

City of Biddeford
Planning Board
December 06, 2017 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. A. Consideration of Minutes: November 1, 2017
[November 1, 2017.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. A. 2017.52 Public Hearing, take comments, and make recommendations to the City Council: Correct the Ordinance to not permit residential cluster subdivisions in the B-2 zone.
[Correct C in B2 Zone.docx](#)
 - 7.B. B. 2017.51 Public Hearing, take comments, and make recommendations to the City Council: Delete reference to Contract Zones #2, #3, and #5 since they were not implemented.
[Delete CZs 2 3 5.docx](#)
 - 7.C. C. 2017.48 Public Hearing, take comments, and make recommendations to the City Council: Define "Water Supply System" and allow it in all zones, and clarify the definition for Essential Services related to Shoreland Zones.
[WSS for PH Final.docx](#)
 - 7.D. D. 2017.50 Public Hearing, take comments, and make recommendations to the City Council; Rezone 8 Union Street (Tax Map 34, Lot 135), 283 Elm Street (Tax Map 34, Lot 136), and 287 Elm Street (Tax Map 34, Lot 137) from B-2 to R-2.
[Notice to Properties PH 110917 8 Union.docx](#)
[Notice to Properties PH 110917 283 Elm.docx](#)
[Notice to Properties PH 110917 287 Em.docx](#)
 - 7.E. E. 2017.49 Public Hearing, take comments, and make recommendations to the City Council: To decrease to density requirements in the Residential-2 (R-2) Zone to 4,500 square feet per unit and to decrease the required setbacks to 25 feet from major right-of-way, 15 feet from minor right-of-way, and 5 feet from side and rear for all land uses.
[R2 Density Proposal CC to PB Order.docx](#)
 - 7.F. F. 2017.30 Preliminary/Final Subdivision: for Lisa Curro who is seeking re-approval to a previously approved Subdivision off of Sokokis Road (Tax Map 47, Lot 35-46) in the SR-1 zone.
[2017.30 Curro Tide Water Estates Prelim and Final SR 110117.docx](#)
 - 7.G. G. 2017.40 Preliminary/Final Subdivision/Amendment to a Previously Approved

Subdivision: for Donald Dube to create three lots located at 6, 8, and 10 Pomerleau Street (Tax Map 2, Lots 86-3, 86-4, and 86-5) in the I-3 zone.

[2017.40 Dube 3 Lots SR 120617.docx](#)

- 7.H. H. 2017.43 Preliminary Subdivision: for 15 Bridge Road, LLC to create a 3-lot Subdivision located at 15 Bridge Road (Tax Map 69, Lot 8) in the CR and RP zones.

[2017.43 Bridge Rd LLC Prelim SR 120617.docx](#)

- 7.I. I. 2017.53 Conceptual Minor Subdivision: for Matthew Chamberlain and Natasha Erb to create an additional lot located at 197 West Street (Tax Map 25, Lot 11) in the RF and SR-1 zones.

[2017.53 Chamberlain 2 Lots SR 120617.docx](#)

- 7.J. J. 2017.54 Amendment to a Previously Approved Subdivision: for Joshua and Amanda Boston to create a lot located at 221 Guinea Road (Tax Map 78, Lot 9) in the RF and SR-1 zones.

[2017.54 Misty Meadows Amendment SR 120617.docx](#)

8. OTHER BUSINESS

9. 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.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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PLANNING BOARD MINUTES

Date: Wednesday, November 1, 2017
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

A. Quorum Present: Chair Larry Patoine, Richard Potvin II, William Southwick, Matthew Boutet

3. ADJUSTMENTS TO THE AGENDA

4. PLANNER'S BUSINESS

Greg Tansley, City Planner: Mentioned to the Board he will be discussing five zoning amendments under Other Business.

5. CONSENT AGENDA

6.

A. Consideration of Minutes: October 4, 2017

MOTION:

- Southwick – Motion: to approve Consent Agenda.
- Boutet – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

7. UNFINISHED BUSINESS

8. NEW BUSINESS

A. 2017.38 Determination of Greatest Practical Extent for 4 Ocean Edge Realty Trust (William Duplisea) to replace an existing house and upgrade the septic system at 4 Ocean Edge Lane (Tax Map 55, lot 11) in the CR & LR zones.

Greg Tansley, City Planner: Brief statement.

Bill Walsh, Walsh Engineering: Gave a presentation.

Discussion between Board, Staff and Applicant.

MOTION:

- Boutet – Motion: to approve the Determination of Greatest Practical Extent for William Duplisea based on the approved plans for Ocean Edge Lane (Tax Map 55, Lot 11) approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated October 21, 2017.

