



**City of Biddeford
Policy Committee**

January 27, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799

Meeting ID: 993 8859 5177

Passcode: 076745

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Approval of Minutes
 - 4.a Minutes of July 22, 2024
 - 4.b Minutes of September 30, 2024
 - 4.c Minutes of October 28, 2024
5. Discussion/Review
 - 5.a Proposed Ordinance to Allow Solar Development - DRAFT - UPDATE ONLY AT THIS TIME
 - 5.b Proposed Ordinance - Public Art Commission - DRAFT
 - 5.c Clifford Park Covenants Update
 - 5.d Dissolution of Cable committee
6. Adjourn

City of Biddeford
Policy Committee Meeting Minutes
July 22, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

1. Roll Call - The Committee was called to order at 6:00 PM by Councilor LaFountain serving as chairperson. Councilor LaFountain performed the roll call. Councilor Belanger was excused. Councilors LaFountain and Beaupre as well as members O'Neil and Pierson were present.
2. Pledge of Allegiance - The Committee and members in attendance observed the Pledge of Allegiance.
3. Adjustment(s) to Agenda – There were no adjustments to the agenda.
4. Approval of Minutes – There were no minutes to approve.
5. Discussion/Review –

5.a Proposed Sustainability Commission Ordinance

Brad Favreau provided an overview of the agenda item citing the need to establish a sustainability committee to serve as the primary champion of the Biddeford Climate Action Plan (BCAP) perform duties to include but not limited to performing periodic emission inventories, foster public engagement, and making recommendations for BCAP implementation.

Member O'Neil asked of the Committee is advisory in nature. Brad answered, yes.

Member O'Neil also read into the record comments submitted by Councilor Belanger. The comments include:

1. Adding at the end of Section 2-343 (f) the following: “including, but not limited to, upon request advising as to the climate impact of any proposed ordinance or City action.”
2. Combining the last two sentences of Section 2-347 to read: “The commission shall be staffed by a designee of the Planning and Development Director until such time as a Sustainability Coordinator, or similar position is created and filled, at which time such person shall staff the commission.”
3. In Section 2-348 replace “2023 Climate Action Plan” with “most current Climate Action Plan adopted by the City,”

*Motion to accept the amendments proposed by Councilor Belanger as submitted.
Motion by Councilor Beaupre, seconded by Jake Pierson.*

Vote: Unanimous in favor of the motion.

Councilor LaFountain proposed an amendment to Sec. 2-242, adding a new subsection “d. – One member, consisting the 10th committee member shall be a student member, nominated by the Mayor and confirmed by the City Council”.

Motion to accept the amendments proposed by Councilor LaFountain as submitted.

Motion by Councilor Beaupre, seconded by Jake Pierson.

Vote: Unanimous in favor of the motion.

Motion to accept the Sustainability Commission Ordinance as amended and forward to City Council for adoption.

Motion by Council Beaupre, seconded by Rene O’Neil.

Vote: Unanimous in favor of the motion.

5.b Demolition Fees

Roby Fecteau, code enforcement officer, provided an overview of the proposed change to Code of Ordinances, Chapter 18-Buildings and Building Regulations, Article II-Buildings, Division 3 – Permits; Fee Schedule by adding a new section (6)(a). The amendment is to bring the demolition permit fee in line with the building permit fee. Currently the building permit fee of \$50 is waived for projects of \$5,000 or less in value. There is no such exclusion for demolition projects resulting in a greater cost to demolish a structure than to construct a structure of value of \$5,000 or less.

Roby fielded several questions from the Committee providing the following clarifications.

- He confirmed that purchasing a shed and placing it on one’s property would increase the value of the property.
- Inspections by the Codes department for demolition projects are not routinely performed but may be performed if there are known environmental issues present such as asbestos or if specifically requested.
- The proposed ordinance amendment does not need to be added to the building permit side as the exception is in place currently.

Motion to forward the proposed demolition permit fee amendments to City Council for review and adoption.

Motion by Councilor Beaupre, seconded by Rene O’Neil.

Vote: Unanimous in favor of the motion.

5.c Review/ Approve Sewer Impact and Permit Fees

Craig Chekan, city engineer, provided an overview of the agenda item. Staff is proposing to amend Chapter 70, Sec 70-141 and Sec 70-172 by adding Tables 100: Estimated Sewer Design Flows and Table 200: Sewer Permit Fees. The proposed changes bring Biddeford's fees in line with surrounding community fees.

Craig fielded several questions from the Committee providing the following clarifications:

- The current sewer permit fee is \$7.72/gal for a 200 gal/day home and is proposed to increase to \$26.00/gal.
- The examples from the surrounding towns is data recently obtained; however, it is not known by staff when their most recent price increase occurred.
- The timing for applicability of new fees is essentially 30-days after the second reading. This identifies the need for a specific cut-off to enable "existing" to proceed using the current rates. Without a date certain or other criteria there could be rush for permits and or a negative pro forma impact for existing projects. The general options are to list the current projects and or to specify that projects that currently have preliminary Planning Board approval be grandfathered.

Motion to forward the proposed amended fee schedule to City Council for review and adoption.

Motion by Councilor Beaupre, seconded by Jake Pierson.

Vote: Unanimous in favor of the motion.

