

City of Biddeford
Planning Board
December 05, 2018 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 7, 2018

6. UNFINISHED BUSINESS

7. NEW BUSINESS

7.A. A. 2017.41 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Zoning Ordinance as follows to provide density bonuses in the MSRD-2 District for above-median quality housing redevelopments, condominium redevelopment/conversion projects, and/or affordable housing projects.

[MSRD 2 Density for PH 120518.pdf](#)

7.B. B. 2017.43 Release/Reduction of the Performance Guarantee for 15 Bridge Road, LLC for a 3-lot Subdivision and associated road at 15 Bridge Road (Tax Map 69, Lot 8) in the CR and RP zones.

[2017.43 Bridge Road LLC PG Reduction SR 120518.pdf](#)

7.C. C. 2018.28 Determination of Greatest Practical Extent for Sam Ngoun to tear down an old section of the home and replace the foundation and framing on the same footprint located at 2 Lafayette Street (Tax Map 42, Lot 47) in the R2 and LR zones.

[2018.28 46 2 Lafayette GPE SR.pdf](#)

7.D. D. 2018.27 Conditional Use Permit for LaundryYup, LLC to turn the Old Majestic Flower shop into a Laundromat/Café located at 77 Hill Street (Tax Map 39, Lot 141) in the MSRD-2 zone.

[2018.27 LaundryYup CUP SR 120518.pdf](#)

7.E. 2007.04 Second Amendment to a Previously Approved Subdivision/Private Way at Kenzie Way, Tax Map 7, Lot 18-13 in the R-1-A Zone

[2007.04 Kenzie Way 2nd Amendment SR 120518.pdf](#)

7.F. 2015.30 Release/Reduction of the Performance Guarantee for RSN Properties for Rapid Falls Subdivision for an 8-lot residential cluster subdivision on Whitewater Drive (Tax Map 6, Lot 26) in the RF zone.

[2015.30 RSN Properties PG Reduction SR 120518.pdf](#)

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.

MSRD-2 Density – Revised Proposal – For Planning Board Public Hearing 12/05/18

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

Zoning District	Minimum Lot Size, Square Feet Per Unit A			
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer
MSRD-2	2,000 <u>B</u>	N/A	N/A	N/A

- B. (Reserved) In order to promote higher quality housing facilities, condominium forms of housing, and affordable housing in the MSRD-2 Zoning District the minimum density requirements may be relaxed as follows:
1. Redevelopment of rental housing:
 - a. Each new fiscal year, no later than August 15 of that fiscal year, the City Assessor shall determine the median quality grade rating (e.g., “Average”, “Average +10”, “Good”, etc.) for the applicable zoning district.
 - b. If a property is proposed for redevelopment/renovation and is currently at or below the established fiscal year quality grade rating according to the City Assessor’s records and it will be redeveloped/renovated in such a manner as to bring the quality grade rating above the established median quality grade rating, the minimum density shall be based on one (1) residential unit for every six-hundred and fifty (650) square feet of existing “living space” as defined on the City Assessing Department’s current tax records.
 - c. In order to receive this density bonus, an applicant must provide complete redevelopment/renovation plans to the Code Enforcement Officer who will in turn coordinate the review of such plans with the City Assessor. Prior to the Code Enforcement Officer allowing the density bonus, the City Assessor shall certify in writing that the redevelopment/renovation project presented will result in a quality grade rating above the established median when complete. If the project is provided a density bonus the Code Enforcement Officer shall document the allowable density and number of units in writing for the Code Enforcement Office files.
 - d. An applicant provided a density bonus for rental housing they shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as certified resulting in a quality grade rating above the established median in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.
 - e. At the completion of the project and prior to the issuance of any Occupancy Permits the City Assessor shall certify in writing that the project was substantially

completed as originally certified and that the facility is now classified as having a grade rating above the established median.

