



**City of Biddeford
City Council**

October 15, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799

Meeting ID: 947 1911 8488

Passcode: 76513

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Games of Chance
 - 4.a Games of Chance application York County Veteran's Alliance
5. Appointments
 - 5.a 2024.165 Approval Mayoral Appointments to Citizen Committees
6. Presentation
 - 6.a Biddeford Fire Advisory Committee-PRESENTATION
7. Public Addressing the Council

(3 minute limit per speaker for up to a total of 15 minutes)
8. Consideration of Minutes
 - 8.a City Council Minutes 10-1-24
9. Orders of the Day
 - 9.a 2024.166 Approval/Purchase EMS Defibrillator Units
 - 9.b 2024.168 Approval Amendment Back Lot Ordinance
 - 9.c 2024.169 Approval Text Amendment Marijuana Establishments
 - 9.d 2024.170 Approval Amend Ordinance Inclusionary Zone

- 9.e 2024.171 Approval Amend Table B Dimensional Requirements
- 9.f 2024.172 Approval Installation of Fire Service Water Line & Separated Storm Sewer
- 9.g 2024.173 Approval City Hall Renovation Project - Interior Window Trim
- 9.h 2024.174 Approval Condominium Conversions Emergency Moratorium
- 9.i 2024.175 Approval Tax Payment Interest Deadline Extension
- 10. Public Addressing the Council
 - (5 minute limit per speaker)
- 11. City Manager Report
- 12. Other Business
- 13. Council President Addressing the Council
- 14. Mayor Addressing the Council
- 15. Executive Session
 - 15.a Executive Session MRS 405 (6) c Real Estate Matters
 - 15.b Executive Session MRS 405 (6) e Legal Matters
 - 15.c Executive Session MRS 405 (6) a Personnel Matters
- 16. Adjourn

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to Register Games of Chance

MGCU - 5400

****The application (to include the organization's rules for the game(s)) and the registration fees must be received by the Gambling Control Unit at least ten business days prior to the Game(s) of Chance requested****

Games of Chance: \$15 Calendar Week (Monday through Sunday); \$60 Calendar Month; \$700 Calendar Year (January to December)

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. For what game(s) are you registering (please indicate number of games adjacent the name of the game and attach the organization's rules for the game(s) requested to the application):

Sealed Ticket 3 Dice 1 Wheel _____ Pot of Gold (Daily/Weekly Pool) 1

Queen of Hearts _____ Three Card Challenge _____ Other (Indicate Name of Game) _____

2. Organization Name: YORK COUNTY VETERANS ALLIANCE

Organization Number (NPO or NCO): 2196 Federal Tax ID # (EIN): 01-0533038

Business Address: 24 BRADBURY ST.

City: Biddeford State: ME Zip Code: 04005

Mailing Address: SAME Phone: 207-294-7330

City: _____ State: _____ Zip Code: _____

3. Current Officers:

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
INDIA LAVERRIERE President	416 GRAYSON	Biddeford 04005	207-283-0463	8/4/25

LORES HIGGINS V. President	7 GRAMM ST.	Biddeford 04005	207-571-4064	8/4/25
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TERESA WATERHOUSE SECRETARY	53 DANLEY Rd	DAYTON 04005	207-286-6843	8/4/25
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BERNDETTE SAGNE Treasurer	114 PROSPECT #16	Biddeford 04005	207-608-9583	8/4/25
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4. Location where Game of Chance is to be conducted:

YCUA 24 BRADBURY ST. Bidd. Me. 04005
BUILDING ADDRESS CITY / ZIP

5. Person responsible for the conduct of the Game(s) of Chance:

Bernadette Gagne 207-294-7330-207-608-95
NAME DAYTIME PHONE & EVENING PHONE

E-Mail Address: YCUAmaine@gmail.com

6. Check the day(s) of the week you will be conducting Game of Chance:

Mon ☒ Tue ☒ Wed ☒ Thu ☒ Fri ☒ Sat ☒ Sun ☒

7. What time do the doors open? 11 AM What time does the game start? 11 AM

8. Dates – Please specify either weeks (Monday through Sunday), full calendar months or calendar year (Jan to Dec). If more space is needed attach a sheet of paper to this application listing the information. Please write your organization name and number on the sheet

NOVEMBER 1ST 2024 TO NOVEMBER 30TH 2024
DEC 1ST 2024 TO DECEMBER 31ST 2024

9. Does the organization own all the equipment used in operating the Game of Chance? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

11. Does the organization have any delinquent / outstanding Disposition of Funds Reports? Yes ☐ No ☒

If "YES" include all reports with this application. If the reports are not included, this application is considered incomplete.

12. **Fair Association Only:** Attach a list of the names and home addresses of the persons operating or assisting in the registered activity. Please write your organization name and number on the list.

13. The applicant agrees to obey Federal, State of Maine laws, and rules governing Games of Chance promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

NOTE: A MGCU-5475 Sealed Ticket report form must be submitted to the unit by the 10th of each month for the previous month.

Signed: Bernadette Gagne

Print Name: Bernadette Gagne Title: Treasurer

Date: 10-7-24 Age 18 or older: Yes ☒ No ☐

City of Biddeford



2024. 165 **IN BOARD OF CITY COUNCIL...OCTOBER 15, 2024**
BE IT ORDERED, that I Martin Grohman, do hereby appoint:

Beverly Thorpe
Ward 1
Sustainability Commission
for a term to expire December 2027

Max Zakian
Ward 7
Sustainability Commission
for a term to expire December 2027

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name	Beverly Thorpe
------	----------------

Pronouns	she, her
----------	----------

Ward	1
------	---

Need to find your Ward?

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

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	<i>Field not completed.</i>
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If other, please list below.	Sustainability Commission
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Why are you interested in serving the City of Biddeford?	I am interested in the future of Biddeford and our approach to dramatic changes in climate. Protecting the natural environment is important to me. I want to be a voice advocating for changes with the preservation and growth of nature as we make adaptations for a Better Biddeford.
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Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	Maine Master Naturalist Artist
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Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	Member of Climate Task Force
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Application

Name	Maxim Edwin Zakian
Pronouns	He/Him
Ward	7
Which City Committee, Board or Commission do you request to be appointed to?	<i>Field not completed.</i>
If other, please list below.	Sustainability Commission
Why are you interested in serving the City of Biddeford?	I have always been interested in giving back to my community. After helping create the Climate Action Plan as a member of the City's Climate Task Force, I am thrilled at the opportunity to help implement the action items of the Plan moving forward.
Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	In addition to volunteering on the Biddeford Climate Task Force, I received direct CAP experience working with the Town of Falmouth (through the Greater Portland Council of Governments) to help draft a Climate Action Plan for Falmouth. I am now currently the Planner for the Town of Kittery, where I act as staff liaison for Kittery's Climate Action Plan (which was written concurrently with Biddeford). In addition to my direct experience in Climate Action work, I believe my career in land-use planning will be valuable in crafting recommendations for Council.
Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	I already mentioned my time in the Biddeford Climate Task Force (2022- dissolution date). I am also a current member of the City's ad-hoc JFK re-use committee (Jun 2023 - present) In my work in Kittery, I staff the Climate Adaptation Committee, Housing Committee, and Traffic and Parking Safety committee. (Apr 2023 - present)

City of Biddeford
City Council
October 1, 2024 at 6:00 PM

1. Roll Call

Council President LaFountain - present
Councilor Lessard - excused
Councilor Ortiz - present
Councilor Emhiser - present
Councilor Whiting - present
Councilor Beaupre - present
Councilor Gross - present
Councilor Belanger - present
Councilor Doughty - present

2. Pledge of Allegiance

3. Adjustment(s) to Agenda - none

4. Appointments

4.a 2024.158 Approval/Mayoral Appointments to Citizen Committees

Motion: Councilor Beaupre

Second: Councilor Whiting

Vote: Unanimous in favor.

Motion passed

5. Public Addressing the Council

One citizen spoke about the importance of keeping access to the town landing.

6. Consideration of Minutes

6.a Council Minutes 9-17-24

Motion: Councilor Beaupre

Second: Councilor Whiting

Adjustments: the Mayor's comments should reflect 12 straight years of school growth.

Vote: Unanimous in favor.

Motion passed.

7. Orders of the Day

7.a 2024.157 Approval/Purchase Replacement Waste Truck

Motion: Councilor Beaupre

Second: Councilor Emhiser

Public Works Director Jeff Demers explained the incident and the replacement process.

Councilor Emhiser asked if the wiring was a manufacturing defect. PW Director Demers said that meetings with the manufacturer will be the next step.

Vote: Unanimous in favor.

Motion passed.

7.b 2024.159 Approval/Purchase one 2024 Dodge Durango Pursuit SUV/AWD police vehicle

Motion: Councilor LaFountain

Second: Councilor Emhiser

Chief of Police JoAnne Fisk explained the replacement cycle for the vehicles and that this one would be kept for occasional use.

Vote: Unanimous in favor.

Motion passed.

7.c 2024.160 Acceptance of 2024 Edward Byrne Memorial Justice Assistance Grant (JAG)

Motion: Councilor Beaupre

Second: Councilor Gross

Chief Fisk explained the grant process and the items it is intended for.

Vote: Unanimous in favor.

Motion passed.

*7.d 2024.161 Approval/Correction of FY 25 School Budget Construction Debt Service
order 2024.79*

Motion: Councilor Beaupre

Second: Councilor Whiting

This is a correction and does not need a second reading.

Vote: Unanimous in favor.

Motion passed.

7.e 2024.163 Approval/Reschedule Council Meeting 11-5-24

Motion: Councilor Beaupre

Second: Councilor Emhiser

Vote: Unanimous in favor.

Motion passed.

7.f 2024.162 Approval/City Hall Renovation Project - Window Limiters

Motion: Councilor Beaupre

Second: Councilor Emhiser

Vote: Unanimous in favor.

Motion passed.

7.g 2024.164 Approval/Renovation Project - Tower Windows

Motion: Councilor Beaupre

Second: Councilor Emhiser

Councilor Belanger is in favor of the item, it is important to keep the historical details.

Vote: 7 yeas, Councilors Ortiz, Belanger, Gross, Beaupre, Doughty, Emhiser and LaFountain.

1 nay – Councilor Whiting.

Motion passed.

8. Committee of the Whole

8.a Housing and Unhoused Updates and Discussion

Motion to go into Committee of the Whole by Councilor Beaupre at 6:29 pm

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

General Assistance Director Jake Hammer gave an update on how the program is working so far. There have been gains with placing people. He provided examples of the types of placements. The GA reimbursement paperwork is on track and functioning as it is supposed to. They have built relationships with local landlords and area agencies.

Councilor Ortiz requested more detail on the numbers, where they are going, how many are still outside, etc.

Economic Development Director George Gervais gave an update on several of the 17 projects that were reviewed in August. The Maine State Housing submissions are in, there should be news in a few months.

Council ideas for the future:

Councilor Belanger asked for an update on the Comprehensive Plan, asked for a look at the overall zoning system. He would like the City to work on ideas to develop housing at the next level, when first time home owners are ready to move up. He also commented of planning for a walkable City, including grocery stores.

Councilor Emhiser – the Council visited Houston Commons in Portland. It would be good to develop one here in the next few years. He also discussed the importance of green space in our planning. He asked about the progress with the River walk.

Councilor Doughty mentioned that one of the challenges is finding shelter for couples.

Councilor LaFountain agreed with the comments about green space. He asked for an update on City owned properties and their potential. He would Planning to look at the land around the airport.

Councilor Ortiz discussed the importance of beautification and public art. There are discussions about this right now in the Policy Committee.

Mayor Grohman shared information about the solar developments in Sanford. He also complimented the vision of the Council in the 1950s for their efforts to create the industrial parks. Access to power, water and sewer can make the difference to a development project.

City Manager Jim Bennett reviewed some of the changes in the demographics of the City and asked Council to develop a list of the top 2-3 things for staff to focus on.

Motion to come out of Committee of the Whole at 7:42 pm by Councilor Whiting

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

9. Public Addressing the Council

none

10. City Manager Report

City Manager Bennett updated the Council on the Hills Beach Association Fire Station progress.

The Bond Anticipation Note for the School Construction was opened this week.

He mentioned that October is extremely busy for customer service with absentee ballots, tax bills and sewer bills. People can avoid the line by using online services and mailing in payments. Information is available on the City's website.

Tax bills were delayed to add more value and keep the mil rate at the original amount of 14.22.

Sewer bills are being finalized for the past six months and will have information coming soon for customer questions and payments. The website is the best resource to send in meter readings.

The FY23 audit should be ready in early 2025.

11. Other Business

None.

12. Council President Addressing the Council

Council President LaFountain said that there would be an executive session after the Mayor's comments.

13. Mayor Addressing the Council

Mayor Grohman played in the Recovery Softball game this week, he shared details on how the event has grown.

Next week the Chamber is having a Ten Talks event.

School news – the Tech Center will have a grand opening soon. He thanked Pierson's Nursery for donating plants for landscaping.

Councilor LaFountain – motion to go into Executive Session at 7:56 pm for 1 MRS 405 6 c Personnel Matters.

Second: Councilor Whiting

Vote: Unanimous in favor.

Motion passed.

Councilor LaFountain – motion to come out of Executive Session at 8:58 pm

Second: Councilor Whiting

Vote: Unanimous in favor.

Motion passed.

14. Adjourn

Councilor LaFountain – motion to adjourn at 8:58 pm

Second: Councilor Belanger

Vote: Unanimous in favor.

Meeting adjourned.



City Council

Meeting Date: October 15, 2024
Meeting Time: 6:00 PM
Agenda Item No: 9.a
Item Description: 2024.166 Approval/Purchase EMS Defibrillator Units
Submitted By: Lawrence D. Best, Fire Chief

Supporting Information/Documentation:

Stryker Lifepak Defibrillator Contract 10-15-2024, ORDER 2024.166 Defibrillator Units

Key Terms:

Approval/Purchase EMS Defibrillator Units- CIP Funds

Executive Summary:

Approval of this item authorizes the purchase of fifteen (15) new Physio-control CR2 AED defibrillator units and two (2) LifePak 15 model units from Stryker for a total cost of \$133,806.66 (see attached quote). This quote takes into account a trade-in credit of \$10,000 for the two LifePak 12 units and is a sole source procurement.

Detailed Review:

There are multiple Automatic External Defibrillator (AED) Units located and in use throughout the City. Some of these AED units are located in various City facilities, such as City Hall, DPW, the Community Center and the Police Department. And some of these AED units are located in various emergency response vehicles at both the Fire Department and Police Department. In addition to the AED units, the Fire Department uses seven (7) larger combination AED/Manual LifePak defibrillator units on the ambulances and front line fire units. These larger LifePak units have in-depth diagnostic and manual treatment modes that can be used by the Paramedics when a patient is experiencing particular irregular heart rhythms.

