

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

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/99344041869?pwd=T09rRWx0eG50TWo5a2NPN1FtS29QQT09>

Webinar ID: 993 4404 1869

Passcode: 948578

Or One tap mobile :

+13126266799,,99344041869# US (Chicago)

+16465588656,,99344041869# US (New York)

Or Telephone:

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

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 507 473 4847 US

+1 564 217 2000 US

International numbers available:

<https://biddeford.zoom.us/j/99344041869?pwd=T09rRWx0eG50TWo5a2NPN1FtS29QQT09>

Status:

1. Roll Call - Council President LaFountain

Councilor Lessard

Councilor Ortiz

Councilor Emhiser

Councilor Whiting

Councilor Beaupre

Councilor Mills

Councilor Schlaver

Councilor Belanger

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Proclamation

Proclamation Dr. Martin Luther King Jr.
[20240116 Dr. Martin Luther King Jr. -PROCLAMATION.pdf](#)

4. Recognition:

- 4.a. Recognition in Memory of Roger Cantara

5. Appointments:

- 5.a. 2024.08 Confirmation of City Manager's Nomination for Director of Community and Economic Development Director
[20240116 George Gervais - Appointment](#)
[20240116 Gervais Resume](#)
[20240116 Gervais Employment Agreement.2024](#)

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

7. Consideration of Minutes:

- 7.a. Approval of Minutes 1-4-24
[City Council Minutes 1-4-24](#)

8. Second Reading:

- 8.a. 2024.02 Approval/Amend Code of Ordinances Part II: Code of Ordinances, Article IV - Boards, Committees, Commissions
[010424 DEI Committee Ordinance Memo](#)
[010424 DEI Committee Ordinance Order 2nd](#)
[011722 Language Approved for Creation of Diversity Inclusion Equity Committee](#)

9. Orders of the Day:

- 9.a. Approval/Re-zone portions of the City's R-2 and R-1 A lots to MSRD -2
[Policy Brief Rezoning to MSRD2 1-16-24](#)
[City Council Order Rezoning from R1 and R1A to MSRD2 1-16-24](#)
[Zoning Map Amendment R2 to MSRD2 12-06-23 PB MEMO](#)
[Bennett Policy Memo to CC 6-20-23 IZ incentive](#)
[Policy Brief Rezoning to MSRD2 9-20-23](#)
[PPH First Reading](#)
[Rezoning Map Proposal 9-20-2023](#)
- 9.b. Approval/Amend Ordinances, Part II: Code of Ordinances - Subdivisions Article 1, Section 66-21 Soil Evaluations
[City Council Order 2024.10 Subdivisions Septic Inspections 1-16-2024](#)
[Policy Brief Septic Inspections 1-16-24](#)
[Ordinance Amendment SEPTIC and SLUDGE 1-16-23](#)
[Brent Lawson email regarding septic inspections](#)
[Ordinance Amendment SEPTIC INSPECTIONS 1-16-24](#)
[Septic and Sludge Ordinance Amendment 12-06-23 PB MEMO](#)
[Septic and Sludge Ordinance Amendment 12-06-23 PB MEMO](#)
- 9.c. Approval/Amend Ordinance Part III: Code of Ordinances, Article VI - Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.
[City Council Order 2024.11 Subsurface wastewater disposal and sludge spreading 1-16-2024](#)
[Maine House of Representatives email regarding sludge 12-8-23](#)

Ordinance Amendment SEPTIC and SLUDGE 12-20-23
Ordinance Amendment Subsurface Wastewater and sludge spreading 1-16-24
Policy Brief Subsurface Wastewater disposal and sludge spreading 1-16-24
Septic and Sludge Ordinance Amendment 12-06-23 PB MEMO
Septic and Sludge Ordinance Amendment 12-20-23 PB MEMO

- 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 405 6 (c) Economic Development matters
 - 15.b. Executive Session 405 6 (c) Real Estate matters
 - 15.c. Executive Session 405 6 (d) Labor Negotiations
- 16. Adjourn**

City of Biddeford



PROCLAMATION

Whereas, the City of Biddeford joined our grateful Nation in celebrating the life and good works of the Reverend Dr. Martin Luther King, Jr., on January 15, 2024; and,

Whereas, Reverend Dr. Martin Luther King, Jr. worked tirelessly as the leader of a nationwide non-violent movement to extend freedom and equal opportunity for all; and,

Whereas, Reverend Dr. Martin Luther King, Jr. gave voice to the fact that despite the promise of our Nation there were citizens who were not being granted basic rights and for whom liberty and justice for all had not truly been realized; and,

Whereas, Reverend Dr. Martin Luther King, Jr.'s efforts were joined by countless others who, at the risk of great personal sacrifice, stepped forward to confront injustice and to work toward a more inclusive and equitable society; and,

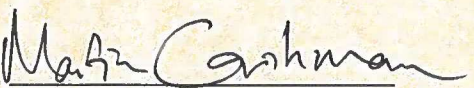
Whereas, as our City celebrates the life of Reverend Dr. Martin Luther King, Jr., we also take this moment to recognize that work to be done still remains, and we reaffirm our commitment to ensuring through action, equal opportunities for all; and

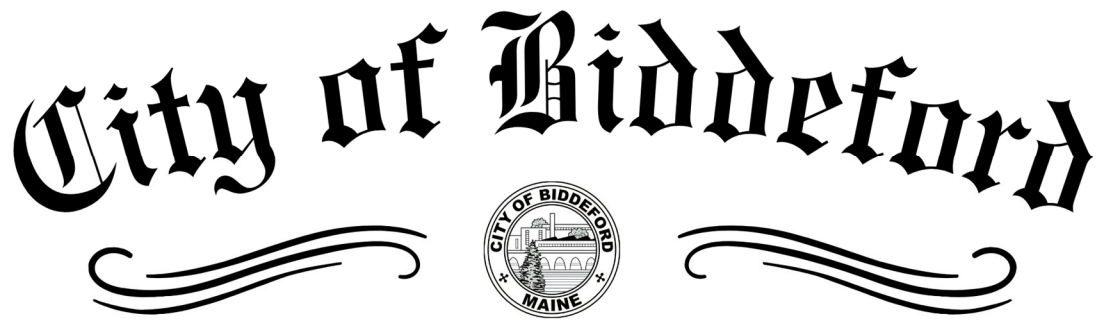
Therefore, I, Martin Grohman, Mayor of the City of Biddeford, do hereby celebrate the legacy and enduring contributions of the Reverend Dr. Martin Luther King, Jr.

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 16th day of January 2024.*


City Clerk




Mayor



2024.08 IN BOARD OF CITY COUNCIL... January 16, 2024

BE IT ORDERED, that the City Council does hereby confirm the City Manager's nomination of George Gervais as Director of Economic and Community Development, and

BE IT FURTHER ORDERED, that the City Manager execute an employment agreement with George Gervais.

Attest by:_____

GEORGE GERVAIS

CHIEF OPERATING EXECUTIVE | FINANCE EXECUTIVE

Government & Private Sectors / Public Policy Administration / Business Development / P&L

Senior Operating Executive successful in defining key business strategies/programs and translating into high-impact actions, operations, and business growth results. Expert performance establishing and cultivating strategic relationships, managing large-scale operations, developing high-impact programs, and collaborating with cross-functional leaders to ensure operational excellence. Public policy administrator with extensive depth of experience in both the private and government sectors. Astute financial, critical thinking and negotiation competencies. Strong public speaking, relationship cultivation, strategic planning, executive presentation and leadership skills.

Strategic, collaborative and thoughtful leader able to inspire trust, recruit and develop top leadership talent, manage public relations, oversee P&L, and drive transformation efforts. Entrepreneurial drive. Extensive network of government, public and private sector industry contacts.

Areas of Expertise Include:

Operations Management | Government Affairs | Public Policy | Strategic Planning | P&L Management | Budgeting
Accounting & Finance | Business Development | Client Relations | Team Leadership | Public Relations | Project
Management | Economic/Community Development | Program Development | Community Outreach | Fundraising

PROFESSIONAL EXPERIENCE

Focus On It, LLC, Cumberland Ctr, ME

2018 to present

President

- Founder and leader with responsibility across established, developing and startup businesses. Collaborate extensively with cross-functional leaders to facilitate business growth goals, accounting and finance systems, and marketing strategies. Partner with key leaders and specialists to conceive/execute strategies. Orchestrate critical strategic support across operating and business development activities.
- Executive operations leader with multi-state oversight responsibility across established, developing and startup business units: —Hold oversight for a 50+ person organization. Manage P&L. Oversee large-scale projects. —Manage 9 direct reports, including Unit Presidents, Senior VP, Plant Managers, VP of Communications/Marketing, and Senior Engineers; recruit and develop top talent. Extensive collaboration with cross-functional leaders. —Frequent travel to establish/cultivate customer relationships, meet with and consult staff, and ensure operational excellence. Handle direct communications with large/key accounts.
- Negotiate large-scale contracts, including recent \$600M carbon credit project (20-year development contract).
- Establish/track goals at all levels of the companies under management; work closely with CEO and Executive Chairman to conceive/execute key strategies. Orchestrate critical strategic support across operating and business development activities.

CVG, INC. / CVI INVESTMENTS, LLC / IRISH 31 HOLDINGS, LLC, United States and Canada

2018 to 2021

Vice President, CVG, Inc.

President, CVI Investments, LLC

CFO/CRO, Irish 31 Holdings, LLC

- Recruited to serve in executive leadership positions for CVG, Inc. and their related subsidiaries/entities, providing strategic direction on investment/development opportunities and special project implementations:
—Leveraged private, public and government sector contacts.
- Sourced, identified and secured buyers/investors for various business opportunities. Provided legislative monitoring and bill tracking, and represented the group in major negotiations.
- Spearheaded highly successful redevelopment effort on newly acquired investment (Mill/Property), helping to close deal with large Asian investor.
- Negotiated, on behalf of Irish 31 Holding, LLC, with several land owners; helped secure millions of dollars in SBA disaster and other loan funding.