2. Condominium conversions/development:

- a. If a property is proposed for redevelopment/renovation into condominiums the minimum density shall be based on one (1) residential unit for every six-hundred and fifty (650) square feet of existing “living space” as defined on the City Assessing Department’s current tax records.
- b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.

3. Affordable Housing:

- a. The minimum density shall be based on one (1) residential unit for every six-hundred and fifty (650) square feet of existing “living space” as defined on the City Assessing Department’s current tax records if the property is a rental property and meets the following:
 - i. If a property is proposed for redevelopment/renovation and provides at least one (1) residential unit in every four (4) units (i.e., 1-3 Units = 0 Units, 4-7 Units = 1 Unit, 8-11 Units = 2 Units, etc.) be a two (2) bedroom unit which is leased out for a rate not to exceed the rent affordable to low-to-moderate income households being one-hundred and fifteen percent (80%) of the 2 Bedroom Rent Affordable to Median Income as identified in the most recently City Council adopted/amended “Analysis of Impediments to Fair Housing Choice”; and
 - ii. The affordable unit(s) remain so for a minimum of ten (10) years; and
 - iii. All units within the redevelopment/renovation project meet Maine State Housing Authority (MSHA) standards as defined in the most recently adopted “Quality Standards and Procedures Manual” when completed; and
 - iv. The applicant agrees that if the project is converted to condominiums said unit shall not be sold for a price not to exceed the price affordable to low-to-moderate income households being one hundred and fifteen percent (80%) of the Home Price Affordable to Median Income as identified in the most recently City Council adopted/amended “Analysis of Impediments to Fair Housing Choice”;
 - v. The applicant enter into a contractual agreement with the City of Biddeford that guarantees 3.a.i-iv and that the contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.43

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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, 2018

RE: **NEW BUSINESS ITEM B: #2017.43 Release/Reduction of the Performance Guarantee**
for 15 Bridge Road, LLC for a 3-lot Subdivision and associated road at 15 Bridge Road
(Tax Map 69, Lot 8) in the CR and RP zones.

MEETING DATE: December 5, 2018 @ 6:00 PM

1. INTRODUCTION:

The applicant was approved in January 2018 for an 3-Lot Subdivision and associated road off of Bridge Road in the CR zone. As part of the approval the applicant was required to provide an Bond of \$27,906.00 prior to any ground disturbance. The applicant has completed a significant amount of work and is requesting the Performance Guarantee be reduced.

2. PROJECT SITE:



3. STAFF REVIEW:

The applicant has progressed quite well constructing the road. From a site perspective, there was not much to do to begin with and all site work is substantially complete. The applicant posted an Erosion Control/Site Stabilization Bond of \$27,906.00 at the beginning of the project in order to begin ground work.

4. STAFF RECOMMENDATION

Several site inspections have been performed and the work has been completed in a satisfactory manner. Therefore, the Performance Guarantee can be reduced to represent the remaining site work.

Based on the completed site work to date, Staff recommend reducing the required Performance Guarantee to \$16,620.00 to ensure all remaining work is satisfactorily completed in the spring, allowing the issuance of Occupancy Permits, and releasing the \$16,620.00 to the charge of Staff.

5. SAMPLE MOTIONS

- A. *Motion to reduce the Performance Guarantee for 15 Bridge Road, LLC to \$16,620.00 and to charge further reductions/releases with Staff.*



CITY OF BIDDEFORD PLANNING DEPARTMENT

2018.28

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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, 2018

RE: **NEW BUSINESS ITEM #C – 2018.28 Determination of Greatest Practical Extent** for Sam Ngoun to tear down an old section of the home and replace the foundation and framing on the same footprint located at 2 Lafayette Street (Tax Map 42, Lot 47) in the R2 and LR zones.

MEETING DATE: July 18, 2018

1. INTRODUCTION

The applicant is proposing a tear down the older part of the existing structure, replace the foundation, and rebuild in the existing footprint. The property location is at the end of Lafayette Street on the left hand side. The existing house is non-conforming due setbacks to the Saco River Limited Residential District).