During the FY25 CIP budget preparation process, it was determined there were seventeen (17) AED units that were 10 years old or older, with four (4) of them being over 17 years old. In addition, there are two (2) LifePak 12 units that are eighteen (18) years old that have also reached the end of their technological life. None of these units are supported by the manufacturer for technological repairs, and it is often found that when batteries need to be replaced they are more expensive than the newer supported units. The same can be said for some of the defibrillator pads for some of the older AED units. The typical technology life for a

piece of medical equipment is approximately 7 to 10 years, depending on what type of equipment it is.

A request for \$135,000.00 was submitted through the CIP budget process to replace these defibrillator units. This request was supported throughout the budget process by the CIP Committee, City Council and by the City Manager as a project to move forward with. A sole source quote was requested through Stryker, which is the manufacturer of the current LifePak units and the majority of the AED units. This was done for compatibility reasons. If a person is in cardiac arrest or has an irregular heart rhythm and an AED unit is being used, then when one of the LifePak units arrives at the scene with the Paramedics, cardiac care can quickly be transferred from the AED to the LifePak by simply unplugging the Defibrillator pad wires from the AED and then plugging them into the LifePak unit for Advanced Life Support (ALS) care.

Attached is a quote from Stryker for fifteen (15) new Physio-control CR2 AED defibrillator units and two (2) LifePak 15 model units for a total cost of \$133,806.66 (see attached). This quote takes into account a trade-in credit of \$10,000 for the two LifePak 12 units.

Funding Source:

\$133,806.66; BFD-001; funding is from the FY25 Capital Budget. The CIP allocation is \$135,000.

Staff Recommendation:

Recommendation to place an order for the fifteen (15) AED and two (2) Lifepak 15 defibrillator units through Stryker to replace the units that are no longer supported technologically.



LP-CR2 X 15

Quote Number:	10958708	Remit to:	Stryker Sales, LLC 21343 NETWORK PLACE CHICAGO IL 60673-1213 USA
Version:	1	Rep:	Matthew Lampen
Prepared For:	BIDDEFORD FIRE DEPT	Email:	matthew.lampen@stryker.com
Attn:		Phone Number:	
Quote Date:	07/23/2024		
Expiration Date:	10/21/2024		

Delivery Address		Sold To - Shipping		Bill To Account	
Name:	BIDDEFORD FIRE DEPT	Name:	BIDDEFORD FIRE DEPT	Name:	BIDDEFORD FIRE DEPT
Account #:	20027218	Account #:	20027218	Account #:	20027218
Address:	152 ALFRED ST	Address:	152 ALFRED ST	Address:	152 ALFRED ST
	BIDDEFORD		BIDDEFORD		BIDDEFORD
	Maine 04005-2589		Maine 04005-2589		Maine 04005-2589

Equipment Products:

#	Product	Description	U/M	Qty	Sell Price	Total
1.0	99512-001263	LIFEPAK CR2 Defibrillator, Fully Automatic, WIFI, English, carrying case, 8 year warranty. Includes 1 PR QUIK-STEP electrodes and 1 battery (4 years each), LIFELINKcentral AED Program Manager Basic Account, USB cable, Operating Instructions	PCE	15	\$2,240.24	\$33,603.60
2.0	11141-000165	AED Lithium Battery, LPCR2	PCE	7	\$240.16	\$1,681.12
3.0	11101-000021	QUIK-STEP pacing/ECG/defibrillation electrodes, 4 year. Includes electrode cover, 1 set of adult/ pediatric electrodes, LPCR2	PCE	7	\$138.32	\$968.24
Equipment Total:						\$36,252.96

Price Totals:

Grand Total:	\$36,252.96
Comments:	

Prices: In effect for 30 days
Terms: Net 30 Days



LP-CR2 X 15

Quote Number: 10958708

Remit to: Stryker Sales, LLC
21343 NETWORK PLACE
CHICAGO IL 60673-1213
USA

Version: 1

Prepared For: BIDDEFORD FIRE DEPT

Attn:

Rep: Matthew Lampen

Email: matthew.lampen@stryker.com

Phone Number:

Quote Date: 07/23/2024

Expiration Date: 10/21/2024

Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html.



LP-15 V4 Plus w LP-12 Trade In X 2 & 4 yrs ProCare SVC

Quote Number: 10784436

Remit to: Stryker Sales, LLC
21343 NETWORK PLACE
CHICAGO IL 60673-1213
USA

Version: 1

Prepared For: BIDDEFORD FIRE DEPT
Attn:

Rep: Matthew Lampen
Email: matthew.lampen@stryker.com
Phone Number:

Quote Date: 07/22/2024

Expiration Date: 08/22/2024

Contract Start: 09/19/2023

Delivery Address		Sold To - Shipping		Bill To Account	
Name:	BIDDEFORD FIRE DEPT	Name:	BIDDEFORD FIRE DEPT	Name:	BIDDEFORD FIRE DEPT
Account #:	20027218	Account #:	20027218	Account #:	20027218
Address:	152 ALFRED ST BIDDEFORD Maine 04005-2589	Address:	152 ALFRED ST BIDDEFORD Maine 04005-2589	Address:	152 ALFRED ST BIDDEFORD Maine 04005-2589

Equipment Products:

#	Product	Description	U/M	Qty	Sell Price	Total
1.0	99577-001957	LIFEPAK 15 V4 Monitor/Defib - Manual & AED, Trending, Noninvasive Pacing, SpO2, SpCO, NIBP, 12-Lead ECG, EtCO2, BT. Incl at N/C: 2 pr QC Electrodes (11996-000091) & 1 Test Load (21330-001365) per device, 1 Svc Manual CD (26500-003612) per order	PCE	2	\$40,974.35	\$81,948.70
2.0	41577-000288	Ship Kit -QUIK-COMBO Therapy Cable; 2 rolls100mm Paper; RC-4, Patient Cable, 4ft.; NIBP Hose, Coiled; NIBP Cuff, Reusable, adult; 12-Lead ECG Cable, 4-Wire Limb Leads, 5ft; 12-Lead ECG Cable, 6-Wire Precordial attachment	PCE	2	\$0.00	\$0.00
3.0	21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	PCE	6	\$474.24	\$2,845.44
4.0	11140-000098	LP15 AC Power Adapter (power cord not included)	PCE	2	\$1,695.56	\$3,391.12
5.0	11140-000015	AC power cord	PCE	2	\$82.08	\$164.16
6.0	11140-000080	Extension Cable (5ft 3 in)	PCE	2	\$315.40	\$630.80
7.0	11171-000049	Masimo Rainbow DCI Adult Reusable SpO2, SpCO, SpMet Sensor, 3 FT. For use with RC Patient Cable.	PCE	2	\$652.84	\$1,305.68
8.0	11171-000046	Masimo M-LNCSCI, Adult Reusable SpO2 only Sensor. For use with RC Patient Cable.	PCE	2	\$307.04	\$614.08
9.0	11171-000047	Masimo M-LNCSP, Pediatric Reusable SpO2 only Sensor. For use with RC Patient Cable.	PCE	2	\$307.04	\$614.08
10.0	21300-008159	LIFEPAK 15 NIBP Straight Hose, 6'	PCE	2	\$76.00	\$152.00
11.0	11160-000011	NIBP Cuff-Reusable, Infant	PCE	2	\$22.80	\$45.60



LP-15 V4 Plus w LP-12 Trade In X 2 & 4 yrs ProCare SVC

Quote Number: 10784436

Remit to: Stryker Sales, LLC
21343 NETWORK PLACE
CHICAGO IL 60673-1213
USA

Version: 1

Prepared For: BIDDEFORD FIRE DEPT

Attn:

Rep: Matthew Lampen

Email: matthew.lampen@stryker.com

Phone Number:

Quote Date: 07/22/2024

Expiration Date: 08/22/2024

Contract Start: 09/19/2023

#	Product	Description	U/M	Qty	Sell Price	Total
12.0	11160-000013	NIBP Cuff-Reusable, Child	PCE	2	\$25.84	\$51.68
13.0	11160-000017	NIBP Cuff -Reusable, Large Adult	PCE	2	\$35.72	\$71.44
14.0	11160-000019	NIBP Cuff-Reusable, Adult X Large	PCE	2	\$50.92	\$101.84
15.0	11577-000002	LIFEPAK 15 Basic carry case w/right & left pouches; shoulder strap (11577-000001) included at no additional charge when case ordered with a LIFEPAK 15 device	PCE	2	\$338.20	\$676.40
16.0	11220-000028	LIFEPAK 15 Carry case top pouch	PCE	2	\$60.80	\$121.60
17.0	11260-000039	LIFEPAK 15 Carry case back pouch	PCE	2	\$86.64	\$173.28
18.0	11577-000001	LIFEPAK 15 Shoulder strap	PCE	2	\$0.00	\$0.00
21.0	21330-001365	Test load (for use with QUIK COMBO therapy cable)	PCE	2	\$0.00	\$0.00
Equipment Total:						\$92,907.90

Trade In Credit:

Product	Description	Qty	Credit Ea.	Total Credit
TR-LP12B-LP15	TRADE-IN-STRYKER LIFEPAK 12B TOWARDS PURCHASE OF LIFEPAK 15	2	-\$5,000.00	-\$10,000.00

ProCare Products:

#	Product	Description	Months	Qty	Sell Price	Total
22.1	LIFEPAK-FLD-PROCARE	Lifepak 15 for LIFEPAK 15 V4 Monitor/Defib - Manual & AED, Trending, Noninvasive Pacing, SpO2, SpCO, NIBP, 12-Lead ECG, EtCO2, BT. Incl at N/C: 2 pr QC Electrodes (11996-000091) & 1 Test Load (21330-001365) per device, 1 Svc Manual CD (26500-003612) per order 09/20/2023 - 09/19/2027 ✓Parts, Labor, Travel ✓Preventative Maintenance	48	2	\$5,963.60	\$11,927.20
ProCare Total:						\$11,927.20

Data Solutions:



LP-15 V4 Plus w LP-12 Trade In X 2 & 4 yrs ProCare SVC

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Contract Start: 09/19/2023

#	Product	Description	Qty	Sell Price	Total
19.0	11996-000471	4G Modem: Verizon Cellular (for use on Stryker data plan; purchased separately)	2	\$850.30	\$1,700.60
20.0	78000168	KORE - Stryker data plan for modem (Verizon)	2	\$384.00	\$768.00
Data Solutions Total:					\$2,468.60

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$250.00
Grand Total:	\$97,553.70

Comments:

PLEASE NOTE, THIS IS QUOTED AT CURRENT PRICING/DISCOUNTS.

Prices: In effect for 30 days

Terms: Net 30 Days

Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html.



**LP-15 V4 Plus w LP-12 Trade In X 2 & 4 yrs ProCare
SVC**

Quote Number:	10784436	Remit to:	Stryker Sales, LLC 21343 NETWORK PLACE CHICAGO IL 60673-1213 USA
Version:	1	Rep:	Matthew Lampen
Prepared For:	BIDDEFORD FIRE DEPT	Email:	matthew.lampen@stryker.com
Attn:		Phone Number:	
Quote Date:	07/22/2024		
Expiration Date:	08/22/2024		
Contract Start:	09/19/2023		

ENDING APPROVAL

Attest by:_____



City Council

Meeting Date: October 15, 2024

Meeting Time: 6:00 PM

Agenda Item No: 9.b

Item 2024.168 Approval Amendment Back Lot Ordinance

Description:

Submitted By: David C.M. Galbraith, Deputy Director of Planning & Development / City Planner

Supporting Information/Documentation:

20241015 2024.168 Flag Lot Back Lot Ordinance Amendments Council - ORDER, Back Lot Amendment 10-2-2024 PDF , Back Lot Amendment City Council 10-15-2024, Planning Board 2023.24 Back Lot amendment - MEMO

Key Terms:

N/A

Executive Summary:

This proposed zoning amendment was brought before the Planning Board by City Staff to clarify what constitutes a "flag lot" / "back lot".

Detailed Review:

The proposed Ordinance Amendment is being forwarded to the City Council by Staff, with a recommendation from the Planning Board, to adopt the proposed amendment, as written, as it seeks to update the City's clarify, with text and graphics, what constitutes a "flag lot" / "back lot". This amendment is being sought to close a found "loophole" within the adopted Ordinance, which unless modified would allow properties to be divided in conflict with the spirit and intent of the Ordinance. Proposed text is identified by blue underline and text deletions are shown in ~~red strikethrough~~. The proposed Ordinance language is attached.

Funding Source:

N/A

Staff Recommendation:

Staff is seeking Council approval of the proposed Ordinance as written and presented.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with trees. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. The seal is flanked by two decorative, symmetrical scroll-like flourishes.

2024.168 **IN BOARD OF CITY COUNCIL** on October 15, 2024
BE IT ORDERED, that the amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, as attached, are adopted as written.

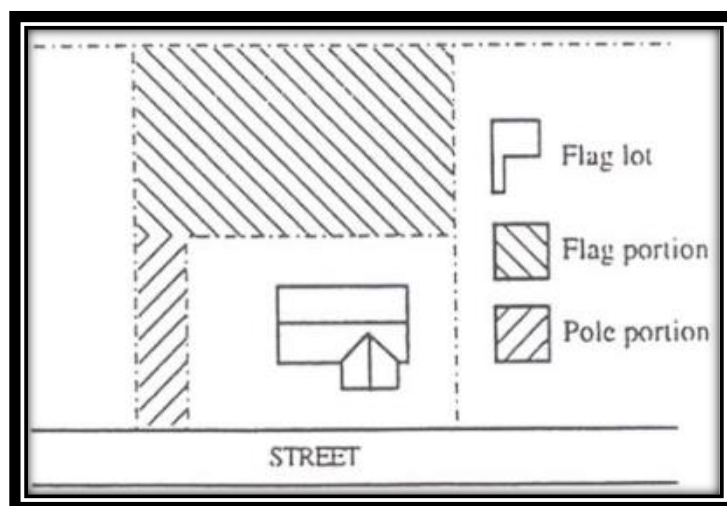
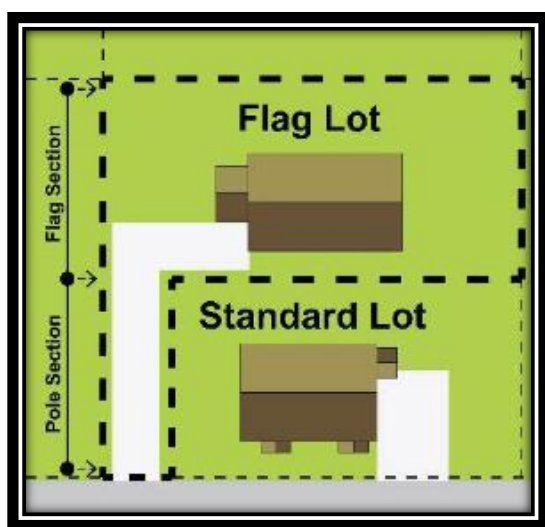
Attest by: _____

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

- A. Flag / Back lots. One new flag/back lot may be created from any lot of record that existed on August 1, 2023 and conforms to the lot requirements of Table B Dimensional Requirements except for the lot frontage requirement, provided that:
1. A new back lot may only be created on residentially zoned properties identified as “growth areas” in the City’s Comprehensive Plan.
 2. Backlots are prohibited on residential lots in City’s Rural Farm (RF) and Coastal Residential (CR) Zoning Districts.
 3. Back lots are prohibited in previously approved subdivisions without subdivision amendment review and approval by the Planning Board. Projects / divisions of this nature need to adhere to all subdivision standards, dimensional regulations and stormwater management regulations.
 4. Lots utilizing the Back Lot Ordinance may not be further subdivided including the creation of additional “back lots”.
 5. Each will be limited to one single or one two-family dwelling.
 6. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
 7. Back Lots / Flag lots shall comply with the following:
 - A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.



- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain

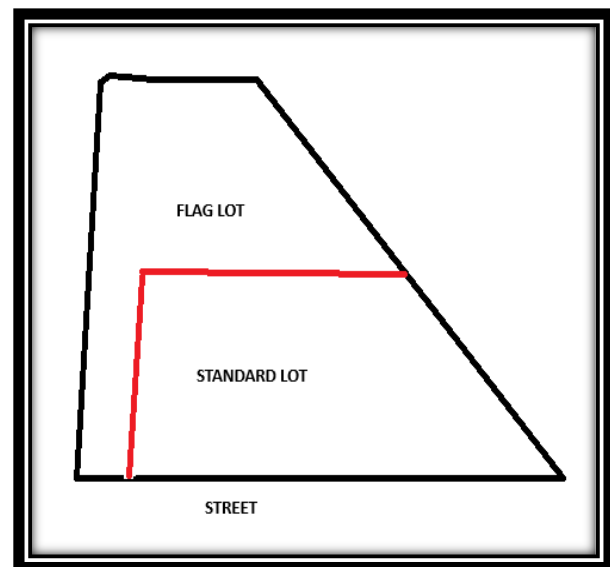
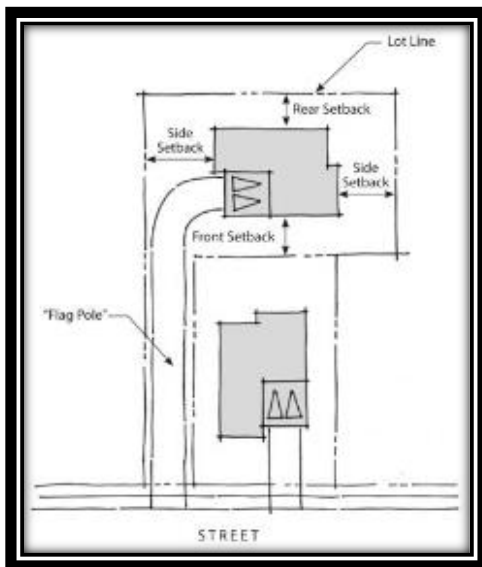
City of Biddeford
Re: Back Lot Ordinance Amendment

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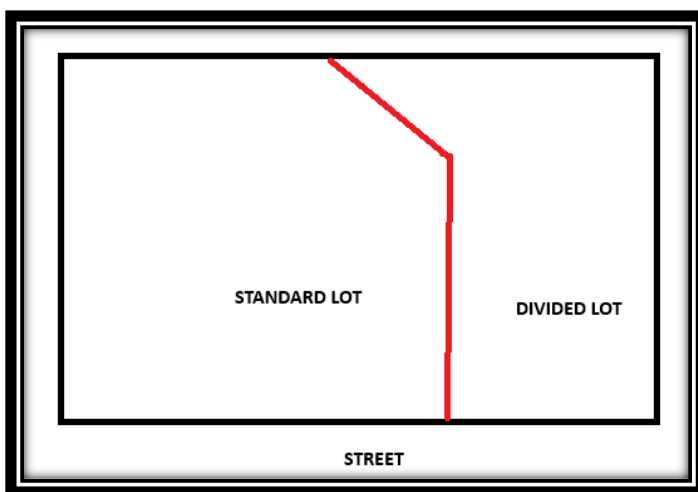
Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

8. The back lot has a deeded access to a publicly accepted street. This access may be obtained by:
 - a) A right-of-way / easement that is a minimum of 25 feet wide across the front lot that is deeded to the owner of the back lot; or
 - b) Extension of the back lot to the public street so that the back lot has at least 25 feet of frontage on the street. The creation of the back lot shall not make the front lot more nonconforming in street frontage or make the front lot nonconforming with respect to street frontage if it is conforming.
 - c) The 25 foot right-of-way (ROW) / easement area shall be designed to meet the following:
 - 1) There shall be a five (5) foot wide minimum driveway setback from the existing master lot to the existing structure.
 - 2) There shall be a five (5) foot wide minimum, driveway setback the length of the proposed driveway, along the abutting property line. This area shall remain vegetated.
 - 3) The proposed driveway shall be a minimum of twelve feet (12) in width, must remain unobstructed.
 - 4) The driveway width may be required to exceed the twelve foot (12') width if necessary to accommodate passage of emergency vehicles. Driveway/s exceeding 150' in length may be required to provide an emergency vehicle turn around. This determination and approval of access designs shall be made in writing by the Biddeford Fire Department.
 - 5) For safety reasons, driveways may be required to meet "private road construction requirements", Table 6-50, as determined by the City's Code Enforcement Office, Planning Director and Fire Department.
 - 6) The Code Enforcement Office may require additional information / studies to be provided by the Applicant prior to the issuance of a building permit.
9. The back lot and the front lot may share the same driveway and driveway roadway entrance providing the following conditions are met:
 - a) Proof of a recorded non-exclusive access easement, a minimum of twenty-five (25) feet in width, which will run with the land in perpetuity; the interior lot of record may only utilized as a single-family or two-family **Use** and shall meet all dimensional requirements within the zoning district in which they are located).
 - b) The access easement shall include provisions for snow removal, access maintenance, driveway replacement / reconstruction and maintenance responsibilities of each party of the lot division.
 - c) If 3 or more units are created, Subdivision review by the Staff Review Committee (SRC) may be required.

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

Proposed text shown in blue underline and text deletions shown in ~~red-strikethrough~~.

10. The driveway shall be maintained in a passable condition, free of potholes, ruts, debris, snow, and shall not cause damage to municipal vehicles nor hinder emergency vehicle access.
 11. A turnaround area may be required, by the Biddeford Fire Chief, or their assignee, for the safe maneuvering of public safety vehicles. Written approval from the Department shall be submitted to the Code Enforcement Office with building permit application.
 12. Street numbering shall be approved by the City's E-911 Addressing Officer prior to the issuance of any required permits are issued. A sign or mailbox clearly stating the assigned street number shall be posted at the street, prior to issuance of the required Building Permit.
 13. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
 14. If a public water line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the public water, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
- B. Lot standards. The following apply to new lots created after August 1, 2023:
1. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
 2. Prior to issuance of a building permit, the Code Enforcement Officer, Director of Engineering or City Planner may require that a wetlands delineation, prepared by a State of Maine Professional Licensed Engineer, be submitted to verify that the proposed building lot and proposed structures are adequate for building construction and the septic system installation consists of upland areas. If an area of wetlands equal to or greater than Maine Department of Environmental Protection Natural Resource Protection Act (NERPA) thresholds for development review is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.
- C. Existing interior lots of record without any road frontage as of August 1, 2023, shall be eligible for a building permit, notwithstanding the absence of street frontage, providing the lot has a dedicated right-of-way (ROW) / Easement, meeting the standards of this Ordinance, to a City accepted street.
- D. All driveways serving the master lot and back lot shall be paved if the existing lot is already paved.

City of Biddeford
Re: Back Lot Ordinance Amendment

Planning Board Meeting: October 2, 2024

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E. Multiple dwellings or uses on one lot.

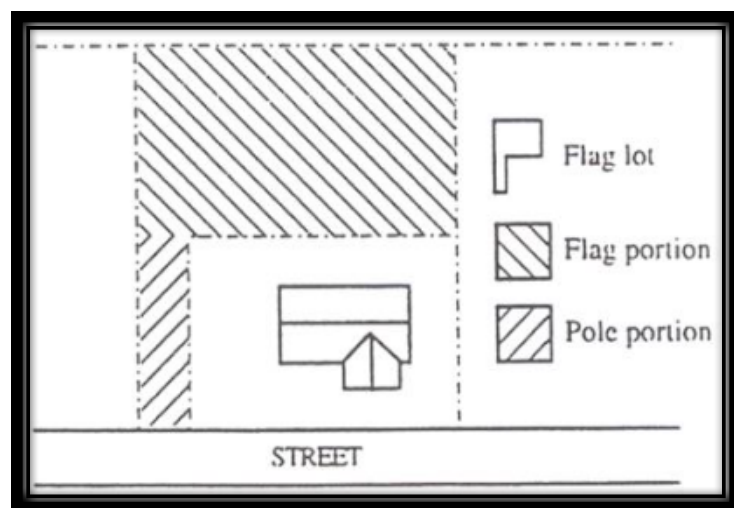
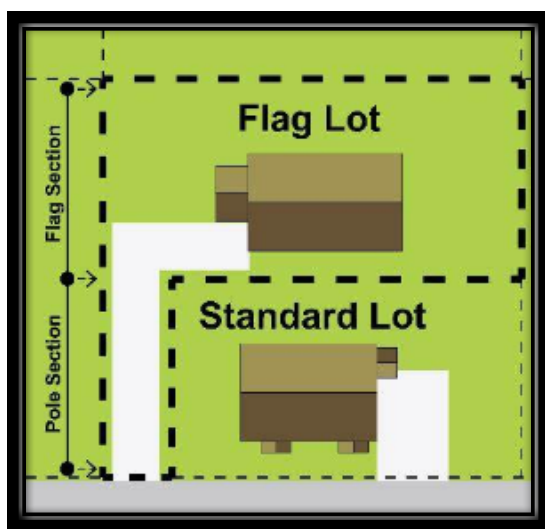
1. Except as permitted under Subsection 2 below, no more than one single-family or two-family dwelling may be located on a lot, except in the case of multiunit residential projects that meet all other applicable sections of this chapter.
2. A second single-family dwelling, or two-family dwelling in the same ownership as the first, may be located on a lot only if the street frontage requirement is met, and the placement of the buildings would allow division of the lot in conformance with the minimum lot and setbacks specified in Table B - Dimensional Requirements. An accessory dwelling unit (ADU) permitted under Article VI – Performance Standards, Section 78 Accessory Dwelling Units shall not be considered a single-family residence for purposes of this section.

City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

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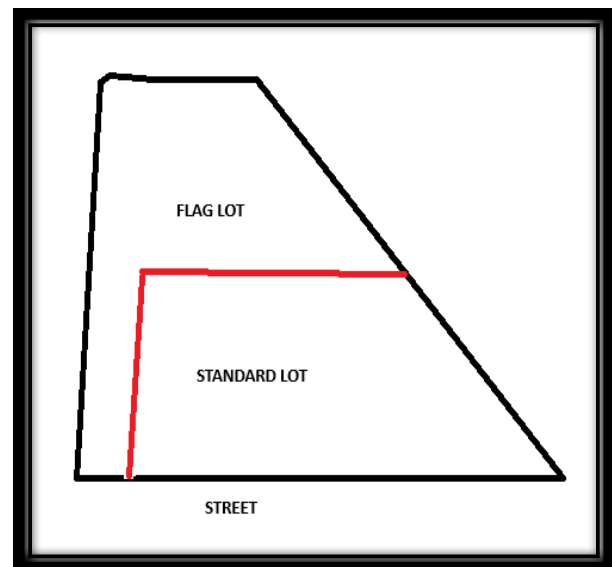
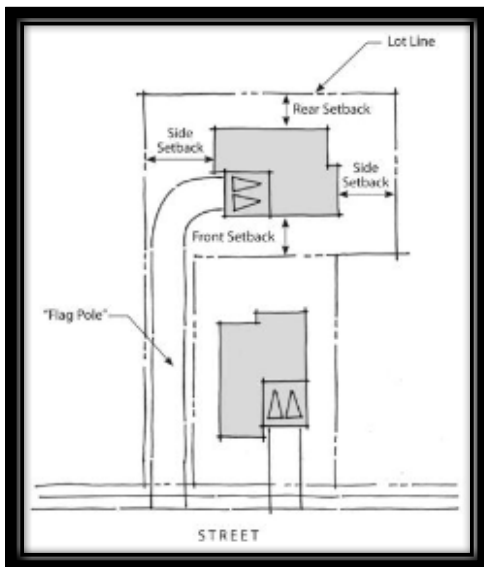
City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

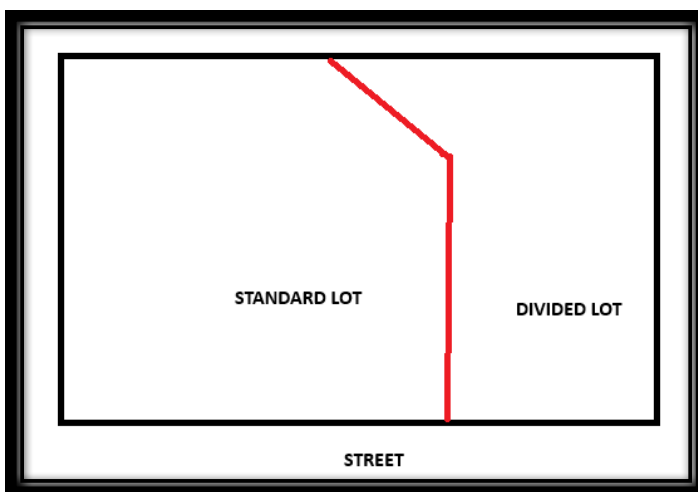
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vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

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City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

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City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

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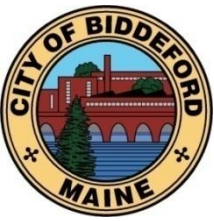
City of Biddeford
Re: Back Lot Ordinance Amendment

City Council Meeting: October 15, 2024 – First reading

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1. Except as permitted under Subsection 2 below, no more than one single-family or two-family dwelling may be located on a lot, except in the case of multiunit residential projects that meet all other applicable sections of this chapter.
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CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

David.Galbraith@Biddefordmaine.org

Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: September 25, 2024

RE: **Case # 2023.24 Back Lot Ordinance Amendment / Back Lot Ordinance, Article VI - Performance Standards, Section 7A - Back Lots.**

MEETING DATE: October 2, 2024

I. INTRODUCTION:

The proposed amendment was last discussed at the Board's September 18, 2024 meeting. As the Board may recall, on August 1, 2023 the City Council approved a new Back Lot Ordinance, which allowed property owners, to create a back lot, also called a "Flag Lot" due to the shape of said back lot (Flag = created lot and pole = access). The Planning Board recommended Ordinance to the City Council that included "Subsection 7" which stated:

"7. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district".