MAINE DEPT. OF ECONOMIC & COMMUNITY DEVELOPMENT (DECD), Augusta, ME 2008 to 2018

COMMISSIONER 2011-2018 *Business Development / Legislative Director (2008-2011)*

- Highly successful tenure in Maine State Government, serving in the DECD throughout both Governor Baldacci's and Governor LePage's administrations, respectively. Throughout career, implemented policies that facilitated growth of Maine's business community, enhancing/sustaining economic prosperity.
- **As Commissioner**, effectively directed daily operations, led cross-functional teams, developed/managed budgets, and established and cultivated numerous local and statewide partnerships, and small- and mid-size business and private industry executive relationships. Reported directly to Maine's Governor:
 - Served on the Board of Directors for key organizations (concurrently), and was instrumental in major Board decisions that positively impacted the state; represented the Dept. on over 20 Boards and/or Commissions.
 - Oversaw the Maine Dept. of Economic & Community Development
 - Recruited/hired/directed, and collaborated with, the President of Maine Technology Institute (MTI), and directed, and worked with, the President of Maine International Trade Center (both divisions within the DECD); instrumental in expanding international trade throughout the state (organized international trade missions).
 - Spearheaded large-scale projects/programs; resulted in project synergy and economic development. Worked closely with leadership/staff of the Finance Authority of Maine on various key Programs.
 - Approved Tax Incremental Financing applications, Community Development Block Grants, etc.
 - Increased year-over-year tourism revenue; grew to 37 million annual visitors (~\$9.1Billion Tourism revenue).
- **As Business Development & Legislative Director**, led regional business development/assistance initiatives such as redevelopment projects, successfully connecting small businesses with department resources; extensive coordination with other organizations. Developed the department's legislative agenda/analysis, bill drafting, and communication:
 - Established/cultivated relationships with legislative branch members and the Maine business community.
 - Co-developed the most successful military station/base redevelopment effort in the country.

PREVIOUS EXPERIENCE

***Early career finance and entrepreneurial experience** included establishing/owning/directing multiple business, including multiple locations employing 200+ people. Trained and mentored employees into management positions, developed and implemented business growth strategies, and ensured operational excellence.*

EDUCATION / PARTIAL LIST of BOARD AFFILIATIONS

Bachelor of Science in Business Administration & Finance – UNIVERSITY OF MAINE - ORONO, Orono, ME

BOARD OF DIRECTORS EXPERIENCE:

Finance Authority of Maine

Maine Economic Growth Council

Maine Technology Institute

Maine Rural Development Authority (Chair)

Maine Development Foundation

Maine Manufacturers Extension Partnership

Midcoast Regional Redevelopment Authority

Maine & Company (Business Attraction Entity)

Maine International Trade Center

Loring Development Authority

EMPLOYMENT AGREEMENT

THIS AGREEMENT originally made as of the sixteenth day of January 2024 between **George Gervais** (hereinafter **Gervais**) and the **CITY OF BIDDEFORD**, Maine, a body politic and corporate located in York County, Maine (hereinafter **City**).

I. WISEAS,

- A. **City**, acting through its **City Manager**, desires to appoint and thereafter employ **Gervais** as its Director of Economic Development and Planning, in accordance with the provisions of the Biddeford City Charter (Charter);
- B. **Gervais** desires to be so appointed and employed;
- C. It is the desire of the **City** and **Gervais** to specify the terms and conditions of his employment and tenure as Director of Economic Development and Planning;
- D. The Parties have reached an agreement with respect to the same which they wish reduced to a writing.

II. NOW, THEREFORE, for consideration paid, each to the other, including without limitation the mutual covenants and undertakings more fully hereinafter expressed, the parties do hereby agree as follows:

- A. **Appointment and Duties:** By official action, the City Manager, as confirmed by the City Council has appointed **Gervais** as Director of Economic Development and Planning, to perform those duties imposed upon the Director of Economic Development and Planning under the terms of the City's Charter, Revised Code of Ordinances, or such other action as may lawfully be promulgated by Council, and those assigned by the City Manager.
- B. **Tenure:**
 - (1) **Initial and Extended Term:** The **City** acting through its City Manager, initially appointed **Gervais** as its Director of Economic Development and Planning on January 16, 2023, and shall continue as a full time salaried employee of the **City**.
 - (2) **City's Right of Termination without Cause.** **City** shall have the right to terminate the Agreement without cause and without prior notice. In the

event of such termination, Director of Economic Development and Planning shall be paid an aggregate lump-sum payment equal to six (6) months aggregate salary. Said aggregate lump-sum payment shall increase by one (1) month for each year of service, or part thereof as Director of Economic Development and Planning, up to a maximum of twelve (12) months. Payment shall be made in full at time of termination if so desired by **Gervais** or on any other schedule he elects. At the same time, **Gervais** shall be compensated for any vacation accrued to date of termination, calculated at the rate of pay in effect upon termination. In addition, **City** will contribute on behalf of **Gervais** any accrued and unpaid retirement benefits to time of termination; and shall continue at the same rate to provide health insurance coverage for a period of six (6) months from date of termination plus one (1) month for each year of service, or part thereof as Director of Economic Development and Planning, for a maximum of twelve (12) months (the “Severance Period”). **Gervais** shall also be entitled to all other economic benefits due under the Agreement for the Severance Period, with the exception of the use of the Fire Command vehicle and any other benefits associated with being an active Director of Economic Development and Planning, i.e. uniforms, etc.

- (3) **City’s Right of Termination for Cause.** **City** shall have the right to terminate the Agreement for cause as provided in the Charter or state and federal law. In the event **Gervais’s** employment is terminated for cause, the **City’s** only obligation to **Gervais** is to pay all compensation and benefits accrued, but unpaid, at the time of termination.
- (4) **Employee Incapacity.** Should **Gervais** be disabled or otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health (verified by his attending physician) for a period of (6) six months despite reasonable accommodation, the **City** shall have the right to terminate the Agreement and the **City’s** only obligation to **Gervais** is to pay all compensation and benefits accrued, but unpaid, at the time of termination.

(5) **Director of Economic Development and Planning Resignation:**

Gervais shall have the right to resign, upon a thirty (30) day written notice.

Upon said resignation, the **City's** only obligation to **Gervais** is to pay all compensation and benefits accrued, but unpaid, as of the effective date of the resignation.

- C. **Compensation.** Commencing February 12, 2024, **City** shall pay **Gervais** an annual salary of one hundred twenty thousand dollars (\$120,000.00) per year. Effective August 12, 2024, **City** shall pay **Gervais** an annual salary of one hundred twenty two thousand five hundred dollars (\$122,500.00) per year. The **City** may adjust the annual salary upward or provide a bonus at its sole discretion as a performance adjustment. **Gervais's** salary may be adjusted annually, or from time to time, consistent with the **City** policies and practices for all department heads within the **City**.
- D. **Retirement.** The **City** shall provide **Gervais** with the retirement plan of his choice, consistent with current **City** policy.
- E. **Health Insurance Coverage.** Consistent with **City** policy, **City** shall provide health insurance coverage to **Gervais** and his family, life insurance and income protection, as provided to others non-union employees of the **City**, effective the date of the agreement as the same may be amended from time to time with regard to all non-union salaried employees.
- F. **Professional Development.** The **City** shall pay for **Gervais's** professional dues for his continued professional growth and for the good for the **City** in approved professional organizations. The **City** may also pay for any other dues, memberships and subscriptions in other professional organizations or local service or civic organizations, subject to approval by the City Manager.
- G. **Vacation, Holidays, Sick Leave, and Other Benefits.** **Gervais** shall accrue vacation allowance consistent with **City** policy, with such accumulation of vacation time occurring annually on his anniversary date. Vacation time is recognized as being in compliance with Maine's Earned Paid Leave Law and up to forty (40) hours annually may be used accordingly.

Gervais, notwithstanding the language in previous paragraph, shall be entitled to two (2) weeks of vacation initially; available and placed on the books immediately. However, he may use up to two (2) weeks of the time during the first six months of employment upon request and approval by the City Manager, subject to however, in the event Gervais is no longer an employee of the City on August 12, 2024, any time advance shall be repaid to the **City**. Effective his second anniversary with the City, his annual vacation allowance shall increase to four (4) weeks annually. **Gervais** shall be entitled to all other benefits afforded non-union employees, consistent with the personnel policy, that are not otherwise covered by the Agreement.

- H. **No Reduction in Benefits.** **City** shall not, at any time during the term of the Agreement, reduce the salary, compensation or other benefits of **Gervais** except in the event of an across-the-board reduction of all salaried employees of **City**. In such event, **Gervais's** salary, compensation and other benefits shall be reduced by the same percentage or in the same manner as all salaried employees of the **City**.
- I. **Indemnification.** The **City** shall defend, save harmless, and indemnify **Gervais** against any tort, professional liability claim or demand or other legal action, whether or not it appears to have merit, arising out of an alleged act or omission occurring in the performance of **Gervais's** duties as Director of Economic Development and Planning, except as prohibited by law. **City** will either litigate or compromise and settle any such claim or suit and pay the amount of any judgment or settlement rendered thereon, whether levied against the **City** or **Gervais** personally. Said indemnification shall extend beyond termination of employment, and the otherwise expiration of the Agreement, to provide full and complete protection to **Gervais**, by the City of Biddeford, as described herein, for any acts undertaken or committed in **Gervais's** capacity as Director of Economic Development and Planning, regardless of whether the notice or filing of such a claim or lawsuit occurs during or after **Gervais's** employment with **City**.
- J. **Conflict of Interest Prohibition.** It is further understood and agreed that because of the duties of the Director of Economic Development and Planning within and on behalf of the City of Biddeford and its citizenry, **Gervais** shall not,

during the term of the Agreement, individually, as a partner, joint venturer, officer or shareholder, invest or participate in any business venture conducting business in the corporate limits of Biddeford, except for stock ownership in any company whose capital stock is publicly held and regularly traded, without the prior approval of the City Manager. For and during the term of the Agreement, **Gervais** further agrees, except for a personal residence or residential property acquired or held for future use as his personal residence, not to invest in any other real estate or real property improvements within the corporate limits of Biddeford, without the prior consent of the City Manager.

- (1) **Current Ventures:** The **City** acknowledges **Gervais** current business venture *Focus On It, LLC*. and accepts that he will continue to be minimally involved with its continued operations. **Gervais** agrees that his involvement shall not interfere with his obligations to the **City** and shall be conducted so that a prudent person would not question his priority to the **City**.

