day:**
- 7.a. 2019.19) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Correction on Cardinal Lane (Emergency Amendment)
[3-05-2019 No Parking - Cardinal Lane \(correction\).docx](#)
- 7.b. 2019.20) Approval/Allocation of Additional Funds for South Street Project
[3-05-2019 South Street Project-Additional Funds-ORDER.doc](#)
[3-05-2019 South Street Project-Additional Funds-MEMO.pdf](#)
8. **Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
9. **City Manager Report**
10. **Other Business**
11. **Council President Addressing the Council**
12. **Mayor Addressing the Council**
13. **Executive Session**
- 13.a. 1 MRSA 405(6)(C)...Real Estate Matter
14. **Adjourn**

**COUNCIL MEETING
FEBRUARY 19, 2019**

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

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

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

There were no adjustments to the agenda.

Consideration of Minutes: **February 5, 2019**

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

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of February 5, 2019}

2019.5) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-62-Identification and Use of Municipal Parking Lots/Change Timed Parking in Downtown (Yellow) Lot

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

Vote: 8/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Seaver and Lessard in favor. Motion carries.

2019.7) Approval/Extension of Moratorium on Downtown Parking Requirement Waivers

Motion by Councilor McCurry, seconded by Councilor Swanton to grant the second reading of the moratorium.

Vote: 7/2; Councilors Seaver and Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger and Ready in favor. Motion carries.

Orders of the Day:

2019.9 **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 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:

Granite Street, odd-numbered side, from the intersection with Hill Street, thence southeasterly to the intersection of Oak Street.

NOTE: Vehicles typically do not park in that part of Granite Street, but when someone parks there, there is insufficient width to allow two way traffic.

NOTE: The Policy Committee considered this item at their February 11, 2019 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2019.10

IN BOARD OF CITY COUNCIL..FEBRUARY 19, 2019

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

Sec. 42-66. Beach permit parking regulations enumerated.

(7) Violations of the provisions of this section shall be punished by a fine of ~~\$50~~ \$35 for each separate offense. Use of an invalid sticker and illegal parking are separate offenses. Vehicles illegally parked ~~will~~ may be towed at the owner's expense.

NOTE: The Downtown Committee considered this item at their January 10, 2019 meeting and voted to refer the matter to the Policy Committee for review, and with the Committee's recommendation for approval.

The Policy Committee considered this item at their February 11, 2019 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: 8/1; Councilor St. Cyr opposed.

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

Motion carries.

2019.11 **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 I, IN GENERAL and Article II, COLLECTION**, is amended by adding and ~~deleting~~ to read as follows:

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the clearly indicates a different meaning:

ACCEPTABLE MUNICIPAL SOLID WASTE

All waste as identified by the Public Works Director annually in accordance with existing disposal agreements, disposal facility acceptance requirements and permit authorizations.

ACCEPTABLE RECYCLABLE MATERIALS

All acceptable recyclables as identified by the Public Works Director annually In accordance with existing recycling agreements, recycling facility acceptance requirements and permit authorizations.

ASHES

That residue from the burning of wood, coal, coke or other combustible materials.

CITY

The City of Biddeford, Maine.

CITY TRANSFER STATION

A City-owned building or container or designated area in which acceptable waste is disposed of transshipment to another facility for disposal or material recovery.

COMMERCIAL GARBAGE, RUBBISH, OR WASTE

Any solid waste originating and/or generated within the boundaries of the City by any business, firm or person identified as paying personal property through the City Assessor's records or required to obtain a business license under the City's definitions of licensed activities, excepting licenses for waste hauling only. For the purpose of this chapter, this includes public organizations and facilities except for parish houses, parsonages and churches; parish halls; mobile home parks; and condominiums and multi-family dwellings of six units or more. This definition excludes "grandfathered facilities." This definition excludes home occupations as defined and described in Article VI, Section 38, of the Biddeford Zoning Ordinance, being clearly secondary and incidental to the primary residential use.

DESIGNATED MUNICIPAL SOLID WASTE CONTAINER

A container provided by the City for the sole purpose of storing acceptable municipal waste prior to curbside collection. Bags designated for overflow are also considered designated municipal solid waste containers.

DESIGNATED RECYCLING CONTAINER

A portable container provided by the City for the sole purpose of storage of acceptable recyclables prior to curbside collection.

DISPOSAL

The discharge, deposit, injection, dumping, leaking, spilling or placing of any solid waste into or on any land or water.

DISPOSAL FACILITY

The facility or facilities controlled or designated by the City for the storage and/or disposal of wastes.

ENERGY RECOVERY FACILITY

A facility which processes and recovers energy from acceptable waste generated within the City.

GRANDFATHERED FACILITY

Any property that would otherwise generate commercial recyclables, garbage, rubbish, or waste and both 1) currently receives curbside collection services from the City and currently receives curbside recycling collection services; and 2) the owner of the property has not changed, as of July 1, 2002. The following condominium locations also shall be grandfathered facilities: 1) 318 Alfred Street; 2) 100 Hills Beach Road; 3) 9 Lester B. Orcutt Boulevard; 4) 55 West Street; and 5) 91-93 Western Avenue.

HAZARDOUS WASTE

The waste substance or material, in any physical state, designated as hazardous by federal, state or local laws; waste material that exhibits characteristics of hazardous waste, as defined in RCRA (ignitability, corrosivity, reactivity, or toxicity), is listed specifically in RCRA 261.3 Subpart D, is a mixture of either, or is designated locally or by the state as hazardous or undesirable for handling as part of the municipal solid waste and would have to be treated as regulated hazardous waste if not from a household.

HOUSEHOLD

Each residential unit regardless of whether the residential unit is owned by an individual or business entity.

HOUSEHOLD GARBAGE AND RUBBISH

Any acceptable waste originating and/or generated within the boundaries of the City, at the site of generation by a homeowner or occupant. For the purpose of this chapter, this does not include commercial garbage, rubbish, or waste except that waste generated from a grandfathered facility.

OVERFLOW

That volume of acceptable municipal solid waste in excess of the volume of the designated municipal solid waste container.

PERFORMANCE-BASED DEMONSTRATION OF COMPLIANCE

Placing uncontaminated recycling containers at the curb for pick-up shall serve as prima facie evidence that the facility has compliance with its performance based recycling plan. This determination may be made each time a container is placed for collection.

PERFORMANCE-BASED RECYCLING PLAN

A recycling management plan for each facility shall contain a minimum of five (5) elements, to include: (1) a written plan, (2) the facility owner's contact information, (3) a single-point of contact for recycling matters, (4) the facility address and (5) a plan that includes a method or procedure to ensure only acceptable recycling materials are placed in the recycling container for curbside collection.

PRIVATE TRANSFER STATION

A privately owned building or container or designated area in which waste is temporarily deposited and stored for transshipment to a disposal facility.

PRIVATE WAY

Any street, lane, road or other roadway not considered a public way.

PUBLIC WAY

Any street, lane, road, or other roadway accepted by the City Council as a public way.

RESOURCE RECOVERY

The recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

SELF-HAULER

Any person involved in the collection and transportation of self-generated recyclable material or solid waste.

SOLID WASTE

Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, by way of example and not by limitation, rubbish, garbage, scrap

materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural or hazardous wastes.

UNACCEPTABLE WASTE

All solid waste of the type municipalities are required to regulate by 38 M.R.S.A. § 1305, as amended, which specifically excludes industrial and sewage treatment plant sludge, and not included in the definition of “acceptable waste.”

WASTE HAULER

Any person, firm or corporation which collects residential, institutional, commercial and/or industrial waste for a fee and transports it to a central collection or disposal facility and any person, business or institution which transports its own waste to the designated disposal facility.

WHITE GOODS

Major appliances, such as refrigerators, stoves, freezers, washing machines and dryers, generally having a bulk in excess of 10 cubic feet or a single dimension exceeding five feet.

Sec. 58-2. Legislative authority.

This chapter is enacted pursuant to the authority granted in 30-A M.R.S.A. §§ 2001, 2002 and 3001 and 38 M.R.S.A. § 1304.B.

Sec. 58-3. Purpose.

- (a) The City has a statutory obligation to provide waste disposal services for domestic and commercial waste generated within the City and is authorized to provide such a facility for industrial waste and sewage treatment plant sludge, pursuant to 38 M.R.S.A. § 1305(1). Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal.
- (b) The City must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders.
- (c) The City shall establish a system of regular collection, subject to the requirements of this chapter, for all household garbage and rubbish and recyclables, all as defined herein. The City will not collect commercial garbage and rubbish, and such commercial garbage and rubbish shall be removed from the premises and disposed of at the expense of the owner or occupant of such premises. The City shall not collect otherwise eligible waste from residences located on private ways unless it is brought to the intersection of the private way and a public way and otherwise complies with all other requirements of this article. The Director of Public Works is expressly granted the authority to issue rules or regulations governing the collection of containers on private ways, streets that are too narrow to allow for routine collection, and for dead-end streets where it is impractical for the collection trucks to service the containers.

Sec. 58-4. Regulated activity.

The accumulation, collection, transportation and disposal of the following materials generated within the City shall be regulated in the following manner:

- (1) All acceptable solid waste generated within the City from eligible residential customers and grandfathered **condominiums facilities** shall be placed in a designated solid waste container and collected by the City at curbside on a weekly basis.
- (2) All acceptable recyclable materials from eligible residential customers, and grandfathered facilities if applicable, shall be placed in a designated recycling container and collected by a City authorized commercial hauler at curbside on a weekly basis.
- (3) All recyclable materials designated as acceptable delivery to the Biddeford Recycling Center may be delivered to the facility by any entity.
- (4) All unacceptable waste generated within the City shall be deposited in a manner prescribed elsewhere in this chapter and or as specified by the Director of Public Works.
- (5) All commercial waste shall be regulated in accordance with the most recent version of the International Property Management Code adopted by the City of Biddeford.

Sec. 58-5. Property rights.

- (a) All solid waste collected by City vehicles or deposited at the City transfer station or other designated area shall become the property of the City or its assignee. No one may salvage, remove or carry off any such waste without prior approval of the Director of Public Works in accordance with a policy approved by the Biddeford City Council.
- (b) All recyclable materials collected by a City-authorized commercial hauler shall become the property of the City-authorized commercial hauler unless otherwise specified in a written contract.

Sec. 58-6. Administration.

