

City of Biddeford
Planning Board
November 20, 2019 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. Consideration of Minutes: November 6, 2019
[PB Minutes 110619.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2018.23 PUBLIC HEARING: Contract Zone and Final Subdivision Review/Site Plan Review for Mike Eon Associates, LTD and Saxon Partners to develop 250 residential rental units located off Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) in the I-3 and R-3 Zones.
[2018.23 Saxon CZ FOF.docx](#)
[2018.23 Saxon CZ Agreement.doc](#)
 - 7.B. 2019.25 Approval and signature of amended subdivision plans for Draft Room, LLC for defining Buildings #3 and #4 as being on individual lots at 24 Pearl Street (Tax Map 71, Lot 9 and 9-3) in the MSRD-3 zone.
 - 7.C. 2019.31 Final Site Plan Review for Eastwoods Development Corp. to construct a 30' x 60' structure (1800 sq. footprint) with access to 2 levels. This will allow for a total of 3600 sq. ft. office space with 18 parking spaces located at 8 Wellspring Road (Tax Map 2, Lot 47-4) in the I-3 Zone.
[2019.31 Eastwoods FINAL SR 112019.docx](#)
 - 7.D. 2019.34 Private Road and Shoreland Zoning Permit for David Markellos to construct a one lot private road off of Westwood Drive (Tax Map 8, Lot 8) in the SR-1 and Stream Protection (SP) Zones.
[2019.34 PB Markellos PW and SZ SR.docx](#)
 - 7.E. 2019.33 Final Site Plan/Conditional Use Permit/Shoreland Zone Permit for The Maine Water Company to replace the existing facility with a new water intake and pump station at 466 South Street (Tax Map 2, Lot 40) in the SR-1 and LR zone and construct a new treatment facility located at 437-469 South Street (Tax Map 1, Lots 14, 14-1, 40), (Tax Map 2, Lots 17-4, 18, 19) in the RF and SR-1 zones.
[2019.33 PB Maine Water Treatment Facility Final Review SR 112019.docx](#)
- 8. OTHER BUSINESS**
 - 8.A. Re-sign Draft Room, LLC mylars.
- 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

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@Biddefordmaine.org

Planning Board Minutes

Date: Wednesday, November 6, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
 - A. Quorum Present: Chair William Southwick, Bruce Benway, Roch Angers, Spiros Droggitis, Michael Cantara (alt-voting member).
3. Adjustments to the Agenda
4. Planner's Business

Greg Tansley, City Planner: It looks like we will have another meeting on November 20 to review more applications.
5. Consent Agenda
 - A. Consideration of Minutes: October 2 and 16, 2019

MOTION:
Benway- Motion: Move to adopt the Consent Agenda with a note that there are three spelling errors.
Droggitis- Second.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.
6. Unfinished Business
7. New Business
 - A. 2019.38 Determination of Greatest Practical Extent for Eric Lubiner to construct a new single family home at 122 Hills Beach Road (Tax Map 54, Lot 76) in the CR and RP zones.

Greg Tansley, City Planner: Spoke briefly.
Teresa Telander, Caleb Johnson Studio: Went over the project briefly.
Discussion between the Board and Staff.

MOTION:

Benway- Motion: to approve the Determination of Greatest Practical Extent for Eric and Jill Lubiner based on the approved plans for 122 Hills Beach Road (Tax Map 54, Lot 76), approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated October 31, 2019.

Angers- Second.

Discussion between Board and Staff: Error in the findings of fact that needs to be corrected. The findings of fact say Krista Evans not the Lubiner's.

MOTION:

Benway- Motion: to amend the findings of fact to replace Krista Evans with Lubiner Poolside, LLC.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

- B. 2019.12 Preliminary Subdivision Review and Conditional Use Permit for Jason Labonte of Home Innovations, LLC for a 7-lot Cluster Subdivision located at 30 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.

Greg Tansley, City Planner: Spoke briefly.

Austin Fagan, BH2M: Gave a presentation.

Jacob Pierson, 24 Buzzell Road: has issues with Wetlands, septic soils, drainage, traffic and development in the RF zone.

