

City of Biddeford

Planning Board

December 09, 2020 6:00 PM Zoom: Dec 9, 2020 06:00 PM Eastern Time (US and Canada)

Topic: Planning Board Meeting

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1. DECLARATION OF QUORUM/VOTING MEMBERS

2. NEW BUSINESS

2.A. Public Input Session - Village Mixed Use Ordinance - Working draft
[VMU Zone Draft 120420.pdf](#)

3. OTHER BUSINESS

3.A. COMPREHENSIVE PLAN UPDATE

4. ADJOURN

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.

Article V. Establishment of Zones

Section 11. Village Mixed Use (VMU) Zone

A. Purpose.

The purpose of the Village Mixed Use (VMU) Zone is to create new opportunities within the City to provide for a compatible mix of land uses, including but not limited to, residential, retail, and offices. The VMU Zone is intended to allow new development adjacent to Interstate 95 providing a mix of housing opportunities affordable to all income groups, and commercial development in a bicycle and walkable environment, integrating transportation options including potential transit service, utilizing existing and future infrastructure such as public water and sewer, enhancing and complementing existing employment and services in Biddeford, and providing a range of open space options with recreational and ecological benefits.

B. Permitted uses. The following Permitted Uses in the VMU Zone:

1. Accessory structure
2. Bed-and-breakfast
3. Duplex/2-Family
4. Home occupation
5. Multifamily dwelling
6. Single-family dwelling
7. Art gallery, Art studio, Museum, and Library
8. Commercial gardening, commercial greenhouse
9. Commercial recreation
10. Commercial school
11. Gasoline Service Station, Carwash
12. Hotel/motel
13. Veterinary hospital
14. Offices, business and professional
15. Restaurant
16. Retail store, Drugstore/medical supply
17. Services, Financial Institution
18. Church, synagogue
19. Community Centers, clubs
20. Day-care center, adult; Day-care center, children's
21. Day-care home, adult; Day-care home, children's
22. Essential services, Water supply system
23. Agriculture
24. Municipal use; Parks and recreation; Fire, police stations, Public facility
25. Light manufacturing
26. Self-storage facilities

- 27. Solar Energy System
- 28. Pet day care facility
- 29. Pet parks
- 30. Small-scale event space

C. Prohibited uses.

Any use not specifically permitted in this section is prohibited.

D. Dimensional Standards.

- 1. Minimum lot size: With Public Sewer: 4,000 SF
Without Public Sewer: None,
subject to State of Maine approval.
- 2. Maximum Lot Sizes:
 - a. Single-family Residential: 20,000 Square Feet.
 - b. Duplex/2-family: 20,000 Square Feet.
 - c. Multi-family: 5,000 Square Feet/Unit.
 - d. Non-residential uses: None.
- 3. Minimum frontage: 50'
- 4. Minimum front setback: 0'
- 5. Maximum front setback (principal structure): 15'
- 6. Minimum side setback: 10'
- 7. Minimum rear setback: 10'
- 8. Maximum impervious coverage: 75% except that all areas within the
Thatcher Brook Watershed shall have a maximum impervious cover of 50%
- 9. Maximum height: 45' or 4 stories
- 10. Maximum building footprint: 20,000 Square Feet (larger with
Planning Board Approval)
- 11. Multiple occupancy footprint limits: No individual user or tenant of any
building shall have a footprint of greater than 10,000 square feet without
Planning Board approval.

E. VMU Zone and Mixed-use Buildings Floor Area Requirements:

- 1. A minimum of thirty percent (30%) of a Mixed-use building's floor area must be developed and maintained as residential use.
- 2. A minimum of twenty percent (20%) of a Mixed-use building's floor area must be developed and maintained as non-residential use.