When the Ordinance was before the City Council for final approval, the Council voted to eliminate the above language and the Ordinance ultimately was adopted by the Council. The Council's rationale was when dealing with divisions of this nature, some lots may be irregular in shape and in

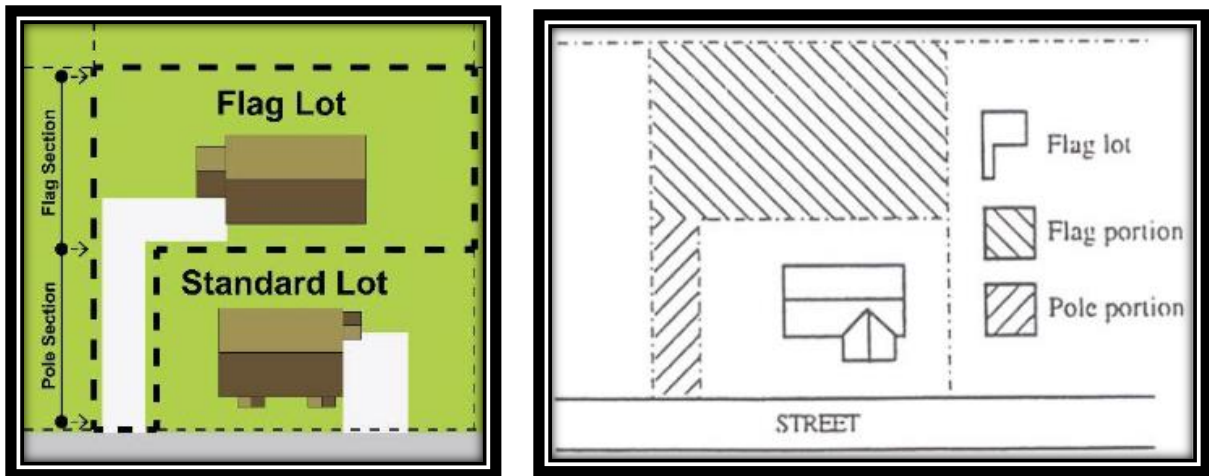


many cases the frontage is the widest part of the property and the remainder of the lot tapers in as you go deeper into the lot. However, due to the elimination of the above provision, a resident was able to meet the "back lot" regulations, and divide the lot so that the two lots were created side by side (similar to the above image), which was not the intent when the Back Lot Ordinance was created.

MEETING: Planning Board
Re: Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

Due to this unintended “loop hole” Staff is seeking an amendment to the Ordinance which clearly states, and illustrates the Ordinance’s original intent. Since the last Board meeting Staff has modified the proposed Ordinance language and have included some graphics which illustrate the intent of the Ordinance to clarify for Staff and clients alike. The proposed language is shown below with new / proposed text shown in blue underlined. The proposed amendments do NOT include any deleted text, usually indicated in ~~red-strikethrough~~. The proposed changes are shown below:

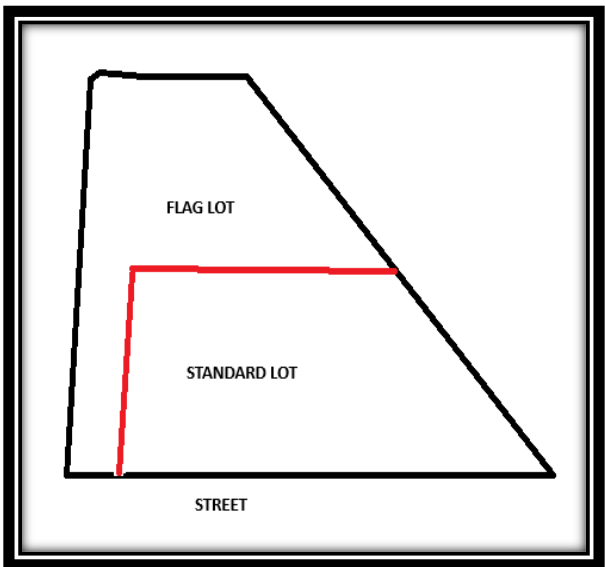
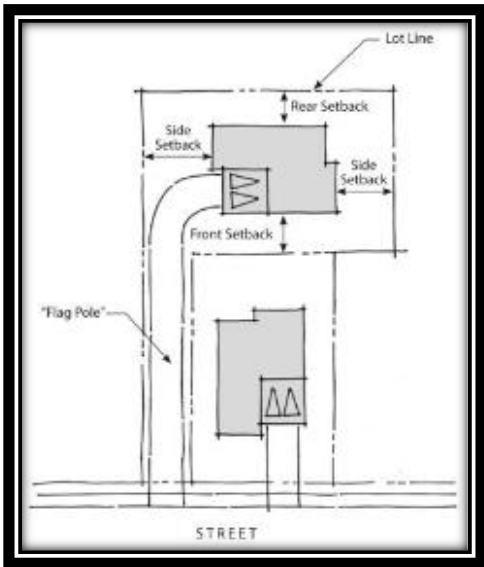
7. Back Lots / Flag lots shall comply with the following:
- A. The creation back lot is the division of the existing lot of record into two lots, where the front/standard lot is located in front of the created flag/back lot, as illustrated below.



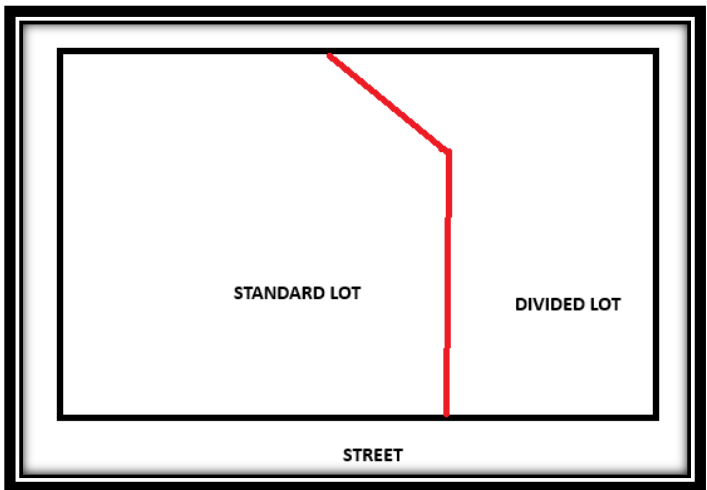
- B. When creating a flag / back lot, the existing house may be located on either the flag lot, or the front lot, and the new house placed on the created vacant lot. The flag / back lot shall gain vehicle access from the roadway via 25 foot wide right-of-way easement (pole portion), as illustrated above and below.

MEETING: Planning Board
Re: Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

- C. The flag portion of the back lot shall be a minimum of 50% of the width, as measured at its front lot line, of the original lots existing street frontage. As illustrated below, the flag / back lot's front lot line is at least 50% of the existing street frontage. This is permitted when the lot is a slightly irregular shape and the existing street frontage is wider than that the rear of the lot.



Standard Flag Lot = Acceptable Irregular Flag Lot with 50%+ frontage = Acceptable.



Example (Left): Proposed / divided lot with reduced frontage, not meeting minimum frontage requirements. Not a Flag lot and not permitted under this Ordinance. PROPOSED LOT = NOT ACCEPTABLE

Attached is a copy of the entire Back Lot Ordinance, with proposed text additions shown in blue.

MEETING: Planning Board
Re: Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots,
MEETING DATE: October 2, 2024

II. SAMPLE MOTIONS:

A. *Motion to Approve the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, as written.*

B. *Motion to Table the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

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

C. *Motion to deny the proposed Ordinance Amendments to the City’s Code of Ordinance, Part III – Land Development Regulations, Article VI - Performance Standards, Section 7A - Back Lots, for the following reasons:*

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

ATTACHMENTS

- 1. Attachment # 1: City of Biddeford – Back Lot Ordinance with “in line” Ordinance Amendments



City Council

Meeting Date: October 15, 2024
Meeting Time: 6:00 PM
Agenda Item No: 9.c
Item Description: 2024.169 Approval Text Amendment Marijuana Establishments
Submitted By: David C.M. Galbraith, Deputy Director / City Planner

Supporting Information/Documentation:

20241015 Marijuana Establishments Setbacks - ORDER, 20241015 Section 77 Marijuana Establishments Setbacks Amendment - ORDINANCE DRAFT, 20240925 Planning Board Report Marijuana Setbacks - MEMO, 20240917 LaFountain Supporting Documents to Planning Board - REFERENCES

Key Terms:

Executive Summary:

The proposed Zoning Text Amendment was initiated by City Council President and Ward 7 Councilor LaFountain, and was forwarded to the Planning Board with the intent to:

"Implement a residential setback for Cannabis Grow Facilities. The aim is to mitigate negative impacts, such as odor, on local residents and properties near these facilities. Considering our current ordinance prohibits new marijuana establishments within 500 feet of another, I propose a minimum 500 ft. setback from any occupied residential unit as our starting point. (See Code of Ordinances: Part III Land Development Regulations, Article VI Performance Standards, Section 77, C)."

Detailed Review:

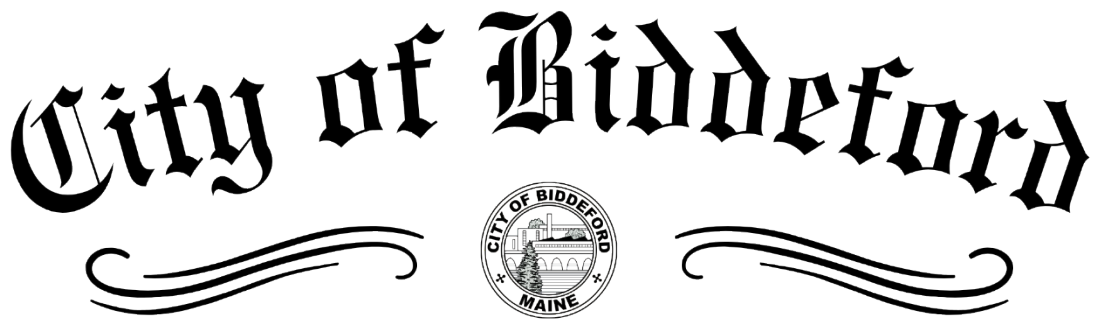
The Planning Board considered the proposed amendment, including supportive data and public hearing testimony and determined that the City should institute setback standards for marijuana uses from schools, public facilities, places of worship, residential zoned properties, residentially used properties, and childcare facilities. The proposed amendments also clarify how these proposed would be measured. When the Amendment was initially sent to City Staff we began with a 500' setback, but following Board deliberations and testimony from residents and marijuana operators, the Planning Board voted to increase the setback from the originally proposed 500' to 1,000'.

Funding Source:

No additional funding is required beyond Staff time.

Staff Recommendation:

The proposed Ordinance Amendment was forwarded to the Planning Board by the City Council. The Planning Board reviewed the proposed text amendments and were supportive of the changes as originally drafted, except for the proposed 500' setback from "sensitive uses". The Board then voted to increase the setback to 1,000'. Therefore, the Planning Board are recommending the City Council adopt the proposed Ordinance Amendment as written. Text deletions have been shown as ~~red-strikethrough~~ and new text has been shown as blue underlined text. Currently, Staff is seeking passage of the proposed setback standards between marijuana uses and "sensitive uses" as written.



2024.169

IN BOARD OF CITY COUNCIL on October 15, 2024

BE IT ORDERED, that the below amendments to the City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments, Section “C” be amended to the following:

C. Separation of marijuana establishments. Marijuana Establishments shall meet the minimum standards listed below, which may not be relaxed by variance or waiver:

- 1) No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment. This setback measurement shall be taken line from property line to property line.
- 2) No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of a public or private school. This measurement shall be taken from the school’s closest property line to the primary building entrance of the marijuana establishment.
- 3) No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of any public facility, place of worship, residential zone, residentially used property, or childcare facility. This measurement shall be taken from the property line of the above identified uses, to the primary building entrance of the marijuana establishment.

Attest by: _____

**Re: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford
Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance
Standards, Section 77 Marijuana Establishments.**

**City Council 1st Reading
Date: October 15, 2024**

Section 77 Marijuana establishments.

[Added 1-17-2017 by Ord. No. 2016.88; amended 1-19-2021 by Ord. No. 2021.1]

- A. All marijuana establishments shall be located indoors. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment shall be clearly identified as such on the site plan or conditional use application.
- B. Odor management. For all marijuana establishments, the odor of marijuana shall not be detectable off-premises, meaning not detectable on any property that is not under the control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:
 - 1. A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
 - 2. A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
 - 3. For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - a. Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - b. Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.

**Re: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford
Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance
Standards, Section 77 Marijuana Establishments.**

City Council 1st Reading

Date: October 15, 2024

Marijuana establishments shall implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

- c. Noxious gases and fumes. Marijuana establishments shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the establishment. Gases or fumes shall not extend beyond the premises of any establishment, meaning not detectable on any property that is not under the control of the establishment.
- d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment shall be provided at all times.
- e. All marijuana and marijuana by-products intended for disposal shall be stored indoors in a self-contained room that is intended solely for this purpose and in accordance with all applicable federal, state and local laws and regulations. When moving material from the self-contained storage room for disposal, marijuana and marijuana by-products shall be moved only in receptacles with a cover or lid. Security cameras shall be installed to record activities in the area of the storage room as well the areas between the storage room and where said material is loaded onto vehicle(s) for disposal.

C. Separation of marijuana establishments. [Marijuana Establishments shall meet the minimum standards listed below, which may not be relaxed by variance or waiver:](#)

- 1) No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment. [This setback measurement shall be taken line from property line to property line.](#)
- 2) [No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of a public or private school. This measurement shall be taken from the school's closest property line to the primary building entrance of the marijuana establishment.](#)

**Re: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford
Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance
Standards, Section 77 Marijuana Establishments.**

City Council 1st Reading

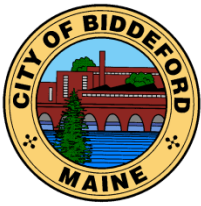
Date: October 15, 2024

- 3) No marijuana establishments shall be sited within ~~500~~ 1,000 feet of the lot lines of any public facility, place of worship, residential zone, residentially used property, or childcare facility. This measurement shall be taken from the property line of the above identified uses, to the primary building entrance of the marijuana establishment.

D. Odor disobedience process. Any licensed operator who receives multiple, legitimate complaints for the cannabis odor emitted by their business may be unable to renew their business license and therefore also may become unable to operate within the City of Biddeford.

[Added 12-19-2023 by 2023.146]

1. First complaint. The Office of Code Enforcement will review the complaint and current odor abatement plan. The operator will have 30 days to address the problem and come up with a solution, after which they will have another 60 days to fix the issue(s).
2. After these initial 90 days, the business should stay complaint free. If another complaint is made, they will have another 90 days to address and fix the issue.
3. If three complaints are made throughout the licensed year, the operator will need to update their odor abatement plan, go through the site plan review process, and may not be granted a renewed license.
4. If the operator's license is up for renewal within the 90 days of a complaint, the City may offer an extension or temporary license to allow for proper reconditioning of the odor abatement system.