- Southwick – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

B. 2017.39 Amendment to a Previously Approved Subdivision for Donald Dube to create two lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lot 86-3, 86-4, and 86-5) in the I-3 zone.

Greg Tansley, City Planner: Brief statement.

Mike Coulombe, Dow & Coulombe Inc.: Here to answer any questions.

MOTION:

- Southwick – Motion: to approve the amendment to a previously approved subdivision for Donald Dube to re-divide 6, 8, and 10 Pomerleau Street into 2-lots, approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated October 25, 2017.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous approval (3-0) all in favor.

C. 2017.40 Conceptual Subdivision/Amendment to a Previously Approved Subdivision for Donald Dube to create three lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lots 86-3, 86-4 and 86-5) in the I-3 zone.

Greg Tansley, City Planner: nothing more to add.

Mike Coulombe, Dow & Coulombe Inc.: nothing further to add.

MOTION:

- Southwick – Motion: to waive the full Subdivision Review process to allow Preliminary and Final Approval of the Amended Subdivision at a subsequent meeting given there are no site improvements involved and that the Board determines that such variation will not adversely affect public convenience, safety, health and welfare.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

MOTION:

- Boutet – Motion: to determine the proposed subdivision is a minor subdivision.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

D. 2017.42 Site Plan Review/Subdivision for North Dam Mill, LLC to convert the top three floors of Building #15 into 51 residential apartments located at 2 Main Street (Tax Map 71, lot 11) in the MSRD-3 zone.

Greg Tansley, City Planner: Handed out an amended report and gave a brief statement.

Scott Joslin, Pepperell Mill Campus: Gave a presentation.

Discussion between Board, Staff and Applicant.

MOTION'S A, B, C and D:

- Southwick – Motion: to determine the proposed subdivision is a major subdivision.
Motion: to waive full Subdivision Review process at allow Final Approval of Subdivision/Site Plan given there is no site disturbance involved and that the Board determines that such variation will not adversely affect public convenience, safety, health and welfare.

Motion: to grant the waiver to Full Subdivision/Site Plan Review upon a determination that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

Motion: to approve the Final Subdivision and Site Plan for North Dam Mill, LLC for 51-units of housing at 2 Main Street, Building #15 (Tax Map 71, Lot 11) in the MSRD-3 zone and approve the Findings of Fact based on the conditions recommended by Staff in its amended report dated November 1, 2017.

- Boutet – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

- E. 2017.43 Conceptual Subdivision for 15 Bridge Road, LLC to create a 3-lot Subdivision located at 15 Bridge Road (Tax Map 69, Lot 8) in the CR and RP zones.

Greg Tansley, City Planner: Brief statement.

Jayson Haskell, P.E., DM Roma Consulting Engineers: Gave a presentation.

Precille Beebe, 17 Bridge Road: How close is the road to her property and water.

Jayson Haskell, P.E., DM Roma Consulting Engineers: Addressed her concerns.

Bill Murray: Runoff into the clam flats.

Philip Curtis, 125 Old Pool Road: Objects to the size of the buildings.

Jayson Haskell, P.E., DM Roma Consulting Engineers: The applicants will build to Codes standards.

Discussion between Board, Staff and Applicant.

MOTION:

- Southwick – Motion: to determine the proposed subdivision is a major subdivision.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

8. OTHER BUSINESS

Greg Tansley, City Planner: Handed out material and a discussion took place between the Board and staff regarding all the zone amendments that will be coming forward. They also discussed the possibility of no longer placing the Planning Board Agenda AD's in the local paper.

9. ADJOURN

MOTION:

- Southwick – Motion: to Adjourn.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

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Planning Board Chair

Date

**These minutes are summary and are not intended to be verbatim.
Archived meetings are viewable on the City's website:
www.biddefordmaine.org.**



CITY OF BIDDEFORD PLANNING DEPARTMENT

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Proposed Amendment to Correct Residential Cluster Subdivisions as Conditional Uses in the B2 Zone

Amendments Notes:

- ~~Strikethroughs~~ represent deletions.
- Underlines represent additions.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A
(Table of Land Uses):

	Article VI Section ¹	B-2
Residential uses		
Cluster development*	18	€



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Proposed Amendment to Delete Contract Zones 2, 3, and 5

Amendments Notes:

- ~~Strikethroughs~~ represent deletions.
- Underlines represent additions.

Part III (Land Development Regulations), Article XIII (Amendments), Section 3
(Contract and conditional zoning):

~~Contract Zone No. 2: Mike Eon Associates (Map 2, portion of Lot 42). (Not implemented)~~
~~Contract Zone No. 3: High School Associates (Map 34, Lot 228). (Not implemented)~~
~~Contract Zone No. 5: Coastal Savings Bank (Map 27, Lot 95-1). (Not implemented)~~



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Proposed Amendments related to Water Supply Systems for Public Hearing on December 6, 2017

Amendments Notes:

- ~~Strikethroughs~~ represent deletions.
- Underlines represent additions.