K. **General Expenses.** **City** recognizes that certain expenses of a non-personal and job-related nature will be incurred by **Gervais**, and hereby agrees to reimburse or to pay such general expenses subject to **City** policies, and the finance director, after receipt of, review of, and approval of appropriate expenses or petty cash voucher, receipts, statements, or personal affidavits, is hereby authorized to disburse such moneys.

L. **Miscellaneous.**

- (1) The Agreement, supplementing the provisions of the Charter, City ordinance and policies, constitutes the entire agreement between the parties and there are no other promises, covenants or undertakings between the parties with respect to the subject matter of the Agreement which do not appear on the face hereof.
- (2) The Agreement may be amended only by a mutual written agreement authorized by Council and executed by the **City Manager** and **Gervais**.
- (3) If any of the provisions or portions thereof contained in the Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of the

Agreement, or portion thereof, shall be deemed severable and shall not be affected by such determination and shall remain in full force and effect.

In Witness Whereof, the **City of Biddeford**, with confirmation of the City Council, has caused the Agreement to be signed and sealed, in duplicate originals, by its **City Manager**, with further confirmation of the City Council as verified by the Mayor, on the day and year first above written.

Witness:

CITY OF BIDDEFORD

James A. Bennett, City Manager

Signed and executed by **George Gervais**, in duplicate originals, on the day and year first above written.

Witness:

George Gervais

City of Biddeford
City Council
January 04, 2024 6:00 PM Council Chambers & Zoom

Status:

1. Roll Call

Council President LaFountain - present via zoom

Councilor Lessard - present

Councilor Ortiz - excused

Councilor Emhiser - present

Councilor Whiting - present

Councilor Beaupre -excused

Councilor Mills - present

Councilor Schlaver - present

Councilor Belanger - present

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

4. Appointments:

- 4.a. 2024.01) Approval/Appointment Erin Ware to Historic Preservation Commission
[20240102 Erin Ware Historic Preservation Commission-ORDER.docx](#)
[20240102 Erin Ware Historic Preservation Commission Application.pdf](#)

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

5. Presentation:

- 5.a. Presentation by Recreation Department of the Playground Report
[Council 2024 Playground Presentation](#)
[City of Biddeford Playground Report 2024](#)

Recreation Director Catherine Ellis presented the Council with an assessment of current the City playgrounds – their accessibility, condition, equipment and options for the future.

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

7. Consideration of Minutes:

- 7.a. Approval of Minutes 12-19-2023
[Council 12-19-23 minutes](#)

Motion: Councilor Mills
Second: Councilor Lessard
Vote: Unanimous in favor.
Minutes accepted.

- 7.b. Approval of Minutes 12-21-23
[Council Minutes 12-21-23](#)

Motion: Councilor Whiting
Second: Councilor Lessard
Vote: Unanimous in favor.
Minutes accepted

8. Second Reading:

- 8.a. 2023.161) Approval/Adoption/Code of Ordinance - Appendix A - Rules of the Council
[2023.161\) Adoption of Rules of the Council Order - ORDER](#)
[20231219 Rules of City Council Redlined - REFERENCE](#)

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

9. Orders of the Day:

- 9.a. Approval/Amend Code of Ordinances Part II: Code of Ordinances, Article IV - Boards, Committees, Commissions
[010424 DEI Committee Ordinance Memo](#)
[010424 DEI Committee Ordinance Order](#)
[011722 Language Approved for Creation of Diversity Inclusion Equity Committee](#)

Motion: Councilor Schlaver
Second: Councilor Whiting

Councilor Lessard – Motion to Amend to include the terms “beliefs and border security” in Sec 2-328 (b)
Second: Councilor Belanger
Councilor Lessard explained that it is to add those groups.
Councilors Belanger and LaFountain commented that the other descriptions are based on identity.
Vote on the Amendment: 6 nays – Councilors LaFountain, Emhiser, Whiting, Mills, Schlaver and Belanger.
1 yea – Councilor Lessard
Amendment failed.

Councilor Belanger – Motion to Amend Sec 2-328 (a) to add the words “City Manager” before the final word “designee”.

Second: Councilor Emhiser
Vote on the amendment: Unanimous in favor.
Amendment passed.

Councilor Lessard asked for clarification on the definitions in (b).
City Staff explained the definitions and gave examples.
Councilor Mills expressed concern with an Ad Hoc committee becoming permanent.

Councilor Mills- Motion to Table and send to Policy.
Second: Councilor Lessard
Vote: 5 nays – Councilors Belanger, Emhiser, Schlaver, Whiting and LaFountain.
2 yeas – Councilors Lessard and Mills.
Motion failed.

Councilor Schlaver – Motion to Amend to remove “political affiliation” from Sec 2-238 (b).
Second: Councilor Belanger
Councilor Belanger explained that the descriptions listed are typical for EEO laws.
Councilor Emhiser asked if the list is typical.
City DEI Coordinator Shelly Gibson explained that this was carried over from the previous version.
Vote on the amendment - 4 nays – Councilors Lessard, Emhiser, Whiting, and Mills
3 yeas – Councilors Belanger, Schlaver and LaFountain.
Amendment failed.

Councilor Belanger commented that it should have gone to Policy first to work out some of the language. However, it spells out the sequence of appointments and they need to be made soon.

Councilor Lessard – Motion to Amend Sec 2-334, change the word “call” to “notify”
Second – Councilor Mills
Vote – Unanimous in Favor.
Amendment passed.

Councilor Lessard – Motion to Amend Sec. 2-336, strike the entire section.
Second: Councilor Mills
Councilors discussed that subcommittees have powers. The committee can create working teams to focus on issues.
Vote – Unanimous in favor.
Amendment passed.

Vote on Order as Amended: 5 yeas – Councilors Belanger, Whiting, Emhiser, LaFountain and Schlaver.
2 nays – Councilors Lessard and Mills.
Motion passed.

9.b. 2024.03) - Approval/Non-Union Bereavement Leave Policy

[20240104 Amendments to Nonunion Bereavement Leave Policy - BRIEF](#)
[20240104 Approval -Amendment to Non-Union Bereavement Leave Policy - Updated ORDER.](#)
[20240104 Community Comparison - Nonunion Bereavement Leave Policy - REFERENCE](#)

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

- 9.c. 2024.04 Approval/Non-Union Parental Leave Policy
[20240104 Amendment to Nonunion Parental Leave Policy - BRIEF](#)
[20240104 Amendments to Nonunion Parental Leave Policy - Updated ORDER](#)
[20240104 Community Comparison - Nonunion Parental Leave Policy - REFERENCE](#)
[20240104 Parental Leave - City of Biddeford FMLA Statistics \(for birth\) - REFERENCE](#)

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

- 9.d. 2024.05 Approval/Non-Union Health Insurance/Premium Share
[20240104 Amendment Nonunion Health Benefit Employee Contribution - BRIEF](#)
[20240104 Amendment Nonunion Health Benefit Employee Contribution - ORDER](#)

Motion: Councilor Mills
Second: Councilor Lessard

Councilor Emhiser asked if the amount was annual.
Councilor LaFountain asked if the percentages were consistent.
Human Resources Director Diana DePaolo explained that it was annual and they are consistent.
Councilor Lessard was concerned that it would signal to the other parties in future negotiations.
Councilor Emhiser commented that it would be ok to do that.

Vote: 5 yeas – Councilors Emhiser, Belanger, Whiting, Schlaver and LaFountain.
2 nays – Councilors Lessard and Mills.
Motion passed.

- 9.e. 2024.06) Approval/Award Ambulance Purchase to P.L. Custom - Sugarloaf Ambulance/Rescue Vehicles
[20240104 Council - Approval Ambulance Purchase - BRIEF](#)
[20240104 Approval Ambulance Purchase - ORDER](#)
[20220103 Sourcewell RFP 110921 PL Custom Ambulance Contract - REFERENCE](#)
[20231227 Ambulance Purchase Sales Agreement - REFERENCE](#)
[20231227 PL Custom Sugarloaf Ambulance Component Report- REFERENCE](#)

Motion: Councilor Whiting

Second: Councilor Lessard

Councilors asked questions about delivery dates.

Fire Chief Best explained that orders need to be placed years and months in advance to take delivery.

Councilor Lessard – Motion to Amend the Detailed Review to state “cost not to exceed \$451,000.”

Second: Councilor Mills.

Vote on the amendment – Unanimous in favor.

Amendment passed.

Vote on the Order as amended: Unanimous in favor.

Motion passed.

- 9.f. 2024.07) Approval/Award Fire Engine Pumper Purchase to Sutphen Corp
[20240104 Council - Approval Fire Engine Pumper Purchase - BRIEF](#)
[20240104 Approval Fire Engine Pumper Purchase - ORDER](#)
[20220208 Sourcewell RFP 113021 Sutphen Corp Contract - REFERENCE](#)
[20231227 Sutphen Engine Pumper Component Report - REFERENCE](#)
[20231227 Sutphen Engine Pumper Proposal - REFERENCE](#)

Motion: Councilor Mills

Second: Councilor Lessard

Councilor Lessard – Motion to Amend the Detailed Review to state “Cost not to exceed \$934,000”.

Second: Councilor Emhiser

Vote on the amendment – Unanimous in favor.

Amendment passed.

Vote on the Order as amended: Unanimous in favor.

Motion passed.

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

11. City Manager Report - The City Manager did not give a report.

12. Other Business

Councilor Emhiser shared that the demolition began on the Marie Joseph building today. It has stood for 100 years. Thanks to the support of the community it will become a spectacular space for the community in the future.

Councilor Lessard really appreciates the playground presentation and would like to see it move forward with a bond.

Councilor Belanger reminded everyone where to find snow parking ban information.

13. Council President Addressing the Council

Council President LaFountain did not address the Council.

14. Mayor Addressing the Council

Mayor Grohman thanked everyone for the discussion on the playgrounds. He reminded the Council about the Workshop on 1-9-24 at 5:30.

He congratulated the Biddeford Middle School Math Team and all of the athletic teams.

He commented on the Marie Joseph Center – it is bittersweet but will provide great access to nature at no cost to the City.