CITY OF BIDDEFORD

Planning and Development Department

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(207) 284-9115
David.Galbraith@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: September 25, 2024

RE: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.

MEETING DATE: October 2, 2024 at 6:00 PM

I. INTRODUCTION:

This Ordinance was last discussed at the Boards August 21, 2024 meeting. The proposed Zoning Text Amendment was initiated by City Council President and Ward 7 Councilor Liam LaFountain (Councilor LaFountain). The proposed amendment relates to establishing more defined setbacks of marijuana / cannabis growing facilities which would require amendment to the City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments. As outlined by Councilor LaFountain the proposed Ordinance amendment would:

“Implement a residential setback for Cannabis Grow Facilities. The aim is to mitigate negative impacts, such as odor, on local residents and properties near these facilities. Considering our current ordinance prohibits new marijuana establishments within 500 feet of another, I propose a minimum 500 ft. setback from any occupied residential unit as our starting point. (See Code of Ordinances: Part III Land Development Regulations, Article VI Performance Standards, Section 77, C).”

At the August 21, 2024 meeting, the Board tabled the proposed amendment as they sought clarification from Council President and Ward 7 Councilor LaFountain. Following the meeting Staff reached out to Councilor LaFountain who provided a detailed overview of the reasoning behind the proposed amendment. The submitted overview and supporting documents were provided to the Board and are part of the supporting documentation enclosed within the Planning Board Packet. Following receipt of Councilor LaFountain’s informational packet, Staff modified the proposed Ordinance Amendment to better reflect the intent of the proposed amendment. A copy of the entire Marijuana Ordinance, with the proposed “in-line” changes has been provided.

II. DRAFT AMENDMENT:

The request to draft an amendment of this nature was forwarded to the Planning Department and developed the below draft amendment. As currently written, Article 77, C states:

C. Separation of marijuana establishments. No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment.

Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.
Hearing Date: October 2, 2024

Below is Staff’s proposed amendment to the above language (to keep all setback standards under the same subsection) of “C”. The proposed text additions are shown in blue underline, and there are currently no proposed text deletions, as usually identified with ~~red strikethrough~~. The proposed text amendment is below:

C. Separation of marijuana establishments. Marijuana Establishments shall meet the minimum standards listed below, which may not be relaxed by variance or waiver:

- 1) No new marijuana establishment may be located within any building that is located within 500 feet of any other building containing a marijuana establishment. This setback measurement shall be taken line from property line to property line.
- 2) No marijuana establishments shall be sited within 500 feet of the lot lines of a public or private school. This measurement shall be taken from the school’s closest property line to the primary building entrance of the marijuana establishment.
- 3) No marijuana establishments shall be sited within 500 feet of the lot lines of any public facility, place of worship, residential zone, residentially used property, or childcare facility. This measurement shall be taken from the property line of the above identified uses, to the primary building entrance of the marijuana establishment.

III. SECTION 77 MARIJUANA ESTABLISHMENTS: Below is a link to the City’s Marijuana Establishment Ordinance:

<https://ecode360.com/31970024?highlight=&searchId=4386540208712007#31970024>

IV. SAMPLE MOTIONS:

- I. Motion to approve: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments, as written.
- II. Motion to Table: Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments., based upon the following reasons:

a)_____

Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.
Hearing Date: October 2, 2024

- b) _____
- c) _____

III. Motion to deny the Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments., based upon the following reasons:

- a) _____
- b) _____
- c) _____

Galbraith, David

From: LaFountain, Liam
Sent: Tuesday, September 17, 2024 7:01 AM
To: Angers, Roch; Beaudette, Stephen; Deschambault, Susan; Plotkin, Alexa; Dubois, Matthew
Cc: Patoine, Larry; Galbraith, David
Subject: Information on Proposed Marijuana Establishments Ordinance Amendment
Attachments: Proposed Marijuana Zoning Ordinance Letter.pdf

Dear Members of the Biddeford Planning Board,

I hope you are doing well.

Following your meeting on August 21, 2024, and after discussions with your Chair, I am providing a detailed letter to offer further context on the proposed amendment to the Marijuana Establishments ordinance, as requested. In summary, this proposed amendment arises from ongoing conversations and requests from constituents in Ward 7.

Please find the attached letter for your review. I appreciate your consideration and am available for any further information you might need.

Thank you for your dedication to our city.

Best,
Liam

Liam LaFountain (he/him)
Biddeford City Council, Ward 7

NOTICE: Under Maine's Freedom of Access (Right to Know) Law, documents, including emails, in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in the media.

TO: Biddeford Planning Board

FROM: Liam LaFountain, City Councilor, Ward 7

DATE: August, 30, 2024

RE: Proposed Amendment to Marijuana Establishments Ordinance

Dear Members of the Biddeford Planning Board,

Thank you for your insightful discussion during the [Planning Board meeting on August 21, 2024](#). This letter attempts to address some of the questions and comments raised about the proposed amendment to the *City's Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments*. At the request of Planning Board Chair Mr. Patoine, I am providing this letter with background and context on the proposal to aid in your deliberations.

Background for the Proposed Zoning Amendment

The proposed amendment was prompted by feedback from several constituents in Ward 7, who began contacting me in July 2023. These residents raised concerns about the impact of marijuana establishments on their neighborhood, particularly regarding odor and traffic. They were surprised by the closeness of these establishments to residential homes and suggested that the current ordinance may not adequately address the impacts of such proximity.

These residents recognize that the initial zoning decision for conditional marijuana establishments in the I1, I2, and I3 zones aimed to minimize residential impacts. However, they believe the ordinance could be better tailored to address the specific needs of those living in and directly adjacent to these zones. The proposed amendments seek to refine, not reverse, existing regulations by incorporating these constituent experiences to prevent future conflicts between marijuana establishments and residential areas. While Biddeford has updated its odor control ordinances in response to complaints, this proposal emphasizes a proactive approach with clear setbacks designed to further reduce the likelihood of odor issues and related impacts.

Rationale for the 500-Foot Setback

The rationale behind the proposed 500-foot setback is grounded in both local precedent and broader municipal practices. Currently, Biddeford's ordinance requires a 500-foot separation between marijuana establishments. This existing standard was implemented to provide a reasonable distance for identifying which establishment might be responsible for an odor complaint under the city's odor ordinance.

Similar reasoning could be applied to residential properties. While the initial constituent request focused solely on residential properties, considering setbacks for other sensitive uses—such as schools, public facilities, places of worship, and others may be worth considering. Existing state law, specifically [28-B M.R.S. § 402\(2\)](#); [22 M.R.S. § 2428\(6\)\(B\)](#), stipulates that municipalities may not authorize the operation of a cannabis

establishment within 1,000 feet of the property line of a preexisting public or private school. However, municipalities can, by ordinance, reduce this distance to no less than 500 feet. This state law reflects a recognition of the role of setbacks in reducing the impact of cannabis facilities on sensitive locations.

In examining the practices of other municipalities, setbacks are a common tool among to manage the proximity between marijuana establishments and residential or sensitive areas. Examples include [Bangor \(300 feet\)](#), [Eliot \(500 feet\)](#), [Lewiston \(100 feet\)](#), and [Portland \(300 feet\)](#). Additionally, the neighboring municipality of Saco requires marijuana establishments to be set back [500 feet from schools and daycare facilities](#). This list is not exhaustive. For more detailed context, please refer to Appendix A from [Richard Spencer, Esq.'s memo](#), prepared for a 2021 Land Use Planning Commission public hearing, which may aid your deliberations.

Consideration of Setback Measurements

Setback measurement methods vary by municipality. Lewiston's approach, for instance, measures the buffer from the residential property line to any portion of the marijuana business, ensuring a direct separation between residential properties and marijuana establishments.

This approach could more accurately reflect the impact on residents, especially regarding odors and other nuisances that might be more noticeable in outdoor areas of the residential property. Measuring setbacks from the residential property line to the marijuana establishment's building may offer a balanced compromise between property line-to-property line and door-to-door measurement methods.

Conclusion

The proposed amendment aims to refine Biddeford's current ordinance to better prevent conflicts between marijuana establishments and residential or sensitive areas, striving for a balance that respects the interests of both Biddeford residents and business owners. Thank you for your consideration and valuable expertise on this matter. Should you need further information from me, please do not hesitate to contact me. I look forward to your feedback and recommendations.

With gratitude,
Liam

Liam LaFountain
City Councilor, Ward 7
liam.lafountain@biddefordmaine.org

COMMENTS RECEIVED FOR PROPOSED RULE REVISIONS:

CITIZENS' PETITION TO PROHIBIT CERTAIN MARIJUANA USES

IN THE D-GN2 SUBDISTRICT

Part 3 of 3

The following pages compile written comments filed with the Maine Land Use planning Commission regarding the Citizens' Petition to prohibit certain marijuana uses in the D-GN2 subdistrict.

Rebuttal Comments: (Information or viewpoints that refute, contest, correct, or otherwise counter comments submitted during the comment period.) The deadline for submissions in rebuttal to prior comments is **August 2, 2021**. Rebuttal comments will be posted on the LUPC's rulemaking webpage (www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.shtml) shortly thereafter.

[NOTE: Because personally identifiable information (PII)¹ can be used to conduct fraud (e.g., steal a person's identity), signatures and physical or mailing addresses have been redacted from these materials.]

¹ Information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. [U.S. Dept. of Labor, www.dol.gov/general/ppii]

APPENDIX A

Maine Municipal Zoning and Regulatory Framework for Marijuana Cultivation and Manufacturing

*The table, below, provides a sampling of how Maine municipalities zone and regulate marijuana cultivation and manufacturing uses.
Note: This list is not exhaustive.*

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Auburn	(1) Marijuana cultivation and manufacturing are permitted uses in the Industrial District; (2) Marijuana cultivation is a permitted use in the Agriculture and Resource Protection District (manufacturing only allowed if accessory to licensed cultivation site in this zone) ; (3) Marijuana cultivation is a permitted use in the General Business District (but only if accessory to a retail use); (4) Marijuana cultivation is a permitted use in the Minot Avenue (GBII) District (but only if accessory to a retail use)	(1) 750 feet from schools; (2) 1,000 feet from other marijuana businesses, but not applicable to cultivation or manufacturing facilities in the Industrial Zoning District specifically	City of Auburn Code of Ordinances, Chapter 60, Article IV – District Regulations; Article XVIII, Section 14-659
Bangor	Permitted uses in (1) Urban Industry District; (2) Industry and Service District	(1) 1,000 feet from, or on the other side of a controlled access highway from, the real property comprising any public or private elementary or secondary school or school dormitory, juvenile shelter, orphanage, public playground, or public park; (2) 300 feet from, or on the other side of a controlled access highway from, any church, chapel, parish house, other place of worship, day care, or dwelling on a residential parcel, measured by a straight line from building to building	City of Bangor Code of Ordinances, Part II, Chapter 165, Article XIII, Sec. 165-96; Article XIV, Sec. 165-102
Biddeford	Conditional uses in the Industrial zones (I-1, I-2, I-3)		Code of Ordinances of the City of Biddeford, Part III, Article V, Table A (available here)
Bridgton	Permitted uses in: (1) Inner Corridor District; (2) Outer Corridor District	(1); 1,000 foot buffer from schools, safe zones, churches or other houses of worship; (2) 100-foot	Town of Bridgton Land Use Ordinance, Article II, Section 2

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
		buffer from residential uses; (3) 300-foot buffer from other marijuana businesses	Town of Bridgton Site Plan Review Ordinance, Article XI, Section 4
Brunswick	Conditional use in the Growth Industrial District	500 feet from schools	Brunswick Zoning Ordinance, Chapter 3 - Property Use Standards Section 3.2 - Growth Area Permitted Use Table
Eliot	Site plan review (SPR) use in the Commercial and Industrial District	500 feet from the property line of an existing public or private school, residential property, childcare facility, place of worship or public facility	Eliot Code of Ordinances, Subpart B, Chapter 33, Sec. 33-189; Sec. 33-190
Gorham	Permitted use in the following zones: (1) Industrial District; (2) Olde Canal Industrial District; (3) Rural District when inside an existing agricultural building	750 feet from schools	Gorham Land Use and Development Code, Chapter 1, Section 1; Town of Gorham Adult-Use and Medical Marijuana Licensing Ordinance
Greenville	Larger scale cultivation facilities and manufacturing facilities are prohibited in the downtown districts	(1) 1,000 feet (500 feet instead for tier 1 cultivation facilities only) from: a) a church, synagogue, or other house of religious worship; b) a public or private school; c) an athletic field, park, playground, or recreational facility; d) a public library; e) a juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center; or f) a licensed day care facility. (2) 500 feet from the boundaries of any land use district where these uses are prohibited for the largest category of cultivation/manufacturing (Tier 2 Manufacturing Facilities and Tier 4 Cultivation Facilities)	Land Use Ordinance for the Town of Greenville, Article V, Table V-1; Town of Greenville Marijuana Establishments Ordinance, Adopted November 3, 2020, available here: https://greenvilleme.com/wp-content/uploads/Greenville-Marijuana-Establishments-Ord.-11.3.2020-1.pdf
Lewiston	Permitted uses in zones categorized as "Industrial" in land use table: (1) Highway Business; (2) Office Service; (3) Industrial; (4) Urban Enterprise; (5) Mill	(1) 750 feet from schools and public parks, playgrounds, or recreational facilities owned by the City; (2) 300 feet from a dwelling in a residential zoning district; (3) 500 feet between marijuana stores	City of Lewiston Code of Ordinances, Appendix A: Zoning & Land Use Code, Article IX; Chapter 22, Article XV, Sec. 22-430

	Zoning	Setbacks and Buffers from Sensitive Uses	Citations
Orono	(1) Cultivation allowed in Forestry & Agriculture (F&A), Commercial-1 (C-1), and Economic Development Zone (EDZ) zones; (2) manufacturing allowed in C-1 and EDZ zones (all classified as industrial zones)	(1) 1,000 feet from a school or other educational facility; (2) 1,000 feet from any child-care or day-care facility; (3) 500 feet from a university	Orono Land Use Ordinance to Implement Standards for Marijuana Establishments (codified version not yet available online)
Portland	Permitted uses in the B-4 zone and Industrial zones (I-L/I-Lb, I-M/I-Mb, I-H/I-Hb)	(1) 500 feet from schools; (2) 300 feet from the following residential zones: R-1, R-2, R-3, R-4, R-5/R-5A, R-6/R-6A, or R-7.	City of Portland Land Use Code, Chapter 14, Article 6, Table 6-C, 6-E City of Portland Land Use Code, Chapter 14, Article 6, Section 6.4.10(B))
Presque Isle	(1) Cultivation allowed in industrial (I), light industrial (LI) and agricultural farming/forestry (AFF) zones; (2) manufacturing allowed in business (B), industrial (I), light industrial (LI), and agricultural farming/forestry (AFF) zones	(1) 1,000 feet from schools; (2) 150 feet from other marijuana businesses, churches, pre-schools, day cares, and community centers (cultivation and manufacturing facilities in the industrial zones exempt from this setback)	City of Presque Isle Municipal Ordinances, Chapter 59-A, Adult Use and Medical Marijuana Business Ordinance, Section J; land use chart
Saco	Medical marijuana caregivers only allowed in the Business-Industrial District and Industrial District	500 feet from schools/daycares	City of Saco City Code Chapter 230, Table 3-3; Sec. VIII.2
Waterville	(1) Cultivation facilities allowed in the Rural Residential (R-R), Commercial-C (C-C), General Industrial (I) and Airport Industrial (AI) zoning districts; (2) Extraction facilities allowed in the General Industrial (I) and Airport Industrial (AI) zoning district.	500 feet from schools, places of religious worship, daycares, recreational areas designated for use by children up to eighteen (18) years of age, areas designated as municipal safe areas.	City of Waterville Marijuana Ordinance, Article VI

APPENDIX B

Municipalities Prohibiting Marijuana Cultivation and Manufacturing Facilities⁷ from Downtown and/or Residential Zones

- | |
|------------------|
| 1. Auburn |
| 2. Bangor |
| 3. Biddeford |
| 4. Boothbay |
| 5. Bridgton |
| 6. Brunswick |
| 7. Damariscotta |
| 8. Eliot |
| 9. Gorham |
| 10. Greenville |
| 11. Lewiston |
| 12. Orono |
| 13. Portland |
| 14. Presque Isle |
| 15. Saco |
| 16. Scarborough |
| 17. Topsham |
| 18. Waterville |
| 19. Wilton |
| 20. Windham |

⁷ This list is not exhaustive and does not include small-scale, home-based operations as discussed *supra*, Section. III.