Austin Fagan, BH2M: Addressed some of the concerns.

Fred Tardif, 165 River Road: Questioned how many lots. Has issues with wetlands, septic, buffer zone. He also has concerns about the taxes.

Austin Fagan, BH2M: Addressed some of the concerns.

Greg Tansley, City Planner: Addressed the Rural Farm zone.

Discussion between the Board and Staff.

MOTION:

Benway- Motion: to waive Article VI, Section 70 requiring a Wildlife study based on the submittal of being no known significant wildlife habitat exists on or near the property based on Maine Department of Inland Fisheries and Wildlife information submitted by the applicant.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous approval (4-0) all in favor.

Greg Tansley, City Planner: Willing to work with the City Assessor on different tax scenarios for the Board and Public.

MOTION:

Benway- Motion: to approve the Preliminary Subdivision Plan for Jason Labonte for a proposed 7-lot subdivision off Buzzell Road (Tax Map 6, Lot 44) in the R-F zone.

Angers- Second.

Discussion between Board and Staff.

Chair Southwick- Call for Vote- Unanimous approval (4-0) all in favor.

- C. 2018.23 PUBLIC HEARING: Contract Zone and Final Subdivision Review/Site Plan Review for Mike Eon Associates, LTD and Saxon Partners to develop 250 residential rental units located off Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) in the I-3 and R-3 zones.

Greg Tansley, City Planner: Spoke briefly.

Bill Thompson, BH2M: Spoke briefly.

Mike Eon: spoke about the Contract Zone.

Bill Thompson, BH2M: Gave a presentation.

Chris McDonald, BH2M: Discussed stormwater.

Mike Eon: Went over the height study that was done with balloons.

Open Public Hearing.

None

Close Public Hearing.

Discussion between Board, Staff and Applicant.

MOTION:

Benway- Motion: to grant the waiver to Article VI, Section 26.F – Steep slopes greater than 3:1 and grading within 10' of a property line.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

MOTION:

Benway- Motion: to approve the Final Subdivision and Site Plan for Saxon Partners to develop 250 residential rental units located off Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) and approve the Findings of Fact based on the conditions recommended by Staff in its report dated October 31, 2019.

Angers- Second.

Discussion between Board and Staff.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

- D. 2019.01 Final Site Plan Review for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue (Tax Map 74, Lot 11) in the I-2 zone.

Greg Tansley, City Planner: Spoke briefly.

Austin Fagan, BH2M: Gave a presentation.

Discussion between Board and Staff.

MOTION:

Benway- Motion: to grant the waivers to

- LDR, Article VI, Section 26.F- cut/fill slopes within 10' of a property line and steeper than 3:1;

- LDR, Article VI, Section 49, 5 & 10 – screen parking from adjacent residential properties and public roads.

- LDR, Article XI, II.5.B.4f.1- no parking or paving within rear or side setbacks;

- LDR, Article XI, 5.B.4.i.3- 30% maximum lot coverage for paving.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

MOTION:

Benway- Motion: to approve the Site Plan Application and Conditional Use permit for Lanndmatters, LLC at Tax Map 74, Lot 11, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated October 31, 2019.

Angers- Second.

Discussion between Board and Staff: adding financial capacity to previous motion.

Benway- Motion: to amend previous motion to add line 1E to include a financial capacity letter be provided to the City.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

- E. 2019.31 Final Site Plan Review for Eastwoods Development Corp. to construct a 30' x 60' structure (1,800 sq. footprint) with access to two levels. This includes 3,600 sq. ft. office space with 18 parking spaces located at 8 Wellspring Road (Tax Map 2, Lot 47-4) in the I-3 zone.

Greg Tansley, City Planner: Spoke briefly and went over with the board an email from an abutter.

James Bernard, Eastwoods Development Corp.: Spoke briefly.

Paul Gadbois, Surveyor/Engineer: Gave a presentation.

Discussion between the Board and Staff.