F. Net Lot Acreage Requirements:

1. All lots created after subtracting the following areas shall comply with the lot size standards established above:
 - a. Portions of the lot shown to be within the one-hundred-year floodplain as identified by the Federal Flood Boundary and Floodway Maps or Federal Flood Insurance Rate Maps.
 - b. Portions of the lot identified as “wetlands of special significance” as defined by the State of Maine as wetlands that have one or more of the following characteristics:
 - i. The freshwater wetland contains a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Maine Natural Areas Program.
 - ii. The freshwater wetland contains significant wildlife habitat as defined by 38 M.R.S.A. § 480-B(10).
 - iii. The freshwater wetland area is located within 250 feet of a coastal wetland by 38 M.R.S.A. § 480-B(2).
 - iv. The freshwater wetland area is located within 250 feet of the normal high water line, and within the same watershed, of any lake or pond classified as GPA under 38 M.R.S.A. § 465-A.
 - v. The freshwater wetland contains under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, unless the 20,000 or more square foot area is the result of artificial ponds or impoundments.
 - vi. The freshwater wetland area is inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency or other site-specific information.
 - vii. The freshwater wetland is or contains peatlands, except that the department may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance.
 - viii. The freshwater wetland area is located within 25 feet of a river, stream or brook as defined by 38 M.R.S.A. § 480-B(9).
 - c. Land subject to the characteristics identified in Section F.1.b. shall be subtracted at 100% of its land area unless that land is preserved through a perpetual conservation easement, in which case, that land shall only be subtracted in an amount equal to 50% of the land area having said characteristics. The terms of the perpetual conservation easement shall be reviewed and approved by the Planning Board to receive the 50% reduction benefit.

G. Master Planning Required.

1. Purpose.

The purposes of the master planning process are:

- a. To promote the efficient use of land to facilitate a more economic arrangement of buildings and land uses in the district;
- b. To promote orderly development of selected mixed uses in a village living and working environment; and
- c. To encourage the preservation of open space in a manner consistent with the goal of selected mixed land use development.

2. Applicability.

Any use in the Village Mixed Use (VMU) Zone shall be consistent with an overall VMU Zone Master Plan approved by the Planning Board in accordance with this section.

A master plan shall be required where the site proposed for development is three (3) acres or more in size or the applicant owns a contiguous lot or lots which, together with the site proposed for development approval, is three (3) or more acres in size.

3. Coordination with Development Review.

A Master Plan for the overall development of a site (including any contiguous property owned by the applicant) must be submitted to the Planning Board prior to submission of any application for development review (e.g., subdivision, site plan, conditional use permit, etc.). The Planning Board's review of a master plan shall take place before its approval of any application for development review.

All projects in the VMU Zone that require development review (E.g., subdivision, site plan, conditional use permit, shoreland zoning) shall continue to require development review and approval. In reviewing development review applications the Planning Board shall consider the conformance of the proposed uses/developments with the approved VMU Zone Master Plan and shall approve the project only if it finds that the uses are consistent with the VMU Zone Master Plan.

In its review of projects in the VMU Zone the Planning Board shall be guided by the approved Master Plan and shall not impose conditions or requirements on

an applicant that are in conflict with the approved Master Plan. In those areas where the Master Plan addresses issues that are also covered by development review, the Planning Board shall be guided by the overall direction provided in the approved Master Plan and shall limit the scope of its review under the development review provisions to how those projects are designed and constructed. The following chart outlines the respective areas of concern for the review of a VMU Zone Master Plan and Development Review for individual projects contained in the Master Plan for those areas covered in both reviews.

Review Topic:	VMU Zone Master Plan Focus	Development Review Focus
Buildings and Structures	The general locations, sizes (footprint and floor area), heights, and architectural styles based on the Conceptual Development Program.	The buildings and/or facilities conform to the approved Master Plan standards and meet other specific zoning and site plan review standards
Transportation Network and Traffic	The primary road network providing access to the campus and within the campus will be adequate to handle the anticipated increase in traffic safely and efficiently while minimizing the impact on other users as a result of the identified improvements	Any road or traffic improvements that are identified in the overall traffic management program in the Master Plan that are needed to support the specific development project will be built and will meet the technical standards set out in the ordinance
Parking	The amount of parking and general parking locations will be adequate to accommodate the anticipated increase in parking demand resulting from the growth and changes anticipated in the Master Plan	Any parking improvements that are identified in the overall parking program in the Master Plan that are needed to support the specific development project will be built and will meet the technical standards set out in the ordinance