The Board is required to determine if the structure to be rebuilt is the “Greatest Practical Extent” from the Resource. The existing house is within the 100’ Limited Residential (LR) District Setback. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3 (Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

- o the size of the lot,*
- o the slope of the land,*
- o the potential for soil erosion,*
- o the location of other structures on the property and on adjacent properties,*
- o the location of the septic system and other on-site soils suitable for septic systems, and*
- o the type and amount of vegetation to be removed to accomplish the relocation.*

The applicant has made the following arguments:

- By only tearing down half of the building and leaving the portion of the building furthest from the river intact, there is no way to move the new structure back any further;
- Steep slopes create challenges in relocating any other than using the existing footprint and foundation for the rebuild;
- Environmentally, the excavation that would be necessary to move everything back would be far more impactful than to allow them to rebuild in the existing footprint; and
- From an existing vegetation perspective, the loss of two old trees would be impactful for shade.

2. PROJECT DATA/INFORMATION

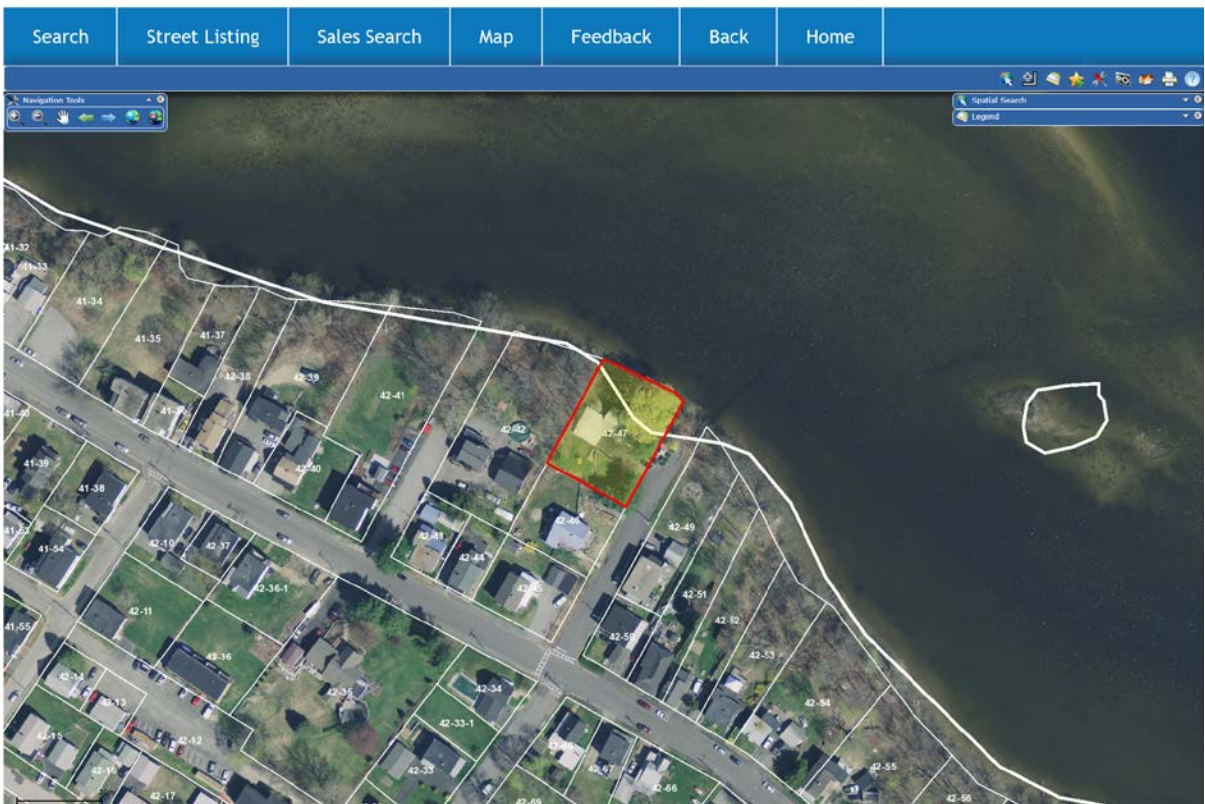
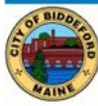
Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Samnang Ngoun and Nichole Fortin 2 Lafayette Street Biddeford, ME 04005
2.	Owner of Property:	Samnang Ngoun and Nichole Fortin 2 Lafayette Street Biddeford, ME 04005
3.	Agent:	Tim Swenson PO Box 314 Old Orchard Beach, ME
4.	Surveyor:	Owen Haskell 390 US Route 1 Falmouth, ME
4.	Project Location:	2 Lafayette Street Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 42, Lot 47
6.	Existing Zoning:	SR-1 and LR
7.	Overlay Zoning:	Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home(s).
9.	Proposed Use:	Single family home(s).
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans by Owen Haskell "Boundary and Topographic Survey At #2 Lafayette Street, Biddeford, Maine" and