5.d Review/Approve Ch. 70 Ordinance Revision (Sewer Fees)

Craig Chekan, city engineer, provided an overview of the agenda item. This is a continuation of agenda item #5.c. Following approval of the new fee structure this item incorporates the fees within Chapter 70.

Motion to amend

Motion to forward the sewer impact fee proposal to City Council for adoption

Motion by Councilor Beaupre, seconded by Jake Pierson

Vote: Unanimous in favor of the motion

Motion to forward amended Chapter 70 sewer permit fees as amended to City Council for adoption.

Motion by Councilor Beaupre, seconded by Jake Pierson.

Vote: Unanimous in favor of the motion.

6. Adjourn –

Motion by Councilor Beaupre, seconded by Councilor LaFountain.

Vote: Unanimous in favor of the motion.

The Committee adjourned at 6:51 PM.

City of Biddeford
Policy Committee Meeting Minutes
September 30, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

1. Roll Call - The Committee was called to order at 6:00 PM by Chairperson Belanger. All members were present.
2. Pledge of Allegiance - The Committee and members of the public in attendance observed the Pledge of Allegiance.
3. Adjustment(s) to Agenda – There were no adjustments to the agenda.
4. Approval of Minutes – There were no minutes to approve.
5. Discussion/Review –

5.a 2024.146 Amend/ Part II: Code of Ordinances, Chapter 42 Motor Vehicles and Traffic, Article IV Specific Street Regulations, Sec. 42-90(a) No Parking - Lester B. Orcutt Blvd

Chairperson Belanger indicated that this item came before the Policy Committee, was moved to the City Council for adoption. Based on comments at the Council meeting the item was sent back to Policy for further review. Chairperson Belanger asked for public comment.

Several individuals offered comment. The comments included a review of prior experiences and changes in policy over the years. One individual indicated that restricting parking would not be in the best interest of the public or residents. A member of Maine Audubon asked that the Committee consider retaining parking to allow access to the Audubon land.

After public comment Chairperson Belanger asked the city manager for clarification on property ownership.

City Manager Bennett stated that ownership is not always clear but generally there is a right-of-way along side roadways.

After further discussion it was suggested that the individuals and organizations in that area be included in the discussion for fund a solution that best serves everyone. A Policy Committee workshop involving members of the public, BPIA and Maine Audubon could be held as early as October in an attempt to engage seasonal residents as well.

Motion by Councilor Beaupre to schedule a workshop for October to discuss parking on Lester B. Orcutt Blvd with requisite easement information.

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

City Manager Bennett suggested that staff be available and flag areas of concern and those areas not of concern. Once parking is identified staff would then go back and perform reasonable verification.

5.b Discussion Public Art Policy

Chairperson Belanger asked for public comment on the Public Art Policy.

Member Pierson asked for clarification on this particular item. It was clarified that a specific project has been proposed and highlighted the fact that the City does not have a policy. This meeting will gather information on what the public and other stakeholders want to see in a public art policy.

Comments from the public included:

- Ensure the policy includes permanent, temporary public art

- Consider the qualifications and makeup of the committee

- Include members of the public

- The process should be inclusive

- Consider using public art as an incentive for development

- Makes sure the review process is not onerous

- Consider what public art is and is not since there are many forms or interpretations of what constitutes art

- Include Heart of Biddeford's design committee since they do a lot of work in the downtown

Additional comments included a general concern for staff time to attend and participate in another committee. There was also concern for the provision that the Public Art Committee become a non-profit organization within a specific period of time. There needs to be separate provisions for permanent and temporary art.

Based on comments received the discussion was closed with the understanding that staff will review and return at a future date for additional discussion.

Other Business

Chairman Belanger asked for any additional items.

Councilor Beaupre suggested a review of the need for the Downtown Committee given the changes in the community. He requested a review of Chapter 42-8 for the next meeting.

6. Adjourn

Motion by Councilor Beaupre to adjourn.

Seconded by Councilor LaFountain.

Vote: Unanimous in favor of the motion.

The Committee adjourned at 7:33 PM

City of Biddeford
Policy Committee Meeting Minutes
October 28, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

1. Call to Order 6:08 PM

Roll Call

- Councilor Belanger - P
- Councilor Beaupre - P
- Councilor LaFountain - P
- Rene O'Neil - P
- Jake Pierson - E

2. Pledge of Allegiance – Those present recited the pledge of allegiance

3. Adjustment(s) to Agenda

There were no adjustments to the agenda

4. Approval of Minutes

None available. It was noted that there is backlog requiring approval of minutes for July 22, August 26, September 30 at the next regular meeting.

5. Discussion/Review

5.a Public Art Policy - Update

COO Phinney provided the Committee with an update noting availability of a draft ordinance specific to a public arts commission. It was identified that staffing a new committee may prove problematic from a staff availability perspective otherwise the draft is available for comment.

Public comment requested:

- Reconsideration of the provision that the committee move to independent non-profit status within 5-years;
- that remembrances and memorials be added;
- that community placemaking be noted;
- there be an affirmative statement that art is an enrichment of public life;
- that experiences and performances art should also be included;
- that “inventory” be added to the Master Plan task list stating that the inventory should include public and private displays where such private art is public facing;

- that composition be consistent with other committees;
- identify any easements where art may be placed; and
- include provisions for public input.