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

ESSENTIAL SERVICES - Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories. In a Shoreland Zone Essential Services but shall not include service drops, buildings which are necessary for the furnishing of essential services, telecommunications facilities, or small wind energy systems. Essential services shall be exempt from the dimensional requirements in Article V, Section 6A and Article V, Section 7.

WATER SUPPLY SYSTEM - The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer, including those buildings necessary to support the water supply system.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

	Article VI Section ¹	W-3
Educational, institutional public uses		
Essential Services	27	<u>C</u>

Allow "Water Supply System" as a Conditional Use (C) in all zones.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 27 (Essential Services):

Section 27. Essential services and Water Supply Systems. [Ord. No. 2008.79, 10-21-2008]

- A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- B. ~~Essential services shall require a conditional use permit from the Planning Board except that municipal essential services and essential services that are otherwise subject to review under subdivision review, site plan review, or shoreland zoning shall not require a conditional use permit.~~
- C. (Reserved)^[9]
- D. Essential services and water supply systems structures and facilities shall be sited and developed in accordance with the provisions stated in this ordinance.
- E. All conditional use permit applications for essential services and water supply systems shall include an assessment of potential environmental and health impacts to abutting properties as a result from noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes as applicable, unless a waiver is requested by the applicant and granted by the Planning Board.

For Public



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NOTICE TO PROPERTY OWNER

PLANNING BOARD PUBLIC HEARING

POTENTIAL RE-ZONING OF PROPERTY FROM B-2 to R-2

TO: Record Owner(s) of 8 Union Street

FROM: Greg Tansley, A.I.C.P., City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: November 9, 2017

RE: Possible re-zoning of your property from B-2 (Business-2) to R-2 (Residential-2)

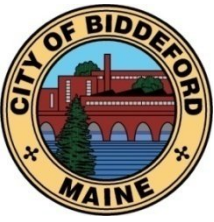
Public Hearing Date: December 6, 2017

Public Hearing Location: City Council Chambers, Biddeford City Hall, 2nd Floor

The Planning Board will hold a Public Hearing about a potential re-zoning of your property from B-2 (Business-2) to R-2 (Residential-2). The property you own, according to tax records, is located at 8 Union Street. It is identified as a multi-family having 4 units. As such, it is currently non-conforming because it is in a B-2 Zone where residential uses are not permitted. This zone change, if passed, will make the multi-family residential use a conforming use.

Please Note: The City Council will not take action on any rezoning of your property until after the Planning Board has held the Public Hearing on December 6, 2017, assuming it votes to send the change proposal to the City Council.

Should you have any questions or would like to discuss this proposal please contact me at 207-284-9115.



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NOTICE TO PROPERTY OWNER

PLANNING BOARD PUBLIC HEARING

POTENTIAL RE-ZONING OF PROPERTY FROM B-2 to R-2

TO: Record Owners of 283 Elm Street (St. Andre Home, Inc.)

FROM: Greg Tansley, A.I.C.P., City Planner

A handwritten signature in black ink, which appears to read "Greg Tansley", is written over the "FROM:" line.

DATE: November 9, 2017

RE: Possible re-zoning of your property from B-2 (Business-2) to R-2 (Residential-2)

Public Hearing Date: December 6, 2017

Public Hearing Location: City Council Chambers, Biddeford City Hall, 2nd Floor

The Planning Board will hold a Public Hearing about a potential re-zoning of your property from B-2 (Business-2) to R-2 (Residential-2). The property you own, according to tax records, is located at 283 Elm Street. It is identified as a commercial property, but in discussion with Sister Claire Lambert there is a desire to re-use it for residential purposes. Since it is currently in a B-2 Zone residential use of the property is not permitted. This zone change, if passed, will allow for the property's reuse for residential purposes.

Please Note: The City Council will not take action on any rezoning of your property until after the Planning Board has held the Public Hearing on December 6, 2017, assuming it votes to send the change proposal to the City Council.

Should you have any questions or would like to discuss this proposal please contact me at 207-284-9115.