		signed by the Planning Board considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to the Conditions of Approval approved by the Planning Board.
13.	Lot Size:	0.29 acres
14.	Floodplain Status:	None
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit, Saco River Corridor Commission (if applicable)
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	December 5, 2018 Meeting Date (Posted in City Hall November 15, 2018; Journal Tribune posting November 20, 2018; Mail Notices to all abutters within 250' sent November, 2018 - 11 notices sent.

3. EXISTING CONDITIONS

The existing lot has a single-family home on it. Then lot slopes significantly down towards the Saco River. See applicant's plans and pictures for more information.



4. PROJECT PROPOSAL

Demolition of the the old part of the existing structure that is closest to the river and reconstruction of a new structure within the same footprint.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on November 15, 2018. It was also posted in the Journal Tribune on November 20, 2018. Mailing notices were also sent out to all abutters within 250' on November 15, 2018 – 11 notices were sent out.

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

6. STAFF REVIEW

- a. **ZONING:** The proposed use (Residential) is a Permitted Use (P) in the SR-1/LR Zones.

- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:
 - 1. Add a signature Block with room for 7 signatures and a Date Line to the Plan.
 - 2. **Provide a minimum of 2 Paper Plans for signature by December 4, 2018 @ NOON.** Provide additional plans if applicant and/or agent want signed plans.

7. STAFF RECOMMENDATION

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

- 1. **Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.**
- 2. **Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.**
- 3. **Obtain required permits from Maine DEP and the Biddeford Code Enforcement.**
- 4. **The new house may not be constructed any closer than the existing structure footprint as depicted on the approved plan.**
- 5. **This determination of Greatest Practical Extent shall expire one year from the date of approval if a substantial start is not made in construction. If a substantial start is made within one year of the issuance of the determination, the applicant shall have one additional year to complete the project, at which time any building permits shall expire.**

8. NEXT STEPS/SUGGESTED ACTIONS

Consider making a determination that the proposal meets the criteria for being located to the Greatest Practical Extent away from the resource give the constraints presented.

9. SAMPLE MOTIONS

A. *Motion to approve the Determination of Greatest Practical Extent for Samnang Ngourn and Nichole Fortin based on the approved plans for 2 Lafayette Street (Tax Map 42, Lot 47), approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated November 29, 2018.*

B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS

1. Applicant's Application package
2. Owen Haskell "Boundary and Topographic Survey At #2 Lafayette Street, Biddeford, Maine"
3. Draft Findings of Fact and Conclusions of Law



CITY OF BIDDEFORD PLANNING DEPARTMENT

2018.27

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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, 2018

RE: **NEW BUSINESS ITEM #D – 2018.27 Conditional Use Permit** for LaundryYup, LLC to turn the Old Majestic Flower shop into a Laundromat/Café located at 77 Hill Street (Tax Map 39, Lot 141) in the MSRD-2 zone.