This chapter shall be administered as described below:

- (1) City Council: Adopt reasonable rules and regulations as needed to enforce this chapter and institute any necessary proceedings, either legal or equitable, to enforce this article.
- (2) City Clerk: To consider all license applications and to grant or deny each application within 10 days after receipt of a completed application at the City offices or a later time as deemed reasonable by the City Clerk and the applicant.
- (3) Codes Office:
 - a. To review any alleged violation of this chapter, and to impose appropriate penalties.
 - b. To institute necessary proceedings, either legal or equitable, to enforce this chapter.
 - c. To review all applications in consultation with the City Clerk.
- (4) Director of Public Works:
 - a. The collection, transportation and disposal of all waste generated within the municipality shall be under the supervision and direction of the Director of Public Works.
 - b. The Director of Public Works shall establish a collection schedule that will allow the collection of acceptable municipal solid waste and acceptable recyclable materials on a regular basis and may make periodic changes to the schedule as may be needed to facilitate the program in an efficient and effective manner.
 - c. The Director of Public Works shall determine the manner in which unacceptable waste shall be managed and deposited.
 - d. The Director of Public Works or designee shall ensure that a reasonable attempt is made to provide appropriate notice to affected parties upon adoption of material changes to this Chapter.
- (5) Solid Waste Management Commission.
 - a. To review the City's waste collection and management policies and propose revisions as may be needed to the City's comprehensive solid waste management plan, and reduce costs to the taxpayers of the City.
 - b. Evaluate, propose, and conduct education and outreach to facilitate the program in an efficient and effective manner.

Sec. 58-7. Regulated activities and administration.

The accumulation, collection, transportation and disposal of solid waste, both acceptable and unacceptable, generated within the City of Biddeford shall be regulated in the following manner:

- (1) Such City collection will be limited to properties whose primary use is residential in nature.
- (2) The operating hours and general administration of the City transfer station shall be set by the City Council, except holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.
- (3) When a holiday falls upon the day of collection, or severe weather necessitates cancellation of collection services, recycling services for the residents on that day's route will be collected on the following Saturday. Collection of waste shall be on the next day following the cancellation.
- (4) In the event of two or more collection service cancellations in one week, the Public Works Director shall publish an emergency collection schedule, which may include, but may not be

limited to, no collection for one or more routes with collection occurring on the next week's regular schedule. The requirement that all acceptable municipal solid waste fit in the designated municipal solid waste container shall be waived during emergency collection events.

(5) All grandfathered facilities shall submit a written Performance-Based Recycling Plan to the Director of Public Works as identified by the following schedule:

- a. Grandfathered facilities shall submit a written Performance-Based Recycling Plan within 30-days of the effective date of this ordinance.
- b. A written Performance-Based Recycling Plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand-delivery.
- c. The Code Enforcement Office shall identify any deficiencies in writing along with a due date for a response/corrective action and may request a plan modification upon failure to provide a Performance-Based Demonstration of Compliance.

Sec. 58-8. Variances.

- (a) Evaluation of private ways for municipal waste collection and curbside collection of acceptable recyclables shall be reviewed through the variance process. The Director of Public Works may, on written application, grant a variance from a specific provision of this chapter in specific cases, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this chapter. Such variance, if granted, shall remain valid until such time as the condition or conditions warranting the variance are no longer valid. As an example and for the avoidance of doubt, the sale of property or the assignment of a new tenant shall terminate the variance, at which time the new property owner or tenant may apply for a variance.
- (b) A grandfathered facility, excluding grandfathered condominium facilities shall no longer be eligible to receive municipal curbside collection services following the date upon which ownership of the property changes or the property becomes otherwise ineligible for services.

Sec. 58-9. Penalties.

Penalties associated with enforcement shall be waived for a period of three months following the effective dates of this chapter to allow for education and awareness.

- (1) ~~Criminal penalties.~~ Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of 30-A M.R.S.A. §4452 City of Biddeford Ordinance, Sec. 1-12-General penalty for violation of Code; continuing violations.
- (2) In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.
- (3) Any Grandfathered Facility that generates two(2) documented violations of Sec. 58-32-Mandatory Separation, within any 12-month period, shall result in the loss of city curbside trash collection and recycling services.

Sec. 58-10. Enforcement.

This chapter shall be enforced by the Public Works Department, authorized commercial hauler, and Code Enforcement Office as further described below.

- (1) Sunset provision. Penalties associated with enforcement shall be waived for a period of three months following the date of this chapter to allow for education and awareness except as identified in Sec. 58-7(5).
- (2) Upon observation of failure to place only acceptable municipal solid waste in the designated solid waste container or to place only acceptable recyclable materials in the designated recycling container, the receptacle will not be collected and a warning notice shall be placed on the appropriate designated container by the Public Works Department or City-authorized commercial hauler.
 - a. The address, date, and nature of the nonconformance shall be forwarded the Director of Public Works and the Code Enforcement Officer.
 - b. The Director of Public Works and Code Enforcement Officer shall document and review each nonconformance and determine the appropriate enforcement action.

1. Nonconformance notices corrected prior to the next scheduled collection date shall be closed with no further action except as otherwise identified in Sec. 58-9
2. Failure to correct a nonconformance notice prior to the next scheduled collection date or two or more consecutive nonconformance events in any 12-month period shall warrant direct contact with the property owner and responsible party to document education and outreach, except as otherwise identified in Sec 58-9.
3. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9.

3—4. Enforcement for the Performance-Based Recycling Plan requirement and Performance-Based Demonstration of Compliances shall commence relative to the applicable timelines specified in Sec. 58-7.

(3) Upon determination by the Code Enforcement Officer that a violation of this chapter exists or has occurred, the Code Enforcement Officer shall give written notice of the violation to the violator, which notice shall specify the section violated, the nature of the violation, and a reasonable time period to cure the violation.

(4) If a waste hauler is found be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.

Sec. 58-11. Effect on other laws; severability.

The provisions of this chapter shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary thereto or in conflict therewith. If provisions of this chapter, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this chapter and the application thereof shall not be affected thereby.

ARTICLE II. COLLECTION

Sec. 58-31. Effective date.

This chapter shall become July 1, 2013, provided the City provides notice of commencement in the manner required for publication of ordinances.

Sec. 58-32. Mandatory separation.

(1) Each household eligible for and receiving City curbside collection services for acceptable municipal solid waste or acceptable recyclable materials shall separate acceptable recyclable materials, acceptable municipal solid waste, and unacceptable waste.

(2) Separated materials shall be managed as identified in this chapter.

(3) All Grandfathered Facilities shall have and maintain on-site a written Performance-Based Recycling Plan.

Sec. 58-33. (Reserved)

Sec. 58-34. Exempted activities.

(a) Residents shall be exempt from the separation requirements identified in Section 58-32 and the overflow requirements identified in Section 58-35(a)(1) for the collection period coinciding with Thanksgiving and Christmas as specifically designated by the Director of Public Works.

(b) Nothing in this chapter shall prevent a residential user from retaining materials from his or her acceptable municipal solid waste or acceptable recyclable materials the purpose of sale or profit.

(c) Nothing in the chapter shall prohibit a residential user from hiring a fee-for-service provider for the collection of acceptable municipal solid waste or acceptable recyclable materials. In the event of such an arrangement, the residential user shall not be eligible to receive a designated municipal solid waste container or a designated recycling container. Such containers shall be returned to the Public Works Department if previously issued.

Sec. 58-35. Portable receptacles.

(a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste,

and one container, approximately 65 gallons, shall be acceptable recyclable materials; except that grandfathered facilities, except that grandfathered condominium facilities shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.

(1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

- a. Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container. If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.
- b. The City Council shall establish the overflow bag price, which may be adjusted.
- c. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and the price of each bag as established by the City Council. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.
- d. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section 58-7(4).

(2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.

(b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.

(c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

Sec. 58-36. through Sec. 58-39. (Reserved)

Sec. 58-40. Container repair and replacement; stolen containers.

- (a) Property owners shall be responsible for the proper use and security of their assigned containers. Each container is fitted with a radio frequency identification (RFID) tag to assist with assignment and identification.
- (b) If a designated container is damaged as a result of the City's collection service or authorized commercial hauler actions, normal wear and tear, or due to a manufacturers defect, the City shall repair or replace the container, otherwise, the resident must pay for the cost of necessary repairs or replacement.
- (c) The Director of Public Works shall post the replacement cost of each type of container on the City's website and update the posting annually.
- (d) If a container is stolen, the responsible party must report the theft to the Biddeford Police Department and the Public Works Department and fill out any required reports. Any person who removes a designated container from a residence may be prosecuted for theft of City property and may have his or her collection privileges suspended.

Sec. 58-41. Container placement and removal.

- (a) All designated municipal solid waste containers and designated recycling containers must be placed at the outer edge of the sidewalk or the edge of the roadway shoulder for removal on the day of collection, providing a minimum of one foot of spacing between containers. Under

no conditions shall the containers be placed at the outer edge of the sidewalk or edge of the roadway for removal prior to 4:00 p.m. on the day before the day of collection.

- (b) All containers must be removed from the outer edge of the sidewalk or edge of the roadway shoulder by 8:00 p.m. on the day of collection.

NOTE: The Policy Committee considered this item at their February 11, 2019 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: 8/1; Councilor Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

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.)
- 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. ~~Household items/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.

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).

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.

2019.13 **IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones), Table B (Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A			
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer
MSRD-2	2,000 <u>B</u>	N/A	N/A	N/A

- B. ~~(Reserved)~~In order to promote higher quality housing facilities, condominium forms of housing, and affordable housing in the MSRD-2 Zoning District the minimum 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 (1) residential unit for every six hundred and fifty (650) square feet of living space within an existing structure, provided the applicant present redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two (2) or more bedrooms being at least, if not more than, the number of units with two (2) 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 contractual agreement with the City of Biddeford obligating them to

complete the project in accordance with Maine Housing Quality standards and that those units are certified as such prior to granting an occupancy permit. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.

2. Condominium conversions/development:

- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1. above.
- b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.
- c. The applicant agrees that if the project is converted to condominiums said units shall not be sold for a price that exceeds 125% of the York county median home price affordable to median income households as set annually by HUD for the City of Biddeford.

Motion by Councilor Swanton, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 7/2; Councilors Lessard and Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.