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NOTICE TO PROPERTY OWNER

PLANNING BOARD PUBLIC HEARING

POTENTIAL RE-ZONING OF PROPERTY FROM B-2 to R-2

TO: Record Owners of 287 Elm Street

FROM: Greg Tansley, A.I.C.P., City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: November 9, 2017

RE: Possible re-zoning of your property from B-2 (Business-2) to R-2 (Residential-2)

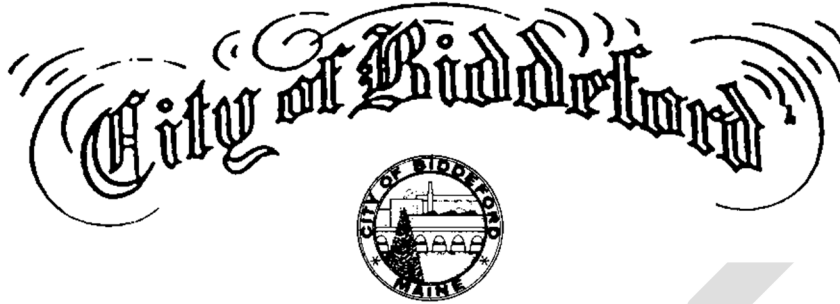
Public Hearing Date: December 6, 2017

Public Hearing Location: City Council Chambers, Biddeford City Hall, 2nd Floor

The Planning Board will hold a Public Hearing about a potential re-zoning of your property from B-2 (Business-2) to R-2 (Residential-2). The property you own, according to tax records, is located at 287 Elm Street. It is identified as a multi-family building having 4 units. As such, it is currently non-conforming because it is in a B-2 Zone where residential uses are not permitted. This zone change, if passed, will make the multi-family residential use a conforming use.

Please Note: The City Council will not take action on any rezoning of your property until after the Planning Board has held the Public Hearing on December 6, 2017, assuming it votes to send the change proposal to the City Council.

Should you have any questions or would like to discuss this proposal please contact me at 207-284-9115.



2017.__

IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017

BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B (Dimensional Requirements):

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
R-2, single family	10,000 4,500	N/A	N/A	N/A	75 45	N/A	N/A	40 25	25 15	10 5	10 5	3	35
R-2, duplex	7,500	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35
R-2, multifamily	5,000	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35
R-2, all other	10,000	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.30

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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, A.I.C.P., City Planner

DATE: November 29, 2017

RE: NEW BUSINESS ITEM #F – 2017.30 Preliminary/Final Subdivision Review for Lisa Curro who is seeking re-approval to an previously approved Subdivision off of the Sokokis Road (Tax Map 47, Lots 35-46) in the SR-1 zone.

MEETING DATE: December 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes a 12-Lot Subdivision off Sokokis Road in the S-R-1 zone. This subdivision was previously approved in 2002 and with an approval extension in 2004. The approval expired in 2006.

The applicant would now like to seek re-approval of the project. A new road is proposed with all 12 Lots coming off of it. The subdivision would be on public water with individual on-sept septic systems.

In reviewing the Ordinance nothing appears to have changed since its original approval that would affect this project. At the September Planning Board Meeting the applicant satisfied the need to examine the property for rare/endangered turtles – there are none and the habitat does not support them.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Lisa Curro, Trustee

		26 Twin Island Drive Biddeford, ME 04005
2.	Owner of Property:	Bartolucci Living Trust C/ Lisa Curro, Trustee 26 Twin Island Drive Biddeford, ME 04005
3.	Agent:	Paul Gadbois, PE PO Box 327 Saco, ME 04072
4.	Engineer/Architect:	Paul Gadbois, PE PO Box 327 Saco, ME 04072
4.	Project Location:	Off Sokokis Road @ Tide Water Estates
5.	Project Tax Map #/Lot #:	Tax Map 47, Lot 35-46
6.	Existing Zoning:	S-R-1
7.	Overlay Zoning:	None (where project is proposed)
8.	Existing Use:	Vacant
9.	Proposed Use:	12-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Combined the 12 Lots equal 309,374 SF (7.1 Acres). Road ROW is approximately 1.2 Acres.
13.	Number of Lots/Units in Subdivision:	12 Residential Lots
14.	Minimum Lot Size Required: Provided:	20,000 SF Minimum 20,000 SF (Net)
15.	Frontage Required:	100'
16.	Front Setback Required:	40'
17.	Side Setbacks Required:	10'
18.	Rear Setback Requires:	10'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Public Water
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford (if the road is accepted as public)
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	Negligible (2,410 SF +/-)
26.	Soil Study Provided:	HHE-200's provided.
29.	Ownership of Road:	Sokokis Road is a City Street

32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	To be submitted prior to project commencement.
34.	Waivers Needed:	i. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting (in the future).
35.	Waivers Granted:	i. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting (in the future).
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	Saco River Corridor Commission
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Yes
41.	Planning Board Review History: Conceptual Review: Preliminary/Final Review:	September 6, 2017 (Posted in City Hall August 24, 2017; Journal Tribune posting August 26, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 - 38 notices sent). December 6, 2017 (Posted in City Hall November 21, 2017; Journal Tribune posting November 24, 2017; Mail Notices to all abutters within 250' sent November 21, 2017 - 38 notices sent).