Member O'Neill questioned how donations would be managed and may require participation by a sister agency for support.

Councilor LaFountain requested the provision for non-profit status be less hardline opting more for a report to be issued within a defined period of time addressing the readiness to achieve non-profit status. He further questioned the provision designating the role of agent for the city asking for clarification.

COO Phinney noted that several board/commissions are designated or may be designated as an agent for the city. As an agent, the City is officially bestowing the authority to act on its behalf whether that be for grant applications, official testimony, etc. This will also serve as a potential provision for a future agreement once the committee reaches non-profit status.

Councilor LaFontain pointed out that there are no provisions defining the cadence of meetings or member expectations such as attendance requirements.

Member O'Neill suggested review of the designated number of members citing concerns with the ability to fill current vacancies on other boards/committees and the committee's ability to meet. Noting "up to" rather than a required total number of members.

Councilor Belanger suggested provisions for temporary art. He questioned the provision for requiring non-profit status given the implications of abdicating responsibility to some entity. He noted that the draft is silent on who make nominations and how that process works. He suggested that composition state the number of members required with a reference to a specific number with certain credentials rather than "at large" representatives, for example, "...six members three of which possess the following credentials.

Councilor Belanger suggested the draft be reworked to incorporate the suggested changes and reviewed further before advancing the draft to the City Council.

Councilor LaFountain also stated that there is a larger policy issue to consider; should the ordinance include a policy for decision-making or should the ordinance be adopted and the committee charged with developing policies for adoption?

Motion to table until the next meeting.

Motion by Councilor Belanger

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

5.b Status Update - 2024.146) Amend/Part II: Code of Ordinances, Chapter 42 Motor Vehicles and Traffic, Article IV Specific Street Regulations, Sec, 42-90(a) No Parking - Lester B. Orcutt Blvd

COO Phinney provided an update on the status of the item. Staff was not able to coordinate notice to East Point Sanctuary, Maine Audubon, and BPIA to facilitate participation in a workshop on the topic. Staff is anticipating coordination for the November meeting.

5.c Solid Waste Services for 6-8 Unit Residential Facilities

Councilor LaFountain updated the Committee on the review by the Recycling and Solid Waste Commission. A request came forward asking the Commission to reconsider the exclusion of multi-unit buildings upon the same of the unit. Several iterations of the Recycling and Solid Waste Commission review were discussed indicating that the Recycling and Solid Waste Commission made no decision on the matter.

The Policy Committee's general consensus is to maintain the ordinance as is. Councilor LaFountain will report the consensus decision to the Recycling and Solid Waste Commission.

5.d Proposed Vacant Building Registry Ordinance

COO Phinney introduced the item.

Councilor Belanger questioned the lack of a definition of a "vacant building" and requested a definition for consideration.

Councilor LaFountain raised concerns regarding a building that may have multiple units with one or more being vacant and if there should be a percentage-occupied threshold within the proposed ordinance. Further questioning whether a commercial build and a residential building should be treated differently.

Member O'Neil suggested consideration of a hardship provision.

Councilor Beaupre questioned the basis for charging a registration fee and does not generally support a fee. He also questioned whether s snowbird, for example is required

to register the building as vacant and concurred with prior comments. He voiced general opposition to the ordinance as written.

Councilor LaFountain clarified that there are exceptions within the text that exclude for example, snowbirds and active military. Councilor LaFountain voiced general support for fees noting the actual and potential for increased oversight and monitoring of unoccupied buildings with support for hardship provisions and possibly designating all or a portion of the funds towards a grant program to assist owners that may not have the financial capacity to make improvements sufficient to result in occupancy.

Councilor Belanger finds reasons to support a registration program and some fee structure. Noting the current fee structure may not need the penalty provision.

COO Phinney offered comment that the incentive should be to register and offered consideration of no fee for registration with applicability of the \$500 penalty provision if the owner fails to register thus incentivizing registration.

Motion to table the item further review and development.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

5.e Review - Authority Granted to Downtown Parking Authority

COO Phinney introduced the item.

Councilor Beaupre reviewed the history of the Parking Authority, the link to the Downtown Committee and the impetus for rapid response and changes at that time to respond to community needs in the downtown.

There was general consensus that the underlying conditions that led to the creation of the Parking Authority are no longer valid and as such the Parking Authority is no longer needed. There was also general consensus that the Downtown Committee has similarly served its purpose and may no longer be needed but that discussion may be a future topic for discussion.

Motion to send to Council, a recommendation for the elimination of Sec 42-8 Parking Authority.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

5.f Solar Panel/Power Ordinance

COO Phinney queued up the item for the Committee. The intent is to forward the item to the Conservation Commission then to the Planning Board.

Councilor LaFountain questioned the rationale for small, medium and large classifications. There was further discussion on how the code enforcement officer would become aware of issues. Brian Phinney noted that “issue of right” is intended to state the City wishes to affirmatively support and promote solar panel installations. The limitation on a design footprint is a safety provision. Should there be a fire for example there needs to be the ability to directly access a portion of the roof for venting. The code enforcement office would become aware of the installation because installations would be considered a modification to the building triggering review. The ordinance language provides a basis for issuing a permit for the installation by default unless there are valid reasons form denial. There are no safety provisions identified within the current ordinance structure that establishes the CEO’s authority to deny or modify the proposed installation for safety reasons. The proposed language is intended to address this “authority gap”.