MOTION:

Benway- Motion: to grant the waivers to

1. LDR, Article VI. Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
2. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks:

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

- F. 2019.25 Final Subdivision/Site Plan/Conditional Use/Shoreland Zoning for Draft Room, LLC for the redevelopment and renovation of two existing buildings within the Riverdam Mill complex into mixed use with the upper levels having 71 one-bedroom apartments located at 24 Pearl Street (Tax Map 71, Lot 9) in the MSRD-3 zone.

Greg Tansley, City Planner: Spoke briefly.

John Laliberte: Spoke briefly.

Will Savage, Acorn Engineering: Gave a presentation.

John Tarbox, 22 Pearl Street: Has issues with parking.

Greg Tarbox, 22 Pearl Street: Timing?

Will Savage, Acorn Engineering: Addressed those concerns.

Discussion between Board, Staff, Applicant and Public: Regarding parking.

MOTION:

Benway- Motion: to grant the waivers identified in the Staff Report dated October 31 regarding parking and lighting/photometrics and amending condition of approval 1.F for \$104,721.00 to replace XXXXX.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

MOTION:

Benway- Motion: to approve the Final Subdivision and Site Plan, including necessary conditional use permits and shoreland zoning permits, for DRAFT ROOM, LLC for a mixed-use development project, including 71 residential units, at 24 Pearl Street (Tax Map 71, lot 90 in the MSRD-3 zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated October 30, 2019.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous (4-0) all in favor.

8. Other Business

9. Adjourn

MOTION:

Benway- Motion: to adjourn.

Angers- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

o _____
o **Planning Board Chair**

Date

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

Findings of Fact and Recommendations of the City of Biddeford Planning Board

To: Mayor Alan Casavant
Members of the Biddeford City Council

The Planning Board of the City of Biddeford has met and reviewed the Request for Contract Zone submitted by Sawmill Park Properties, LLC, Indian Cliff Development Corporation and Mike Eon Associates, Ltd, with respect to property located at and near Barra Road in Biddeford. The property is composed of portions of properties currently designated as Tax Map 2, Lots 43-1 and 43-2, and Tax Map 7, Lot 15 and contains 441,664 square feet (10.14 acres). The Project will involve the construction of two joined building (Building A and Building B) and will contain, in total, 250 units of residential housing together with 322 parking spaces. In addition to the creation of a Contract Zone, it will be necessary for the Project to be further reviewed under the site plan review procedures of the Biddeford Zoning Ordinance as well as the Maine Department of Environmental Protection.

Upon review, the Planning Board of the City of Biddeford makes the following findings of fact:

- A. The proposed contract zone as hereinafter set forth is consistent with the Comprehensive Plan of the City of Biddeford in that the area to be developed is located in a section of the City of Biddeford which is currently developed for large scale uses such as medical offices, hotels, office buildings, and elderly care support facilities; and
- B. The proposed residential use is consistent with the existing or permitted uses within the original zone that is, the existing R-3 zone which encompasses a portion of the property is a residential zone which permits multifamily structures and that portion of the property which is located in the I-3 zone is adjacent to the R-3 zone and can be absorbed into it without adversely affecting the remainder of the I-3 zone; and
- C. The proposed zone change shall meet all of the area, front yard, side yard, rear yard and height requirements of the proposed contract zone; and
- D. The proposed zone will not create unreasonable traffic congestion on contiguous or adjacent streets, provided anticipate improvements required by various governmental approvals are constructed; and
- E. The proposed zone change and use authorized includes provisions for providing and maintaining adequate:
 - 1. Utility services; and
 - 2. Sewage disposal; and
 - 3. Drainage; and

4. Solid waste disposal; and
 5. Access; and
 6. Parking and loading; and
 7. All other necessary site improvements; and
- F. The proposed use will conform to the general character of the neighborhood in that the materials to be used, style of buildings, fences, plantings and the like are compatible with the character of the neighborhood; and
- G. Insofar as practicable, the landscaping will be preserved in its natural state; and
- H. There will be sufficient setbacks of structures and screening to provide an adequate visual and sound barrier; and
- I. Off-street parking facilities are sufficiently screened from view of surrounding properties; and
- J. There will be no significant adverse effect resulting from the proposed use and the proposed zone change upon the public health, safety and general welfare of the neighborhood.