Water and sewer	The water and sewer systems will be adequate to accommodate the anticipated increase in demand resulting from the growth and changes anticipated in the Master Plan	The location and design of the water and sewer facilities associated with the specific development proposal are consistent with the Master Plan and meet the technical standards set out in the ordinance
Natural Resources and Significant Wildlife Habitat	The master plan will include a Natural Resource Inventory and Assessment (NRIA): a compilation of data, descriptions, and maps to document the natural resources in the Master Plan area. Special attention shall be given to identifying significant habitat areas and corridor connections internal and adjacent to the Master Plan area.	The development plan shall incorporate measures to mitigate impacts identified in the NRIA as part of the final approval process.
Climate Change	The master plan shall address ways in which the proposed project will mitigate (minimize) its impact on climate change. Examples of long term sustainability can include energy efficiency, alternative energy sources, smart street design, transit availability, unique landscape design, and other actions to reduce the carbon	The development plan shall implement design actions that directly affect the long term sustainability of the master plan by reducing impacts related to climate change.

	footprint of the proposed project.	
Landscaping, lighting, signs, noise, scenic views	The Master Plan establishes appropriate standards for the design of these elements and to minimize the impact on surrounding neighborhoods	The location and design of these elements are consistent with the standards set out in the Master Plan and meet any other applicable technical standards set out in the ordinance
Pedestrian and bicycle facilities	The pedestrian and bicycle facilities will be adequate to accommodate the anticipated increase in demand resulting from the growth and changes anticipated in the Master Plan and standards are established for the design of these elements	The location and design of these elements are consistent with the Master Plan, meet the standards set out in the master plan, and any other technical standards set out in the ordinance

4. Master Plan Requirements:

- a. A VMU Zone Master Plan shall provide the City and abutting areas with a clear outline of the anticipated growth and changes within the zone anticipated over the next seven (7) years. The Master Plan shall provide an assessment of the potential impacts, negative and positive, of those changes on the City and areas surrounding the VMU Zone. The Master Plan shall analyze the potential negative impacts of the anticipated changes in land use and to the surrounding area and provide recommended actions proposed to mitigate any adverse impacts resulting from the anticipated changes.
- b. The Master Plan shall include a description of the proposed development or use of the entire property owned by the applicant, and shall identify

the location of proposed streets and utilities, land uses, lots, building sites, open space, existing and preserved natural features, and the design principles for proposed buildings.

- c. The Master Plan shall include a description of the proposed mix of uses explaining the proposed mix. If more than fifty (50) percent of the gross land area is proposed to be devoted to one type of use, the master plan must explain the proposed mix based on marketability, compatibility of the use(s) with surrounding uses on or off the property, anticipated traffic flow patterns, or other similar impacts.
- d. Demographics and market analysis.
 - i. A demographic assessment of the market to be served by the anticipated development program over the seven (7) year period including, but not necessarily limited to, household type, household size, household income, and average and median household age.
- e. Existing physical conditions and analysis.
 - i. A scaled plan at a scale of not more than one inch equals 200 feet showing the location of all existing buildings, structures, parks, parking, walkways, service areas, and other impervious surfaces and the height of all buildings and structures referenced to the National Geodetic Vertical Datum (NGVD). Topography shall be included with at a minimum of 2' contours from Lidar.
 - ii. A scaled plan at the same scale as the existing conditions plan showing the location of all existing utilities, sewer and water systems, and stormwater drainage facilities.
 - iii. A natural resources inventory and assessment showing the location of all significant natural resources within the VMU Zone. The analysis shall assess the significance of these resources and the issues they raise with respect to the Master Plan. This shall include a plan at the same scale as the existing conditions plan showing the locations of the significant resources. This plan shall include all known wildlife habitat documented by the Maine Department of Inland Fisheries and Wildlife.