Councilor Belanger questioned the language at section 1.D that references “proximity to ground mounted systems relative to buildings...” since the ordinance addresses rood mounted and building mounted systems.

Councilor LaFountain questioned Performance Standards at D.3. as there is no definition linking solar systems to “structures” and how such structures relate to what is already allowed in respective districts.

Councilor LaFountain also questioned the “must consider” and “encourage” language within the Performance Standards section opting for more direct language specific to restriction rather than checkboxes for consideration or encouragement. He would also recommend consideration of applying sensitive environmental provisions to all installations not just large solar projects.

Member O’Neill questioned Performance standard at D.5.b. relative to impact studies being paid for by the developer but hired by the City specifically asking if the practice is consistent with other programs and asking how potential conflicts of interest are handled.

COO Phinney confirmed consistency citing the Planning Board’s use of prequalified consultants whose services are in fact paid for by the developer. Also making note that the consultant has a professional obligation to identify conflicts, and the developer certainly is not prohibited from voicing concerns relative to conflicts of interest. It would also be in the City’s best interest to address any conflicts of interest before any work is performed to ensure the use of the resulting date/work product.

Councilor Belanger noted a grammatical error at section 7 of the Performance Standards identifying misspelling of the word “scale”. He also asked for clarity on item 7.a. asking for the rationale for restricting installations on land that has been forested within five (5) years of the application.

Councilor LaFountain asked for clarification on the tax implications for medium-scale and large-scale solar installations for the City.

The Committee’s consensus is to move the item to the Conservation Commission and Planning Board with the Committee’s comments.

5.g Review - Clifford Park Deed Restrictions

COO Phinney noted staff changes that lead to the project stalling confirming that it is still the Committee’s desire to move the review to the Recreation Commission and Conservation Commission for review and recommendations to be returned to the Policy Committee.

Councilors Belanger and LaFountain asked to ensure that Maine Coast Heritage Trust is involved in the review process and that any recommendations align with Maine Coast Heritage Trust’s level of participation and that such recommendations include potential future uses such as future entrances/access to the park, parking areas, etc.

The consensus is to move the item to the Conservation Commission and Recreation Commission.

Motion to adjourn

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

The Committee adjourned at 7:44 PM.



Policy Committee

Meeting Date: January 27, 2025

Meeting Time: 6:00 PM

Agenda Item 5.a

No:

Item Proposed Ordinance to Allow Solar Development - DRAFT - UPDATE ONLY AT

Description: THIS TIME

Submitted By: Brad Favreau

Development and Sustainability Coordinator

Supporting Information/Documentation:

Section 79 Solar Energy Systems DRAFT REVISED CC PB DEC 2024

Key Terms:

N/A

Executive Summary:

Planning and Development Department and the Mayor's Ad Hoc Sustainability Committee present this draft ordinance to create an ordinance that will allow solar development in Biddeford. This ordinance was presented at the October 28, 2024 Policy Committee meeting, and no changes have taken place since that time.

Detailed Review:

This draft was reviewed by the Planning Board and the Conservation Commission at a joint workshop on December 18, 2024. Revisions suggested at that time have been incorporated into the draft and will be considered by the Planning Board on February 5, 2025 for its recommendation back to the Policy Committee.

Funding Source:

N/A

Staff Recommendation:

No action required at this time.

Article VI. Performance Standards

Section 79. Solar Energy Systems

A. Purpose

1. The purpose of this ordinance is to allow the development and use of solar energy systems and to protect solar access, to increase local renewable energy production, to decrease our reliance on fossil fuels to produce electricity, and to reduce carbon emissions.
2. The allowance of solar photovoltaic installations is to be accomplished pursuant to the standards set forth herein for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, scenic, natural resources, especially the protection of wildlife habitat and significant wildlife corridors, and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

B. Definitions

1. **Agrivoltaics** – Dual use of land for both solar energy production and agriculture.
2. **Building-Integrated Photovoltaic (BIPV) Systems.** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.
3. **Electricity Generation** (production, output). The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
4. **Electrical Equipment.** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.
5. **Mounting.** The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, ground mount, pole mount).
6. **Pole-Mount System.** A solar energy system that is directly installed on specialized solar racking systems, that are attached to pole, which is anchored and firmly affixed to a foundation in the ground, and wired underground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.
7. **Power.** The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
8. **Solar Array.** Multiple solar panels combined together to create one system.

9. **Solar Collector.** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.
10. **Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
11. **Solar Energy System, Ground-Mounted.** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
12. **Solar Energy System, Large-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet.
13. **Solar Energy System, Medium-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 2,001 square feet but less than 20,000 square feet.
14. **Solar Energy System, Roof-Mounted.** An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).
15. **Solar Energy System, Small-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is 2,000 square feet or less.
16. **Solar Glare.** The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
17. **Solar Photovoltaic (Solar PV) System.** Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mounting racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.
18. **Solar Panel (or module).** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
19. **Solar Thermal System (Solar Hot Water or Solar Heating Systems).** A solar energy system that directly heats water or other liquid, or air, using sunlight.
20. **Tilt.** The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

C. Applicability

1. Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Section shall apply to all roof-mounted, small-, medium-, and large-scale ground-mounted solar energy systems modified or installed 30 days after the approval of this ordinance.
2. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
3. Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this Section.