MEETING DATE: December 5, 2018 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes a to reuse the existing first floor of the “Majestic Flower Shop” building at the corner of Pool Street and Hill Street. A “Laundry” is a Neighborhood Convenience Stroe/Service” and is a Conditional Use in the MSRD-2 Zone.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	LaundryUP! LLC PO Box 343 Biddeford Pool, ME 04006
2.	Owner of Property:	TrueNorth Deux, LLC PO Box 343 Biddeford Pool, ME 04006
3.	Agent:	N/A
4.	Surveyor:	N/A
5.	Project Location:	77 Hill Street
6.	Project Tax Map #/Lot #:	Tax Map 39, Lot 141
7.	Existing Zoning:	MSRD-2

33.	Waivers Granted:	Full Site Plan 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:	Fees Paid.
40.	Planning Board Review History: Conditional Use Permit (Final):	December 5, 2018 Meeting Date. Posted in City Hall November 15, 2018; Journal Tribune posting November 20, 2018; Mail Notices to all abutters within 250' sent November 15, 2018 - 27 notices sent.

3. EXISTING CONDITIONS:

It is an existing built lot at the corner of Hill Street and Pool Street.



4. PROJECT PROPOSAL:

To reuse the flowershop as a neighborhood laundry and café.

5. PUBLIC COMMENT:

Final Review:

December 5, 2018 Meeting Date. Posted in City Hall November 15, 2018; Journal Tribune posting November 20, 2018; Mail Notices to all abutters within 250' sent November 15, 2018 - 27 notices sent.

At the time of this report the only comments received by Staff were related to parking.

RE: Parking.

Obviously parking has been a sensitive issue in Downtown Biddeford of late.

Article VI, Section 49, C.3. provides the following:

- (1) The Planning Board may reduce the off-street requirements of proposals in the MSRD Zones and the W-2 Zone:*
- a. Where legal on-street parking is located within 1,000 feet of a nonresidential use and the Board determines that this parking will be available to meet some or all of the parking demand.*
 - b. Where publicly supplied off-street parking is located within 500 feet of a nonresidential use and the Board determines that this parking will be safe, convenient, and available to meet some or all of the parking demand.*
 - c. Where it is clearly demonstrated that the parking demand will be lower than that established by this section and that the reduction will not detract from neighborhood property values, inconvenience the public, or increase congestion on adjacent streets.*
 - d. For the reuse or redevelopment of a parcel if the Planning Board determines that the new use will not significantly increase the demand for parking compared to the former use.*
 - e. If the Planning Board determines that the demand for parking will be less than the standard because some customers/users will walk or take alternative transportation to the site.*

In these cases, the owner of the property seeking the reduction or his/her representative shall be responsible for providing documentation to the

Planning Board substantiating the reduced parking demand or alternative supply.

In Staff's opinion, c, d, and e, all apply and are the opinion a neighborhood use such as this will demand no more than the existing use as a retail/service flower shop.

6. STAFF REVIEW:

a. ZONING: N/A

b. REVIEW STANDARDS:

- Conditional Uses (Land Development Regulations, Article VII).

c. WAIVERS:

- Requires a Waiver of Full Site Plan Review

d. OUTSTANDING ITEMS TO BE ADDRESSED:

- None from Staff's perspective.

7. STAFF RECOMMENDATION

- Recommend the Planning Board grant the waiver for Full Site Plan Review.
- Recommend the Planning Board listen to Public Comment and consider granting a phased approval as recommended by Staff in its recommended Conditions of Approval.