- iv. A climate change assessment that identifies specific design actions incorporated into the master plan that will minimize negative impacts related to climate change.
- v. An assessment of existing scenic views on the property to be considered in the master planning process.
- vi. A historic and archeological resources inventory and analysis showing the location of any known historic or archeological resources and any area with potential as an area of historic or archeological significance in the VMU Zone. This shall include a plan at the same scale as the existing conditions plan.
- vii. Data on the existing lot coverage and lot coverage ratio.
- viii. Parking and traffic.
 - a. Information on current traffic and pedestrian volumes and conditions including levels of service on the principal public streets and intersections of public streets within the zone and which are principal transportation routes to and from the area, including South Street, May Street, Alfred Street (Route 111), including the Turnpike Interchange. Future connections to Alfred Street from South Street shall also be shown if constructed.
 - b. A description of anticipated changes in traffic and pedestrian volumes over the next seven (7) years resulting from the changes in development anticipated from the implementation of the Master Plan, or phase thereof.
 - c. An analysis of the impact of these changes on traffic flow and vehicle, bicycle, and pedestrian safety on public streets within the VMU Zone and that provide access to the VMU Zone, including South Street and Alfred Street (Route 111).
 - d. A proposed program of improvements to address any unacceptable impacts resulting from changes in traffic volumes including activities that will be undertaken to mitigate any adverse impacts on adjacent residential neighborhoods.
 - e. Information on the number and location of existing parking spaces.

- f. An analysis of the adequacy of the existing parking to meet anticipated changes in programs and facilities over the next five years.
 - g. An assessment of pedestrian and bicycle movements and safety related to the parking supply and locations.
 - h. A proposed program of parking improvements to meet any identified deficiencies.
- ix. Water and sewer service.
 - a. A description of current provisions for water supply and sewage disposal including capacities, current utilization rates, and conformance with any permit or other legal standards.
 - b. An analysis of the change in demand for water supply, water supply pressure, and sewage disposal resulting from anticipated changes in programs and facilities over the next five years and the adequacy of the existing systems to meet this demand.
 - c. A proposed program of improvements to address any identified deficiencies.
 - d. A statement as to how water supply and sewer disposal improvements are or will be coordinated with City programs and the needs of neighboring residential areas.
- x. Municipal and community services.
 - a. A description of all municipal and community services (police, fire, rescue, recreation, hospitals/hospitals, and public schools, etc.) currently utilized by the geographic area covered by the Master Plan and data on the current level of usage.
 - b. An analysis of the change in demand for municipal and community services and the adequacy of the existing services to meet this demand.
 - c. A proposed program of improvements to meet the identified deficiencies including proposed funding mechanisms.
 - d. Neighborhood impacts.
- f. Conceptual development program.

- i. A Conceptual Master Plan at the same scale as the existing conditions plan showing the approximate size and location of proposed changes to buildings, structures, parking lots, pedestrian facilities, bicycle facilities, parks and recreation, trails, roads, and similar facilities proposed in the Master Plan. This should show new facilities, modifications or enlargements of existing facilities, and the planned removal of facilities.
 - ii. An accompanying narrative or tables detailing the scale or size of the proposed improvements including the approximate height of buildings, the approximate peak elevation of buildings and structures referenced to NGVD, approximate floor area, if residential, the approximate number of units and number of bedrooms per unit.
 - iii. A description of all development and design standards or provisions that will apply to the proposed improvements.
 - iv. A schedule setting out when the improvements included in the conceptual development program are anticipated to be completed.
- g. Performance Standards. The VMU Zone is a Performance-based Zone that established the permitted uses within the zone, the requirements for Master Planning future development to occur within the zone, and the identification of certain performance standards that must be met to comply with the intent of the Zone. These development and design standards will apply to individual projects that are submitted for development review. These standards shall foster the development of a visually and architecturally integrated community that is safe, environmentally sensitive, affordable to a diverse range of incomes, and that minimizes the adverse impact of the VMU Zone on adjacent areas and the community as a whole.
 - i. Housing Mix. Over the seven (7) year period of the Master Plan the applicant shall demonstrate how, through development, the Master Plan will result in at least thirty percent (30%) of the housing units created shall meet the needs of households having between eighty percent (80%) and one-hundred and twenty percent (120%) of the Median Household Income for York County.
 - ii. Design standards. The Master Plan shall present a set of design standards for all buildings and structures subject to the VMU Master Plan. Design standards shall present an overall design

theme while encouraging individual expression of building and structures within the VMU Zone.