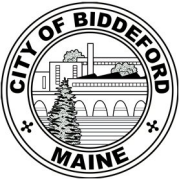
15. Adjourn

Motion: Councilor Mills at 7:43 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting adjourned.



City Council

Meeting Date: January 4, 2024

Meeting Time: 6:00 PM

Agenda Item No: 9.a.

Item Description: Approval/Amendment Part II: Code of Ordinances, Article IV - Boards, Committees, Commissions (New Division) – Diversity, Equity and Inclusion Committee

Submitted by: Danica Lamontagne, Assistant to the City Manager

Supporting Information/Documentation:

Proposed amendment to Code of Ordinances

Order to create the Diversity, Equity and Inclusion Committee as approved by the City Council in January 2022

Key Terms:

N/A

Executive Summary:

The proposed amendment to Chapter 2, Article IV of the Code of Ordinances would codify the existing Diversity, Equity and Inclusion Committee and establish staggered terms for members.

Detailed Review:

The Diversity, Equity and Inclusion Committee was established by the City Council in January 2022 by order of the Council. The proposed amendment to the Code of Ordinances maintains the functions and purposes of the committee as previously approved, with only minor logistical updates.

The order as originally adopted did not establish staggered terms for members. In December 2023, all eight of the volunteer members and our City Council liaison had their two-year terms expiring at the same time, which put the Committee at risk of losing important institutional knowledge. The updated language in the proposed code establishes three-year staggered terms. To make that transition, there will be three members appointed for a three-year term, three members appointed for a two-year term (including the Council liaison), and three members appointed for a one-year term.

Other updates define the roles of Chair, Vice Chair and Secretary and establish a mechanism for removal of a committee member after multiple unexcused absences. These updates are consistent with other codified Commissions/Committees. Minor updates were also made to

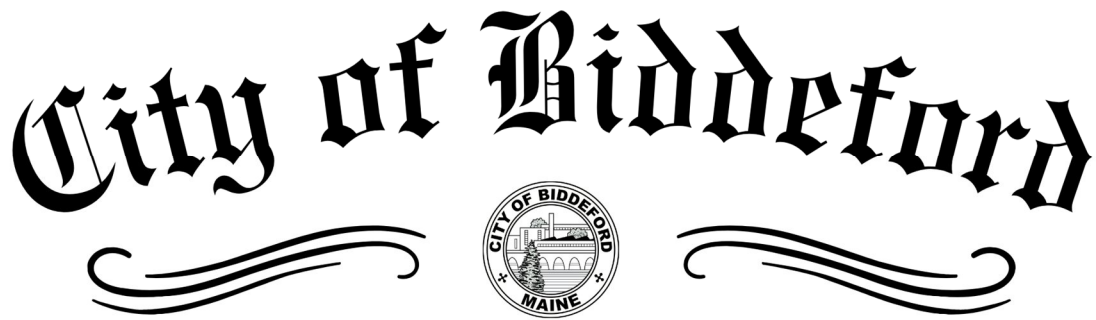
the list of identities included in Section 2-328 at the recommendation of the Diversity, Equity and Inclusion Coordinator.

Funding Source:

N/A

Staff Recommendation:

Adopt the proposed amendment to the Code of Ordinances.



2023.02 IN BOARD OF CITY COUNCIL... JANUARY 4, 2024

BE IT ORDERED, by the City Council of the City of Biddeford, that Part II: Code of Ordinances, Article IV - Boards, Committees, Commissions be amended to include new Division 13, *Diversity, Equity and Inclusion Committee* by [adding](#) text as follows:

Sec. 2-326 Established.

The City of Biddeford's Diversity, Equity and Inclusion Committee is hereby established.

Sec. 2-327 "Committee" defined.

Unless otherwise indicated, the term "Committee," as used in this division, shall mean the Diversity, Equity and Inclusion Committee.

Sec. 2-328 Composition; appointment of Committee members; terms of office; removal of members.

(a)

The Committee shall consist of 8 volunteer members and one City Councilor. Such members shall be nominated by the Mayor and confirmed by the City Council. Members must reside, own a business, or attend school within the City of Biddeford. The Committee shall be staffed by the Diversity, Equity and Inclusion Coordinator or designee.

(b)

The Council will strive to appoint members to the Diversity, Equity and Inclusion Committee who bring their lived experiences regardless of their varied identities including but not limited to age, race, color, religion, sex, sexual orientation, marital status, pregnancy, the dimensions of gender, disability, citizenship, veterans' status, ancestry, national origin, and/or political affiliation, amongst other identities. Appointed members will be expected to think broadly in terms of how issues of racism, sexism, ableism, and other discriminatory and prejudicial biases and systems impact all residents in Biddeford.

(c)

The terms of each member shall be staggered so that no more than three members' terms shall expire in the same year. Upon adoption of this ordinance, there shall be three

members appointed for a three-year term, three members appointed for a two-year term, and three members appointed for a one-year term. Following the completion of these initial terms, all members shall be appointed for three-year terms.

(d)

A member shall automatically be removed from the Committee in the event that they no longer reside in, own a business or attend school in the City of Biddeford or if they are absent for more than three regular meetings per calendar year without being excused by the Chair.

Sec. 2-329 Functions and purposes.

The purpose of the Diversity, Equity and Inclusion (DEI) Committee is to create a culture of acceptance and mutual respect that acknowledges differences and strives for equitable outcomes of opportunity, access and inclusion.

It shall be the function of the Committee to:

(1)

Advise the Biddeford City Council on policy decisions related to diversity, equitable outcomes, and inclusion;

(2)

Examine existing City policies, programs and practices through a community lens to promote diversity, equity, and inclusion;

(3)

Make recommendations to the Council on public engagement strategies and methods by which all Biddeford residents have the opportunity to better participate in the decision-making process.

(4)

Provide feedback, guidance, strategies and recommendations to increase community engagement specifically by underrepresented groups.

(5)

Identify local community leaders and building more leadership capacity in Biddeford's diverse communities.

(6)

Perform such other functions as may be required or delegated by the Mayor or City Council.

Sec. 2-330 Filling of vacancies.

Vacancies on the Committee shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 2-331 Quorum.

A simple majority of Committee members shall constitute a quorum.

Sec. 2-332 Required vote.

The Committee shall act by majority vote of those present and voting.

Sec. 2-333 Annual election of Chair and Vice Chair.

The Committee shall annually elect a Chair and Vice Chair.

Sec. 2-334 Chair to call meetings and preside.

The Chair shall call all Committee members on three days' notice, unless waived, and shall preside at such meetings.

Sec. 2-335 Vice Chair's power in absence of Chair.

The Vice Chair shall be vested with all the powers of the Chair in case of the Chair's absence or incapacity to serve.

Sec. 2-336 Authority to establish subcommittees.

The Committee may establish subcommittees composed of three or more of its members if the Committee deems it necessary.

Sec. 2-337 Authority of Council to assign powers, duties.

The Council may assign additional powers and duties to the Committee as it deems necessary.

January 4, 2024

Motion: Councilor Schlaver

Second: Councilor Whiting

Councilor Lessard – Motion to Amend to include the terms “beliefs and border security” in Sec 2-328 (b)

Second: Councilor Belanger

Vote on the Amendment: 6 nays – Councilors LaFountain, Emhiser, Whiting, Mills, Schlaver and Belanger.

1 yea – Councilor Lessard

Amendment failed.

Councilor Belanger – Motion to Amend Sec 2-328 (a) to add the words “City Manager” before the final word “designee”.

Second: Councilor Emhiser

Vote on the amendment: Unanimous in favor.

Amendment passed.

Councilor Mills- Motion to Table and send to Policy.

Second: Councilor Lessard

Vote: 5 nays – Councilors Belanger, Emhiser, Schlaver, Whiting and LaFountain.

2 yeas – Councilors Lessard and Mills.

Motion failed.

Councilor Schlaver – Motion to Amend to remove “political affiliation” from Sec 2-238 (b).

Second: Councilor Belanger

Vote on the amendment - 4 nays – Councilors Lessard, Emhiser, Whiting, and Mills

3 yeas – Councilors Belanger, Schlaver and LaFountain.

Amendment failed.

Councilor Lessard – Motion to Amend Sec 2-334, change the word “call” to “notify”

Second – Councilor Mills

Vote – Unanimous in Favor.

Amendment passed.

Councilor Lessard – Motion to Amend Sec. 2-336, strike the entire section.

Second: Councilor Mills

Vote – Unanimous in favor.

Amendment passed.

Vote on Order as Amended: 5 yeas – Councilors Belanger, Whiting, Emhiser, LaFountain and Schlaver.

2 nays – Councilors Lessard and Mills.

Motion passed.

January 16, 2024

Attest by:_____

Diversity, Equity, and Inclusion Community Committee

Definitions:

Diversity refers to the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender and gender identity, age, religion, language, disability status, sexual orientation, socioeconomic status, geographic region, and more.

Equity refers to actively working to identify and eliminate barriers that have prevented full participation across differences in culture and circumstance.

Inclusion refers to the act of creating environments in which individuals and groups feel welcomed, respected, supported, and valued by eliminating practices and behaviors that marginalize. An inclusive climate embraces differences and offers respect in words and actions so that all people feel welcome in the City of Biddeford.

Committee Purpose:

To create a culture of acceptance and mutual respect that acknowledges differences and strives for equitable outcomes of opportunity, access and inclusion by:

- A. Advising the Biddeford City Council on policy decisions related to diversity, equitable outcomes, and inclusion;
- B. Examining existing city policies, programs and practices through a community lens to promote diversity, equity, and inclusion;
- C. Making recommendations to the Council on public engagement strategies and methods by which all Biddeford residents have the opportunity to better participate in the decision-making process,
- D. Provide feedback, guidance, strategies and recommendations to increase community engagement specifically by underrepresented groups.
- E. Identifying local community leaders and building more leadership capacity in Biddeford's diverse communities.

The committee will consist of nine members that are each appointed for a two-year term. The Mayor appoints and the City Council confirms Committee members. Members must reside, own a business, or attend school within the City of Biddeford.