City Council

Meeting Date: October 15, 2024

Meeting Time: 6:00 PM

Agenda Item No: 9.d

Item 2024.170 Approval Amend Ordinance Inclusionary Zone

Description:

Submitted By: David C.M. Galbraith, Deputy Director of Planning & Development / City Planner

Supporting Information/Documentation:

20241015 2024.170 Inclusionary Zoning Amendment I3 - ORDER, 20241015 Section 40 Inclusionary zoning Amendment - ORDINANCE DRAFT, 20240910 Planning Board Inclusionary Zoning Ordinance Amendment - MEMO

Key Terms:

N/A

Executive Summary:

This proposed zoning amendment is best described as a "housekeeping" amendment. On August 20, 2024 the City Council approved an amendment to the City's Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses" to allow multi-family residential developments within the I-3 Zoning District, with conditions. One of the adopted conditions requires any multi-family development to adhere to the standards of the Inclusionary Zoning (IZ) Standards (Section 40). The proposed amendment to the IZ Ordinance is to include the I-3 Zoning District as an area that must comply with the established IZ standards.

Detailed Review:

On August 20, 2024, the City Council, following Planning Board review and recommendation, approved an amendment to the City's Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses" to allow multi-family residential developments within the I-3 Zoning District, with conditions. One of the Conditions adopted requires any multi-family development, within the I-3 zone, to adhere to the standards of the Inclusionary Zoning Standards (Section 40). This proposed amendment is being made to make the IZ Ordinance consistent with the recently approved amendment to City's Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses", which allows multi-family

residential developments within the I-3 Zoning District. The amendment is characterized as "housekeeping".

Although the amendment to "Table A" specified that developments of this nature must comply with the Inclusionary Zoning standards, this amendment is needed to make the Ordinances consistent. The proposed amendment is within the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), Section D – Ensuring workforce housing, Subsection 1 to be modified to include the I-3 Zoning District as an identified zoning district where the Inclusionary Zoning standards apply. Proposed text is identified by blue underline and text deletions are shown in ~~red strikethrough~~. The proposed Ordinance language is below:

D. Ensuring workforce housing.

-

- 1. Purpose. Based on the City Council adoption of the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This ordinance shall regulate properties located within the City's MSRD1, and MSR3, and I-3 Zoning Districts.*

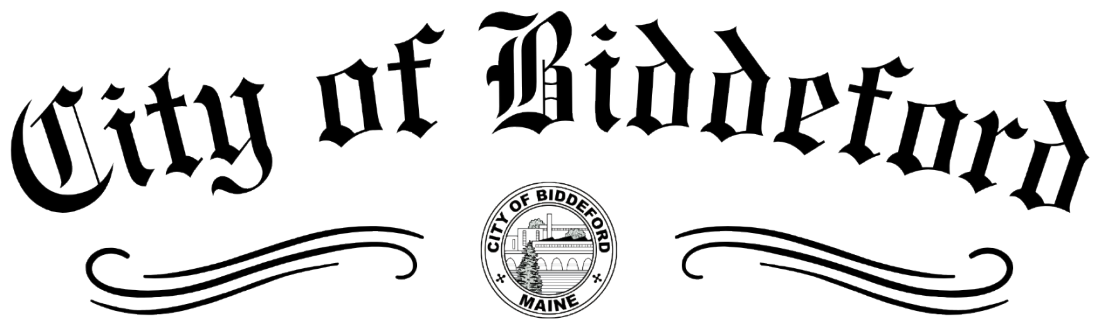
Funding Source:

N/A

Staff Recommendation:

The proposed Ordinance Amendment is being forwarded to the City Council by Staff, with a recommendation from the Planning Board, to adopt the proposed amendment, as written, as it seeks to update the City's Inclusionary Zoning (IZ) Ordinance to be consistent with the Council's recent amendment to "Table A" which permitted multi-family housing within the I-3 zoning district.

It should be noted that the IZ Ordinance as adopted included a "scriber's error" in subsection 3.b. which is proposed to be corrected at this time. The correction is shown on page #3 of 4 and highlighted in red on the attached Inclusionary Zoning Ordinance.



2024.170 IN BOARD OF CITY COUNCIL on October 15, 2024

BE IT ORDERED, to Amend the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – **Inclusionary Zoning (IZ)**, Section D – Ensuring workforce housing, Subsection 1 to be modified to include the I-3 Zoning District to the identified zoning districts where the Inclusionary Zoning standards apply, and the language be modified to the following:

D. Ensuring workforce housing.

1. Purpose. Based on the City Council adoption of the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This ordinance shall regulate properties located within the City's MSRD1, ~~and~~ MSRD3, and I-3 Zoning Districts.

Attest by: _____

Inclusionary Zoning Text Amendment
Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

City Council Meeting: October 15, 2024

Section 40 Inclusionary zoning [1]

[Added 12-19-2023 by 2023.148]

A. Affordable housing development.

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.
3. Affordable housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household income, or other amount established in City regulations that does not vary significantly from this amount.

B. Workforce housing unit for rent for which:

1. The rent is affordable to a household earning 80% or less than of AMI.
2. The unit is rented to a household earning 80% or less than of AMI.
3. The requirements of Subsection B1 and 2 above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

- C. Purpose.** It is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section therefore is to offer

Inclusionary Zoning Text Amendment

Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

City Council Meeting: October 15, 2024

incentives to developers to include units of affordable and workforce housing within development projects, thereby mitigating the impact of market rate housing construction, or the demonstrated increase in affordable housing needs resulting from the creation of new lower-income jobs, on the limited supply of available land for suitable housing, and helping to meet the housing needs of all economic groups within the City. The City believes that this section will assist in meeting the City's comprehensive goals for affordable housing in the prevention of overcrowding and deterioration of the limited supply of affordable housing, and by doing so promote the health, safety, and welfare of its citizens.

D. Ensuring workforce housing.

1. Purpose. Based on the City Council adoption of the 2023 City's Comprehensive Plan and the Mayor Affordable Housing Task Force Report dated December 2022, it is in the public interest to promote an adequate supply of housing that is affordable to a range of households at different income levels. The purpose of this section is to ensure that housing developments over a certain size provide a portion of workforce housing units and, by doing so, promote the health, safety, and welfare of City of Biddeford citizens. This ordinance shall regulate properties located within the City's MSR D1, ~~and MSR D3~~, and I-3 Zoning Districts.
2. Applicability. This section shall apply to development projects that create eight or more net new dwelling units for rent through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to residential use, or any combination of these elements. This ordinance shall not apply to projects as follows:
 - a. Using public financing requiring affordability restrictions, as defined by tax increment financing, U.S. Department of Housing and Urban Development funds, such as HOME or CDBG, other federal, state, or local housing program, or the Low-Income Housing Tax Credit Program; or
 - b. Existing residential projects with Planning Board and/or City Council approvals.
 - c. Projects that qualify for a density bonus pursuant to table B, Dimensional Requirements.^[2]

^[2]

Editor's Note: Table B is included as an attachment to Art. V, Establishment of Zones.

Inclusionary Zoning Text Amendment

Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

City Council Meeting: October 15, 2024

3. Standards. Development projects subject to this subsection shall be subject to the following requirements:
- a. Notwithstanding any language to the contrary in this Land Use Code, all developments of eight units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements of this section.
 - b. At least 10% of the units in the project shall meet the definition of workforce housing units for rent to an eligible household, as defined in Article I, In General. The project shall have the option of paying a partial fee-in-lieu as outlined in Subsection D3F (Note scriber's error) below. Where the required number of units results in a fraction of less than 0.5, the required number of on-site units is rounded down to the nearest whole number. Where the required number of units results in a fraction of 0.5 or more, the development project shall have the option of paying a partial fee-in-lieu for the fractional value or rounding the number of on-site units up to the nearest whole number.
 - c. Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, affordable units shall be provided in proportion to the development of market rate units unless otherwise permitted through regulations.
 - d. Workforce units must be integrated with the rest of the development, must use a common entrance, and must provide no indications from common areas that these units are workforce housing units. Exteriors of affordable units shall be consistent with and indistinguishable from the exteriors of other units in the project. Workforce units shall be comparable in materials, interior finishes, amenities, and parking to dwelling units in the neighborhood and in the development in which they are located.
 - e. Workforce units need not be the same size as other units in the development but the number of bedrooms in such units shall be no less than 10% of the total number of bedrooms in the development. For the purposes of calculating the number of bedrooms in a development, every 400 square feet in each market rate unit will count as a bedroom if the Planning Authority determines this method is appropriate in lieu of counting actual bedrooms.

Inclusionary Zoning Text Amendment

Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations

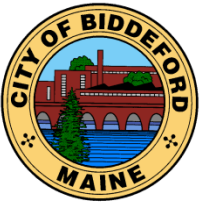
City Council Meeting: October 15, 2024

- f. As an alternative to providing workforce housing units, the project may pay a fee in lieu of some or all of the units. In-lieu fees shall be paid into the Housing Trust Fund. The fee for affordable units not provided shall be \$100,000 per unit. The payment shall be required in conjunction with a request for a certificate of occupancy.
 - g. If at least 33% of the units in a development are workforce units, the development is eligible for subsidy through an affordable housing tax increment financing (TIF) district credit enhancement agreement, subject to City Council approval.
 - h. The term of affordability for the required percentage of workforce units provided shall be 30 years.
- 4. Implementing regulations. Regulations to further specify the details of this subsection shall be developed, including, but not limited to:
 - a. Specific methodology for income verification.
 - b. Situations where less than permanent affordability might be considered.

E. Reporting to City Council. In conjunction with the annual report on the Housing Trust Fund, the Planning Authority shall annually report on developments subject to this section, the number of units produced, the amount of fees-in-lieu collected, and the overall effectiveness of this section in achieving its stated purpose.

[1]

Editor's Note: Former Section 40, Hotels/motels and inns, was repealed 1-3-2017 by Ord. No. 2016.114.



CITY OF BIDDEFORD

Planning and Development Department

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Deputy Director/City Planner
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(207) 284-9115
David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: September 10, 2024

MEETING DATE: September 18, 2024

RE: Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations.

1. Overview:

The City's Inclusionary Ordinance was adopted by the City Council on December 19, 2023. At that time, the Ordinance was being proposed as a new Section (40) within the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 (New) – Inclusionary Zoning (IZ). As the Board may recall, on August 20, 2024 the City Council, following Planning Board review and recommendation, approved an amendment to City's Code of Ordinances; Part III: Land Development Regulations; "Table A- Table of Land Uses" to allow multi-family residential developments within the I-3 Zoning District, with conditions. One of the Conditions adopted requires any multi-family development to adhere to the standards of the Inclusionary Zoning Standards (Section 40). This proposed amendment is being made to bring the most recently adopted standards, to allow multi-family dwellings within the I-3 zoning, so that both Ordinances are consistent with each other. Text additions are shown in blue underlined, and ~~red strikethrough~~ for text deletions.

The Ordinance also requires a Zoning Text Amendment to the Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance. Therefore, the proposed modification to the City's Code of Ordinances, Part III: Land Development Regulations, Article II Definitions, Section 2 Definitions for Affordable Housing Development to be modified to the below:

AFFORDABLE HOUSING DEVELOPMENT

NEW ORDINANCE: Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations, Article II – Definitions.

Planning Board Hearing Date: November 1, 2023

[Added 12-19-2023 by 2023.149]

1. For rental housing, a development in which a household whose income does not exceed ~~70%~~ 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority (51% or more) of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs; and

(* Note: followed with Definition #2).

2. Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to make both Ordinances consistent and to update the Inclusionary Ordinance to include multi-family dwellings within the I-3 zoning district. Staff is further recommending approval to adopt the amended "Affordable Housing Development" definition, as written above.

3. SAMPLE MOTIONS A:

Amendments to Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ) and a Zoning Text Amendment to Code of Ordinances, Part III: Land Use Development Regulations.

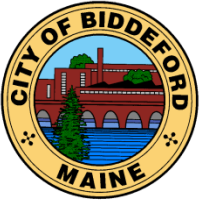
- A. Motion to Approve: I motion to APPROVE the proposed Amendments to the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), as written and proposed.
- B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), for the following reasons:

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

- C. Motion to Table: I motion to TABLE the proposed Amendments to the City's Code of Ordinances, Part III: Land Development Regulations, Article VI – Performance Standards, Section 40 – Inclusionary Zoning (IZ), for the following reasons.

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

4. SAMPLE MOTIONS B - Definition:



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
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205 Main Street
P.O. Box 586
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(207) 284-9115
David.Galbraith@biddefordmaine.org

Amendments to Code of Ordinances, Part III: Land Development Regulations,

- A. Motion to Approve: I motion to APPROVE the proposed Text Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance, as written and proposed.
- B. Motion to Deny: I motion to DENY the proposed Text Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance, for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Text Amendment to the City's Code of Ordinances, Part III: Land Development Regulations, Article II – Definitions to include a modified definition for "Affordable Housing Development" which is proposed to modify the original adopted Ordinance language from 70% to 80% so that the definition is consistent with all other IZ standards through-out the Ordinance, for the following reasons.
- 1) _____.
 - 2) _____.
 - 3) _____.

ATTACHMENTS

1. Attachment # 1: Section 40 – Inclusionary Zoning (IZ) with proposed text changes



City Council

Meeting Date: October 15, 2024

Meeting Time: 6:00 PM

Agenda Item No: 9.e

Item 2024.171 Approval Amend Table B Dimensional Requirements

Description:

Submitted By: David C.M. Galbraith, Deputy Director of Planning & Development / City Planner

Supporting Information/Documentation:

2024.171 Amendment Density Bonus Table B Notes - ORDER, 20241015 Final Draft 1Table B - Amendments - DRAFT ORDINANCE, 20240912 Planning Board Bonus Density - MEMO

Key Terms:

N/A

Executive Summary:

In April 2024, the Biddeford City Council approved corrections to the Bonus Density language to align with the Council's intentions from November 2023 Council vote. During the preparation for the April City Council meeting, staff identified inconsistencies and unintended obstacles to the practical use of the Bonus Density options. As a result, the following changes are being presented for consideration to improve and align the Bonus Density options within the City's Ordinances.

Detailed Review:

The proposed amendments to the Notes for Table B in Biddeford's Land Development Regulations focus on refining and clarifying the Affordable Housing Development Density Bonus. Key changes include:

1. Expanding the focus from just "condominium forms of housing" to "affordable forms of ownership and rental housing" to broaden the scope of affordable housing options.
2. Introducing a choice between two density bonus calculations: 2.5 times the base density or one unit per 500 square feet of existing gross building living space, whichever yields more affordable units.

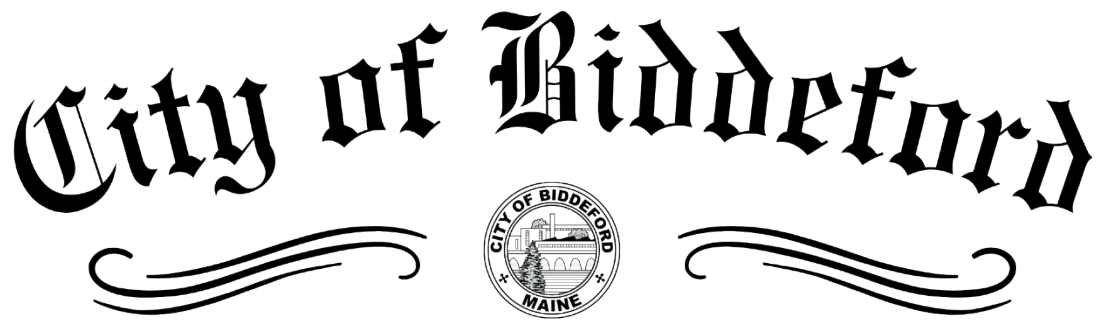
3. Establishing clearer long-term affordability requirements, including a 30-year restrictive covenant for both rental and owned housing units.
4. Adjusting income thresholds for affordable units: 80% of area median income for rentals and 120% for owned units.
5. Refining parking requirements to a maximum of two spaces for every three affordable housing units, reducing the minimum parking burden on affordable developments.
6. Streamlining the review process, with projects of eight or fewer units reviewed by the Staff Review Committee and larger projects by the Planning Board.
7. Applying standards for both redevelopment of existing structures and development of vacant land.
8. Clarifying requirements for condominium conversions and developments under the density bonus program.

Funding Source:

N/A

Staff Recommendation:

The proposed Ordinance Amendment is being returned to the City Council by Staff, with a recommendation from the Planning Board, to adopt the proposed amendment, as written. These changes aim to create a more flexible, comprehensive, and effective framework for incentivizing affordable housing development in Biddeford while ensuring long-term affordability and appropriate oversight while keeping in line with the requirements of Maine Statute. Proposed text is identified by blue underline and text deletions are shown in ~~red strikethrough~~. The proposed Ordinance language is attached.



2024.171

IN BOARD OF CITY COUNCIL on October 15, 2024

BE IT ORDERED that an amendment to Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B, clarifying how low-income housing density bonuses are to be calculated, be adopted as written.

Attest by: _____

**Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements,
NOTES for Table B be amended as follows:**

- B. In order to promote affordable forms of ownership and rental housing ~~condominium forms of housing and affordable housing~~ in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, an Affordable Housing Development Density Bonus ~~the density requirements~~ may be relaxed-granted as follows:

1. Redevelopment of **Existing Structures.**

- a) The Planning Board, or other appropriate approval authority, shall consider granting an Affordable Housing Development Density Bonus of either 2.5 times the base density otherwise allowed in the zone or density bonus of one residential unit for every 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, whichever yields a greater number of affordable units, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer for review and approval. demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
- b) If the project is provided an Affordable Housing Development Density Bonus density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
- c) The proposed developer provides capacity to serve verification in writing from public water and city sewer utilities, if applicable.
- d) The developer provides in writing certification of that at least 51% of the total units resulting from the project will have Long-Term Affordability as follows:
 1. Prior to granting a certificate of occupancy or other final approval of an the aAffordable hHousing dDevelopment, a municipality must require that the owner of the aAffordable hHousing dDevelopment shall (a) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (b) record the restrictive covenant in the appropriate registry of deedsYork County Registry of Deeds to ensure that for at least thirty (30) years after completion of construction:
 - i. For Rental Housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy and the amount of rent (including utilities) will not exceed 30% of the household's monthly income; and
 - ii. For eOwned hHousing, occupancy of all units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy and the amount of housing costs (mortgage payments including condominium/HOA fees,

mortgage insurance, other insurance and real estate taxes) will not exceed 30% of the household's monthly income.

b) —

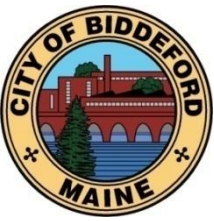
~~e)e)~~ An applicant provided a density bonus for rental housing shall enter into a thirty-year contractual agreement with the City of Biddeford requiring that at least 51% of units created shall be leased such that they do not exceed 70% of the fair market rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. ~~Rent Deed~~-restricted units will be annually monitored by the Planning and Development Department for contract affordability compliance.

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

2. Affordable Housing Development Density Bonus Review Process. Expansions of low/moderate income (LMI) projects shall be reviewed as follows: Applications for an Affordable Housing Development Density Bonus will be reviewed as follows:
 - a) Where use of the Affordable Housing Development Density Bonus results in expansions of affordable housing units under this provision are being utilized, up to a maximum of eight or fewer units being created, the shall be reviewed and approved will be performed by the City's Staff Review Committee (SRC). Projects exceeding eight units shall be reviewed by the Planning Board for site plan and subdivision review.
 - b) Parking standards for affordable Affordable housing Housing Developments projects of this nature shall provide be a minimum of no more than one two parking spaces for every two three low/moderate income (LMI) housing units created. For units exceeding the low/moderate income (LMI) that are not deed restricted for long-term affordability threshold, parking shall be provided as required within the City's parking standards.
3. **Vacant Land Development.** For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the Affordable Housing Development density Density bonus-Bonus, the standards within Section B1 and B2 above for low/moderate-income (LMI) housing developments may increase the base density by up to a multiple of 2.5 times of the particular zoning district where the lot is located apply.
4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in subsection B.1.a, or increasing-increase the base density by up to a multiple of 2.5, as outlined in subsection B.3, providing it equates to more affordable housing being provided.
5. **Condominium Conversions/Development.**
 - a) A property may be proposed for redevelopment/renovation from apartments into condominiums utilitizing the Affordable Housing Development Density Bonus in accordance with B1 above.

- b) An applicant provided a n Affordable Housing Development -dDensity
~~bonus~~ Bonus for condominiums shall meet the standards set forth in
B(1)(d)(1)(ii) above. Applicant will also 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~~ Density
~~bonus~~ Bonus. The contractual agreement shall be recorded at the York
County Registry of Deeds, a copy of which shall be provided to the Code
Enforcement Office prior to the issuance of any building permits.
- 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.~~

[WG1]



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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Planning Board Memorandum

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: September 12, 2024

RE: **Amendments to Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B**

MEETING DATE: September 18, 2024

1. INTRODUCTION:

In April 2024, the Biddeford City Council approved corrections to the Bonus Density language to align with the Council's intentions from November 2023 Council vote. During the preparation for the April City Council meeting, staff identified inconsistencies and unintended obstacles to the practical use of the Bonus Density options. As a result, the following changes are being presented to the Biddeford Planning Board for consideration to improve and align the Bonus Density options within the city's ordinances:

A. Summary of Changes to Table B Notes

The proposed amendments to the Notes for Table B in Biddeford's Land Development Regulations focus on refining and clarifying the Affordable Housing Development Density Bonus. Key changes include:

1. Expanding the focus from just "condominium forms of housing" to "affordable forms of ownership and rental housing" to broaden the scope of affordable housing options.
2. Introducing a choice between two density bonus calculations: 2.5 times the base density or one unit per 500 square feet of existing gross building living space, whichever yields more affordable units.
3. Establishing clearer long-term affordability requirements, including a 30-year restrictive covenant for both rental and owned housing units.
4. Adjusting income thresholds for affordable units: 80% of area median income for rentals and 120% for owned units.
5. Refining parking requirements to a maximum of two spaces for every three affordable housing units, reducing the minimum parking burden on affordable developments.

MEETING: Planning Board
TOPIC: Bonus Density Amendment: NOTES for Table B
MEETING DATE: September 18, 2024

6. Streamlining the review process, with projects of eight or fewer units reviewed by the Staff Review Committee and larger projects by the Planning Board.

7. Applying standards for both redevelopment of existing structures and development of vacant land.

8. Clarifying requirements for condominium conversions and developments under the density bonus program.

These changes aim to create a more flexible, comprehensive, and effective framework for incentivizing affordable housing development in Biddeford while ensuring long-term affordability and appropriate oversight while keeping in line with the requirements of Maine Statute.

B. Proposed amendments: (Attached)

C. SAMPLE MOTIONS:

- I. **Motion to approve** the proposed amendments to the Biddeford Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B.
- II. **Motion to Table** the proposed amendments to the Biddeford Code of Ordinances, Part III: Land Development Regulations, Article V – Dimensional Requirements, NOTES for Table B



City Council

Meeting Date: October 15, 2024

Meeting Time: 6:00 PM

Agenda Item 9.f

No:

Item 2024.172 Approval Installation of Fire Service Water Line & Separated Storm

Description: Sewer

Submitted By: Brian S. Phinney, COO

Phil Radding, Project Manager

Jeff Demers, Public Works Director

Supporting Information/Documentation:

20241015 2024.172 Installation of Fire Service Water Line & Separated Storm Sewer - ORDER,
20241015 Peter Petit Excavation - BID RESPONSE

Key Terms:

Executive Summary:

Detailed Review:

The City Hall Renovation Project includes a new fire alarm system and charged fire suppression system for Biddeford City Hall. The new fire suppression system requires the installation of sprinkler heads, distribution piping, fire pump in the basement and independent water service feeding the new system. All of the interior work was included in the bid price awarded to Ducas Construction. Installation of the fire service line was excluded from the bid to unknowns within and adjacent to Adams Street as well as stormwater separation activity in the area. Upon inspection (test pits) by Biddeford Public Works it has been determined that ledge exists at about 3' below grade surface for the entire length of the fire service line. Additionally, the City needs to separate the stormwater lines (roof leaders and drains) from the combined system at City Hall. Due to the need for the separation work and the proximity of the projects the work was combined to save costs. The City does not have hammer equipment for ledge removal.

Upon receipt of an initial estimate for the work, the project was put out to bid. One bid was received from Peter Petit Excavating in the amount of \$136,050, see attached estimate.

Biddeford Public Works is able to truck ledge and excavated soils from the site. Upon completion of the project an internal analysis of the cost will be performed and the estimated value of the stormwater separation work will be transferred from the CSO Abatement Fund (Bond) 23CSO01-Bonds to General Fund.

Funding Source:

The amount requested is \$136,050. The funding source is the estimated FY24 Surplus and CSO Abatement Fund (23CSO01-Bonds).

Staff Recommendation:

Staff recommends award of the project to Peter Petit Excavating in the amount of \$136,050.

City of Biddeford



2024.172 IN BOARD OF CITY COUNCIL... OCTOBER 15, 2024

BE IT ORDERED, that the City Manager execute an agreement with Peter Petit Excavating, Inc of Biddeford. ME for the installation of a fire service water line and separated storm water line at Biddeford City Hall in the amount of \$136,050.

Note: The funding source for this project is comprised of the FY24 Surplus and CSO Abatement Bond Fund (23CSO01-Bonds).

Attest by: _____

Peter Petit Excavating, Inc.
 20 Forest Street
 Biddeford, ME 04005 - 3833
 Tel: 207 282-9305

ESTIMATE

Name / Address
City of Biddeford c/o Phil Radding

Date	Estimate #
10/7/2024	1807

Item	Description	Total
	City Hall Job	
Pipe	8" ductile pipe	3,500.00
Valve	8" valve	2,500.00
Fitting	Fittings	800.00
Box	Valve box	500.00
Materials	Grip rings	2,500.00
Valve	1" blow off valve	1,000.00
Coring	Core holes in granite foundation for storm & water service	4,850.00
Test	Water test	1,500.00
Tap	8 x 6 tap & sleeve	1,600.00
Tap	6" tap by US	2,500.00
Fill	Material to backfill	6,800.00
Gravel	Base & finish gravel	3,500.00
Labor	Labor - lay water & storm	18,000.00
Pipe	8" SDR pipe & fittings	3,000.00
Cut	Cut hot top & grind hot top per City	2,000.00
Excavate	Excavate excess material, machine time, labor for pipe	26,500.00
Hammer	Hammer ledge, 5 days/8 hours per day - 40 total. Any additional will be an extra	35,000.00
Truck	Trucking of material, gravels	3,000.00
Service	Remove sidewalk	2,000.00
Paving	Paving (estimate based on 8' wide trench, 4" thick) if more is disturbed there will be an additional charge	10,000.00
Service	Repair concrete sidewalk & granite curb	5,000.00
Total		

Peter Petit Excavating, Inc.
20 Forest Street
Biddeford, ME 04005 - 3833
Tel: 207 282-9305

ESTIMATE

Name / Address
City of Biddeford c/o Phil Radding

Date	Estimate #
10/7/2024	1807

Item	Description	Total
	Note: price does not include traffic control. it's my understanding that we can close the road	
Total		\$136,050.00



City Council

Meeting Date: October 15, 2024
Meeting Time: 6:00 PM
Agenda Item No: 9.g
Item Description: 2024.173 Approval City Hall Renovation Project - Interior Window Trim
Submitted By: Brian S. Phinney, COO
Phil Radding, Project Manager

Supporting Information/Documentation:

2024.173 City Hall Renovation Project - Interior Window Trim - ORDER, 20241004 JGI - City Hall Renovation Project Window Trim - PROPOSAL

Key Terms:

Executive Summary:

Approval of this Order authorizes Jacobs Glass of Winslow, ME to install and finish interior trim around the 105 windows in Biddeford City Hall. The award is in the amount of \$44,685.00.