- iii. Fuel storage tanks. All permanent home fuel storage tanks (e.g., fuel oil, propane) shall be located below ground. The Planning Board may consider allowing above-ground fuel storage tanks where an applicant can demonstrate that the physical conditions of the land would unreasonably prevent the ability to put the tanks under-ground. Where tanks are permitted above-ground, they shall be effectively screened from view from all streets and abutting properties with either vegetation or fencing, or a combination of vegetation and fencing. Further, no above-ground fuel storage tank shall be located in front of any building or within the required front setback for any lot.
- iv. Residential Garages. To ensure garages do not dominate the neighborhood streetscape, garages shall meet the following standards:
 - a. Garages shall meet all required lot setbacks.
 - b. Except for J-swing garages (a garage that faces 90 degrees to a street or alley and requires a 90-degree turning maneuver to enter the garage from the street or alley), garages shall be setback a minimum of twenty feet (20') from the front building line or porch line, whichever is closest to the street right-of-way.
 - c. Except for J-swing driveways, driveways shall be no greater than twelve feet (12') wide from the street right-of-way to the front façade of the primary structure. Where a driveway passes by the entire length of the primary structure to access a garage, the driveway shall be no greater than twelve feet (12') wide from the street right-of-way until past the primary structure.
 - d. J-swing garages shall be clustered in pairs with garages facing each other and shall be separated by a shared planting strip along the shared property line to screen the garage doors from the street.
 - e. Garage doors shall be single door units with a minimum 18-inch column separation. Doors shall be inset from the face of the garage by a minimum of 12-inches.
 - f. Corner lots may have a garage on the side street so long as it is attached to the residential structure it serves, or is connected to the residential structure it serves by a walkway a minimum of a 5' wide walkway.

- v. Municipal/Community Services.
 - a. Police
 - b. Fire/EMS
 - c. Hospitals
 - d. Schools
 - e. Public works
- vi. Landscaping. Landscaping including the typical size and type of plantings and shall detail how the landscaping will be used to enhance the visual environment of the area, shield and soften service and parking areas, and minimize impacts on surrounding existing and future residential areas and the users of streets throughout the zone.
- vii. Parks and Recreation.
 - a. Pocket parks.
 - b. Centralized parks
 - c. Walking and/or multi-use trails
- viii. Exterior Lighting. The standards shall establish a general lighting theme for the development covered by the Master Plan. They shall identify the appropriate maximum, average, or minimum illumination levels and uniformity ratios for various areas and facilities, the typical type of lighting fixtures and poles that will be used, and shall detail how night-time sky glow and light intrusion on neighboring residential areas will be minimized.
- ix. Signage. The standards shall establish a consistent design theme for all commercial signs that enhances the visual environment of the campus and shall identify the general design, sizes, and locations for various types of commercial signs in the development.
- x. Parking.
 - a. The requirements for on-site parking are maximums. An applicant may request that additional parking be provided with cause, and if approved, the applicant shall pay a stormwater/water quality fee equal to \$X,XXX per additional space allowed.
 - b. Shared parking facilities amongst a variety of uses shall be encouraged.
- xi. Vehicular Traffic.
 - a. Road dimensional standards: A Complete Streets approach will be utilized for a hierarchy of street types outlined in the Master Plan and coordinated with City Departments such as Public Works, Fire and Public Safety. This will allow