The Planning Board of the City of Biddeford specifically finds there is a demonstrated need for the type of housing to be constructed which is intended to be for personnel employed by businesses located in the neighborhood, most especially the medical workforce. While Biddeford does have an existing rental housing stock, the vast majority of vacant apartments exist on upper floors without elevators making access difficult. This Project will have first floor level apartments and will provide elevator access to the upper floors.

The Planning Board of the City of Biddeford therefore recommends that the Request for Zone Change be affirmatively acted upon by the City Council.

The Board recommends that the real estate depicted on the Materials and plans entitled “Barra Road Apartments, A 250 unit Apartment Project, 60 Barra Road, Biddeford, Maine”, prepared by BH2M and consisting of 15 pages attached hereto as Exhibit A, be rezoned pursuant to the provisions of Article XVII, Section 3 of the Zoning Ordinance of the City of Biddeford to a zone which is labelled Contract Zone _____ (CZ-___).

CZ-___ shall provide for the following:

1. The permitted uses in the zone shall include the multifamily apartment buildings containing no more than 250 units of housing in the two joined buildings.
2. The minimum lot size for each unit shall be 1500 square feet. All buildings shall be located as ultimately approved by the Biddeford Planning Board as a part of its separate review under the

Site Plan Review standards of the City of Biddeford Zoning Ordinance.

3. No building or structure as located and constructed shall exceed the height as set forth in the underlying R-3 and I-3 Zones.

In consideration of such Contract Zone Change the Applicant agrees to use Applicant's (or the Developer's) best efforts to:

1. Construct thereon a maximum of 250 units of multifamily residential housing, all in accordance with the aforesaid Plan.

2. It shall be a condition of this Contract Zone Change that the Applicant shall undertake significant commencement of construction within 4 years of the effective date of the Zone Change and shall complete construction within 7 years of the effective date of the Zone Change. Significant commencement of construction shall mean the installation of all infrastructure improvements and grading within the limits of the Project.

In the event Applicant shall not comply with the provisions of this paragraph, the Zone Change granted hereby shall automatically be void and the property shall revert to the zoning classification that the Property was in of the date of the Contract Zone Agreement. In the event that the zones have changed, the property shall revert to the zoning classifications of the abutting properties. In the event the abutting properties shall have more than one zoning classification, the property shall become part of the most restrictive abutting zone.

City of Biddeford Planning Board

_____, 201_ By: _____
Its Chairman duly authorized

The undersigned Applicant agrees with the City of Biddeford to be bound by the terms, conditions and provisions of this Approval, if the zone change is enacted

_____, 201_

Sawmill Park Properties, LLC

By: _____
Michael R. Eon, Member

Indian Cliff Development Corp.

By: _____
Michael R. Eon, President

Mike Eon Associates, LTD.

By: _____
Michael R. Eon, President

DRAFT

draft

CONTRACT ZONE AGREEMENT

AGREEMENT made as of _____, 2019, by and between Sawmill Park Properties, LLC, a Maine limited liability company with an established place of business in Biddeford, York County, Maine, Indian Cliff Development Corporation, a Maine corporation with an established place of business in Biddeford, Maine, and Mike Eon Associates, Ltd., a Maine corporation with established place of business in Biddeford, Maine, (hereinafter, jointly and severally called the "Owner") and THE CITY OF BIDDEFORD, a body politic and corporate located in Biddeford, Maine, (hereinafter called "Biddeford").

WHEREAS, the Owner (or one of them) is the owner of certain real estate (the "Property") situated at and near Barra Road, so-called, in Biddeford, the Property is currently designated as portions of Tax Map 2, Lots 43-1 and 42-1 and Tax Map 7, Lot 15, and contains approximately 10 acres. Owner desires to transfer to Saxon Partners, LLC (the "Developer") who intends to develop the Property as a 250 unit apartment complex on the Property. The description of the Property is shown on the plan entitled "Standard Boundary & Existing Conditions-Sheet 2" prepared by BH2M as revised though _____, 2019, attached hereto as Exhibit A; and

WHEREAS, Owner has applied for and obtained approval to re-zone the Property pursuant to the Contract Zoning provisions of the Zoning Ordinance of the City of Biddeford to create Contract Zone ____; and

WHEREAS, the parties are entering into this Agreement to provide written contractual evidence of the agreement of the parties and the terms and conditions of the Contract Zone.