8. NEXT STEPS/SUGGESTED ACTIONS

Recommend the Planning Board listen to Public Comment if the Board approves the Conditional Use Permit it do so with the following Conditions of Approval attached:

- 1. All future signage and exterior alterations require review and approval from the Biddeford Code Enforcement Office and/or Historic Preservation Commission.**
- 2. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.**
- 3. Standard Conditions of Approval apply.**

9. SAMPLE MOTIONS

- A. *Motion to waive Full Site Plan Review.*
- B. *Motion to approve the Conditional Use Permit for the LaundryUp! at Tax Map 39, Lot 141 and approve the findings fact based on the conditions recommended by Staff in its report dated November 29, 2018.*
- C. *Motion to deny the Conditional Use Permit for LaundryUP! based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

- 1. Application Package
- 2. Draft Findings of Fact and Conclusions of Law



CITY OF BIDDEFORD PLANNING DEPARTMENT

2007.04

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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 30, 2018

RE: **NEW BUSINESS ITEM #E – 2007.04 Second Amendment** to a Previously Approved Subdivision/Private Way at Kenzie Way, Tax Map 7, Lot 18-13 in the R-1-A Zone

MEETING DATE: December 5, 2018 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes to amend the Kenzie Way approvals (2-Lot Private Way and amendment to a previously approved subdivision – McKenney Drive) to add one additional lot off Kenzie Way. Kenzie Way already provides access to 2 lots.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Eric Parent 1 Kenzie Way Biddeford, ME 04101
2.	Owner of Property:	Eric Parent 1 Kenzie Way Biddeford, ME 04101
3.	Agent:	William Thompson BH2M Engineers 28 State Street Gorham, ME 04038
4.	Surveyor:	Steve Blake BH2M Engineers 28 State Street

		Gorham, ME 04038
4.	Project Location:	Kenzie Way
5.	Project Tax Map #/Lot #:	Tax Map 7, Lot 17-3
6.	Existing Zoning:	R-1-A
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant Land
9.	Proposed Use:	New Lot off and Existing 2-Lot Private Road
10.	City Approvals Required:	Subdivision Amendment and 3-4 Lot Private Road
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	2.66 Acres
13.	Number of Lots/Units in Subdivision:	1 New House Lot
14.	Minimum Lot Size Required: Provided:	10,000 SF
15.	Frontage Required: Provided:	100' Minimum 150'
16.	Front Setback Required: Provided:	40' Minimum 40'
17.	Side Setbacks Required: Provided:	10' Minimum 10'
18.	Rear Setback Required: Provided:	10' Minimum 10'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Public (Maine Water)
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	City of Biddeford (at McKenney Drive)
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Kenzie Way is a Private Road
32.	Estimated Site Development Costs:	\$00,000
33.	Financial Capacity Letter:	Provided by XXXXXXXXXX.
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. None
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: Fees Paid:	All Fees Paid

41.	Planning Board Review History: Final Review:	December 5, 2018 Meeting Date. Posted in City Hall November 15, 2018; Journal Tribune posting November 20, 2018; Mail Notices to all abutters within 250' sent November 15, 2018
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3. EXISTING CONDITIONS:

Kenzie Drive currently has 2 house lots off of it. This project would add a third lot.



4. PROJECT PROPOSAL:

See attached cover letter and application package for more information.

5. PUBLIC COMMENT:

Final Review:

December 5, 2018 Meeting Date. Posted in City Hall November 15, 2018; Journal Tribune posting November 20, 2018; Mail Notices to all abutters within 250' sent November 15, 2018 - 27 notices sent. It was also posted in the Journal Tribune on December 20, 2017. Mailing notices were also sent out to all abutters within 250' on December 19, 2017.