D. Performance Standards

1. Roof-mounted and building-mounted solar energy systems and equipment are permitted by right unless they are determined by a Code Enforcement Officer, with consultation from the City Engineer and/or the City Fire Chief to present one or more unreasonable safety risks including, but not limited to the following:
 - a. Weight load;
 - b. Wind resistance;
 - c. Ingress or egress in the event of fire or other emergency, or;
 - d. Proximity to ground mounted systems relative to buildings.
2. Roof-Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III [Article III Official Zoning Map and Article V Establishment of Zones](#) of this Ordinance.
3. Small-Scale Ground Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Land Development Regulations of this Ordinance.

In addition to the standards in Part III of this Ordinance, Small-Scale Solar Energy Systems shall comply with the following standards:

- a. The Solar Energy System shall be less than 25 feet in height.
- b. The Solar Energy System shall be operated and located such that not disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
- d. The Solar Energy System shall be located and designed to consider the visual character of the neighborhood in which it is constructed.
- e. The solar energy System shall not be located within the property setbacks.

4. Medium-Scale Ground-Mounted Solar Energy Systems shall comply with all requirements as stated in Part III Land Development Regulations of the Code of Ordinances. Such developments shall also require a Conditional Use Permit and Site Plan Review approval by the Planning Board. In addition to submission requirements in Article VII, Conditional Uses; Article XI Site Plan Review; and Article XII Floodplain Management, an application for medium-scale solar energy system development must also include:
- a. Written confirmation from the Utility to which the Solar Energy system will be connected confirming the solar operator has conditional or final approval to interconnect the Solar Energy System to the Utility Grid.
 - b. A description of the major components of the Solar Energy System proposed to be used, including manufacturer's specifications and cut sheets, and construction drawings showing all dimensions.
 - c. Erosion and sedimentation control narrative with plans and details.
 - d. Site plan(s) indicating all proposed construction and alteration of the project site, including changes to the landscape of the project area, filling, grading, earthmoving, vegetation clearing and planting, screening, fencing, Solar Energy System components, utilities (above and/or below ground) and all other aspects of the project.
 - e. Site plan(s) indicating water bodies, wetlands, flood hazard areas, and vernal pools.
 - f. A landscaping plan, prepared by a licensed forester, landscape architect or arborist, demonstrating compliance with all applicable landscaping and vegetated buffering requirements. At minimum, the landscaping plan must specify the locations, elevations and height above finished grade of all vegetation, berms, and plantings, and must identify the plant species and other materials that will comprise the elements used to establish any vegetated buffers and substantially screen the Solar Energy System from view from abutting residential properties, public roads, and public vantage points.
 - g. A long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements soils, and surrounding habitat. The plan must provide a method for maintaining sufficient financial resources for performing ongoing maintenance, mitigation, and repair of the Solar Energy System and the project.
 - h. A proposed decommissioning plan for the removal of the Solar Energy System, disposal of system components, and stabilization of the site, which meets the requirements in Section 79 (109) of this Ordinance, and a written statement of the applicant's intent concerning the following:
 - i. Physical removal of any Solar Energy System components, structures, foundations, supports, fencing, or security barriers from the site.

- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and substantially return the site to its pre-construction state.
 - i. A description of any proposed dual-use or co-location of the property, including but not limited to agrivoltaics. If no dual-use is proposed or intended on the property, an explanation as to why such dual-use or co-location is not practicable.
 - j. A visual impact assessment that includes a line-of-sight profile analysis that illustrates what is visible and what is obstructed along a straight line running from the Solar Energy System and each Public Vantage Point. The Planning Board may require additional visual impact assessments, including digital view shed maps, if it determines in its sole discretion that such assessments are necessary for the Planning Board to evaluate the Solar Energy System's compliance with the scenic impact standards in Section 79 (D) (6) (h) of this Ordinance.
 - j-k. An Environmental Impact Assessment and/or habitat impact assessment shall be created for the installations planned to be sited on or near areas noted within Biddeford's Global Information System (GIS) maps to include deer wintering areas, vernal pools, wetland habitat, and rare or threatened species habitat.
5. In addition to the application requirements for Medium-Scale Ground Mounted Solar Energy Systems for Site Plan Review and to obtain a Conditional Use Permit, the application for Large-Scale Ground Mounted Solar Energy Systems shall also include:
- a. Evidence of financial capacity to construct, operate, and decommission the Solar Energy System.
 - b. Impact study prepared by a qualified consultant for the project site, hired chosen by the City, but paid by the applicant, to determine all impacts on the environment, including, but not limited to wetlands, native vegetation, ~~and~~-wildlife habitat, and water quality, and the presence of any and all species invasive to Maine.
 - c. Site Plan(s) clearly identifying soil type and location of existing "Prime Farmland," and "Farmland of Statewide Importance," as well as locations of local or National Historic Districts or landmarks.
6. In addition to Conditional Use application requirements for Medium-Scale Solar Energy Systems, other standards for Medium-Scale Ground-Mounted Solar Energy Systems are:
- a. Siting of Solar Energy Systems on previously disturbed land to the greatest extent possible shall be encouraged, with the intent of preventing or reducing the conversion of current and former agricultural land or forests to solar installations. A priority hierarchy for siting solar systems should follow:

● Priority 1: Former landfills, roof-mounted systems, former industrial or extractive sites, areas along highway corridors, parking lots, and other heavily disturbed parcels.