The Council will strive to appoint members to the Diversity, Equity and Inclusion Committee who bring their lived experiences regardless of their immutable traits including but not limited to race, ethnicity, LGBTQ+, gender, socio-economic status/history, differently abled, age amongst other

identities. Appointed members will be expected to think broadly in terms of how issues of racism, sexism, ableism, and other discriminatory and prejudicial biases impact all residents in Biddeford.

The Committee will meet once per month. A meeting may be held without a quorum; however, to vote on a matter the committee must have a quorum present which will consist of a simple majority of appointed voting members.



Policy Committee

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

Agenda Item No: Item # 2024.09
Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: Roby Fecteau, Director of Code Enforcement
David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached is a map of the proposed rezoning area from R2 and R1A zones to MSRD2.

Key Terms:

N/A

Executive Summary:

Staff is recommending a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives

Detailed Review:

This item was first discussed at the City's Policy Committee on June 22, 2023, who brought the item to the full City Council who forwarded the rezoning amendment to the Planning Board for their review and recommendation. As you are aware, the City has been reviewing our land use policies / zoning to create additional housing opportunities within the downtown. The easiest way to accomplish this goal, is to convert a portion of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives. The proposed rezoning areas are within the downtown and currently adjacent to the MSRD2 zone. The proposed map amendment is one of a series of land use amendments (text / map) toward compliance with "LD 2003" and more importantly, providing less restrictive zoning to allow for additional housing opportunities.

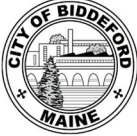
Funding Source:

N/A

Staff Recommendation:

This item was discussed at three Planning Board meetings including two (2) public hearings which were held on December 6th and December 20th, 2023. At the conclusion of the meetings the Planning Board voted to send a recommendation to the City Council to amend the official zoning map as proposed.

City of Biddeford

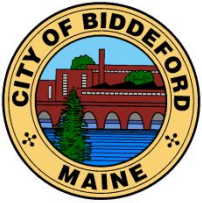
The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2023.09

IN BOARD OF CITY COUNCIL on January 16, 2024

BE IT ORDERED, that the City Council hereby approves a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed and attached Zoning map, to MSRD2 so that they may also benefit from the affordable housing incentives.

Attest by:_____



CITY OF BIDDEFORD

Planning and Development Department

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

Planning Board – Staff Report

David.Galbraith@biddefordmaine.org

TO: Chair Patoine and Members of the Biddeford Planning Board

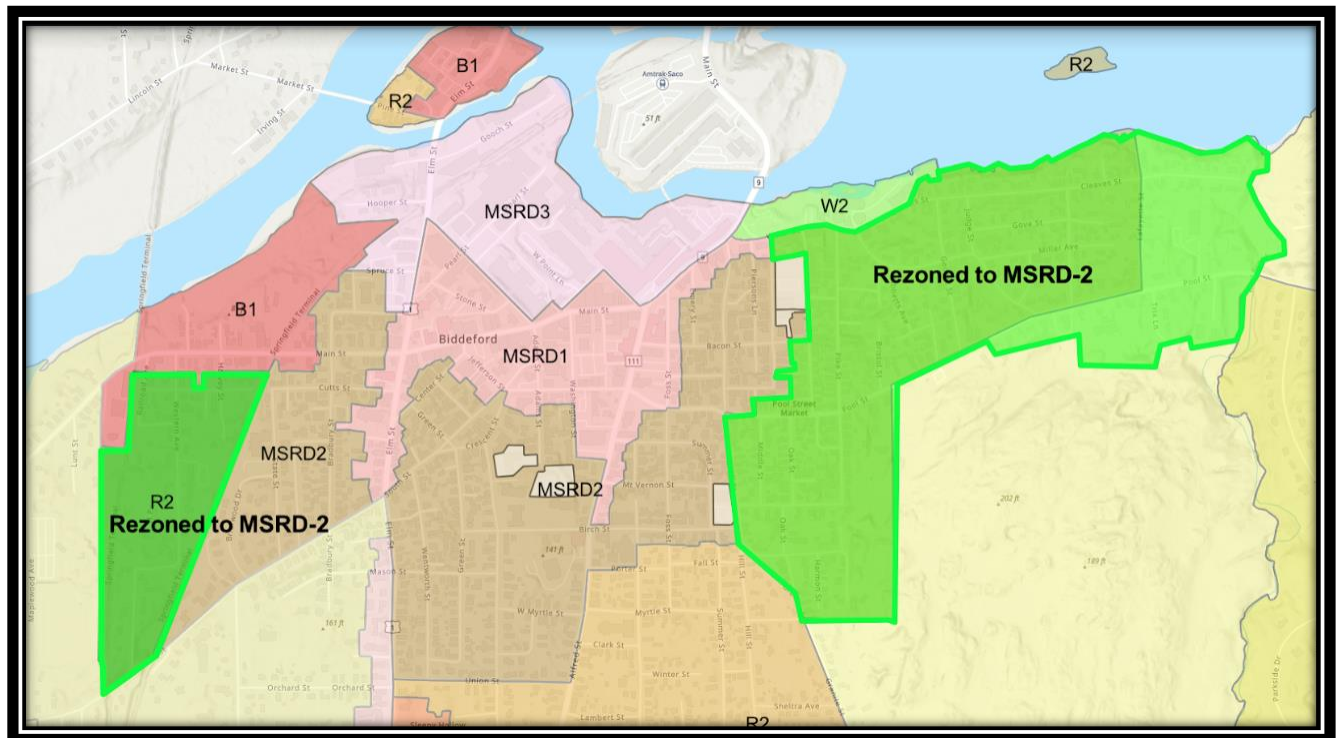
FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: December 12, 2023

RE: **Zoning Map Amendment: Rezoning Portions of the City's R-2 Zoning and R-1-A Zoning Districts to MSRD-2.**

MEETING DATE: December 20, 2023

1. Overview: This item was last discussed with the Planning Board at the December 6, 2023 regular Planning Board meeting. Staff is recommending a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed Zoning map (below and attached) to MSRD2 so that they may also benefit from the affordable housing incentives.



Proposed Rezoning Areas from R-2 and R-1-A to MSRD-2 (highlighted in green)

Detailed Review:

This matter was originally discussed at the Policy Committee (June 22, 2023) who were evaluating our land use policies / zoning to create additional housing opportunities within the downtown. The easiest way to accomplish this goal, is to convert a portion of the R-2 and R-1-A zones, as illustrated on the proposed

Planner's Business: Zoning Map Amendment: Rezoning Portions of the City's R2 Zoning and R1A Districts to MSRD2.

Planning Board Date: December 20, 2023

Zoning map amendment, to MSRD-2 so that they may also benefit from the affordable housing incentives. The proposed rezoning areas are within the downtown and currently adjacent to the MRSD2 zone. The primary difference between the proposed map amendments is one of a series of land use amendments (text / map) toward compliance with "LD 2003".

Establishment of Zones – Table B – Dimensional Standards

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
SR-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	200	40	25	10	10	3	35
CR	See Table C below				150	150	150	40	25	25	25	3	35
R-1-A	10,000 B	20,000	10,000	20,000	100	100	100	40	25	10	10	3	35
R-1-B	5,000 B	20,000	5,000	20,000	50	50	50	25	10	5	5	3	35
R-2	4,500 B	N/A	N/A	N/A	45	N/A	N/A	25	15	5	5	3	35
R-3, single-family	10,000	20,000	20,000	40,000	100	120	200	40	25	10	10	3	35
R-3, duplex	7,500 B	30,000	N/A	N/A	120	120	120	40	25	15	15	3	35
R-3, multifamily	15,000 1st 2 units, then 6,000/unit D	N/A	N/A	N/A	150	N/A	N/A	40	40	25	25	3	35
R-3, all other	10,000	N/A	N/A	N/A	100	120	200	40	25	10	10	3	35

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

The primary difference between R2 and R1A zones when compared to the MSRD2 zoning district is the minimum square footage requirements per unit, as illustrated above. The proposed map amendment is one of a series of land use amendments (text / map) toward compliance with "LD 2003".

Staff Recommendation:

Staff is supportive of the proposed rezoning but is seeking input from the Planning Board prior to forwarding a formal recommendation for adoption of this amendment to the City Council.

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

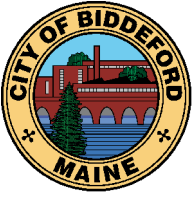
Planner's Business: Zoning Map Amendment: Rezoning Portions of the City's R2 Zoning and R1A Districts to MSRD2.

Planning Board Date: December 20, 2023

- A. Motion to Approve: I motion to APPROVE the proposed Map Amendments to Rezoning Areas from R-2 and R-1-A to MSRD-2, as proposed and illustrated.
- B. Motion to Deny I motion to DENY the proposed Map Amendments to Rezoning Areas from R-2 and R-1-A to MSRD-2, as proposed and illustrated for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Map Amendments to Rezoning Areas from R-2 and R-1-A to MSRD-2, as proposed and illustrated for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

ATTACHMENTS: Proposed Map Amendment Area

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Policy Committee
FROM:	James A. Bennett, City Manager
DATE:	January 11, 2024
RE:	Incentives to Create More Dedicated Affordable Housing Units

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

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

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

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

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

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

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

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

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



Policy Committee

Meeting Date: September 25, 2023

Meeting Time: 6:00 PM

Agenda Item No:

Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: Roby Fecteau, Director of Code Enforcement
David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached is a map of the proposed rezoning area from R2 and R1A zones to MSRD2.

Key Terms:

N/A

Executive Summary:

Staff is recommending a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives

Detailed Review:

As previously discussed at the Policy Committee (June 22, 2023) the City has been reviewing our land use policies / zoning to create additional housing opportunities within the downtown. The easiest way to accomplish this goal, is to convert a portion of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives. The proposed rezoning areas are within the downtown and currently adjacent to the MSRD2 zone. The proposed map amendment is one of a series of land use amendments (text / map) toward compliance with "LD 2003".

Funding Source:

N/A

Staff Recommendation:

Staff is proposing that the Policy Committee forward this rezoning request to the City Council for their input and a recommendation to forward the proposed map amendment to the Planning Board for discussion and a formal Council recommendation towards adoption.