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 **PRIOR TO APPROVAL:**
 - 1. Provide Performance Guarantee Estimate on City Sheet.
 - 2. Provide Letter of Financial Capacity to complete the project (may be a condition of Approval).
 - 3. Extend Kenzie Way hammerhead towards Lot 3 (no closer than 10'). Show proposed driveway coming off this extension.
 - 4. Provide dashed line indicating the 100' frontage.
 - 5. Show tributary brook on plan(s).
 - 6. Provide evidence of right to amend McKenney Drive lot to transfer land to Lot 3 (N/F Wyer).
 - 7. Provide Draft Amended Maintenance Agreement incorporating Lot #3 into the Agreement for recording at the YCRD.
 - 8. The Signature Blocks (amendment to McKenney Drive, Amendment to Kenzie Way) to be per Planning Board. Seven Signatures possible.
 - 9. **Provide plan set - 1 mylar set & 1 paper set, as well as an additional mylar and paper of the signature sheets - to the Planning Department no later than Wednesday, December 5 by 3:00 PM.**

7. STAFF RECOMMENDATION

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

- 1. **Prior to any ground disturbance/site work the following must be completed:**
 - a. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements.
 - b. Erosion Control/Site Stabilization Bond of **\$XX,XXX.XX** must be submitted to the Planning Department.

- c. The applicant must submit a recorded copy of the amended subdivision plans to the Planning Department.
 - d. Best management practices shall be adhered to during all ground disturbance operations.
2. **Prior to the sale or conveyance of a lot/unit or issuance of any building permits:**
 - a. A performance guarantee (acceptable to the Engineering Office) in the amount of 150% of the remaining improvements shall be submitted to the Planning Department. The total Performance Guarantee that would be required with no site improvements completed would be \$XX,XXXX.XX.
 - b. 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. A copy of the Amended Maintenance Agreement must be provided to the Planning Department.
3. **Prior to commencing any work in the City Right-of-Way** the applicant must obtain a road-opening permit from the Public Works Department.
4. 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.
5. **Standard Conditions of Approval apply.**

8. **NEXT STEPS/SUGGESTED ACTIONS**

- Consider granting final Amended Subdivision Approval and Private Way Approval.

9. **SAMPLE MOTIONS**

- A. *Motion to approve the Amended Subdivision and Private Way plans for Eric Parent for a proposed Subdivision Amendment and Private Way Amendment at Kenzie Way (Tax Map 7, Lot 17-3) in the R-1-A zone conditioned on the recommended Conditions of Approval contained in the Staff Report dated November 30, 2018.*
- B. *Motion to deny the Amended Subdivision and Private Way plans for Eric Parent based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Final Amended Subdivision Plan and Private Way plans and application package.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2015.30

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(207) 284-9115

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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, 2018

RE: **ITEM #F: 2015.30 Release/Reduction of the Performance Guarantee for RSN Properties for Rapid Falls Subdivision for an 8-lot residential cluster subdivision on Whitewater Drive (Tax Map 6, Lot 26) in the RF zone.**

MEETING DATE: December 5, 2018 @ 6:00 PM

1. INTRODUCTION:

The applicant was approved in October 2016 for an 8-Lot Subdivision and associated road extension off the end of Whitewater Drive in the RF zone. As part of the approval the applicant was required to provide a Performance Guarantee that would be required with no site improvements completed would be \$383,401.20. The applicant has completed a significant amount of work and is requesting the Performance Guarantee be reduced.

2. STAFF REVIEW:

The applicant has progressed quite well constructing the road. Several site inspections have been performed and the work has been completed in a satisfactory manner.

3. STAFF RECOMMENDATION

Staff recommend the Performance Guarantee be reduced to represent the remaining site work.

Based on the completed site work to date, Staff recommend reducing the required Performance Guarantee to \$97,458.00 to ensure remaining work is satisfactorily completed in the spring, allowing the issuance of Occupancy Permits, and releasing the \$97,458.00 to the charge of Staff.

4. SAMPLE MOTIONS

- A. *Motion to reduce the Performance Guarantee for RSN Properties to \$97,458.00 and to charge further reductions/releases with Staff.*