3. EXISTING CONDITIONS:

The project site is currently vacant aside from an older farmhouse (to be demolished if the project proceeds) and is located off Sokokis Road. The Online GIS system currently shows the lots as separate lots although the subdivision approval itself has expired.



4. PROJECT PROPOSAL:

See attached Plan(s) for more information.

5. PUBLIC COMMENT:

Concept Review:

The notice was posted in City Hall on August 24, 2017. It was also posted in the Journal Tribune on August 26, 2017. Mailing notices were also sent out to all abutters within 250' on August 25, 2017 – 38 notices were sent out.

Preliminary/Final Review:

The notice was posted in City Hall on November 21, 2017. It was also posted in the Journal Tribune on November 24, 2017. Mailing notices were also sent out to all abutters within 250' on November 21, 2017 – 38 notices were sent out.

No public comments have been received as of the time of this report.

6. STAFF REVIEW:

- a. ZONING: Single-family homes are allowed in the S-R-1 Zone.
- b. REVIEW STANDARDS: Subdivision Review.
- c. WAIVERS GRANTED September 1, 2017:
 - i. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting (in the future).
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO DECEMBER 6, 2017:
 - 1. Above signature of "Paul P. Gadbois" reference should be to Note "6E". Please change.
 - 2. MaineWater have provided the following comments:

"More detail must be provided for the water system. At a minimum, the following must be included: location and size (8-inch) of the water main in Sokokis Rd, proposed diameter of pipe on Tide Water Drive, the valving layout, fire hydrant(s) configuration, customer service locations and sizes, blowoff at the end of the water main, potential conflicts/separation requirements with other underground utilities. All work must be completed in accordance with Maine Water Company (MWC) material and installation standards. The water main extension process must be completed with MWC prior to any water construction. Final design must be approved by MWC. More information can be found on our website here: <https://www.mainewater.com/construction/new-construction/water-main-extensions>."

Staff recommend that satisfying Maine Water's requirements become a Condition of Approval prior to Ground Disturbance. See below.

- 3. Submit 2 Mylars and 2 Paper copies of the Plan Set.

7. STAFF RECOMMENDATION

If the Board approves the project, Staff recommends doing so with the following Conditions of Approval attached:

- 1. Included in this approval are sheets 2 and 3 from the previous subdivision approval being "AMENDED SUBDIVISION PLAN TIDE WATER ESTATES APPROVED BY THE CITY OF BIDDEFORD PLANNING BOARD ON JANUARY 7, 2004".

2. Prior to any ground disturbance/site work the following must be completed:
 - a. Submit a Financial Capacity to complete the project letter from a qualified financial institution.
 - b. Provide evidence that MaineWater has approved the water system design as per comments received by MaineWater on November 22, 2017 and provided in the Staff Report dated November 29, 2017.
 - c. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements.
 - d. Erosion Control/Site Stabilization Bond in an amount to be determined by the Planning Department must be submitted to the Planning Department.
 - e. The applicant must submit a recorded copy of the subdivision plan to the Planning Department.
 - f. Best management practices shall be adhered to during all ground disturbance operations.
3. Prior to the sale or conveyance of a lot/unit or issuance of any building permits:
 - a. A performance guarantee (acceptable to the Planning Department) in the amount of 150% of the remaining improvements shall be submitted to the Planning Department.
 - b. If the street is still private at the time a building permit is requested the driveway location needs to be approved of by the Planning Department to ensure compliance with the plan and City requirements prior to issuance of any permits.
 - c. If the street is still private at the time a building permit is requested a copy of the registered homeowner's association documents must be provided to the Planning Department.
 - d. All easements must be recorded and copies provided to the Planning Department.
4. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to City acceptance of the road:
 - a. The Homeowner's Association shall be responsible for the handling of trash collection and disposal (private curbside or private dumpster) until such time as the City has accepted is as a Public Street. No trash is permitted to be hauled to the intersection of Sokokis Road for City collection.
 - b. All Monuments shall be Granite.
6. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.
7. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting Preliminary and Final Subdivision approval.