- for streets that are sized for the character of the neighborhood while accommodating all users.
- b. A grid pattern of streets shall be provided that avoids cul-de-sacs/dead ends.
- c. Temporary cul-de-sacs/dead ends may be permitted where they will connect to future phases of development and be removed at such a time as the future development occurs.
- d. Where cul-de-sacs or dead ends are permitted due to environmental constraints, public connections and access to open space from the cul-de-sacs/dead ends shall be encouraged wherever feasible.
- e. Design speeds and traffic calming.
- xii. Pedestrian and Bicycle Facilities. The standards shall establish an integrated program for accommodating pedestrians and bicyclists safely while promoting a village environment that is bicycle and pedestrian-oriented. The standards shall identify the types, general location, and typical design of various pedestrian and bicycle facilities and how the system integrates with recreational facilities such as parks and trails. Pedestrian and bicycle facilities shall be located and designed to ensure that all development in the VMU zone connects to South Street and on to Downtown Biddeford.
- xiii. Noise. The standards shall establish an overall program for minimizing the impact of campus noise on adjacent residential areas. The standards shall identify measures that will be employed to control noise at the source as well as to mitigate the impacts of noise on adjacent property.
- xiv. Subsurface Wastewater.
- xv. Natural Resources.
 - a. Significant Wildlife Habitat and Habitat Corridors.
 - b. Thatcher Brook stream frontage. Proposals for development or use of properties which have Thatcher Brook's shoreline or stream-front frontage shall contain in their Master Plan clearly designated provisions for any public access to and along the water body and for associated open space. The application shall indicate the manner in which these areas shall be made available for public use.
 - c. Connections of natural resource areas with other natural resource areas both within and adjacent to the project.

- xvi. Actions taken to minimize impact on climate change.
- xvii. Protection of identified scenic views. The standards shall establish a standard approach for protecting scenic views identified in the existing conditions plans and analysis provided.

5. Phased Development:

The master planning requirement does not require the applicant to develop all portions of the property covered by the plan concurrently. The VMU Zone covered by the Master Plan may be developed in distinct phases, sections, or stages. The land used in one phase, section, or stage for meeting space and bulk requirements, off-street parking, and performance standards may not be used for any other phase, section, or stage. If such phased development occurs, each application for approval of a site within the total property shall be subject to and meet the terms of the development review ordinances and regulations in effect at the time of the application.

A subsequent application for development review approval of any phase, section, or stage of the development described by the Master Plan shall indicate how the particular phase, section, or stage for which approval is requested is consistent with the Master Plan. The Master Plan shall serve as a general guide to the review and approval of individual phases of development.

If a subsequent application for development review approval deviates from the Master Plan previously filed, review of the application shall not take place until the applicant, or his duly authorized representative, has presented and received approval for an amendment to the Master Plan from the Planning Board.

6. Amendment of an approved VMU Master Plan.

A property owner or owners, or others demonstrating a right, title or interest to develop a property or part thereof, may submit a request to amend the approved VMU Master Plan at any time provided that no more than three (3) such amendment requests may be made within the seven (7) year period covered by an approved Master Plan. The process, procedures, and standards for amending a Master Plan shall be the same as for the initial approval; however, the applicant may submit an application containing only those items that have been changed from the prior Master Plan.

If more than three (3) amendments are requested within a seven (7) year time period, the applicant shall submit a new Master Plan for review and approval.

7. Submission and Review of a VMU Zone Master Plan.

- a. VMU Zone Master Plan submissions shall be received in accordance with the schedule for the receipt of other Planning Board applications such as subdivision and site plan review.
- b. Before the final consideration of a VMU Zone Master Plan or an amended VMU Zone Master Plan, the Planning Board shall hold a public meeting to solicit input.
- c. The Planning Board shall review the Master Plan at a regularly scheduled meeting of the Board. The Board shall have sixty (60) days following its initial consideration of the plan to approve, approve with conditions, or deny the Master Plan, unless both the Planning Board and the Applicant have agreed to additional time.

8. Administrative Appeals of a VMU Zone Master Plan.

Administrative Appeals of the actions of the Planning Board in reviewing and approving a Master Plan under this section shall be to the City of Biddeford's Zoning Board of Appeals. Appeals shall be made within 30 days of any action of the Planning Board by providing written notice to the Board of Appeals setting forth the action being appealed and the specific basis for the appeal.

Administrative appeals of Planning Board actions in the review of a Master Plan under this section shall be processed in accordance with the procedures set out in Article IX, Section 5 of this Ordinance.