PUBLIC NOTICES

bank check at the time of the public sale made payable to Brock & Scott, PLLC, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of Federal National Mortgage Association is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale. Federal National Mortgage Association by its attorneys, Brock & Scott, PLLC Jamie L. Tartre, Esq. 30 Danforth Street Suite 104 Portland, ME 04101

Public Notice

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered July 31, 2023, in the action entitled PennyMac Loan Services, LLC v. Lori Thayer Jennings, by the Maine District Court, Division of Biddeford, Docket No. SPRDC-RE-2022-56, wherein the Court adjudged the foreclosure of a mortgage granted by Lori Thayer Jennings, mortgagor, to Academy Mortgage Corporation and dated May 29, 2020 and recorded in the York County Registry of Deeds in Book 18259 at Page 180, should the period of redemption have expired without redemption of the property by the mortgagor, a public sale of the property described in the mortgage will be conducted on **December 21, 2023 commencing at 10:00 AM at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101.** The property is located at 361 Blackberry Hill Road, Berwick, ME 03901, in York County, reference as described in said mortgage. The sale will be by public auction. All bidders for the property

Public Notice

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered January 9, 2023 and further affected by an Order dated October 30, 2023 extending the period to commence publication of the notice of sale by an additional 90 days therefrom in the action entitled **HSBC Bank USA, National Association as Trustee for Deutsche Alt-B Securities, Mortgage Loan Trust, Series**

2006-AB2 v. Michael D. Combes, et al., by the Cumberland County Superior Court, Docket No. PORSC-RE-20-43, wherein the Court adjudged the foreclosure of a mortgage granted by Michael D. Combes to Mortgage Electronic Registration Systems, Inc., as nominee for Dream House Mortgage Corporation, its successors and assigns dated January 10, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23607, Page 214, the period of redemption having

expired, a public sale of the property described in the mortgage will be conducted on **Tuesday, December 19, 2023, commencing at 10:00 AM, 707 Sable Oaks Dr., Suite 250, South Portland, ME 04106 on the front steps of the building in front of the flag pole.** The property is located at 6 Apple Blossom Lane, Windham, Maine. The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 by certified or bank check at the time of the public

sale made payable to Korde & Associates, P.C., which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of the mortgagee is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale.

Korde & Associates, P.C., 707 Sable Oaks Dr., Suite 250, South Portland, Maine 04106, (207) 775-6223. Updates may be found at: <http://www.logs.com/me-sales-report.html>. 23-001439

Public Notice

York County Biddeford Planning Board Public Hearing Notice

Date of Public Hearing: December 6, 2023 Time: 6:00 PM Location: Biddeford City Hall, Council

Chambers and Remote Access Meeting (1 MRSA § 403-B) On behalf of the City Clerk and the Biddeford Planning Board provides notice that they will hold a Public Hearing and take comments for the City of Biddeford on December 6, 2023. Topics being discussed: FIRST READING of a Possible Rezoning of some of the R-2 & R1A lots to MSRD-2 FIRST READING of a proposal to amend Part III, Article VI, Section 5B, B1, 2 & 3 Subsurface Wastewater Disposal & Sludge Spreading, FIRST AND ONLY

READING to amend the Planning Board Rules of Procedure & Code of Ethics. Information on how to view and/or participate in the meeting will be available after November 28, 2023 at <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> by selecting the Agenda or Agenda Packet. For detailed information about the above items please e-mail nan.whitten@biddefordmaine.org, or go to www.biddefordmaine.org/planning.

LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

NOTICE OF STATE RULEMAKING

Public Input for Rules

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. Petitions: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). World Wide Web: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

PROPOSALS

AGENCY: 94-411 - Maine Public

able for adoption after January 31, 2024. PUBLIC HEARING: December 14, 2023, 9:05 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine COMMENT DEADLINE: December 26, 2023 EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Kathy J. Morin, Director, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1-800-451-9800 or (207) 512-3190. Email: Kathy.Morin@mainepers.org FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

AGENCY: 12-170 - Department of Labor, **Bureau of Labor Standards** CHAPTER NUMBER AND TITLE: **Ch. 9, Rules Governing Administrative Civil Money Penalties** TYPE OF RULE: Major Substantive PROPOSED RULE NUMBER: **2023-P241**

BRIEF SUMMARY: The Bureau of Labor Standards is proposing amendments to this Rule to simplify and increase the effectiveness of the administrative civil money penalties, to modify the appeal process to remove the possible perception of bias, and to ensure that Bureau resources are allocated in a more effective and accountable manner.

PUBLIC HEARING: Monday, December 11, 2023 at 10:00am, at the Maine Department of Labor, Frances Perkins Confer-

PUBLIC NOTICE

PUBLIC NOTICE

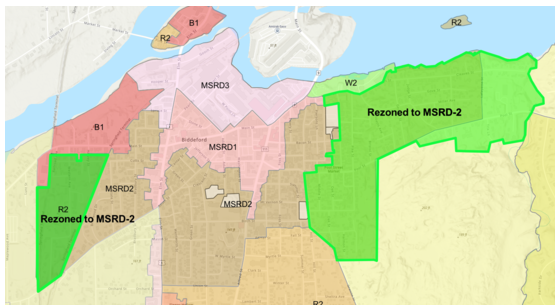
PUBLIC NOTICE

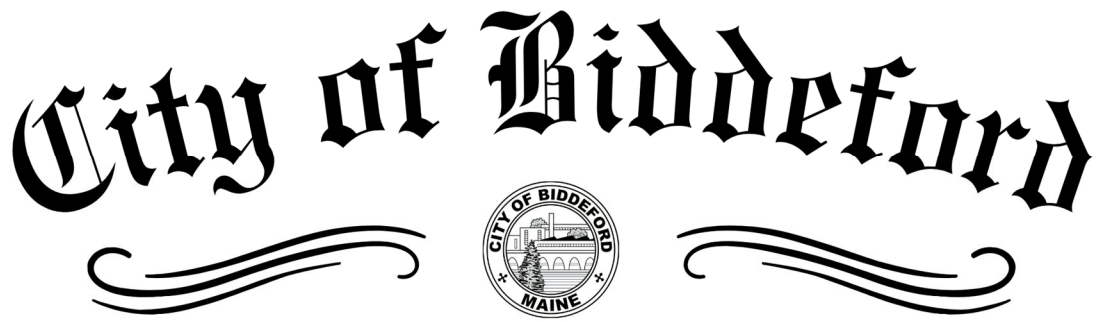
YORK COUNTY PROBATE COURT NOTICE TO CREDITORS 18-C M.R.S. §3-801(1)

The following Personal Representatives have been appointed in the Estates noted. The first publication date of this notice is November 15, 2023. If you are a creditor of an Estate listed below, you must present your claim within four months of the first publication date of this Notice to Creditors or be forever barred. You may present your claim by filing a written statement of your claim on a proper form with the Register of Probate of this Court or by delivering or mailing to the Personal Representative listed below at the address published by the Personal Representative's name a written statement of the claim indicating the basis therefore, the name and address of the claimant and the amount claimed or in such other manner as the law may provide. See 18-C.M.R.S. §3-804. SHERLON L. WESTLEIGH, late of Alfred, deceased. October 18, 2023, Charles L. Nickerson of PO Box 232, Sanford, ME 04073, appointed Personal Representative, without bond. GOODWIN FLOYD HANNAFORD, late of Hollis, deceased. October 18, 2023, Anne Hannaford of 71 Bear Hill Road, Hollis Center, ME 04042, appointed Personal Representative, without bond. KATHRYN MARIE LILL, late of York, deceased. October 18, 2023, Carrie F. Hall of 13 Pinecrest Lane, Ashland, MA 01721, appointed Personal Representative, without bond. CAROLYN J. GALLANT, late of Saco, deceased. October 18, 2023, Fred C. Gallant of 200 McKenney Road, Saco, ME 04072, appointed Personal Representative, without bond. HELENA M. HACKNEY, late of Kittery Point, deceased. October 18, 2023, Thomas C. Hackney of PO Box 83, Kittery Point, ME 03905, appointed Personal Representative, without bond. LAWRENCE A. WING, late of York, deceased. October 18, 2023, Gerald Parrotta of 13 Ocean Circuit Drive, Cape Neddick, ME 03902, appointed Personal Representative, without bond. CONRAD E. EMARD JR., late of Alfred, deceased. October 20, 2023, Michael K. Emard of 248 Gebung Road, Alfred, ME 04002, appointed Personal Representative, without bond. CIVILIA ELAINE CUTTING, late of Eliot

JOHN G. REARDON, JR., late of Limington, deceased. October 24, 2023, Cynthia A. Reardon of 159 Millturn Road, Limington, ME 04049, appointed Personal Representative, without bond. KATE G. BRODEUR, late of Eliot, deceased. October 24, 2023, David Brodeur of 283 Beech Road, Eliot, ME 03903, appointed Personal Representative, without bond. ANITA J. RICKS, late of North Parsonsfield, deceased. October 24, 2023, Christina Costantino of 237 N Prospect Street, Phillipsburg, NJ 08865, appointed Personal Representative, without bond. M. NANCY H. DAISEY, late of Kittery, deceased. October 24, 2023, Robert L. Daisey of 33 Norton Road, Kittery, ME 03904, appointed Personal Representative, without bond. REUBEN K. INNISS, late of Arundel, deceased. October 25, 2023, Sarah N. Inniss of 359 Limerick Road, Arundel, ME 04046 and Laura J. Robinson of 296 Hight Road, Dayton, ME 04005, appointed Personal Representatives, without bond. ALBERT WAYNE ASHBY, late of Sarasota, Florida, deceased. October 25, 2023, Barbara Irene Cook-Ashby of 19 Hampton Glen Drive, Kennebunk, ME 04043, appointed Personal Representative, without bond. JUSTIN EUGENE DALEY, late of Sanford, deceased. October 25, 2023, Carol M. Daley of 9 Beulah Street, Sanford, ME 04073, appointed Personal Representative, without bond. THOMAS C. CRYAN SR., late of York, deceased. October 25, 2023, Kim E. Peck of 4 Wilderness Way, York, ME 03909 and Judith Ahrikenchikh of 90 Beech Ridge Road, York, ME 03909, appointed Co-Personal Representatives, without bond. MARLENE J. HOWARD, late of Hollis, deceased. October 19, 2023, Kurt W. Howard of 531 Sawyer Street, South Portland, ME 04106, appointed Personal Representative, without bond. FRANK H. TOTMAN JR., late of Kittery Point, deceased. October 27, 2023, Thomas A. Totman of 7 Louis Street, Holliston, MA 01746, appointed Personal Representative, without bond. LUCILLE ANN CUNNINGHAM, late of Lebanon, deceased. October 27, 2023, Stacy H. Cunningham of 152 Buttercup Lane, Sanbornville, NH