2019.14 IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones),
Section 11 (Institutional Master Plan), G (Submission and review procedures):**

5. A copy of any approved institutional master plan or an amendment to a master plan shall be filed with the City Clerk ~~and notice of the approval shall be advertised in a newspaper of general circulation in the City.~~

**Part III (Land Development Regulations), Article VI (Performance Standards),
Section 71 (Telecommunications facilities), D (Review process and hearing requirements):**

2. The Planning Board shall schedule a public hearing within 30 days of determining that it has a complete application. Notification of the hearing shall be provided as follows:
 - a. In writing, at least 10 days prior to the hearing, to all owners of property that directly abut or are located within 1,000 feet (typically 250 feet) of any property line of the property for which the conditional use permit is requested. (Notice to the owners within the first 500 feet shall be by certified mail, the remaining notice shall be by first class mail.) Notice shall also be given to any town located within 1,000 feet of the proposed telecommunications facility. The applicant shall provide this notification and shall present proof of such notification to the City Planner. The notification shall include: the name of the applicant, location of the property, a brief description of the project, and a plot plan identifying the proposed site layout in relation to nearby streets and properties.
 - b. By the City posting notice of such hearing in City Hall a minimum of 10 days in advance of the hearing.

- c. ~~By the City advertising in a newspaper of general circulation notice of the hearing a minimum of 10 days in advance of the hearing.~~

Part III (Land Development Regulations), Article IX (Board of Appeals), Section 5 (Appeals to the Board of Appeals), B (Procedure on appeal):

1. At least 10 days prior to the date of the hearing the Board shall cause written notice be provided to (a) all property owners of record whose properties lie within 200 feet of the affected property, and/or immediate abutters and property owners across the street or stream; (b) the person making the appeal; and (c) the Planning Board and any other parties of record. Such written notice shall include:

- (a) The name of the person appealing;
- (b) A brief description of the property involved.;
- (c) A brief description of the decision under appeal, or the nature of the variance appeal; and
- (d) The time and place of the Board's hearing.

The failure of a property owner to receive notice of the hearing shall not invalidate the hearing or the decision of the Board of Appeals.

- ~~1. At least 15 days prior to the date of the hearing on such appeal, the Board shall cause to be published in one issue in a newspaper of general circulation in the City a notice which includes:~~

- ~~(a) The name of the person appealing.~~
- ~~(b) A brief description of the property involved.~~
- ~~(c) A brief description of the decision under appeal, or the nature of the variance appeal.~~
- ~~(d) The time and place of the Board's hearing.~~

- ~~2. At least 10 days prior to the date set for hearing, the Board shall also cause the City Clerk to give similar written notice to:~~

- ~~(a) All property owners of record whose properties lie within 200 feet of the affected property, and/or immediate abutters and property owners across the street or stream;~~
- ~~(b) The person making the appeal; and~~
- ~~(c) The Planning Board and any other parties of record.~~

~~The failure of a property owner to receive notice of the hearing shall not invalidate the hearing or the decision of the Board of Appeals.~~

Part III (Land Development Regulations), Article X (Planning Board), Section (Planning Board), H (Meetings):

1. The Board shall conduct monthly meetings, or at least regular meetings during a calendar year. Meetings shall convene on the first Wednesday of each month, unless prior arrangement and public (as described elsewhere in the Code) announcement has been made by the Board. ~~An annual schedule of regular meetings shall be published in the local newspaper of general circulation prior to the first meeting in January. Copies of this schedule shall be kept on file in the offices of the City Clerk, Building Inspector, and the City Planner. The City Planner shall provide copies to the general public upon request.~~
2. Upon motion by the Board the Chairman may call for special meetings and workshops as needed.
3. All meetings of the Board shall be open to the public ~~and shall be announced in a newspaper of general circulation within the community at least seven days prior to the scheduled meeting.~~ Materials and records of the meetings shall be maintained and available for public inspection.

Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance), Section 6 (Historic Preservation Commission membership; meetings), F (Meetings):

- 3. All meetings of the Commission shall be open to the public. All meeting agendas shall be posted at the same location in City Hall as Planning Board agendas no less than seven days prior to the hearing. ~~Other than where hearings are to be conducted (see Section 10), ordinary meetings of the Commission need not be posted in a newspaper.~~ Materials and records of the meetings shall be maintained and available for public inspection in the Planning Department.

Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance), Section 10 (Hearings and action on applications for certificates of appropriateness), B (Notice requirements):

- ~~3 All meetings within which a hearing is to be held shall be announced in a newspaper of general circulation within the community at least seven days prior to the scheduled meeting.~~

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.
 Vote: 6/3; Councilors Lessard, Ready and Swanton opposed.
 Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger and Seaver in favor.
 Motion carries.

2019.15 **IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones), Table A (Table of Land Uses):

NOTES:

- 7. Drive-through establishments (except as provided in Note 8) and street level residential uses are prohibited in the MSRD-1 Commercial Core District in the following areas:
 - (a) Along both sides of Main Street between the intersection of Elm Street (Route 1) and Main Street through to the Saco City Line north of Water Street;
 - (b) On both sides of Adams Street from Main Street to Jefferson Street;
 - (c) On the north side of Jefferson Street from Main Street to Alfred Street;
 - (d) On both sides of Washington Street from Main Street to Jefferson Street;
 - (e) On both sides of Federal Street between Washington Street and Franklin Street;
 - (f) On both sides of Franklin Street; and
 - (g) On both sides of Alfred Street from Jefferson Street/Pool Street to Main Street.

Motion by Councilor Swanton, seconded by Councilor Ready to grant the first reading of the ordinance amendment.
 Vote: 8/1; Councilor St. Cyr opposed.
 Councilors Swanton, McCurry, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

2019.16 **IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones), Table A (Table of Land Uses):

		Article VI Section ¹	B-1
--	--	------------------------------------	-----

Commercial uses			
Art gallery			<u>P</u>
Art studio			<u>P</u>

Motion by Councilor Seaver, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.
Vote: 8/1; Councilor Quattrone opposed.
Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

2019.17 **IN BOARD OF CITY COUNCIL..FEBRUARY 19, 2019**
BE IT ORDERED that the City Council does hereby direct 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-2 to B-1.

Motion by Councilor Swanton, seconded by Councilor Clearwater to grant the order.
Vote: 7/2; Councilors Lessard and Quattrone opposed.
Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries.

2019.18 **IN BOARD OF CITY COUNCIL...FEBRUARY 19, 2019**
BE IT ORDERED, that the City Manager be authorized to sign the document titled “Donation and Release of Agency Obligation,” attached hereto, which will convey by donation to the State of Maine Department of Transportation (MDOT) title to a portion of the City-owned Mechanics Park parcel for the purpose of relocating/reconstruction of the Main and Water Street intersection per the requirements to receive federal highway dollars to construct the project.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the order.
Vote: Unanimous.

Appointments:
IN BOARD OF CITY COUNCIL...FEBRUARY 19, 2019
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

Tom Bryand
456 Pool Street
Ward 1

to the *Airport Commission*, for a term to expire in December 2021.

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

IN BOARD OF CITY COUNCIL...FEBRUARY 19, 2019
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Carmen Morris
2 Main Street, #35-205
Ward 5

to the *Airport Commission*, for a term to expire in December 2021.

Motion by Councilor Seaver, seconded by Councilor Clearwater to confirm the appointment.
Vote: Unanimous.

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

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

**Alexa Plotkin
136 Alfred Street
Ward 5**

to the *Planning Board*, as an Associate Member, for a term to expire in December 2021.

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

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
A few citizens addressed their concerns to the Council.

City Manager Report:
City Manager, James Bennett had no report.

Other Business:

Councilor Belanger: stated that the Policy Committee will be considering an item to ban the use of plastic carry-out bags at their March 11th meeting. He encouraged public input.

Councilor Ready: highlighted the fact that there was a newspaper article recently explaining the inequities of State funding to communities for education. One key comparison is between Biddeford and Sanford, who have a comparable school population, yet Sanford receives a substantial amount more in State funding.

He also brought up his concern, and concerns of his constituents with Spectrum and their fees. He would like to see the City weigh in on this issue and possibly offer an explanation on what's going on with the fees.

Council President Addressing the Council: congratulated the Biddeford High School Cheerleaders for winning the State Championship.

Executive Session: 1 MRSA 405(6)(C)...Real Estate Matter

Motion by Councilor McCurry, seconded by Councilor Clearwater to move into Executive Session.

Vote: Unanimous. Time: 7:13 p.m.

Motion by Councilor McCurry, seconded by Councilor Seaver to move out of Executive Session.

Vote: Unanimous. Time: 10:09 p.m.

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

Vote: Unanimous. Time: 10:09 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

**SPECIAL COUNCIL MEETING
FEBRUARY 25, 2019**

Mayor Casavant called the meeting to order at 8:19 p.m.

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

Amy Clearwater was excused.

Executive Session: **1 MRSA 405(6)(C)...Real Estate Matter**

Motion by Councilor McCurry, seconded by Councilor Seaver to move into Executive Session.

Vote: Unanimous. Time: 8:20 p.m.

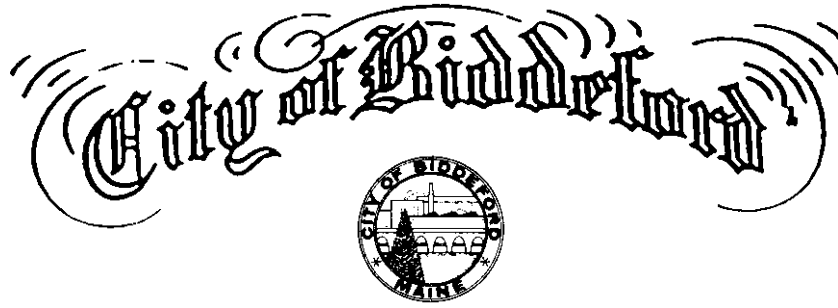
Motion by Councilor McCurry, seconded by Councilor Seaver to move out of Executive Session.

Vote: Unanimous. Time: 8:53 p.m.

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

Vote: Unanimous. Time: 8:53 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2019.9 **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 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:

Granite Street, odd-numbered side, from the intersection with Hill Street, thence southeasterly to the intersection of Oak Street.

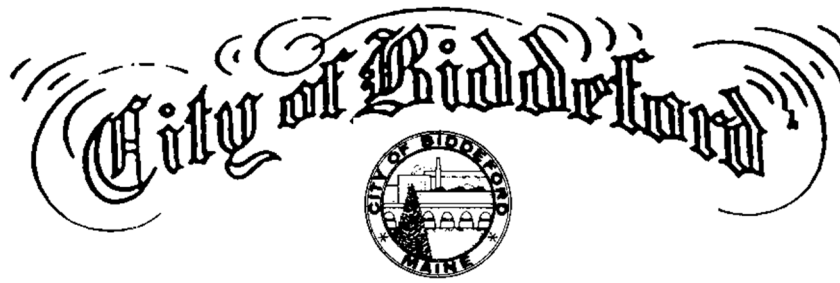
NOTE: Vehicles typically do not park in that part of Granite Street, but when someone parks there, there is insufficient width to allow two way traffic.