NOW, THEREFORE,

in consideration of the mutual agreements hereinafter set forth and in consideration of the granting of the zoning ordinance change, the parties agree as follows:

1. Development of the Property. Owner agrees that in the event it shall transfer title to Developer, it shall require as a condition of sale that the Developer or its assignee approved by the Biddeford Planning Board or such other municipal board or committee having jurisdiction (the "Approved Assignee") shall develop the Property in accordance with the following provisions and conditions:

A. Findings of Fact and Recommendations of the Biddeford Planning Board attached hereto as Exhibit B; and

B. Materials and plans entitled "Barra Road Apartments, A 250 unit Apartment Project, 60 Barra Road, Biddeford, Maine", prepared by BH2M and consisting of 15 pages

attached hereto as Exhibit C, page 2 of which contains the signatures of the Biddeford Planning Board members and will be duly recorded in the York Registry of Deeds.

2. Failure to Complete Development. In the event Developer or its Approved Assignee shall fail to commence significant construction of the improvements within Four (4) years of the date hereof or shall fail to substantially complete the construction within Seven (7) years of the date hereof, it is agreed that the terms of the Contract Zone shall automatically be voided and the Property shall revert to the zones that each portion of the Property was in on the date of this Agreement. In the event that the zones have changed, each portion of the Property shall revert to the zoning classifications of the abutting properties. In the event the abutting properties have more than one zoning classification the Property shall become part of the more restrictive abutting zone. then current zone the Property normally would have been in but for the granting of the Contract Zone change.

3. Construction and Effect. This agreement shall be construed in accordance with the laws of the State of Maine and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this instrument to be signed all as of the day and date above written.

Witness:

Sawmill Park Properties, LLC

By: _____
Michael R. Eon, Member

Indian Cliff Development Corp.

By: _____
Michael R. Eon, President

Mike Eon Associates, LTD.

By: _____
Michael R. Eon, President

CITY OF BIDDEFORD

by: _____
James Bennett, Its Manager



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.31

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(207) 284-9115

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: November 14, 2019

RE: NEW BUSINESS ITEM #C – 2019.31 Site Plan Review and Shoreland Zoning for EASTWOODS DEVELOPMENT CORP. to construct an 30' x 60' structure (1800 sq. footprint) with access to 2 levels, for a total of 3600 sq. ft. office space, at 8 Wellspring Road (Tax Map 2, Lot 47-4) in the I-3 zone.

MEETING DATE: November 20, 2019 @ 6:00 PM

1. INTRODUCTION

In August 2019 Eastwoods Development Corporation appeared before the Planning Board for a Concept Review of a proposal for a new 1,800 SF Footprint structure (with two stories) on Wellspring Road. Wellspring Road is located off Route 111 in the industrial-3 (I-3) Zone. According to the applicant, the building would be used for offices. The Concept Plan includes eighteen (18) parking spaces which meets the requirements for one (1) parking space per 200 SF floor area for offices.

This is not an easy site for development purposes. It is quite small and is very close proximity to Thatcher Brook requiring special attention to Erosion and Sediment Control and Stormwater Management from both a Quantity perspective as well as a Quality one.

The Board had few comments in August and on November 6.

They are requesting final approval. The City's 3rd Party Engineer is currently completing their review and will not provide comments to the applicant until November 18. According to the Engineer, the comments are technical in nature and should not affect the overall layout and design. Staff are putting this on the agenda for consideration, although Staff's recommendation is conditioned upon receiving the 3rd Party Engineer

comments and having the applicant satisfactorily to give Staff the time to review the final plans before the meeting. Staff have agreed to this only because of project submittal and staff limitations in order to provide an opportunity to consider approval of the project before December.