9. SAMPLE MOTIONS

A. *Motion to approve the Preliminary and Final Subdivision Plan for Tide Water Estates for a 12-Lot Subdivision off Sokokis Road (Tax Map 47, Lots 35-46) in the S-R-1 zone, approve the findings of fact, and sign the mylars based on the conditions recommended by Staff in its report dated November 29, 2016.*

B. *Motion to deny the Preliminary and/or Final Subdivision Approval based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS:

1. New Sheet 1 and copies of old Sheets 2 and 3.
2. Draft Findings of Fact.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.40

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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, A.I.C.P., City Planner

DATE: November 29, 2017

RE: NEW BUSINESS ITEM #G – 2017.40 Preliminary/Final Subdivision/Amendment to a Previously Approved Subdivision for Donald Dube for three lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lots 86-3, 86-4 and 86-5) in the I-3 zone.

MEETING DATE: December 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes an amendment to a previously approved subdivision (being the Alfred Road Business Park) to re-divide a lot that consists of 6, 8, and 10 Pomerleau Street into three lots: 1) 6 Pomerleau Street; 2) 8 Pomerleau Street; and 3) 10 Pomerleau Street.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Donald Dube 23 Meadow Lane Saco, ME 04072
2.	Owner of Property:	Eastern Mechanical Realty, LLC P.O. Box 518 8 Pomerleau Street Biddeford, ME 04005
3.	Agent:	N/A
4.	Surveyor:	Dow & Coulombe C/o Mike Coulombe 13 Park Street

		Saco, ME 04072
5.	Project Location:	6, 8, and 10 Pomerleau Street
6.	Project Tax Map #/Lot #:	Tax Map 2, Lot 86-3, 86-4, and 86-5
7.	Existing Zoning:	I-3
8.	Overlay Zoning:	None
9.	Existing Use:	Industrial/Commercial
10.	Proposed Use:	Divide 1 Lot into 2 Lots
11.	City Approvals Required:	Amendment to a Previously Approved Subdivision
12.	Uses in the Vicinity:	Commercial/Industrial/Retail/Restaurants/Ice Arena
13.	Parcel Size:	3.65 acres
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	None 1.648 Acres (6 Pomerleau Street) and 2.005 Acres (8 and 10 Pomerleau Street)
16.	Frontage Required:	50 feet
17.	Front Setback Required:	40 feet
18.	Side Setbacks Required:	25 feet
19.	Rear Setback Requires:	25 feet
20.	Height Requirements:	Maximum 6 stories or 60 feet
21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	Private
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Ownership of Road:	Route 111 is a State Road (in urban compact) and Pomerleau Street is a City Street
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	a. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval. b. Full Site Plan/Subdivision Review.
33.	Waivers Granted:	a. Full Subdivision Review Process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Review and Preliminary Subdivision Approval.

		b. Full Site Plan/Subdivision Review.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	Yes
40.	Planning Board Review History: Final Subdivision/Site Plan Review:	December 6, 2017. Posted in City Hall November 21, 2017; Journal Tribune posting November 24, 2017; Mail Notices to all abutters within 250' sent November 21, 2017 - 8 notices sent.

3. EXISTING CONDITIONS:

The property currently contains 3 buildings and is located between Route 111 and Pomerleau Street in the Alfred Road Business Park.



4. PROJECT PROPOSAL:

Re-divide the lot into 3 lots, one for 6 Pomerleau Street, one for 8 Pomerleau, and one for 10 Pomerleau Street. This is a functional subdivision.

5. PUBLIC COMMENT:

December 6, 2017 Meeting Date: Posted in City Hall November 21, 2017; Journal Tribune posting November 24, 2017; Mail Notices to all abutters within 250' sent November 21, 2017 - 8 notices sent.

At the time of this report no public comment had been received.

6. STAFF REVIEW:

- a. ZONING: N/A
- b. REVIEW STANDARDS: Dimensional Requirements.
- c. WAIVERS:

Note: This waiver was granted on November 1, 2017.

- 1) Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow both Preliminary and Final Approval at a subsequent meeting.

Waiver Note - The following is the standard by which such a waiver may be granted:

(a) A waiver or variation in the strict application of this chapter may be permitted when, in the opinion of the Board, any consideration warrants such variation, provided that public convenience, safety, health and welfare will not be affected adversely; and the Board shall record the reasons for such variation in the minutes of the meeting, and the applicant shall be notified in writing of the Board's decision.

Note: This waiver is required prior to approval:

- 2) Full Site Plan/Subdivision Review.

Waiver Note: Granting this waiver acknowledges that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

None.

7. STAFF RECOMMENDATION

Recommend granting the waiver to full site plan/subdivision review.

If the applicant has addressed the outstanding items to the satisfaction of the Board, and Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:

1. Applicant shall provide a copy of the recorded division plan and blanket easements within 15 days of recording.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting approval of the above-described application to create 3 separate lots – 6, 8, and 10 Pomerleau Street.