NOTE: The Policy Committee considered this item at their February 11, 2019 meeting and voted unanimously to recommend passage by the City Council.

February 19, 2019

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

Vote: Unanimous.



2019.10

IN BOARD OF CITY COUNCIL..FEBRUARY 19, 2019

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

Sec. 42-66. Beach permit parking regulations enumerated.

(7) Violations of the provisions of this section shall be punished by a fine of ~~\$50-\$35~~ for each separate offense. Use of an invalid sticker and illegal parking are separate offenses. Vehicles illegally parked ~~will~~ may be towed at the owner's expense.

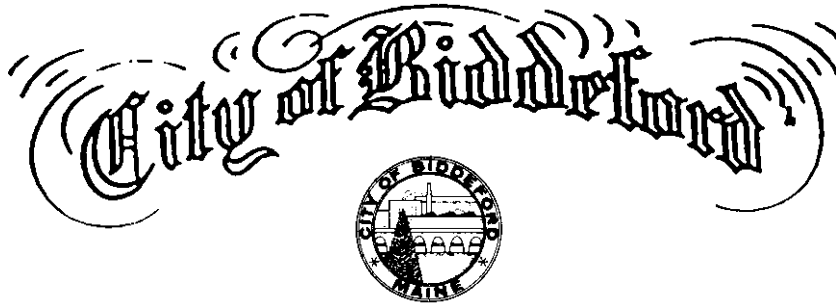
NOTE: The Downtown Committee considered this item at their January 10, 2019 meeting and voted to refer the matter to the Policy Committee for review, and with the Committee's recommendation for approval. The Policy Committee considered this item at their February 11, 2019 meeting and voted unanimously to recommend passage by the City Council.

February 19, 2019

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

Vote: 8/1; Councilor St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.



2019.11 **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 I, IN GENERAL and Article II, COLLECTION**, is amended by adding and ~~deleting~~ to read as follows:

ARTICLE I. IN GENERAL
Sec. 58-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the clearly indicates a different meaning:

ACCEPTABLE MUNICIPAL SOLID WASTE

All waste as identified by the Public Works Director annually in accordance with existing disposal agreements, disposal facility acceptance requirements and permit authorizations.

ACCEPTABLE RECYCLABLE MATERIALS

All acceptable recyclables as identified by the Public Works Director annually in accordance with existing recycling agreements, recycling facility acceptance requirements and permit authorizations.

ASHES

That residue from the burning of wood, coal, coke or other combustible materials.

CITY

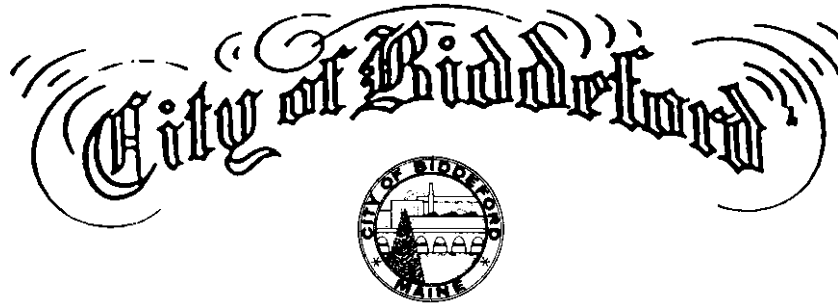
The City of Biddeford, Maine.

CITY TRANSFER STATION

A City-owned building or container or designated area in which acceptable waste is disposed of transshipment to another facility for disposal or material recovery.

COMMERCIAL GARBAGE, RUBBISH, OR WASTE

Any solid waste originating and/or generated within the boundaries of the City by any business, firm or person identified as paying personal property through the City Assessor's records or required to obtain a business license under the City's definitions of licensed activities, excepting licenses for waste hauling only. For the purpose of this chapter, this includes public organizations and facilities except for parish houses, parsonages and churches; parish halls; mobile home parks; and condominiums and multi-family dwellings of six units or more. This definition excludes "grandfathered facilities." This definition excludes home occupations as defined and described in Article VI, Section 38, of the Biddeford Zoning Ordinance, being clearly secondary and incidental to the primary residential use.



DESIGNATED MUNICIPAL SOLID WASTE CONTAINER

A container provided by the City for the sole purpose of storing acceptable municipal waste prior to curbside collection. Bags designated for overflow are also considered designated municipal solid waste containers.

DESIGNATED RECYCLING CONTAINER

A portable container provided by the City for the sole purpose of storage of acceptable recyclables prior to curbside collection.

DISPOSAL

The discharge, deposit, injection, dumping, leaking, spilling or placing of any solid waste into or on any land or water.

DISPOSAL FACILITY

The facility or facilities controlled or designated by the City for the storage and/or disposal of wastes.

ENERGY RECOVERY FACILITY

A facility which processes and recovers energy from acceptable waste generated within the City.

GRANDFATHERED FACILITY

Any property that would otherwise generate commercial recyclables, garbage, rubbish, or waste and both 1) currently receives curbside collection services from the City and currently receives curbside recycling collection services; and 2) the owner of the property has not changed, as of July 1, 2002. The following condominium locations also shall be grandfathered facilities: 1) 318 Alfred Street; 2) 100 Hills Beach Road; 3) 9 Lester B. Orcutt Boulevard; 4) 55 West Street; and 5) 91-93 Western Avenue.

HAZARDOUS WASTE

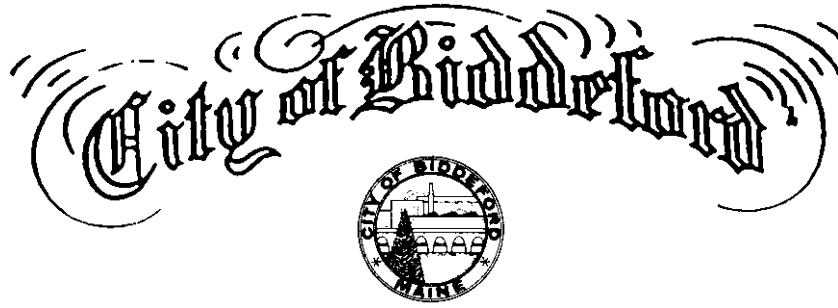
The waste substance or material, in any physical state, designated as hazardous by federal, state or local laws; waste material that exhibits characteristics of hazardous waste, as defined in RCRA (ignitability, corrosively, reactivity, or toxicity), is listed specifically in RCRA 261.3 Subpart D, is a mixture of either, or is designated locally or by the state as hazardous or undesirable for handling as part of the municipal solid waste and would have to be treated as regulated hazardous waste if not from a household.

HOUSEHOLD

Each residential unit regardless of whether the residential unit is owned by an individual or business entity.

HOUSEHOLD GARBAGE AND RUBBISH

Any acceptable waste originating and/or generated within the boundaries of the City, at the site of generation by a homeowner or occupant. For the purpose of



this chapter, this does not include commercial garbage, rubbish, or waste except that waste generated from a grandfathered facility.

OVERFLOW

That volume of acceptable municipal solid waste in excess of the volume of the designated municipal solid waste container.

PERFORMANCE-BASED DEMONSTRATION OF COMPLIANCE

Placing uncontaminated recycling containers at the curb for pick-up shall serve as prima facie evidence that the facility has compliance with its performance based recycling plan. This determination may be made each time a container is placed for collection.

PERFORMANCE-BASED RECYCLING PLAN

A recycling management plan for each facility shall contain a minimum of five (5) elements, to include: (1) a written plan, (2) the facility owner's contact information, (3) a single-point of contact for recycling matters, (4) the facility address and (5) a plan that includes a method or procedure to ensure only acceptable recycling materials are placed in the recycling container for curbside collection.

PRIVATE TRANSFER STATION

A privately owned building or container or designated area in which waste is temporarily deposited and stored for transshipment to a disposal facility.

PRIVATE WAY

Any street, lane, road or other roadway not considered a public way.

PUBLIC WAY

Any street, lane, road, or other roadway accepted by the City Council as a public way.

RESOURCE RECOVERY

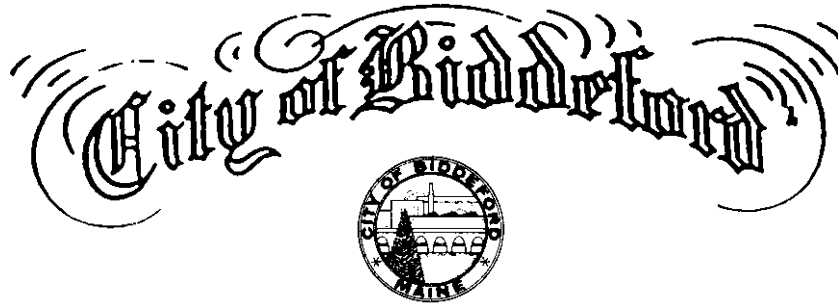
The recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

SELF-HAULER

Any person involved in the collection and transportation of self-generated recyclable material or solid waste.

SOLID WASTE

Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, by way of example and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural or hazardous wastes.



UNACCEPTABLE WASTE

All solid waste of the type municipalities are required to regulate by 38 M.R.S.A. § 1305, as amended, which specifically excludes industrial and sewage treatment plant sludge, and not included in the definition of "acceptable waste."

WASTE HAULER

Any person, firm or corporation which collects residential, institutional, commercial and/or industrial waste for a fee and transports it to a central collection or disposal facility and any person, business or institution which transports its own waste to the designated disposal facility.

WHITE GOODS

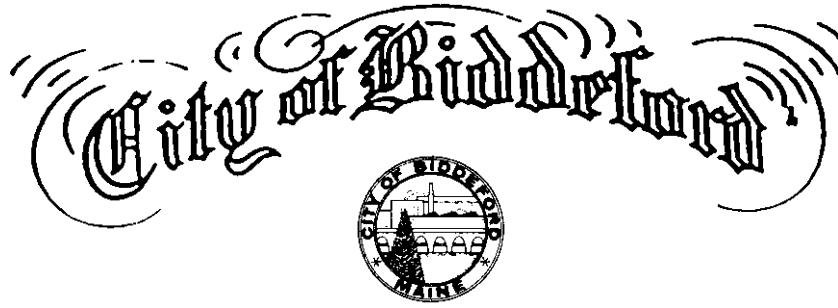
Major appliances, such as refrigerators, stoves, freezers, washing machines and dryers, generally having a bulk in excess of 10 cubic feet or a single dimension exceeding five feet.

Sec. 58-2. Legislative authority.