PROJECT DATA/INFORMATION

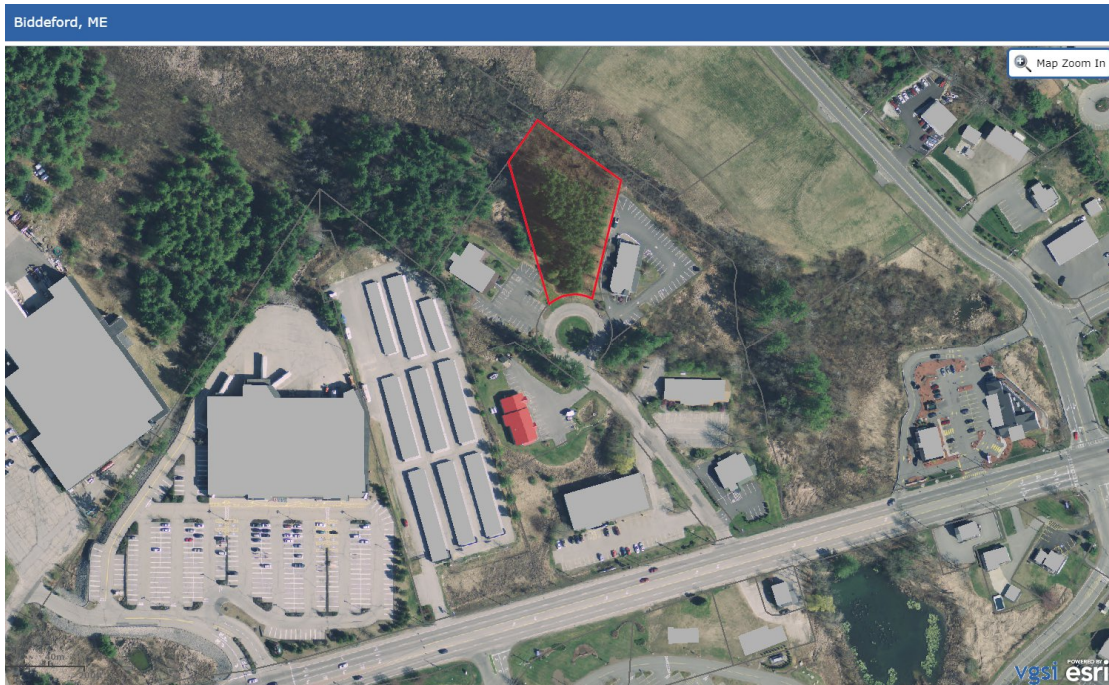
Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Eastwoods Development Corporation 185 Granite Street Biddeford, ME 207-229-2157
2.	Owner of Property:	Eastwoods Development Corporation 185 Granite Street Biddeford, ME 207-229-2157
3.	Agent:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
4.	Engineer:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
5.	Surveyor:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
6.	Project Location:	8 Wellspring Road
7.	Project Tax Map #/Lot #:	Tax Map 2, Lot 47-4
8.	Existing Zoning:	I-3
9.	Overlay Zoning:	None
10.	Existing Use:	Vacant Land
11.	Proposed Use:	13,600 SF Offices
12.	City Approvals Required:	Site Plan Review
13.	Uses in the Vicinity:	Commercial, Medical
14.	Parcel Size:	46,235 SF
15.	Number of Lots/Units in Subdivision:	N/A – Commercial Units
16.	Minimum Lot Size Required: Provided:	None None
17.	Frontage Required: Provided:	50 feet. More than 50 feet
18.	Front Setback Required: Provided:	40 feet 40 feet

19.	Side Setbacks Required: Provided:	25 feet 25 feet
20.	Rear Setback Requires: Provided:	25 feet 25 feet
21.	Height Requirements: Provided:	Maximum 6 stories, 60 feet Less than 6 stories, 60 feet
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	N/A - negligible
28.	Soil Study Provided:	N/A – City Sewerage
29.	Parking Spaces Required:	18
30.	Parking Spaces Provided (total): # Handicapped Spaces:	18 Minimum 1 Required
31.	Ownership of Road:	Wellspring Road is a City Street
32.	Impervious Surface Area:	11,183 SF Paving + 1,800 SF Building = 12,983 SF +/- Impervious
33.	Estimated Site Development Costs:	\$99,400 +/-
34.	Financial Capacity Letter:	Submitted by self and Bangor Savings Bank
35.	Waivers Needed:	1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1; 2. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
36.	Waivers Granted:	1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1; 2. LDR, Article XI, 1.II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
37.	Variances Needed for Approval:	None
38.	Other Permits Obtained:	None
39.	Other Non-City Permits Required:	Maine DEP NRPA and Stormwater
40.	Covenants, By-laws, Restrictions Required by the Planning Board:	Per Approval.
41.	LDR Attachment A: Fees Paid:	Yes
42.	Planning Board Review History: Conceptual Review: 2 nd Review: Final Review:	August 7, 2019 November 6, 2019 November 20, 2019