Detailed Review:

The City of Biddeford awarded the City Hall Renovation Project to Ducas Construction (Ducas). The work is based on the design plans created by Artifex AE and awarded under a separate architectual contract. The window installation work was subcontracted by Ducas Construction to Jacobs Glass (JG) of Winslow, Maine. The original bid from Ducas did not include a price for the installation of interior trim at the direction of the architectural firm, Artifex AE. Since the building is not uniform, the replacement windows do not fit perfectly within the various openings. Interior trim is required to create a finished look to the windows. Ducas/JG provided an initial proposal of just over \$70,000. Through discussions with Ducas, JG, and Mr Radding, the revised proposal is \$44,685.00.

In order to keep the current project work on track and to eliminate the general contractor mark-up, this work is proposed to be awarded through a direct contract with JG and the work performed once JG completes its contractual obligations under the current City Hall Renovation Project contract. This work is expected to be completed prior to the end of the calendar year.

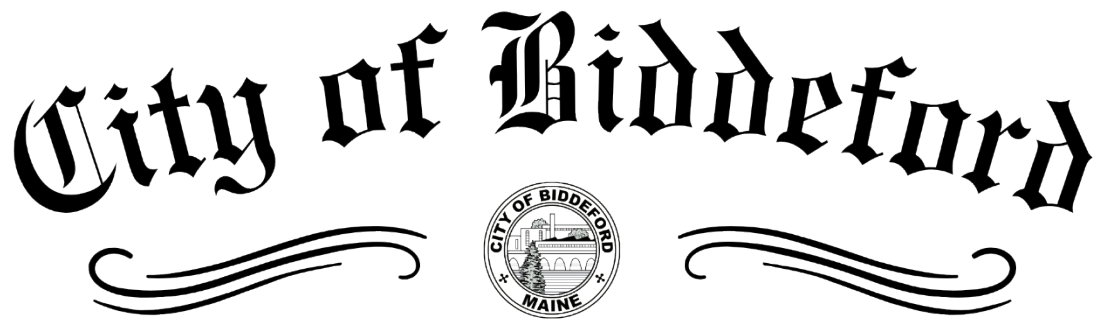
Staff is also consulting with the city solicitor on this matter.

Funding Source:

The award amount is \$44,685.00. The funding source is a portion of the projected FY24 Surplus.

Staff Recommendation:

Staff recommends approval of the request for interior trim through a direct contract with Jacobs Glass of Winslow, ME.



2024.173 IN BOARD OF CITY COUNCIL... OCTOBER 15, 2024
BE IT ORDERED, that the City Manager is authorized to execute an agreement with
Jacobs Glass of Winslow Maine for the installation and finishing of interior window trim
for newly installed windows at Biddeford City Hall, in the amount of \$44,685.00.

Note: The source of funding for this award is a portion of the FY24 end of year surplus.

Attest by: _____



5 Cushman Road
Winslow ME 04901
(207) 873-7577

9/4/2024
REV 1

**Biddeford City Hall
Biddeford, ME**

PROPOSAL	TOTALS
Provide Labor, Materials & Equipment for the following Scope of Work:	
Addition of Interior Trim at (105) windows	
-46 Rectangular windows with return per mock up	
-23 Arch windows with returns per mock up	
-36 Locations with no returns and flat stock applied	
-Includes priming and painting of all trim	
TOTAL PRICE	\$44,685



City Council

Meeting Date: October 15, 2024
Meeting Time: 6:00 PM
Agenda Item No: 9.h
Item Description: 2024.174 Approval Condominium Conversions Emergency Moratorium
Submitted By: City Councilor Liam LaFountain

Supporting Information/Documentation:

2024.174 Emergency Moratorium Condo Conversion - ORDER

Key Terms:

Executive Summary:

If this Emergency Moratorium is enacted, it would apply to all properties with eight (8) or more units, including both residential and commercial conversions. Property owners would be allowed to submit conversion applications during the moratorium, but approvals would be delayed until after the moratorium period. Applications filed on or after October 6th, 2024, would be subject to this moratorium and governed by any new ordinances adopted by the City Council.

Detailed Review:

Introduction:

Biddeford is currently facing significant pressures in its housing market, particularly regarding affordable rental housing. Over 50% of the city's residents are tenants, many of whom live in downtown areas, are experiencing a sharp rise in housing costs. In response, the City Council is considering a temporary emergency moratorium on condominium conversions, retroactively effective as of October 6th, 2024. If enacted, this moratorium would provide time to develop policies that address the city's long-term housing and commercial needs and protect tenants.

Context:

Recent developments, particularly large-scale condominium conversions proposed by major property owners, have raised concerns over the potential loss of affordable rental housing and

commercial space in downtown Biddeford. Large-scale condominium conversions proposed by major property owners have raised concerns about the potential loss of affordable rental housing. With condominium prices expected to exceed \$500 per square foot, these developments could severely limit housing affordability for many residents. The moratorium would provide time to assess and create policies that balance opportunities for homeownership with the need to preserve rental units for both residential and commercial tenants.

Key Issues:

1. **Rental Housing Shortage:** Biddeford is experiencing a shortage of affordable rental units, especially those accessible to low- and moderate-income tenants. With an area median income (AMI) of \$63,261, households can afford a monthly housing payment of about \$1,581. However, condominium conversions could drive prices higher, placing these units out of financial reach for many tenants. The conversions do not create new housing units but instead shift existing rental units into ownership models, potentially excluding a broader segment of residents and businesses who rely on more affordable rental options.
2. **Disproportionate Impact of Large-Scale Conversions:** Property owners with significant property holdings are in a position to significantly affect the local housing landscape. Large-scale conversions could displace tenants and exacerbate the already tight housing market.
3. **Commercial Unit Impacts:** Commercial tenants in mixed-use buildings could also be adversely affected by condominium conversions, potentially facing rising rents and limited availability of space. Local businesses, already contending with rising operational costs, could be further destabilized by these conversions.
4. **Incongruence with the Comprehensive Plan:** Biddeford's comprehensive plan envisions a city where residents can live, work, and thrive in the downtown. However, with condominium prices starting at over \$500 per square foot, many working people may be priced out of living in downtown Biddeford, undermining the goal of maintaining a diverse and vibrant downtown.
5. **Insufficient Regulatory Protections:** Biddeford's current ordinance governing condominium conversions has not been updated since 2006, despite significant changes in the city's housing market. The ordinance does not provide adequate protection for residential tenants, nor does it offer any explicit protections for commercial tenants from the impacts of large-scale conversions.

Next Steps:

If passed, during the six-month moratorium on condominium conversions in buildings with eight or more units, retroactively effective as of October 6th, 2024, the City Council may:

- **Delegate an existing committee** to draft ordinances that better protect tenants from displacement and address the broader impacts of condominium conversions.
- **Develop** a strategy to balance condominium conversion projects with homeownership

opportunities while preserving affordable units.

- **Engage** with residents, property owners, and stakeholders to gather input on permanent solutions that maintain affordability and diversity in Biddeford's housing market.
- **Explore** policies and best practices from other cities and towns across Maine and the country to implement strategies that protect tenants and promote long-term housing affordability.

Proposed Policies for Consideration:

The City Council **may consider** the following actions during the six-month moratorium period:

- **Applying Inclusionary Zoning Requirements:** The City Council may explore the option of incorporating condominium conversions into the city's inclusionary zoning ordinance. This would require a portion of converted units to meet the City's definition of affordable housing, helping preserve housing stock for low- and moderate-income residents.
- **Expanding Tenant Notice Periods:** The City Council may consider extending the required notice period for tenants facing condominium conversions, ensuring they have sufficient time to make alternative housing or business arrangements. This would provide tenants with more stability during the transition process.
- **Tenant Transition Support:** The City Council may consider requiring condominium converters to provide comprehensive support for tenants during the transition, including financial assistance for relocation costs and guidance in finding new housing or commercial space in Biddeford. This approach ensures that tenants are not left without viable options while minimizing disruption to their lives or businesses.
- **Updating Condominium Conversion Fees:** The City Council may consider updating the existing conversion fees, which have not been adjusted since 2006. These fees could be revised to reflect current market conditions and ensure that the city is adequately prepared to handle the administrative and regulatory costs of such conversions.

Scope of the Moratorium:

If enacted, the proposed moratorium would apply to all properties with eight (8) or more units, including both residential and commercial conversions. Property owners would be allowed to submit conversion applications during the moratorium, but approvals would be delayed until after the moratorium period. Applications filed on or after October 6th, 2024, would be subject to this moratorium and governed by any new ordinances adopted by the City Council.

Conclusion:

The proposed emergency moratorium on condominium conversions is intended to protect tenants, both residential and commercial, and provide the City Council with time to develop policies that align with Biddeford's long-term goals of affordability and sustainability. While the

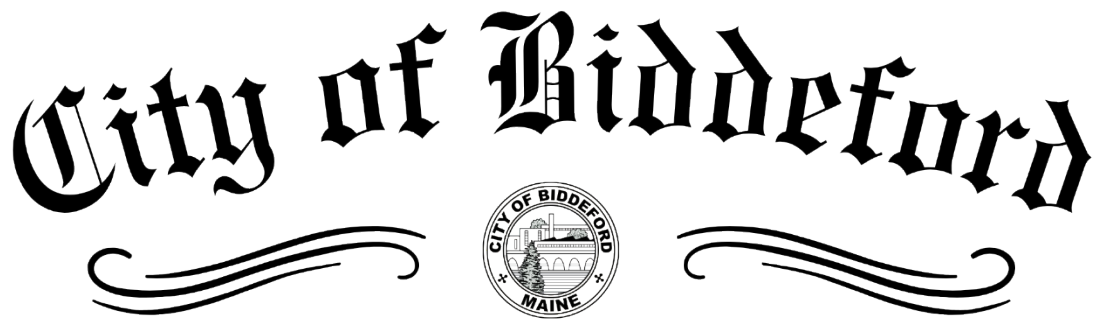
value of homeownership is recognized, it must be balanced with protecting vulnerable populations and ensuring that Biddeford remains a diverse, accessible, and vibrant community for all.

Funding Source:

N/A

Staff Recommendation:

N/A. Council policy item.



2024.174 IN BOARD OF CITY COUNCIL... October 15, 2024
BE IT ORDERED, that

EMERGENCY MORATORIUM ON CONDOMINIUM CONVERSIONS

WHEREAS, the Biddeford City Council recognizes the need to preserve and expand affordable housing options in the city, particularly given that over fifty percent (50%) of full-time Biddeford residents are tenants and the city continues to face rising housing costs;

WHEREAS, there is a lack of affordable rental units in Biddeford, especially downtown, where market pressures and development trends are driving up rents and limiting leasing options for long-term residential and commercial tenants

WHEREAS, the current rise in housing costs, particularly impacting residential tenants, is creating significant hardship for the residents of Biddeford, and the Biddeford City Council recognizes that rapid condominium conversions may further exacerbate the existing lack of affordable housing, which is detrimental to the health, safety, and welfare of the city's inhabitants, and this lack of affordable housing constitutes an emergency as set forth in the City of Biddeford Charter, Article III, § 8;

WHEREAS, large-scale condominium conversions by major property owners could disproportionately reduce available rental options, accelerating the displacement of residential tenants and increasing housing insecurity for those reliant on these units;

WHEREAS, condominium conversions may also negatively impact commercial tenants in Biddeford, adding additional pressure on local businesses already navigating rising costs;

WHEREAS, Biddeford's current land use ordinances and regulations do not provide adequate protections against the potential impacts of large-scale condominium conversions on residential and commercial tenants, as there are presently no safeguards in place for commercial tenants, and the existing ordinance protecting residential tenants, enacted in 2006, has not been updated since, despite significant changes in the city's housing landscape;

WHEREAS, the City Council finds that immediate action is necessary to prevent irreparable harm to the availability of financially attainable rental housing for residential tenants, and to protect commercial tenants whose financial stability and continuity of operations could be adversely impacted by condominium conversions, and that the emergency situation justifies the retroactive application of this moratorium to protect the public welfare;

NOW, THEREFORE, it is hereby ordered that the City Council of Biddeford enacts an emergency moratorium on all condominium conversions, including both residential and

commercial units, retroactively effective as of October 6th, 2024, to allow time for the development of ordinances and policies that provide greater protections for tenants and address the city's affordable housing needs. This moratorium shall apply to properties with eight (8) or more units in total, including contiguous properties or those under common ownership, to prevent circumvention through phased projects. It shall remain in effect for a period of six (6) months or until the City Council enacts permanent regulations related to condominium conversions, whichever occurs first.

BE IT FURTHER ORDERED, that any new proposed condominium conversions of eight (8) or more units in total may submit completed applications during the moratorium period, with the full understanding and recognition that any such application(s) shall not be approved until the end of the moratorium. Any application(s) filed on or after October 6th, 2024, shall be subject to this moratorium and governed by any ordinances, rules, and regulations duly adopted by the City of Biddeford prior to the end of the moratorium.

NOTE: This is an Emergency Order pursuant to the City Charter, Article III, Section 8. Upon a favorable vote of two-thirds (2/3) of the members present and voting, this Order shall take full effect as of October 6th, 2024.

Attest by: _____



City Council

Meeting Date: October 15, 2024
Meeting Time: 6:00 PM
Agenda Item No: 9.i
Item Description: 2024.175 Approval Tax Payment Interest Deadline Extension
Submitted By: Brian S. Phinney, COO

Supporting Information/Documentation:

20241015 2024.175 Tax Payment Interest Deadline Extension - ORDER

Key Terms:

Executive Summary:

Approval of this order extends the date upon which taxes are deemed delinquent and interest is due. The date is amended from November 1, 2024 to November 18, 2024.

Detailed Review:

The City of Biddeford experienced a delay in making available detailed tax bills for properties assessed as of April 1, 2024 in order to declare as much new value as possible. Order 2024.77 established the date of delinquency and the start of interest accrual as November 1, 2024 for the first installment of taxes. Detailed tax bills became available on October 10, 2024. Upon recommendation of the Mayor, Council President, and City Manager, Order 2024.175 amends the date of delinquency by declaring the new date as November 18, 2024. This amendment allows taxpayers a total of 40-days to review and pay the first tax installment.

Funding Source:

N/A

Staff Recommendation:

Staff is neutral on this Order. This is a policy decision at the discretion of the City Council.

City of Biddeford



2024.175 IN BOARD OF CITY COUNCIL... OCTOBER 15, 2024
BE IT ORDERED, that, in accordance with 36 M.R.S. §505(4) property taxes shall be delinquent if not paid by November 18, 2024 for the first installment and April 1, 2025 for the second installment and that interest shall be collected at the rate of 8.00% per annum on any taxes remaining unpaid (delinquent) after each respective date.

Note: This Order amends the date upon which taxes become delinquent and interest begins to accrue, from November 1, 2024 (Order 2024.77) to November 18, 2024.

Attest by: _____