● Priority 2: Parcels with existing cleared land (older than 5 years) that is not agricultural in its history, municipal lots, and others.

● Priority 3: Undisturbed wooded parcels, agricultural land.

a.

● Prohibited Areas: Prime Agricultural Soils, Soils of Statewide Significance, deer wintering areas, vernal pool complexes, and other significant habitat. ~~Siting of Solar Energy Systems on unproductive land and previously disturbed land to the greatest extent possible shall be encouraged.~~

- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
- d. Wildlife Habitat: The Solar Energy System shall have no undue adverse effect on any portion of the property designated by the Maine Department of Inland Fisheries and Wildlife as Rare, Threatened, or Endangered Wildlife, Essential Wildlife Habitat, or Significant Wildlife Habitat. The applicant shall assess the potential impacts of the Solar Energy System on any such designated species or habitat, including any adjacent areas that are important to the maintenance of the affected species or habitat, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the habitat and the species that the area supports. The Planning Board ~~may~~ shall require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a wildlife biologist preapproved by the Board in conducting such an assessment.
- e. Natural Areas: The Solar Energy System shall have no undue adverse effect on any portion of the property designated as a unique natural area or a Rare or Exemplary Plant and Natural Community in the City's Comprehensive Plan or by the Maine Natural Areas Program. The applicant shall assess the potential impacts of the Solar Energy System on any such designated natural area or community, including any adjacent areas that are important to the maintenance of the affected area or community, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the natural area or community. The Planning Board ~~may~~ shall require the applicant to consult with the Maine Natural Areas Program in conducting such an assessment.
- f. Historic or Archaeological Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property that has been identified as containing a significant historic or archaeological resource in the City's Comprehensive Plan or on the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission

or other pertinent authority as likely to contain a significant historic or archaeological resource. The applicant shall assess the potential impacts of the Solar Energy System on any such resource, including any adjacent areas that are important to the preservation of the resource, and shall take measures to protect these resources, including but not limited to, modification of the proposed location and design of the Solar Energy System, timing of construction, limiting the extent of excavation, physical or legal protection, or by archaeological excavation or mitigation. The applicant shall comply with all requirements of Article XV Historic Preservation Ordinance as applicable. The Planning Board ~~may~~shall require the applicant to consult with the Maine Historic Preservation Commission in conducting such an assessment.

- g. Revegetation: Any disturbed ground cover on the site shall be revegetated with pollinator friendly, native, and non-invasive vegetation.
- h. The Solar Energy System must be located and designed for minimal visual impact on the surrounding area, particularly when viewed from abutting residential properties or any Public Vantage Point.
 - i. A vegetated buffer comprising native vegetation that is at least half the width of the minimum setback requirement in Section 79 (D) (8) (b) of this Ordinance, and no less than six (6) feet in height from finished grade, shall be maintained along any property boundary line of a Solar Energy System that abuts a residential dwelling or a public road, except where necessary to accommodate a driveway entrance to the site. All vegetation shall be installed in such a manner so as to completely conceal solar energy system from view.
 - ii. Existing vegetation must be used to the greatest practical extent. If there is insufficient existing vegetation to create a vegetated buffer, the applicant shall plant and maintain native species of conifers and evergreens to adequately screen the Solar Energy System from view.
- i. Security Fencing: All components of the Solar Energy System, excepting overhead utility and communication lines and poles, shall be completely enclosed by a minimum 6-foot-high fence. The fence shall be elevated an minimum of 6 inches above the ground to accommodate crossings by small terrestrial animals. Functional alternatives to chain-link style fencing is encouraged.
- j. Operations and Maintenance: The applicant must provide for the long-term operation of the Solar Energy System and maintenance of the Solar Land Area, including ensuring that vegetation buffers are maintained, inspections are performed as needed, new instances species that are considered invasive to Maine are removed, periodic soil testing is conducted, and the site is accessible to emergency responders in the event of an emergency. This work shall be conducted in accordance with Maine State law.

7. In addition to the standards for Medium-Scale Solar Energy Systems as described above, Large-Scale Solar Energy Systems shall also comply with the following standards:

- a. No solar development shall be constructed on land designated as “Prime Farmland” or “Farmland of Statewide Importance.”
- b. No application for large-Scale Solar Energy System will be considered if the parcel has been deforested within five (5) years prior to application. This measure will ensure the parcel is maintained in its original state that will enable a thorough review of wildlife habitat, natural areas, and other sensitive areas. may be sited on land that has been forested within five (5) years of application.
- a-c. If a large scale development is planned, it may not be characterized at the time of application as a medium-scale development, with the intention of later expanding the project in phases until the development meets the definition of large-scale solar development.

b-d. Agricultural Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property containing prime agricultural soils or soils of statewide importance. The applicant shall assess the potential impacts of the Solar Energy System on any such soils, and shall take measures to avoid or minimize impacts to such soils. The Planning Board ~~may~~ shall require the applicant to consult with the Department of Agriculture, Conservation, and Forestry, Agricultural Resource Development Division, in conducting such an assessment. No topsoil or prime agricultural soil shall be removed from the site for installation of the Solar Energy System. All stockpiled topsoil shall be retained on site and reused in the landscaping plan for the site.

e-e. Utility Connections: All on-site utility transmission lines and piping associated with the Solar Energy System shall be placed underground to the greatest extent practicable. The Planning Board may waive this requirement if the applicant can demonstrate that satisfying this requirement is not practicable based on requirements of the utility provider or specific site conditions.