appointed Personal Representative, without bond. KIMBERLEY LAVIN, late of Biddeford, deceased. November 1, 2023, Thomas Lavin of 15 Cheshire Meadows Lane, Kennebunk, ME 04043, appointed Personal Representative, without bond. PAULA A. LETOURNEAU, late of Buxton, deceased. October 31, 2023, Paul R. Dionne of 465 Main Street, Suite 102, Lewiston, ME 04240-6738, appointed Personal Representative, without bond. ESTHER E. LANE, late of Kittery, deceased. November 1, 2023, Carmen R. Butterfield of 445 N Kelly Street, Hobart, IN 45342, appointed Personal Representative, without bond. SARA E. SINCLAIR, late of Kennebunkport, deceased. November 1, 2023, Thomas J. Sinclair of PO Box 377, Kennebunkport, ME 04046, appointed Personal Representative, without bond. ELAINE J. BECK, late of Acton, deceased. November 1, 2023, Peter Beck of 52 Covewood Drive, Acton, ME 04001, appointed Personal Representative, without bond. ALINE D. PERRY, late of South Berwick, deceased. November 1, 2023, Christina M. VanHorn of 12 William Road, South Berwick, ME 03908, appointed Personal Representative, without bond. MICHAEL F. JANCOVIC, late of York, deceased. November 2, 2023, Jennifer A. Jancovic of 19 Dean Road, York, ME 03909, appointed Personal Representative, without bond. BLAINE DANIEL CLAY, late of Buxton, deceased. November 2, 2023, Cynthia Ann Russell of PO Box 474, Mapleton, ME 04757, appointed Personal Representative, without bond. KEVIN WESLEY GRAFFAM, late of Waterboro, deceased. November 3, 2023, Victoria A. Graffam of 86 Crystal Springs Way, Somersworth, NH 03878, appointed Personal Representative, without bond. VERONCIA J. SINGLE, late of Lyman, deceased. November 3, 2023, Erik Thorrell of 30 Kendall Pond Road #81, Derry, NH 03038 and Tracey Dunnington of 1 Sprinkler Way, Wareham, MA 02571, appointed Co-Personal Representatives, without bond. PATRICIA A. MOUNTAIN, late of Berwick, deceased. November 6, 2023, Yvette M. Brown of 27 Oxbow Lane, Barrington, NH 03825, appointed





2023.10 IN BOARD OF CITY COUNCIL on January 16, 2024

BE IT ORDERED, that the Biddeford City Council approve a Zoning Text Amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations to the following. Text additions are shown in blue underline and text deletions shown in ~~red strikethrough~~.

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

Attest by: _____



Policy Committee

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

Agenda Item No: Item # 2024.10
Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: David C.M. Galbraith, Acting Planning Director / City Planner

Supporting Information/Documentation:

Zoning Text Amendment to the City Code of Ordinances, Part II: Code of Ordinances / Subdivisions
– Article I, Section 66-21 Soil Evaluations:

1. Staff report to the Planning Board
2. Proposed Ordinance Amendment Language.

Key Terms:

N/A

Executive Summary:

The City's Subdivision Ordinance, Article I, Section 66-21 includes inspection procedures for septic systems which do not align with how the Code Office conducts inspections. The proposed Ordinance amendment is to bring the Ordinance into compliance with how inspections are actually being performed.

Detailed Review:

The zoning text amendment is being proposed to bring the City's Code of Ordinances into alignment with our actual septic inspection procedures. The City's existing Ordinance is antiquated and the Ordinance procedures haven't been followed in approximately 20 years. City Staff have been conducting inspections as recommended by the State's Plumbing Inspector and the amendment is being proposed to bring the Ordinance in alignment with actual day to day practice. Staff has reviewed this amendment with the State and they are supportive of the amendment and how Staff continues to conduct inspections.

Funding Source:

N/A

Staff Recommendation:

This item was discussed at three Planning Board meetings including two (2) public hearings which were held on December 6th and December 20th, 2023. At the conclusion of the meetings the Planning Board voted to send a recommendation to the City Council to amend Section 66-21 as proposed and written.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Workshop: November 8, 2023

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

EXISTING Ordinance Language:

Section 58 Subsurface wastewater disposal and sludge spreading.

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

- A.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

 - 1.** The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
 - 2.** Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B.** Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Workshop: November 8, 2023

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Workshop: November 8, 2023

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

Galbraith, David

From: Fecteau, Roby
Sent: Monday, September 25, 2023 12:20 PM
To: Galbraith, David
Subject: FW: Questions

From: Lawson, Brent <Brent.Lawson@maine.gov>
Sent: Wednesday, January 25, 2023 8:00 AM
To: Fecteau, Roby <Roby.Fecteau@Biddefordmaine.org>
Subject: Re: Questions

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As far as the septic as long as it's not engineered we don't have to see them. I assume each lot has a tank going into one field. Each lot will have to be permitted.

The second question is I agree.

Brent

Get [Outlook for iOS](#)

From: Fecteau, Roby <Roby.Fecteau@Biddefordmaine.org>
Sent: Wednesday, January 25, 2023 7:35:03 AM
To: Lawson, Brent <Brent.Lawson@maine.gov>
Subject: FW: Questions

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Brent

Thanks for your response to yesterday's question. Here is the email I sent

Thanks
Roby

From: Fecteau, Roby
Sent: Monday, December 12, 2022 9:01 AM
To: 'brent.lawson@maine.gov' <brent.lawson@maine.gov>
Subject: Questions

Good morning Brent.

I have a couple of questions that I hope you can assist with.

As you know, we have a proposed Mobile/ Manufactured Housing park that is being proposed in Biddeford. There will be approximately 200 homes. The owner of the park has submitted all the soil profile tests and test pit locations as part of the planning board packages. The homes will have a non-engineered septic system that will serve 2 to 3 homes at the

most. All land will remain with the park owner and they will be responsible for the septic maintenance and to fix any malfunctions.

Under the current proposal would this need your office approval?

My second question has to do with test pits. Biddeford has a requirement that dates back to the 70's and 90's that requires test pits to be inspected by the LPI. These rules were written a long time ago and seem redundant with the current requirements and inspection processes.

Prior to the current rules, septic inspections would include 3 inspections: 1st soil elevation prior to building the bed. 2nd top of disposal device and septic components. 3rd back fill and final grading.

Current rules are different. 1st original ground scarification prior to fill that would establish the elevation where the bed would start to be built on. 2nd top of disposal device and septic components

Would the department agree that the current rules and inspection process is better than checking individual test pits? A lot has changed with technology and rules since the 70's and 90's.

Thanks in advance and Happy Holidays Brent.

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

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

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

EXISTING Ordinance Language:

Section 58 Subsurface wastewater disposal ~~and sludge spreading.~~

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

- A.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

 - 1.** The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
 - 2.** Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B.** Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

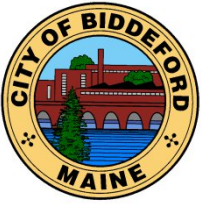
~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~



CITY OF BIDDEFORD

Planning and Development Department

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

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: November 28, 2023

RE: **Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.**

MEETING DATE: December 6, 2023

1. Overview:

There are two (2) related Ordinance Amendments before the Planning Board related to subsurface wastewater disposal systems, namely:

- A. An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, and;
- B. An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

These Amendments were last discussed at a special Planning Board "Workshop" on November 8, 2023 as a "Workshop Item" and the Board was supportive of the proposed text amendments. In addition to the proposed amendments, the Board recommended removing all references to sludge spreading to prohibit such use within the City as it is no longer a desired practice.

Attached are proposed amendments to Section 66-21 Soil Evaluations and amendments to Section 58 Subsurface wastewater disposal and sludge spreading. Text deletions are illustrated in ~~Red strike thru~~ and text additions are shown in Blue Underline.

It should be noted that as these amendments are located within two different sections of the Code of Ordinances, two separate actions are required. As such, below are recommended motions to approve, deny or table these items.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Hearing Date: December 6, 2023, 1st Hearing

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, as proposed and written.
- B. Motion to Deny I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations 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, An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

SAMPLE MOTION #2: An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

A. Motion to Approve: I motion to APPROVE the proposed amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading as written and proposed.

B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

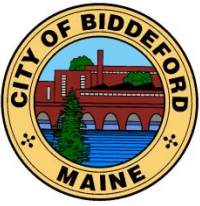
C. Motion to Table: I motion to TABLE the proposed An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to bring the Ordinance into compliance with our current operating procedures and to eliminate sludge spreading / disposal from the City Code of Ordinances.

ATTACHMENT: Attachment # 1: Proposed Text Amendments to Section 66-21 Soil Evaluations, and an amendment to Section 58 Subsurface wastewater disposal and sludge spreading.



CITY OF BIDDEFORD

Planning and Development Department

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

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: November 28, 2023

RE: **Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.**

MEETING DATE: December 6, 2023

1. Overview:

There are two (2) related Ordinance Amendments before the Planning Board related to subsurface wastewater disposal systems, namely:

- A. An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, and;
- B. An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

These Amendments were last discussed at a special Planning Board “Workshop” on November 8, 2023 as a “Workshop Item” and the Board was supportive of the proposed text amendments. In addition to the proposed amendments, the Board recommended removing all references to sludge spreading to prohibit such use within the City as it is no longer a desired practice.

Attached are proposed amendments to Section 66-21 Soil Evaluations and amendments to Section 58 Subsurface wastewater disposal and sludge spreading. Text deletions are illustrated in ~~Red strike-thru~~ and text additions are shown in Blue Underline.