This chapter is enacted pursuant to the authority granted in 30-A M.R.S.A. §§ 2001, 2002 and 3001 and 38 M.R.S.A. S 1304.B.

Sec. 58-3. Purpose.

- (a) The City has a statutory obligation to provide waste disposal services for domestic and commercial waste generated within the City and is authorized to provide such a facility for industrial waste and sewage treatment plant sludge, pursuant to 38 M.R.S.A. § 1305(1). Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal.
- (b) The City must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders.
- (c) The City shall establish a system of regular collection, subject to the requirements of this chapter, for all household garbage and rubbish and recyclables, all as defined herein. The City will not collect commercial garbage and rubbish, and such commercial garbage and rubbish shall be removed from the premises and disposed of at the expense of the owner or occupant of such premises. The City shall not collect otherwise eligible waste from residences located on private ways unless it is brought to the intersection of the private way and a public way and otherwise complies with all other requirements of this article. The Director of Public Works is expressly granted the authority to issue rules or regulations governing the collection of containers on private ways, streets that are too narrow to allow for routine



collection, and for dead-end streets where it is impractical for the collection trucks to service the containers.

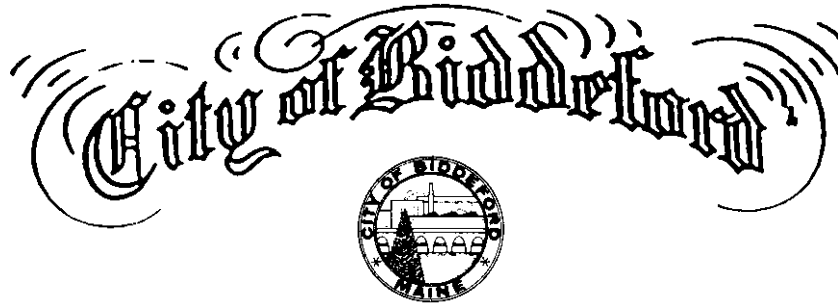
Sec. 58-4. Regulated activity.

The accumulation, collection, transportation and disposal of the following materials generated within the City shall be regulated in the following manner:

- (1) All acceptable solid waste generated within the City from eligible residential customers and grandfathered condominiums facilities shall be placed in a designated solid waste container and collected by the City at curbside on a weekly basis.
- (2) All acceptable recyclable materials from eligible residential customers, and grandfathered facilities if applicable, shall be placed in a designated recycling container and collected by a City authorized commercial hauler at curbside on a weekly basis
- (3) All recyclable materials designated as acceptable delivery to the Biddeford Recycling Center may be delivered to the facility by any entity.
- (4) All unacceptable waste generated within the City shall be deposited in a manner prescribed elsewhere in this chapter and or as specified by the Director of Public Works.
- (5) All commercial waste shall be regulated in accordance with the most recent version of the International Property Management Code adopted by the City of Biddeford.

Sec. 58-5. Property rights.

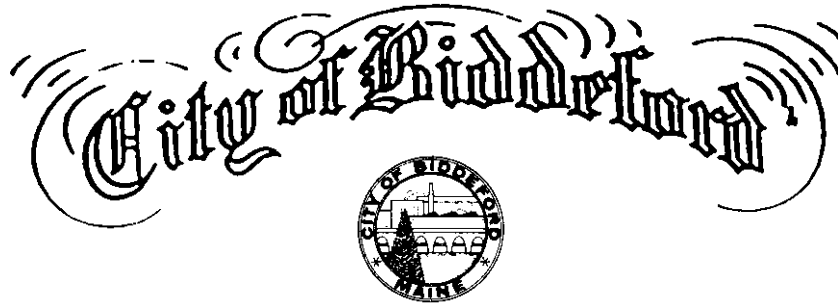
- (a) All solid waste collected by City vehicles or deposited at the City transfer station or other designated area shall become the property of the City or its assignee. No one may salvage, remove or carry off any such waste without prior approval of the Director of Public Works in accordance with a policy approved by the Biddeford City Council.
- (b) All recyclable materials collected by a City-authorized commercial hauler shall become the property of the City-authorized commercial hauler unless otherwise specified in a written contract.



Sec. 58-6. Administration.

This chapter shall be administered as described below:

- (1) City Council: Adopt reasonable rules and regulations as needed to enforce this chapter and institute any necessary proceedings, either legal or equitable, to enforce this article.
- (2) City Clerk: To consider all license applications and to grant or deny each application within 10 days after receipt of a completed application at the City offices or a later time as deemed reasonable by the City Clerk and the applicant.
- (3) Codes Office:
 - a. To review any alleged violation of this chapter, and to impose appropriate penalties.
 - b. To institute necessary proceedings, either legal or equitable, to enforce this chapter.
 - c. To review all applications in consultation with the City Clerk.
- (4) Director of Public Works:
 - a. The collection, transportation and disposal of all waste generated within the municipality shall be under the supervision and direction of the Director of Public Works.
 - b. The Director of Public Works shall establish a collection schedule that will allow the collection of acceptable municipal solid waste and acceptable recyclable materials on a regular basis and may make periodic changes to the schedule as may be needed to facilitate the program in an efficient and effective manner.
 - c. The Director of Public Works shall determine the manner in which unacceptable waste shall be managed and deposited.
 - d. The Director of Public Works or designee shall ensure that a reasonable attempt is made to provide appropriate notice to affected parties upon adoption of material changes to this Chapter.
- (5) Solid Waste Management Commission.
 - a. To review the City's waste collection and management policies and propose revisions as may be needed to the City's comprehensive solid waste management plan, and reduce costs to the taxpayers of the City.
 - b. Evaluate, propose, and conduct education and outreach to facilitate the program in an efficient and effective manner.



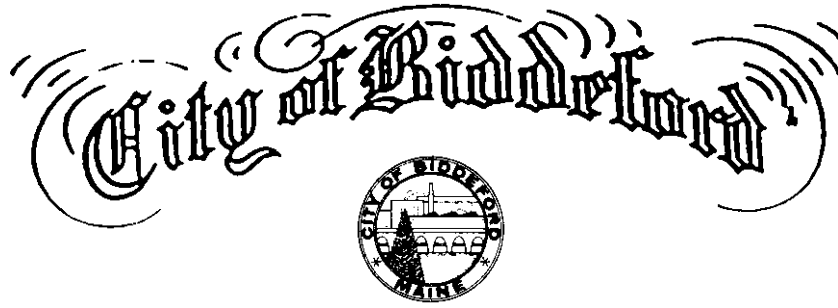
Sec. 58-7. Regulated activities and administration.

The accumulation, collection, transportation and disposal of solid waste, both acceptable and unacceptable, generated within the City of Biddeford shall be regulated in the following manner:

- (1) Such City collection will be limited to properties whose primary use is residential in nature.
- (2) The operating hours and general administration of the City transfer station shall be set by the City Council, except holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.
- (3) When a holiday falls upon the day of collection, or severe weather necessitates cancellation of collection services, recycling services for the residents on that day's route will be collected on the following Saturday. Collection of waste shall be on the next day following the cancellation.
- (4) In the event of two or more collection service cancellations in one week, the Public Works Director shall publish an emergency collection schedule, which may include, but may not be limited to, no collection for one or more routes with collection occurring on the next week's regular schedule. The requirement that all acceptable municipal solid waste fit in the designated municipal solid waste container shall be waived during emergency collection events.

(5) All grandfathered facilities shall submit a written Performance-Based Recycling Plan to the Director of Public Works as identified by the following schedule:

- a. Grandfathered facilities shall submit a written Performance-Based Recycling Plan within 30-days of the effective date of this ordinance.
- b. A written Performance-Based Recycling Plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand-delivery.
- c. The Code Enforcement Office shall identify any deficiencies in writing along with a due date for a response/corrective action and may request a plan modification upon failure to provide a Performance-Based Demonstration of Compliance.



Sec. 58-8. Variances.

- (a) Evaluation of private ways for municipal waste collection and curbside collection of acceptable recyclables shall be reviewed through the variance process. The Director of Public Works may, on written application, grant a variance from a specific provision of this chapter in specific cases, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this chapter. Such variance, if granted, shall remain valid until such time as the condition or conditions warranting the variance are no longer valid. As an example and for the avoidance of doubt, the sale of property or the assignment of a new tenant shall terminate the variance, at which time the new property owner or tenant may apply for a variance.
- (b) A grandfathered facility, excluding grandfathered condominium facilities shall no longer be eligible to receive municipal curbside collection services following the date upon which ownership of the property changes or the property becomes otherwise ineligible for services.

Sec. 58-9. Penalties.

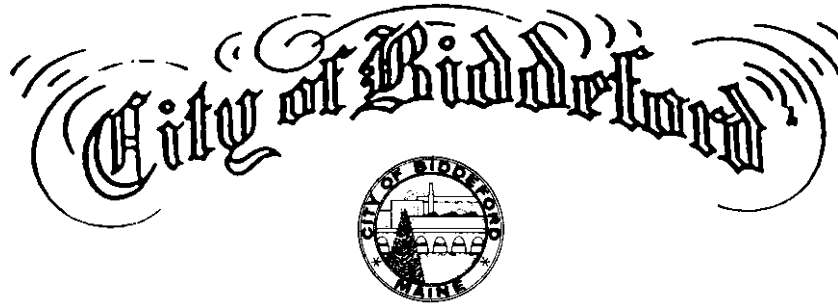
Penalties associated with enforcement shall be waived for a period of three months following the effective dates of this chapter to allow for education and awareness.

- (1) ~~Criminal penalties.~~ Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of ~~30-A M.R.S.A. §4452~~ City of Biddeford Ordinance, Sec. 1-12-General penalty for violation of Code; continuing violations.
- (2) In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.
- (3) Any Grandfathered Facility that generates two(2) documented violations of Sec. 58-32-Mandatory Separation, within any 12-month period, shall result in the loss of city curbside trash collection and recycling services.

Sec. 58-10. Enforcement.

This chapter shall be enforced by the Public Works Department, authorized commercial hauler, and Code Enforcement Office as further described below.

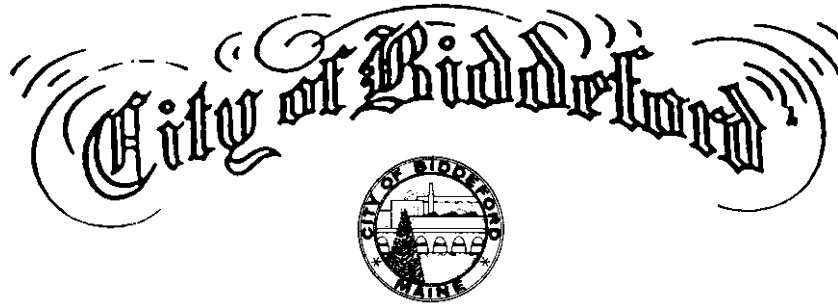
- (1) Sunset provision. Penalties associated with enforcement shall be waived for a period of three months following the date of this chapter to allow for education and awareness except as identified in Sec. 58-7(5).