8. Dimensional requirements for medium-scale and large-scale Solar Energy Systems:

- a. The Solar Energy System shall be less than 25 feet in Height.
- b. Minimum Setbacks: The following minimum setback requirements must be met, regardless of the zoning district in which the Solar Energy System is located, unless the minimum setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
 - i. Front Lot Line 75 feet
 - ii. Side and Rear Lot Line 75 feet
 - iii. Street Right-of-Way 100 feet
- c. The land area of a Solar Energy System shall not exceed 50 acres exclusive of required setbacks.

9. All solar energy systems shall comply with regulations as outlined in [Part III](#) Article XIV Shoreland Zoning Ordinance as required.
10. Post-Approval Requirement for Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems: Prior to the start of construction of a Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must submit to the Code Enforcement Officer a decommissioning plan and financial assurance approved by the Maine Department of Environmental Protection, in accordance with the requirements of 35-A M.R.S.A. Sections 3491-3496, as may be amended, for all costs associated with decommissioning the Solar Energy System.
11. Post-Construction Requirements for Medium-Scale Solar Energy Systems and Large Scale Solar Energy Systems: After completion of construction and prior to commercial operation of a permitted Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must:
 - a. Submit to the Code Enforcement Department as-built drawings prepared by a Maine licensed professional land surveyor or engineer. The as-built drawings shall include the actual locations of the Solar Energy System and its components, any structures and their components, above and underground utilities, roads, swales, ditches, detention/retention facilities, areas of filling and grading, vegetated buffers, fencing, land and landscaping alterations, and any other infrastructure and facilities, all as actually constructed on the site. [The as-built drawings should also include any documented locations of invasive species, wetland areas, wildlife corridors, or habitat present on the site.](#) The as-built drawings must be accompanied by a letter signed by the surveyor or engineer certifying that the Solar Energy System had been constructed in accordance with all Planning Board approvals, including any conditions of approval and any accompanying plans and specifications.
 - b. Provide a written manual to the Biddeford Fire Department and Code Enforcement Department, which provides clear response information and instructions, including lock box details and disconnection locations necessary for a fire/emergency response at the site.



Policy Committee

Meeting Date: January 27, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.b
Item Description: Proposed Ordinance - Public Art Commission - DRAFT
Submitted By:

Supporting Information/Documentation:

Public Art Commission Ordinance DRAFT DEC 2024

Key Terms:

N/A

Executive Summary:

Planning and Development Department presents this draft ordinance to create the Biddeford Public Art Commission.

Detailed Review:

This draft ordinance was discussed at the September 30, 2024 Policy Committee meeting and again at the October 28, 2024 Policy Committee meeting. Several revisions were suggested at the October 28 meeting. Presented here is a draft reflecting those suggestions. They are:

- Remove any reference to becoming a non-profit organization,
- Clarify that members of the commission are nominated by the Mayor and confirmed by City Council,
- Add verbiage stating that 3 unexcused absences automatically removed a member from the commission,
- Explicitly state that a function of the commission is to establish procedures and guidelines for the review of public art, both permanent and temporary.

The draft has been created by the Downtown Development Commission and with public engagement that included local artists and the former director of Engine.

Funding Source:

N/A

Staff Recommendation:

Staff suggests recommending this proposed ordinance to City Council for consideration. This proposal has wide support in the local arts community, and the full support of the Downtown Development Commission.

Chapter 2 Article IV Boards, Committees, Commissions

Division 12 Public Art Commission

Section 2-330 Established

The Biddeford Public Art Commission is hereby established by City Council.

Section 2-331 “Commission” Defined

Unless otherwise indicated, the term “commission,” as used in this division, shall mean the Biddeford Public Art Commission.

Section 2-332 Definitions

Public Art – A temporary or permanent object, located in or on a public space, created with skill and imagination that shall include:

- Paintings or murals or other graphic expressions;
- Sculpture or statuary;
- Crafts in clay, textiles, wood, metal, glass, plastic;
- Mixed media, including collage;
- Functional art such as street furniture;
- Landscape or environmental landforms and composition;
- Other expressive media.

Public art shall not include:

- Reproductions of original works of art, except when controlled by the artist;
- Ornamental or decorative objects, or other adornment that are typical elements of architectural design;
- Conventional elements of landscape design;
- Mass produced objects;
- Directional or other functional elements;
- Slogans, logos, mascots, or commercial advertising.

Public Space – Property owned or controlled by the City of Biddeford, including but not limited to, parks, road rights-of-way, courtyards, bridges, building exteriors, building interiors such as foyers, and public easements (e.g. Mill District easements).