9. SAMPLE MOTIONS

A. *Motion to waive full site plan/subdivision review.*

B. *Motion to approve the Preliminary/Final Subdivision and the amendment to a previously approved subdivision for Donald Dube to create 3 lots at 6, 8, and 10 Pomerleau Street, approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated November 29, 2017.*

ATTACHMENTS:

1. Application
2. Plan



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.43

Greg D. Tansley, A.I.C.P.
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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, A.I.C.P., City Planner

DATE: November 29, 2017

RE: NEW BUSINESS ITEM #H – 2017.43 Preliminary Subdivision: for 15 Bridge Road, LLC to create a 3-lot Subdivision located at 15 Bridge Road (Tax Map 69, Lot 8) in the CR and RP zones.

MEETING DATE: December 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes and 3-Lot Subdivision off Bridge Road in the CR Zone. The back part of the property (off Biddeford Pool) is Resource Protection Shoreland Zone. A new road is proposed to serve two new lots, with the existing house continuing to have access off Bridge Road.

At the November Planning Board Meeting the Board determined that this was a Major Subdivision.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	15 Bridge Road, LLC 16 Carriage Drive Exeter, NH 03833 617-645-2496
2.	Owner of Property:	15 Bridge Road, LLC 16 Carriage Drive Exeter, NH 03833

		617-645-2496
3.	Agent:	DM Roma Consulting Engineers C/o Jayson Haskell, P.E. 59 Harvest Hill Road Windham, ME 04062 207-229-3295
4.	Surveyor:	Survey, Inc. 79 Albion Road Windham, ME 04062
4.	Project Location:	15 Bridge Road
5.	Project Tax Map #/Lot #:	Tax Map 69, Lot 8
6.	Existing Zoning:	CR
7.	Overlay Zoning:	RP (outside of development area)
8.	Existing Use:	Single-family home
9.	Proposed Use:	3-lot Subdivision (2 new house lots)
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	3.88 acres
13.	Number of Lots/Units in Subdivision:	3 Residential Lots (2 new houses)
14.	Minimum Lot Size Required: Provided:	HHE-200's provided demonstrate a minimum lot size of 30,000 SF Minimum 30,000 SF
15.	Frontage Required: Provided:	150' Minimum 150'
16.	Front Setback Required: Provided:	40' Minimum 40'
17.	Side Setbacks Required: Provided:	25' Minimum 25'
18.	Rear Setback Requires: Provided:	25' Minimum 25'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Public (KKW)
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	To be provided
29.	Ownership of Road:	Bridge Road is a City Street and this project proposes a private road off of Bridge Road.
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Provided by Citizens Bank.

34.	Waivers Needed:	a.
35.	Waivers Granted:	a.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Concept and Preliminary Fees Paid
41.	Planning Board Review History:	
	Conceptual Review:	November 1, 2017 Meeting Date (Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 14 notices sent).
	Preliminary Review:	December 6, 2017 Meeting Date (Posted in City Hall on November 21, 2017. Journal Tribune on November 24, 2017. Mail Notices were also sent out to all abutters within 250' on November 21, 2017 – 14 notices were sent out)
	Final Review:	TBD

3. EXISTING CONDITIONS:

The project site currently has a house on it close to Bridge Road (to remain) and is predominantly grassed.



View from Bridge Road (via Google Earth)



4. PROJECT PROPOSAL:

See attached cover letter, application package and Concept Plan for more information.

5. PUBLIC COMMENT:

Concept Review:

The notice was posted in City Hall on October 23, 2017. It was also posted in the Journal Tribune on October 24, 2017. Mailing notices were also sent out to all abutters within 250' on October 23, 2017 – 14 notices were sent out.

Preliminary Review:

The notice was posted in City Hall on November 21, 2017. It was also posted in the Journal Tribune on November 24, 2017. Mailing notices were also sent out to all abutters within 250' on November 21, 2017 – 14 notices were sent out.

No public comments have been received as of the time of this report.

6. STAFF REVIEW:

a. ZONING: The proposed use is a Permitted Use in the CR Zone.

- b. REVIEW STANDARDS: Subdivision Review.
- c. WAIVERS: **None.**
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:
 - 1. Submit a complete Final Plan Application Package.
 - 2. Submit Remaining Fees: \$2,540.00.
 - 3. Provide Performance Guarantee Cost Estimate on City Form.
 - 4. Title Sheet Index – Sheet 2 does not contain topography (which is on Sheet 3).
 - 5. Erosion control silt fence or berm needs to be extended to capture the full perimeter of the proposed road.
 - 6. Is any lighting proposed?

Staff will provide additional comments upon review of future submittal(s).

7. STAFF RECOMMENDATION

- Listen to comments from abutters (if any) and provide feedback to the applicant.