- (2) Upon observation of failure to place only acceptable municipal solid waste in the designated solid waste container or to place only acceptable recyclable materials in the designated recycling container, the receptacle will not be collected and a warning notice shall be placed on the appropriate designated container by the Public Works Department or City-authorized commercial hauler.
 - a. The address, date, and nature of the nonconformance shall be forwarded the Director of Public Works and the Code Enforcement Officer.
 - b. The Director of Public Works and Code Enforcement Officer shall document and review each nonconformance and determine the appropriate enforcement action.
 1. Nonconformance notices corrected prior to the next scheduled collection date shall be closed with no further action except as otherwise identified in Sec. 58-9
 2. Failure to correct a nonconformance notice prior to the next scheduled collection date or two or more consecutive nonconformance events in any 12-month period shall warrant direct contact with the property owner and responsible party to document education and outreach, except as otherwise identified in Sec 58-9.
 3. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9.
 - 3—4. Enforcement for the Performance-Based Recycling Plan requirement and Performance-Based Demonstration of Compliances shall commence relative to the applicable timelines specified in Sec. 58-7.
- (3) Upon determination by the Code Enforcement Officer that a violation of this chapter exists or has occurred, the Code Enforcement Officer shall give written notice of the violation to the violator, which notice shall specify the section violated, the nature of the violation, and a reasonable time period to cure the violation.
- (4) If a waste hauler is found be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.

Sec. 58-11. Effect on other laws; severability.

The provisions of this chapter shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary thereto or in conflict therewith. If provisions of this chapter, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this chapter and the application thereof shall not be affected thereby.



ARTICLE II. COLLECTION

Sec. 58-31. Effective date.

This chapter shall become July 1, 2013, provided the City provides notice of commencement in the manner required for publication of ordinances.

Sec. 58-32. Mandatory separation.

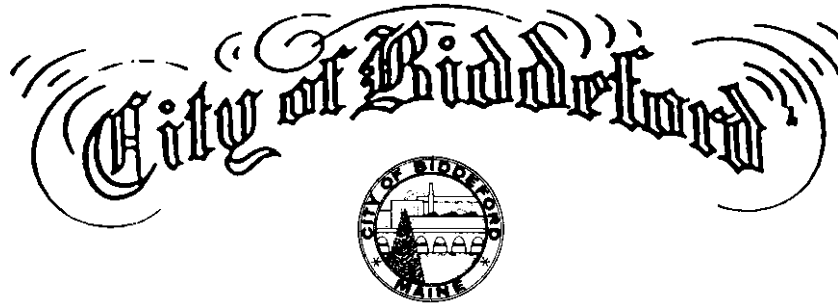
- (1) Each household eligible for and receiving City curbside collection services for acceptable municipal solid waste or acceptable recyclable materials shall separate acceptable recyclable materials, acceptable municipal solid waste, and unacceptable waste.
- (2) Separated materials shall be managed as identified in this chapter.

(3) All Grandfathered Facilities shall have and maintain on-site a written Performance-Based Recycling Plan.

Sec. 58-33. (Reserved)

Sec. 58-34. Exempted activities.

- (a) Residents shall be exempt from the separation requirements identified in Section 58-32 and the overflow requirements identified in Section 58-35(a)(1) for the collection period coinciding with Thanksgiving and Christmas as specifically designated by the Director of Public Works.
- (b) Nothing in this chapter shall prevent a residential user from retaining materials from his or her acceptable municipal solid waste or acceptable recyclable materials the purpose of sale or profit.
- (c) Nothing in the chapter shall prohibit a residential user from hiring a fee-for-service provider for the collection of acceptable municipal solid waste or acceptable recyclable materials. In the event of such an arrangement, the residential user shall not be eligible to receive a designated municipal solid waste container or a designated recycling container. Such containers shall be returned to the Public Works Department if previously issued.



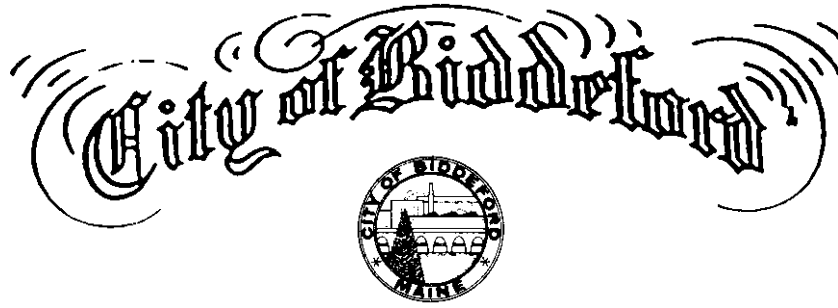
Sec. 58-35. Portable receptacles.

(a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste, and one container, approximately 65 gallons, shall be acceptable recyclable materials; except that grandfathered facilities, except that grandfathered condominium facilities shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.

(1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

- a. Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container. If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.
- b. The City Council shall establish the overflow bag price, which may be adjusted.
- c. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and the price of each bag as established by the City Council. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.
- d. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section 58-7(4).

(2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.



(b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.

(c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

Sec. 58-36. through Sec. 58-39. (Reserved)

Sec. 58-40. Container repair and replacement; stolen containers.

(a) Property owners shall be responsible for the proper use and security of their assigned containers. Each container is fitted with a radio frequency identification (RFID) tag to assist with assignment and identification.

(b) If a designated container is damaged as a result of the City's collection service or authorized commercial hauler actions, normal wear and tear, or due to a manufacturer's defect, the City shall repair or replace the container; otherwise, the resident must pay for the cost of necessary repairs or replacement.

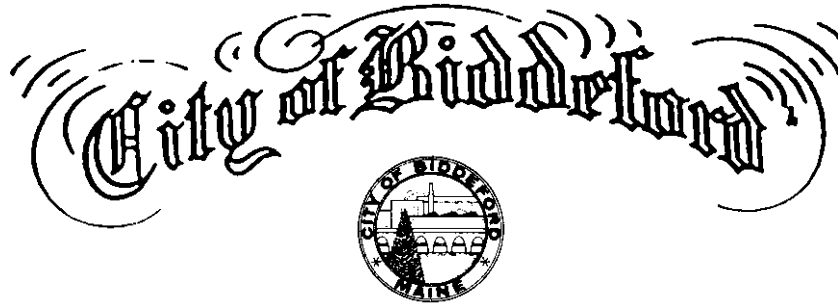
(c) The Director of Public Works shall post the replacement cost of each type of container on the City's website and update the posting annually.

(d) If a container is stolen, the responsible party must report the theft to the Biddeford Police Department and the Public Works Department and fill out any required reports. Any person who removes a designated container from a residence may be prosecuted for theft of City property and may have his or her collection privileges suspended.

Sec. 58-41. Container placement and removal.

(a) All designated municipal solid waste containers and designated recycling containers must be placed at the outer edge of the sidewalk or the edge of the roadway shoulder for removal on the day of collection, providing a minimum of one foot of spacing between containers. Under no conditions shall the containers be placed at the outer edge of the sidewalk or edge of the roadway for removal prior to 4:00 p.m. on the day before the day of collection.

(b) All containers must be removed from the outer edge of the sidewalk or edge of the roadway shoulder by 8:00 p.m. on the day of collection.



NOTE: The Policy Committee considered this item at their February 11, 2019 meeting and voted unanimously to recommend passage by the City Council.

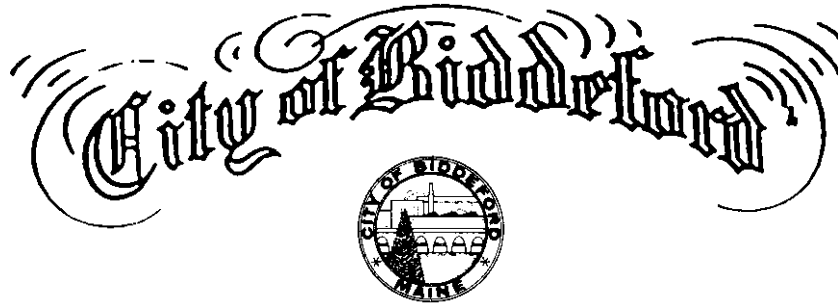
February 19, 2019

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

Vote: 8/1; Councilor Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.



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.

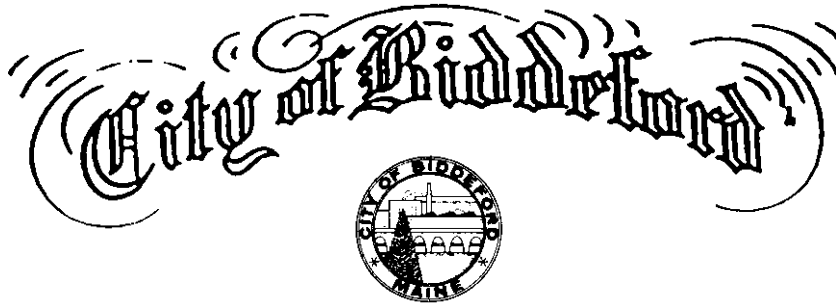
(a) Free disposal.

- All personal items (stereos, chairs, sofas, lamp fixtures, etc.)
- 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).

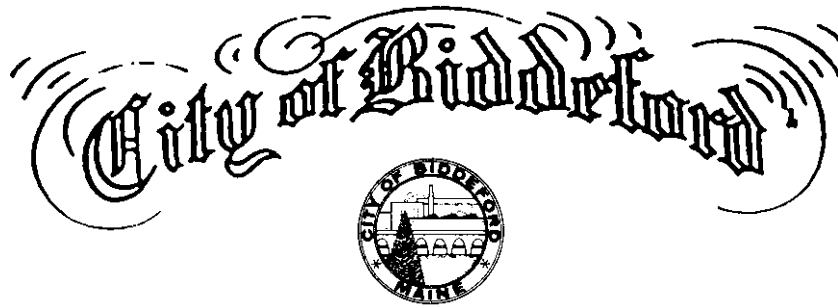
Motion by Councilor McCurry, seconded by Councilor Clearwater to suspend the rules to allow Councilor Lessard to speak for a third time.

Vote: Unanimous.

Vote on amendment: 5/4; Councilors Seaver, Ready, Swanton, McCurry and Quattrone in favor.