Public Art Master Plan – A strategic plan and guidelines that directs the selection, placement and administration of Public Art. This plan shall include an inventory of all public art and private art that is public facing.

Public Art Program – Activities of the Public Art Commission that promote public art, including the selection, placement, and care of art in Biddeford so as to enhance public spaces.

Section 2-333 Composition; Appointments of Commissioners; Terms of Office; Removal of Members

- (a) The Commission shall comprise seven members, nominated by the Mayor and confirmed by the City Council. Commission members shall be referred to in this Division as “Commissioners.”
1. Candidates for this commission must be either residents of Biddeford or be employed in Biddeford.
 2. A minimum of three members shall possess credentials and expertise in one or more of the following areas: arts, culture, humanities, including but not limited to, architecture, landscape architecture, museum curation or other museum professional, professional visual or performing artist (including musicians), art educator, and manager of cultural organization.
 3. One member shall be a Biddeford City Councilor.
 4. A Commissioner shall automatically be removed from office in the event that he or she no longer is a resident of the City of Biddeford, employed in Biddeford, or is absent for three consecutive regular meetings without being excused by the Chair.
- (b) Commissioners shall serve three year terms.
- (c) The terms of each Commissioner shall be staggered so that no more than three Commissioners' terms shall expire in the same year. Any Commissioner appointed to fill a vacancy for which more than half of the unexpired term remains shall be deemed to have served one full term.

Section 2-334 Filling of Vacancies

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

Section 2-335 Quorum

A simple majority of voting Commissioners shall constitute a quorum.

Section 2-336 Functions and Purposes

The purposes of the Public Art Commission shall be to administer a Public Art Program, including:

- Ensure the enhancement of art in the City;
- Promote the access and enjoyment of the arts;
- Improve public buildings, facilities, and outdoor spaces through artistic endeavors;
- Respond to Biddeford’s diverse community and imagination.

Functions of the Public Art Commission shall be to:

A. Develop, maintain, and implement a Public Art Master Plan. This plan shall consider the following goals in its development:

1. Open space or parks planning;
2. Cultural tourism;
3. Economic Development;
4. Quality of Life;
5. Place-making.

The Public Art Master Plan shall include, but not limited to, the following elements:

1. Identification and recommendation of public spaces, including easements and rights of way, in Biddeford that may be appropriate for the placement of art, i.e. site selection;
2. Criteria to ensure public art is accessible to all;
3. Consideration of the context into which the piece of art will be placed, integration with other Planning initiatives;
4. Criteria for the selection of artists and art work, including the inclusion of advice from professionals and input from the public;
5. List of interested artists;
6. Procedures for artistic competitions;
7. Review criteria for gifted works of art;
8. Documentation of works of art;
9. Requirements for the maintenance of art;
10. Requirements for the removal of art, if necessary;
11. Other elements as they may arise.

The Public Art Master Plan shall be presented to City Council for approval upon creation and as updated every five years.

B. Establish procedures and guidelines for the review of proposed public art, both temporary and permanent installations, soliciting advice from art professionals, the business community, and local residents, as needed;

C. Establish and maintain an annual operating budget, for the commissioning, acquisition, development, implementation, maintenance, and, if necessary, the removal of public art; as well as other expenditures as necessary for the administration of Public Art.

D. Seek funds, public or private, for the administration of the Public Art Program.

E. Review potential gifts of art to the City, soliciting advice from art professionals, the business community, and local residents, as necessary;

F. Oversee the maintenance, care, and repair of public art collection;

G. Revise policies and guidelines as needed for improved implementation of public art.

2-337 Required Vote

The Commission shall act by majority of those present and voting.

2-338 Annual Election of Chair, Vice Chair and Secretary

The Commission shall hold a meeting at the beginning of each calendar year for the purpose of electing a Chair, Vice Chair, and Secretary. The Chair shall not vote except to break a tie. Duties of the Secretary are to take minutes at each meeting and otherwise record activities of the Commission.

2-339 Management of Commission

The management of the Commission shall be vested in the Commissioners appointed and confirmed in accordance with Section 2-333. The Commission shall be staffed by the Director of Planning and Development or designee.

2-340 Contracts and Agreements

All contracts, agreements and other matters entered into under the authority contained in this Division shall be executed by Chair of the Commission with Mayor and Council approval.

2-341 Authority to Establish Subcommittee

The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire to provide advice and counsel on downtown matters.

2-342 Council Authorized to Designate Commission as Agent for the City

The Council may from time to time designate the Commission to serve as agent for the City in matters relating to other cities and towns, persons or corporations.

2-343 Expenditures

All Commission expenditures shall comply with the City procurement policies established in Chapter 2, Administration, Division 2 – Procurement.



Policy Committee

Meeting Date: January 27, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.c
Item Description: Clifford Park Covenants Update
Submitted By:

Supporting Information/Documentation:

None

Key Terms:

Executive Summary:

“ The Rec comm. Is planning to reach out to the Conservation comm to discuss the Clifford park easement. At this time the rec comm is just getting back in its feet due to losing several members and bringing in new members , as well as the change in dept. leadership. “

Detailed Review:

Funding Source:

Staff Recommendation: