

**COUNCIL MEETING
FEBRUARY 21, 2017**

Mayor Casavant called the meeting to order at 6:02 p.m.

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

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

There were no adjustments to the agenda.

Presentation: Annual Police Activity Report

Chief of Police, Roger Beaupre gave an informative and statistically packed report on the police activity in 2016. Most interesting were the comparisons with the last three years. Overall, the Biddeford Police Department has seen an increase in incoming calls; however, there has been a decrease in criminal activity and arrests – most notable, there has been a substantial decrease in juvenile arrests. Chief Beaupre also noted that Dispatchers and Police Officers are encountering and dealing more and more with mentally ill people, which has brought to light a need for more specialized training to deal with suicidal and other situations caused by mental illness.

A complete copy of the 2016 Annual Police Activity Report can found on the Biddeford Police Department's website, as well as on file in the City Clerk's Office.

Consideration of Minutes: February 7, 2017

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

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and the first reading, see the Council Meeting minutes of February 7, 2017}

2017.12) Amendment/Ch. 34-Environment/Add Article VII-Downtown Anti-Blight

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

Vote: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

Orders of the Day:

2017.15 IN BOARD OF CITY COUNCIL.....FEBRUARY 21, 2017

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$3,200.00 in U.S. Currency, or any portion thereof, and; the transfer of \$530.00 in U.S. Currency, or any portion thereof on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case.CR-16-533. These funds shall be transferred to the City of Biddeford, to satisfy the City of Biddeford's match to the Saco Biddeford Opiate Outreach Initiative.

Motion by councilor McCurry, seconded by Councilor Lessard to grant the order.

Vote: Unanimous.

2017.16 IN BOARD OF CITY COUNCIL..FEBRUARY 21, 2017

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

Part III (Land Development Regulations), Article II (Definitions) as follows:

ACCESSORY DWELLING UNIT - An Accessory Dwelling Unit (ADU) is a self-contained housing unit incorporated within a single-family dwelling or in a separate building on the same lot as a single-family home.

BUILDING, ATTACHED - A building having any portion of one or more walls in common or within five feet of an adjacent building.

BUILDING, DETACHED - A building having a five feet or more of open space on all sides.

DWELLING - Any building or structure or portion thereof designed or used for residential purposes. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

1. SINGLE-FAMILY DWELLING - Any structure containing only one dwelling unit for occupation by not more than one family, except that a structure may also contain an Accessory Dwelling Unit where expressly authorized pursuant to this ordinance. A detached Accessory Dwelling Unit shall not be considered a single-family dwelling unit for the purposes of this ordinance.
2. TWO-FAMILY DWELLING - A building containing only two dwelling units, for occupation by not more than two families, neither of which is an Accessory Dwelling Unit.
3. MULTIFAMILY DWELLINGS - A building containing three or more dwelling units, , not including Accessory Dwelling Unit, such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

PRIMARY RESIDENCE - A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

Part III (Land Development Regulations), Article VI (Performance Standards) to delete Section 24 as follows:

Section 24. Duplex housing/two-family housing.

~~Duplex housing is considered to be a residential structure designed and built specifically to contain two separate dwelling units. Duplex housing does not include structures converted to two unit structures. (This type of unit is considered to be an accessory apartment.)~~

~~Two family housing units are considered to be existing structures with an added residential unit or converted to contain two residential units.~~

~~Duplexes and two family structures shall be allowed in those zones permitting duplexes provided they meet fire safety standards as established by the Biddeford fire marshal's office, and, if applicable, the standards of the Maine Department of Health and Human Services' Bureau of Health Human Engineering for subsurface septic disposal.~~

Part III (Land Development Regulations), Article VI (Performance Standards) to add a new Section 77 as follows:

Section 77. Accessory Dwelling Units (ADUs).

A. Purpose and Intent. The intent of permitting ADUs is to:

1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
4. Provide housing units for persons with disabilities;
5. Protect stability, property values, and the residential character of a neighborhood.