8. NEXT STEPS/SUGGESTED ACTIONS FOR THE APPLICANT

- Submit a Final Subdivision Plan Package for further review and address the above mentioned comments.

9. SAMPLE MOTIONS

- A. *Motion to approve the Preliminary Subdivision Plan for 15 Bridge Road, LLC for a proposed 3-lot subdivision off Bridge Road (Tax Map 69, Lot 8) in the CR and RP zone.*

ATTACHMENTS

- 1. Preliminary Subdivision Plan package.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.53

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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, A.I.C.P., City Planner

DATE: November 29, 2017

RE: NEW BUSINESS ITEM #I – 2017.53 Conceptual Minor Subdivision: for Matthew Chamberlain and Natasha Erb to create an additional lot located at 197 West Street (Tax Map 25, Lot 11) in the SR-1 zone.

MEETING DATE: December 6, 2017 @ 6:00 PM

1. INTRODUCTION:

On the attached plan, “Lot A” and “Lot C” have already been removed from the house lot (“Lot B”). These divisions were accomplished prior to sale by the owner thorough the homestead exemption in subdivision law.

Now the owner of “Lot C” wishes to further divide it into 2 Lots. This triggers subdivision review.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Matthew Chamberlain and Natasha Erb 762 Main Street South Portland, ME
2.	Owner of Property:	Matthew Chamberlain and Natasha Erb 762 Main Street South Portland, ME
3.	Agent:	N/A
4.	Surveyor:	Paul P. Gadbois

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		85 Ricker Ridge Road Saco, ME 04072
5.	Project Location:	197 West Street
6.	Project Tax Map #/Lot #:	Tax Map 25, Lot 11
7.	Existing Zoning:	S-R-1
8.	Overlay Zoning:	None
9.	Existing Use:	Vacant
10.	Proposed Use:	Divide 1 Lot into 2 Lots - Residential
11.	City Approvals Required:	Subdivision
12.	Uses in the Vicinity:	Residential
13.	Parcel Size:	52,740 SF
14.	Number of Lots/Units in Subdivision:	2
15.	Minimum Lot Size Required: Provided:	20,000 SF TBD
16.	Frontage Required:	100 feet
17.	Front Setback Required:	40 feet
18.	Side Setbacks Required:	10 feet
19.	Rear Setback Requires:	10 feet
20.	Height Requirements:	Maximum 35 feet
21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	Private Septic
23.	Solid Waste Disposal:	City of Biddeford
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Ownership of Road:	West Street is a City Street
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	None
33.	Waivers Granted:	The full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	TBD

40.	Planning Board Review History: Concept Review – Minor Subdivision:	December 1, 2017 Meeting Date. Posted in City Hall November 21, 2017; Journal Tribune posting November 24, 2017; Mail Notices to all abutters within 250' sent November 21, 2017 - 22 notices sent.
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3. EXISTING CONDITIONS:

The property in question is “Lot C” on the attached plan. It is a vacant lot.

4. PROJECT PROPOSAL:

Divide the lot into 2 lots.

5. PUBLIC COMMENT:

Concept Review:

Posted in City Hall November 21, 2017; Journal Tribune posting November 24, 2017; Mail Notices to all abutters within 250' sent November 21, 2017 - 22 notices sent.

At the time of this report no public comment had been received.

6. STAFF REVIEW:

a. ZONING: N/A

b. REVIEW STANDARDS: Dimensional Requirements.

c. WAIVERS:

- 1) Per Chapter 66, Section 66-9 and 66-33(c) - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting (in the future).

This is a minor subdivision and involves no road or infrastructure improvements other than to bring in water service from existing stubs.

Waiver Note - The following is the standard by which such a waiver may be granted:

(a) A waiver or variation in the strict application of this chapter may be permitted when, in the opinion of the Board, any consideration warrants such variation, provided that public convenience, safety, health and welfare will not be affected adversely; and the Board shall record the reasons for such variation in the minutes of the meeting, and the applicant shall be notified in writing of the Board's decision.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO DECEMBER 6:

1. Submit the outstanding fee due of \$320.00

e. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. Submit a complete plan and application package.

7. STAFF RECOMMENDATION

- Consider granting the waiver to the full subdivision review process.
- Determine that this represents a “minor” subdivision.
- Listen to public comment and provide feedback to the Applicant.

8. NEXT STEPS/SUGGESTED ACTIONS

- Listen to public comment and provide feedback to the Applicant.
- Determine that this represents a “minor” subdivision.

9. SAMPLE MOTIONS

A. *Motion to waive the full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely.*

B. *Motion to determine this application represents a minor subdivision.*

ATTACHMENTS:

1. Application
2. Conceptual Division Plan