It should be noted that as these amendments are located within two different sections of the Code of Ordinances, two separate actions are required. As such, below are recommended motions to approve, deny or table these items.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Hearing Date: December 6, 2023, 1st Hearing

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, as proposed and written.
- B. Motion to Deny I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations 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, An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

SAMPLE MOTION #2: An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

A. Motion to Approve: I motion to APPROVE the proposed amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading as written and proposed.

B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

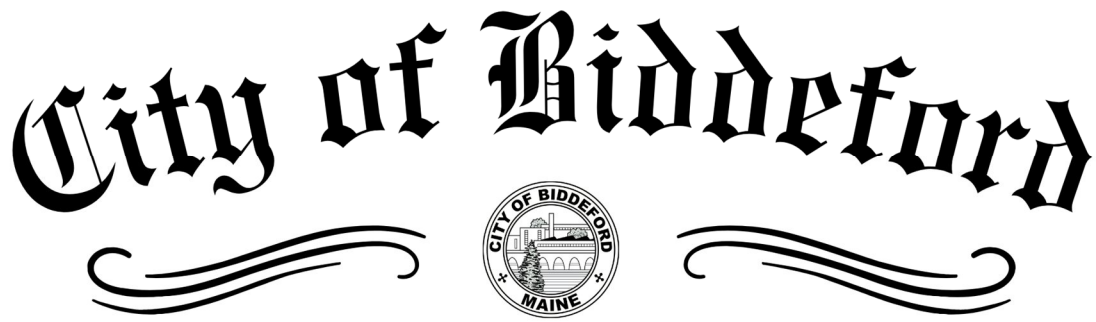
C. Motion to Table: I motion to TABLE the proposed An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to bring the Ordinance into compliance with our current operating procedures and to eliminate sludge spreading / disposal from the City Code of Ordinances.

ATTACHMENT: Attachment # 1: Proposed Text Amendments to Section 66-21 Soil Evaluations, and an amendment to Section 58 Subsurface wastewater disposal and sludge spreading.



2023.11 IN BOARD OF CITY COUNCIL on January 16, 2024

BE IT ORDERED, that the Biddeford City Council approve a Zoning Text Amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading to the following. Text additions are shown in blue underline and text deletions shown in ~~red-strikethrough~~.

Section 58 Subsurface wastewater disposal and sludge spreading.

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

A. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

1. The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
2. Replacement systems shall meet the standards for the replacement systems as contained in the rules.

B. Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

II. ~~Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

Attest by:_____

From: McGough, John <John.McGough@legislature.maine.gov>
Sent: Friday, December 8, 2023 3:37 PM
To: Vail, Deanne <deanne.vail@biddefordmaine.org>
Cc: dacray@msn.com
Subject: Inquiry regarding the spreading of sludge

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Deanne,

At your request, I reached out to the Maine Department of Environmental Protection (MEDEP) regarding if the City of Biddeford may restrict the spreading of sludge within city limits. As the issue is commonly related to the PFAS concern, the Maine Legislature recently enacted legislation regarding the application of sludge.

Specifically, the land application of sludge was banned via **38 MRS Section 1306(7): Title 38, §1306: Prohibition ([maine.gov](https://www.maine.gov))**. There should be no land application of sludge in the State of Maine, as of August, 2022, when the law became effective.

Essentially, Maine DEP is not quite sure what a municipal ordinance would accomplish in this situation. However, it is still possible that compost or manure that isn't sludge derived is being land applied. Both of those items are approved for use on land and are typically governed by the Maine Department of Agriculture, Conservation and Forestry, rather than the Maine DEP.

If you have additional questions or need more information, please let me know.

Thanks,
John McGough

John G. McGough, Senior Legislative Aide
House Republican Office
Maine House of Representatives
2 State House Station
Augusta, Maine 04333
Office: (207) 287-1440

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 20, 2023 – Second Reading

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

EXISTING Ordinance Language:

Section 58 Subsurface wastewater disposal ~~and sludge spreading.~~

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

- A.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

 - 1.** The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
 - 2.** Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B.** Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 20, 2023 – Second Reading

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 20, 2023 – Second Reading

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

EXISTING Ordinance Language:

Section 58 Subsurface wastewater disposal ~~and sludge spreading.~~

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

- A.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

 - 1.** The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
 - 2.** Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B.** Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~



Policy Committee

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

Agenda Item No: Item # 2024.11
Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: David C.M. Galbraith, Acting Planning Director / City Planner

Supporting Information/Documentation:

Zoning Text Amendment to the City Code of Ordinances, Part III: Code of Ordinances / Article VI – Performance Standards, Section 58 Subsurface Wastewater disposal and sludge spreading

1. Staff report to the Planning Board
2. Proposed Ordinance Amendment Language.

Key Terms:

N/A

Executive Summary:

The City's Code of Ordinances Article VI – Performance Standards, Section 58 - Subsurface Wastewater disposal and sludge spreading includes inspection procedures for septic systems which do not align with how the Code Office conducts inspections. This Ordinance also includes standards for spreading "sewage and industrial sludge (including land spreading of contaminated soils)" which is also an outdated ordinance as it does not conform to existing State regulations. The proposed Ordinance amendments would bring the Ordinance into alignment with State regulations and our existing inspection procedures.

Detailed Review:

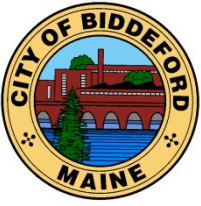
The zoning text amendment is being proposed to bring the City's Code of Ordinances into alignment with our actual septic inspection procedures. The amendments are also being proposed to remove the practice of sludge spreading within the City, as allowing forever chemicals to be spread / deposited over lands within the community is a bad environmental policy. The City's existing Ordinance is antiquated and the Ordinance procedures haven't been followed in approximately 20 years. City Staff have been conducting inspections as recommended by the State's Plumbing Inspector and the amendment is being proposed to bring the Ordinance in alignment with actual day to day practice. Staff has reviewed this amendment with the State and they are supportive of the amendment and how Staff continues to conduct inspections.

Funding Source:

N/A

Staff Recommendation:

This item was discussed at three Planning Board meetings including two (2) public hearings which were held on December 6th and December 20th, 2023. At the conclusion of the meetings the Planning Board voted to send a recommendation to the City Council to amend Section 58 - Subsurface Wastewater disposal and sludge spreading, as proposed and written.



CITY OF BIDDEFORD

Planning and Development Department

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

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: November 28, 2023

RE: **Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.**

MEETING DATE: December 6, 2023

1. Overview:

There are two (2) related Ordinance Amendments before the Planning Board related to subsurface wastewater disposal systems, namely:

- A. An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, and;
- B. An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

These Amendments were last discussed at a special Planning Board “Workshop” on November 8, 2023 as a “Workshop Item” and the Board was supportive of the proposed text amendments. In addition to the proposed amendments, the Board recommended removing all references to sludge spreading to prohibit such use within the City as it is no longer a desired practice.

Attached are proposed amendments to Section 66-21 Soil Evaluations and amendments to Section 58 Subsurface wastewater disposal and sludge spreading. Text deletions are illustrated in ~~Red strike thru~~ and text additions are shown in Blue Underline.

It should be noted that as these amendments are located within two different sections of the Code of Ordinances, two separate actions are required. As such, below are recommended motions to approve, deny or table these items.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Hearing Date: December 6, 2023, 1st Hearing

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, as proposed and written.
- B. Motion to Deny I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations 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, An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

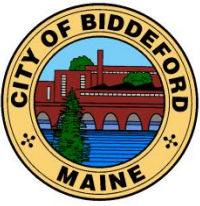
SAMPLE MOTION #2: An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

- A. Motion to Approve: I motion to APPROVE the proposed amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading as written and proposed.
- B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:
- 1) _____.
 - 2) _____.
- C. Motion to Table: I motion to TABLE the proposed An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:
- 1) _____.
 - 2) _____.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to bring the Ordinance into compliance with our current operating procedures and to eliminate sludge spreading / disposal from the City Code of Ordinances.

ATTACHMENT: Attachment # 1: Proposed Text Amendments to Section 66-21 Soil Evaluations, and an amendment to Section 58 Subsurface wastewater disposal and sludge spreading.



CITY OF BIDDEFORD

Planning and Development Department

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

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: December 12, 2023

RE: **Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.**

MEETING DATE: December 20, 2023

1. **Overview:** This matter was last before the Planning Board on December 6, 2023. This will be the second reading / hearing regarding the proposed text amendments.

There are two (2) related Ordinance Amendments before the Planning Board related to subsurface wastewater disposal systems, namely:

- A. An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, and;
- B. An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

These Amendments were last discussed at a special Planning Board “Workshop” on November 8, 2023 as a “Workshop Item” and the Board was supportive of the proposed text amendments. In addition to the proposed amendments, the Board recommended removing all references to sludge spreading to prohibit such use within the City as it is no longer a desired practice.

Attached are proposed amendments to Section 66-21 Soil Evaluations and amendments to Section 58 Subsurface wastewater disposal and sludge spreading. Text deletions are illustrated in ~~Red strike-thru~~ and text additions are shown in Blue Underline.

It should be noted that as these amendments are located within two different sections of the Code of Ordinances, two separate actions are required. As such, below are recommended motions to approve, deny or table these items.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

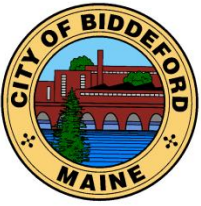
Planning Board Hearing Date: December 6, 2023, 1st Hearing

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, as proposed and written.
- B. Motion to Deny I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations 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, An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____
 - 2)
 - 3)

SAMPLE MOTION #2: An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

- A. Motion to Approve: I motion to APPROVE the proposed amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading as written and proposed.
- 1).
 - 2).
 - 3).
- B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:
- 1).
 - 2).
 - 3).
- C. Motion to Table: I motion to TABLE the proposed An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:
- 1).
 - 2).
 - 3).



CITY OF BIDDEFORD

Planning and Development Department

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

David.Galbraith@biddefordmaine.org

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to bring the Ordinance into compliance with our current operating procedures and to eliminate sludge spreading / disposal from the City Code of Ordinances.

ATTACHMENT: Attachment # 1: Proposed Text Amendments to Section 66-21 Soil Evaluations, and an amendment to Section 58 Subsurface wastewater disposal and sludge spreading.