Councilors St. Cyr, Clearwater, Belanger and Lessard opposed.

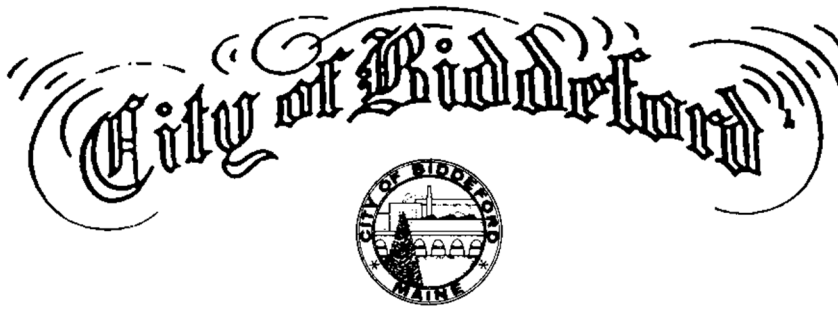
Amendment carries.



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.



2019.13 **IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones), Table B (Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A			
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer
MSRD-2	2,000 <u>B</u>	N/A	N/A	N/A

B. ~~(Reserved)~~In order to promote higher quality housing facilities, condominium forms of housing, and affordable housing in the MSRD-2 Zoning District the minimum 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 (1) residential unit for every six hundred and fifty (650) square feet of living space within an existing structure, provided the applicant present redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two (2) or more bedrooms being at least, if not more than, the number of units with two (2) 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 contractual agreement with the City of Biddeford obligating them to complete the project in accordance with Maine Housing Quality

standards and that those units are certified as such prior to granting an occupancy permit. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.

2. Condominium conversions/development:

- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1. above.
- b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.
- c. The applicant agrees that if the project is converted to condominiums said units shall not be sold for a price that exceeds 125% of the York county median home price affordable to median income households as set annually by HUD for the City of Biddeford.

February 19, 2019

Motion by Councilor Swanton, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 7/2; Councilors Lessard and Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.



CITY OF BIDDEFORD

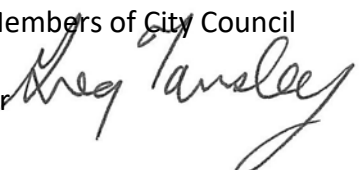
PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

MEMORANDUM

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

From: Greg Tansley, AICP, City Planner 

Date: February 12, 2019

Re: Proposed Amendments related to residential density in the MSRD-2 Zone

The City Council was first introduced to this concept in November, 2017 where it directed the Planning Board make a recommendation to the City Council regarding some initially proposed amendments to provide density incentives in the MSRD-2 Zone. Since then the Planning Board held a Public Hearing and recommended the proposal not move forward as presented based on the following:

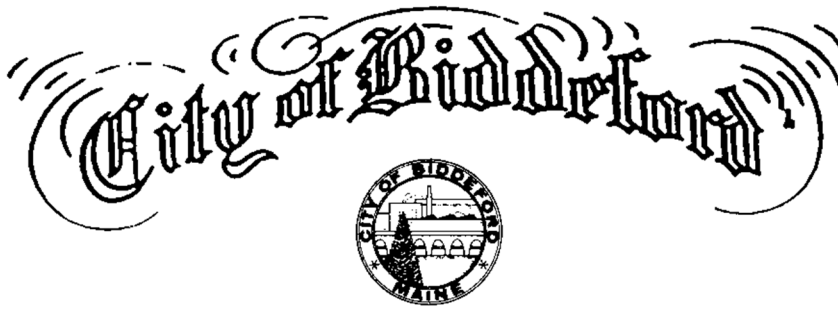
- o Further work should be done with the Biddeford Housing Authority on this proposal; and
- o The proposal could result in the loss of larger family units that could be displaced by the conversion of buildings in more small (presumably 1-unit or studio) residential units.

Since that time, City Staff have worked on the Amendment, including discussions with the Biddeford Housing Authority, and presented a revised proposal to the Planning Board for consideration in January 2019 as "Other Business". Following that discussion, the Planning Board scheduled a Public Hearing for February 6, 2019.

On February 6, 2019 the Planning Board held a duly noticed Public Hearing on the proposal. **Following the Public Hearing the Planning Board voted 3-0 to recommend the proposed amendment before you be approved by the City Council.**

Please let me know if you have any questions on this amendment.

Cc: M. Eddy, Economic Development Director
File



2019.14

IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones),
Section 11 (Institutional Master Plan), G (Submission and review procedures):**

5. A copy of any approved institutional master plan or an amendment to a master plan shall be filed with the City Clerk ~~and notice of the approval shall be advertised in a newspaper of general circulation in the City.~~

**Part III (Land Development Regulations), Article VI (Performance Standards),
Section 71 (Telecommunications facilities), D (Review process and hearing requirements):**

2. The Planning Board shall schedule a public hearing within 30 days of determining that it has a complete application. Notification of the hearing shall be provided as follows:
 - a. In writing, at least 10 days prior to the hearing, to all owners of property that directly abut or are located within 1,000 feet (typically 250 feet) of any property line of the property for which the conditional use permit is requested. (Notice to the owners within the first 500 feet shall be by certified mail, the remaining notice shall be by first class mail.) Notice shall also be given to any town located within 1,000 feet of the proposed telecommunications facility. The applicant shall provide this notification and shall present proof of such notification to the City Planner. The notification shall include: the name of the applicant, location of the property, a brief description of the project, and a plot plan identifying the proposed site layout in relation to nearby streets and properties.
 - b. By the City posting notice of such hearing in City Hall a minimum of 10 days in advance of the hearing.
 - c. ~~By the City advertising in a newspaper of general circulation notice of the hearing a minimum of 10 days in advance of the hearing.~~

Part III (Land Development Regulations), Article IX (Board of Appeals), Section 5 (Appeals to the Board of Appeals), B (Procedure on appeal):

1. At least 10 days prior to the date of the hearing the Board shall cause written notice be provided to (a) all property owners of record whose properties lie within 200 feet of the affected property, and/or immediate abutters and property owners across the street or stream; (b) the person making the appeal; and (c) the Planning Board and any other parties of record. Such written notice shall include:

- (a) The name of the person appealing;
- (b) A brief description of the property involved.;
- (c) A brief description of the decision under appeal, or the nature of the variance appeal; and
- (d) The time and place of the Board's hearing.

The failure of a property owner to receive notice of the hearing shall not invalidate the hearing or the decision of the Board of Appeals.

- ~~1. At least 15 days prior to the date of the hearing on such appeal, the Board shall cause to be published in one issue in a newspaper of general circulation in the City a notice which includes:~~

- ~~(a) The name of the person appealing.~~
- ~~(b) A brief description of the property involved.~~
- ~~(c) A brief description of the decision under appeal, or the nature of the variance appeal.~~
- ~~(d) The time and place of the Board's hearing.~~

- ~~2. At least 10 days prior to the date set for hearing, the Board shall also cause the City Clerk to give similar written notice to:~~

- ~~(a) All property owners of record whose properties lie within 200 feet of the affected property, and/or immediate abutters and property owners across the street or stream;~~
- ~~(b) The person making the appeal; and~~
- ~~(c) The Planning Board and any other parties of record.~~

~~The failure of a property owner to receive notice of the hearing shall not invalidate the hearing or the decision of the Board of Appeals.~~

Part III (Land Development Regulations), Article X (Planning Board), Section (Planning Board), H (Meetings):

1. The Board shall conduct monthly meetings, or at least regular meetings during a calendar year. Meetings shall convene on the first Wednesday of each month, unless prior arrangement and public (as described elsewhere in the Code) announcement has been made by the Board. ~~An annual schedule of regular meetings shall be published in the local newspaper of general circulation prior to the first meeting in January. Copies of this schedule shall be kept on file in the offices of the City Clerk, Building Inspector, and the City Planner. The City Planner shall provide copies to the general public upon request.~~
2. Upon motion by the Board the Chairman may call for special meetings and workshops as needed.
3. All meetings of the Board shall be open to the public ~~and shall be announced in a newspaper of general circulation within the community at least seven days prior to the scheduled meeting.~~ Materials and records of the meetings shall be maintained and available for public inspection.

Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance), Section 6 (Historic Preservation Commission membership; meetings), F (Meetings):

3. All meetings of the Commission shall be open to the public. All meeting agendas shall be posted at the same location in City Hall as Planning Board agendas no less than seven days prior to the hearing. ~~Other than where hearings are to be conducted (see Section 10), ordinary meetings of the Commission need not be posted in a newspaper.~~ Materials and records of the meetings shall be maintained and available for public inspection in the Planning Department.

Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance), Section 10 (Hearings and action on applications for certificates of appropriateness), B (Notice requirements):

- 3 ~~All meetings within which a hearing is to be held shall be announced in a newspaper of general circulation within the community at least seven days prior to the scheduled meeting.~~

February 19, 2019

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 6/3; Councilors Lessard, Ready and Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger and Seaver in favor.

Motion carries.



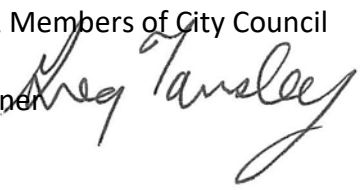
CITY OF BIDDEFORD PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

MEMORANDUM

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

From: Greg Tansley, AICP, City Planner 

Date: February 13, 2019

Re: Proposed Amendments Related to Land Use Newspaper Notifications

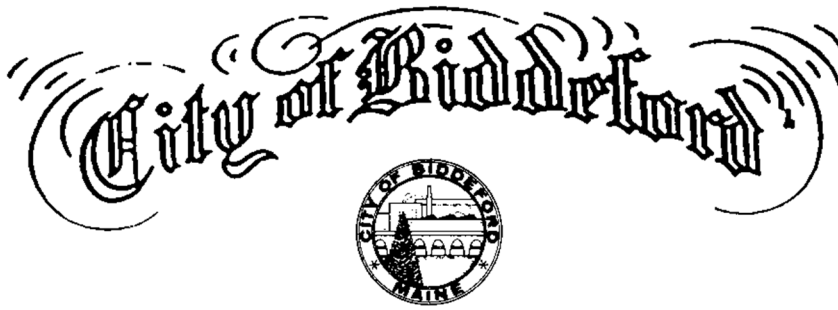
Over several years, the role of print media (in the form of line advertisements in the classifieds) appears to have been declining in its role of engaging the public about issues directly pertaining to them. The Internet (and social media) seems to have really taken center stage in this area.