B. Procedural Requirements.

1. Review procedure:
 - a. One ADU is permitted per residentially zoned parcel except within the Coastal Residential (CR) zone, **including the RP and LR overlay districts within the CR zone**, where ADUs are not permitted. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.
 - b. The Code Enforcement Office shall conduct the administrative review of all applications for an ADU. All findings and decisions of the Code Enforcement Office shall be final except where subject to appeal to the Zoning Board of Appeals as provided in Article IX of the Biddeford Land Development Regulations.
2. Application Fee Required:
 - a. In addition to all applicable building, electrical, plumbing etc. permit fees ADU applications shall cost a non-refundable fee of \$200.

C. Use and Dimensional Regulations.

1. The Code Enforcement Office may issue a Building Permit authorizing the installation and use of an ADU within an existing or new owner-occupied, single-family dwelling, attached to an existing or new owner-occupied, single-family dwelling, or in a detached structure on a single-family home lot only when the following conditions are met:
 - a. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
 - b. Only one ADU may be created within a single-family house or house lot.
 - c. ADU's may be created on lots meeting the minimum lot size for a single-family dwelling in the zoning district or on legally nonconforming lots as of January 1, 2017.
 - d. ADUs shall not be intended for sale and shall remain in common ownership with the principal dwelling unit.
 - e. All ADUs shall have a gross floor area of at least three hundred (300) square feet.
 - f. The gross floor area of an ADU (including any additions) shall not be greater than 35% of the gross floor area of the principal dwelling unit or nine hundred (900) square feet, whichever is greater.
 - g. Once an ADU has been added to a single-family residence or lot, the ADU shall never be enlarged beyond the 35% of the gross floor area of the principal dwelling unit or the nine hundred (900) square feet allowed by this Ordinance.
 - h. Rooftop decks are not permitted.
 - i. Balconies shall not face an interior side lot lines.
 - j. An ADU may not have more than two bedrooms.
 - k. The construction of any ADU must be in conformity with all applicable federal, state and local laws, ordinances and regulations.
 - l. One (1) off-street parking space is required for an ADU unless legal on-street parking or publicly supplied off-street parking is located within 1,000 feet. Tandem parking is permitted.

- m. Internal ADUs shall also comply with the following:
 - (i) Internal ADUs shall not result in additional entrances facing a public street on the primary structure.
 - (ii) Any stairways leading to the internal ADU shall be enclosed.
- n. Attached ADUs shall also comply with the following:
 - (i) Attached ADUs shall not result in additional entrances facing a public street on the primary structure.
 - (ii) Any stairways associated with an attached ADU shall be enclosed.
 - (iii) The primary exterior materials of an attached ADU shall match the primary exterior materials of the principal structure.
- o. Detached ADUs shall also comply with the following:
 - (i) Not less than ten (10) percent of the total area of the façade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - (ii) Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

- 2. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Code Enforcement Office may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

D. Occupancy Requirements.

- 1. The owner(s) of the residence in which the ADU is created must continue to occupy either the ADU or the principal dwelling unit.
- 2. If an owner is unable or unwilling to fulfill the requirement to occupy either the ADU or the principal dwelling unit the owner shall remove those features of the ADU that make it a dwelling unit.
- 3. An ADU may not be occupied by more than three (3) people.

E. Administration and Enforcement.

- 1. It shall be the duty of the Code Enforcement Office to administer and enforce the provisions of this Ordinance.
- 2. No building shall be constructed or changed in use or configuration until the Code Enforcement Officer has issued a permit. ADUs shall not be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Office.

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

Motion by Councilor Swanton, seconded by Councilor McCurry to amend the ordinance, Sec. 77. Accessory Dwelling Units (ADUs), subsection B.1.a. by adding “**including the RP and LR overlay districts within the CR zone.**”

Vote: Unanimous.

Vote on ordinance, as amended: Unanimous.

2017.17

IN BOARD OF CITY COUNCIL..FEBRUARY 21, 2017

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

**Part III (Land Development Regulations), Article XIV (Shoreland Zoning),
Section 12 (Nonconformance).C.1. as follows:**

- c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12.C.1., or Section 12.C.1.a., above.
 - i. For structures located less than 100 feet ~~but greater than 25 feet~~ from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. For structures located less than 75 feet but greater than 25 feet from the normal high-water line of a waterbody, tributary stream, or the upland edge of a wetland the maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater. For structures located less than 100 feet but greater than 75 feet from the normal high-water line of a waterbody, tributary stream, or the upland edge of a wetland the maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

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

Vote: Unanimous.