Furthermore, the Journal Tribune (JT) has long been the “newspaper of general circulation” in Biddeford but has reduced its distribution from 7 days a week to 5 days a week. This limits our ability to meet deadlines for the fulfillment of these requirements. Further, the JT has recently missed some newspaper publication requests we have made, resulting in concerns about cancelled meetings and application delays in our Office. Lastly, city resources (time and money) is spent on these requirements, which more and more often appear to have little or no effect on encouraging general public engagement in the affected review process. Again, the internet has really become the dominant force in engaging the broader public in city affairs.

These amendments remove some of the burdensome and seemingly ineffective requirements of newspaper notifications unless Federal, State and/or other local laws require such notifications. These amendments, however, do not remove other notification requirements such as newspaper postings of Zoning Ordinance Amendments, postings throughout City Hall, and notifications to abutters (where applicable).

On February 6, 2019 the Planning Board held a duly noticed Public Hearing on the proposal. **Following the Public Hearing the Planning Board voted 3-0 to recommend the proposed amendment before you be approved by the City Council.**

Cc: M. Eddy, Planning and Development Director
R. Fecteau, Director of Code Enforcement
File



2019.15

IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones), Table A (Table of Land Uses):

NOTES:

7. Drive-through establishments (except as provided in Note 8) and street level residential uses are prohibited in the MSRD-1 Commercial Core District in the following areas:
 - (a) Along both sides of Main Street between the intersection of Elm Street (Route 1) and Main Street through to the Saco City Line north of Water Street;
 - (b) On both sides of Adams Street from Main Street to Jefferson Street;
 - (c) On the north side of Jefferson Street from Main Street to Alfred Street;
 - (d) On both sides of Washington Street from Main Street to Jefferson Street;
 - (e) On both sides of Federal Street between Washington Street and Franklin Street;
 - (f) On both sides of Franklin Street; and
 - (g) On both sides of Alfred Street from Jefferson Street/Pool Street to Main Street.

February 19, 2019

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

Vote: 8/1; Councilor St. Cyr opposed.

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

Motion carries.



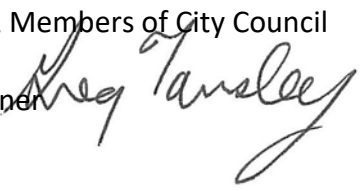
CITY OF BIDDEFORD PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

MEMORANDUM

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

From: Greg Tansley, AICP, City Planner 

Date: February 13, 2019

Re: Proposed Amendments Related Regarding Street Level Residential Uses Downtown

A property owner had approached the City with an interest in developing the rear portion of their Main Street property (148 Main Street) for residential uses. The request was in part to the uniqueness of the particular property in which the owner approached us about. In response to this request, Staff developed a DRAFT exemption to the current prohibition for discussion. Staff had expressed at the beginning of these discussions that we were not entirely comfortable with the exemption and that the purpose of the “public hearing” was just that – to hear what the public thought of it.

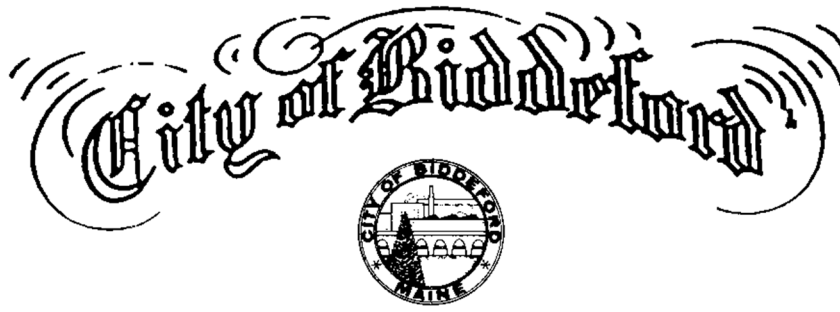
Overwhelmingly, there was great concern from the public and Downtown community in relaxing the prohibition due to the potential immediate and long-term effects on the commercial character of downtown by losing finite street-level floor area to residential uses.

What is before you on the 19th is what the Planning Board has recommended at this time. Staff support this since it will close a loop-hole we believe was missed when this Ordinance first went into effect in the early 2000’s. Staff will, however, continue to look at the issue presented by the new owners of 148 Main Street and discuss this issue through the completion of the Comprehensive Plan.

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.

On February 6, 2019 the Planning Board held a duly noticed Public Hearing on the proposal. **Following the Public Hearing the Planning Board voted 3-0 to recommend the proposed amendment before you be approved by the City Council.**

Cc: M. Eddy, Planning and Development Director
File



2019.16 **IN BOARD OF CITY COUNCIL..FEBRUARY 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 V (Establishment of Zones), Table A (Table of Land Uses):

	Article VI Section¹	B-1
Commercial uses		
Art gallery		<u>P</u>
Art studio		<u>P</u>

February 19, 2019

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

Vote: 8/1; Councilor Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.



CITY OF BIDDEFORD

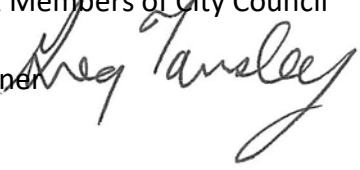
PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

MEMORANDUM

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

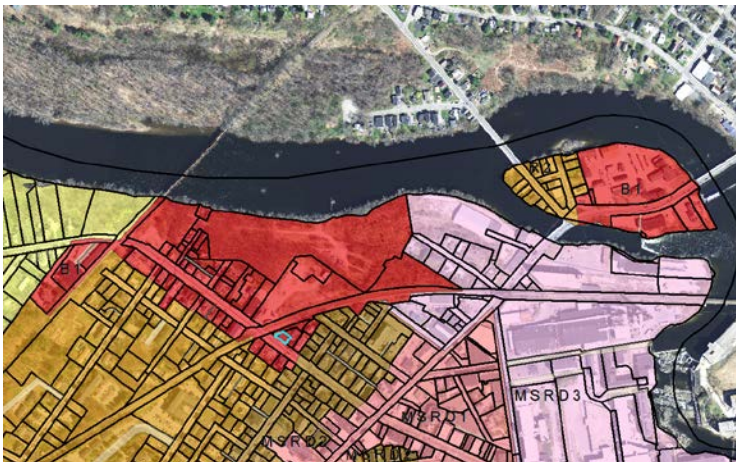
From: Greg Tansley, AICP, City Planner 

Date: February 13, 2019

Re: Proposed Amendments Related to Art Studios and Galleries in the B1 Zone

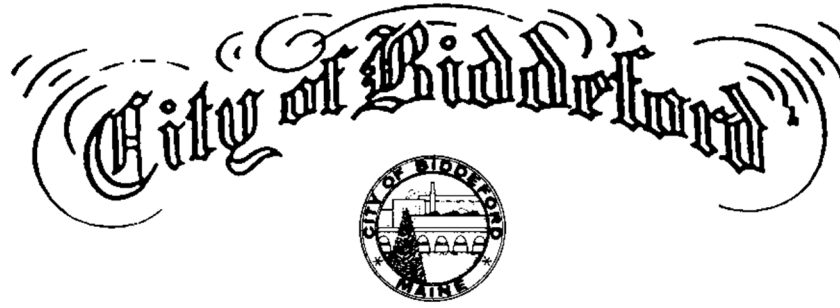
Staff were approached about some interest from a property owner in moving their existing art studio at 2 Main Street (North Dam Mill) to 366 Main Street (Tax Map 37, Lot 36). 366 Main Street is zoned B-1 where Art Studios are not permitted. 366 Main Street is located along the west part of Main Street, adjacent to the first train tracks heading west (cyan highlighted parcel below).

The recommended zoning amendment by Staff, and now recommended by the Planning Board, to facilitate this relocation (and to accommodate these uses in the B-1 Zone in general), is to allow "Art Studios" and "Art Galleries" as Permitted Uses (P) in the B-1 Zone (in red).



On February 6, 2019 the Planning Board held a duly noticed Public Hearing on the proposal. **Following the Public Hearing the Planning Board voted 3-0 to recommend the proposed amendment before you be approved by the City Council.**

Cc: M. Eddy, Planning and Development Director
File



2019.19

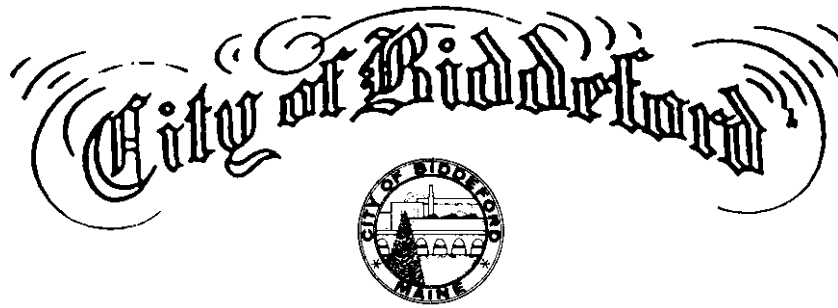
IN BOARD OF CITY COUNCIL...MARCH 5, 2019

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.

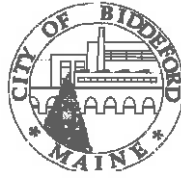
NOTE: This is a correction to an ordinance amendment that was approved at the January 3, 2019 Council Meeting. In order to resolve the on-going issue in this area, the Council is asked to consider and approve this as an emergency ordinance amendment.



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.



City of Biddeford, Maine

TO: Finance Committee, City Council

FROM: Jeff Demers Director of Public Works / Wastewater

DATE: February 28, 2019

SUBJECT: South Street financial update.

Cc: Alan Casavant, Mayor; Jim Bennett, City Manager; Tom Milligan, City Engineer; Brian Phinney, Chief Operating Officer; John Malloy, Staff Engineer

This memo is to update both the Finance Committee and the City Council on where the city is to date on the financial budget status of the South Street project.

- Original Contract price: \$2,336,325
- Total completed to date: \$1,675,255.34
- Percentage complete: 72%
- Overrun amount in quantities to date: \$187,672.50.

The overrun amount in quantities to date are due to the amount of unexpected ledge that has been removed to install the new sewer line and drainage. Work to still be completed is the section from State Street to Elm Street and all associated paving, minus the state's portion. Staff estimates that the total overrun on this project will be around \$300,000.00. That overage amount is being recommended to be covered out of the Bond proceeds 411 with a remaining balance of \$2,825,442.00

Staff will be at both the finance and council meeting to answer any questions.

Regards,

A handwritten signature in dark ink, appearing to read "Jeff", is written over the printed name "Jeff Demers".

Jeff Demers
Public Works Director/ Waste Water