2017.19

IN BOARD OF CITY COUNCIL... FEBRUARY 21, 2017

BE IT ORDERED, that the City Manager be authorized to negotiate a contract with Desman Design Management of Rocky Hill CT for engineering and architectural services for the site evaluation, design, preparation of construction documents, permit approvals, and construction administration for the Downtown Parking Structure Project.

And to further approve authorizing support for project permit approval meetings and construction monitoring charged at hourly rates in accordance with the proposal submitted December 3, 2016.

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

Vote: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2017.18

IN BOARD OF CITY COUNCIL...FEBRUARY 21, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to donate the following 3 vacant properties to the Rachael Carson National Wild Life Refuge:

Map 61, lot 20, 71 Mile Stretch Road

Map 61, lot 20-1, 73 Mile Stretch Road

Map 61, lot 23, 87 Mile Stretch Road

BE IT FURTHERED ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to retain the following 3 vacant properties or portions thereof for City use as compensation parcels and/or to donate these parcels or portion thereof to the Saco Valley Land Trust:

Map 13 lot 45, 122 Precourt Street

Map 15, lot 4, 0 Commercial Street

Map 5, lot 19, 772 Pool Street

NOTE: The Finance Committee will review this item at their February 21, 2017 meeting.

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

Motion by Councilor McCurry, seconded by Councilor Lessard to table the order so that Staff may look into other ways to disperse and/or maintain and/or sell part of the Mile Stretch Road properties.

Vote to table: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL...FEBRUARY 21, 2017

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

**Roch Angers
26 Cathedral Oaks Drive
Ward 6**

to the *Planning Board*, as an Associate Member, for a term to expire in December 2020.

Motion by Councilor Mills, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

City Manager Report:

City Manager, James Bennett publicly thanked the Public Works Crew, other members of City Staff and those outside companies who were brought in who recently (and continue to) dealt with the incredible amount of snow we've received in a relatively short period of time. He went on to also thank the citizens who have shown patience while snow removal has been planned and dealt with by City crews over the past week.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit)

One citizen addressed his comments to the Council.

Other Business:

Councilor Ready: asked to get an update on the city-owned properties that had originally been put up for sale and then ultimately tabled by the Council so that other options could be explored.

Councilor Ready stated that he appreciates that both Chief Beaupre and Chief Gagne have started inviting the Mayor and Councilors to the swearing in ceremonies for their new employees.

Councilor Lessard: expressed his appreciation to all the City Departments who were involved in dealing with the recent snow storms. Like Councilor Ready, he also appreciates being invited to the Police and Fire Departments swearing in ceremonies.

Councilor Lessard is looking forward to receiving information during the budget process on where Biddeford stands within its peer groups as far as spending and tax rates.

Council President Addressing the Council: Councilor McCurry also extended his thanks to the Public Works Crew and all other Staff for their work and effort during the recent snow storms and for keeping the streets open. He also thanked the School Department for their part in doing what needed to be done to keep the students safe traveling to and from school.

Councilor McCurry recognized Councilor Quattrone for leading the charge and working with the Recreation Department, members from UNE and the Autism Society of Maine to institute a Summer Camp specifically designed for children with Autism, which will kick off this summer.

Mayor Addressing the Council: Mayor Casavant also commended Councilor Quattrone for the role he played in instituting a Summer Camp for Autistic children.

Mayor Casavant noted that he addressed the School Committee about coming up with a program to keep students involved and active in positive activities during after school hours.

Executive Session: 1 MRSA 405(6)(E)...Consultation with City Solicitor

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

Vote: Unanimous. Time: 7:26 p.m.

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

Vote: Unanimous. Time: 8:05 p.m.

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

Vote: Unanimous. Time: 8:05 p.m.

Attest by: _____
Carmen J. Morris, City Clerk