2. EXISTING CONDITIONS

The proposed property is vacant.



Source: "8 Wellspring Road".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=263>. Accessed Date: 07/31/2019.



Source: "8 Wellspring Road, Biddeford, Maine." 43°28'52.54" N 70°29'29.67" W.
Google Earth Street View. Imagery Date: 7/2018. Accessed Date: 07/31/2019.

3. PROJECT PROPOSAL

See the enclosed application package for more information about the proposed 3,600 SF Floor Area office building proposal.

4. PUBLIC COMMENT

Concept Review: August 7, 2019 - No Public Comments were received as of July 31, 2019.

2nd Review: November 6, 2019 – No Public comments were received as of October 30, 2019.

Final Review: November 20, 2019 – No further public comments received as of November 14, 2019 at 3:00 PM.

5. STAFF REVIEW

A. ZONING: Offices are a Permitted (P) Use in the I-3 Zone.

B. REVIEW STANDARDS: Site Plan Review (Article XI), Performance Standards (Article VI), Shoreland Zoning.

C. WAIVERS: The Planning Board has granted the following waivers:

1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
2. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;

D. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:

1. Respond to the 3rd Party Engineer's comments which are forthcoming.
2. Provide revised plans by November 20, 2019 at 2:00 PM to be eligible for an approval November 20, 2019 at the Planning Board. Provide 1 Complete Set Mylars and 1 Complete Set Paper for City retention. Additional copies for signature for the applicant or others.

F. APPROVAL CONSIDERATION:

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

1. Prior to any ground disturbance or issuance of any permits:

- a. A copy of all required Maine DEP and Maine DOT Permits must be submitted to the Planning Department.
 - b. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - c. A stormwater mitigation fee of \$3,642.50 (in an amount to be determined by the Planning Department) shall be paid to the Planning Department based on the Maine DEP Site Location of Development Act Urban Impaired Stream Compensation Fee formula Maine DEP Chapter 501 subsection 3.A.{1}
 - d. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$14,910.00 (10% of 150% of total expected site costs) shall be submitted to the Planning Department.
2. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
 3. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
 4. Snow storage (temporary or otherwise) is prohibited from stormwater management facilities.
 5. All curbing within City Right-of-Way shall be granite.
 6. Best management practices shall be adhered to during all ground disturbance operations.
 7. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
 8. 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.
 9. 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.
 10. Once completed, as-built drawings of the site shall be provided to the Planning Department.
 11. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
 12. Standard Conditions of Approval apply.

6. NEXT STEPS/SUGGESTED ACTIONS

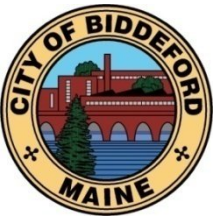
- Listen to any public comment and consider granting final approval of the Site Plan and Shoreland Zoning Permit.

7. SAMPLE MOTIONS

- A. *Motion to approve the Site Plan Application and Shoreland Zoning Permit for EASTWOODS DEVELOPMENT CORP. at Tax Map 2, Lot 47-4, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated November 14, 2019.*
- B. *Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.*
- C. *Motion to deny the Site Plan and Shoreland Zoning Permit Application of EASTWOODS DEVELOPMENT CORP. based upon the following reasons:*
- a) _____
- b) _____

ATTACHMENTS

1. Applicant's Response Packet and Revised Plans.
2. Draft Findings of Fact and Conclusions of Law.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.34

Greg D. Tansley, AICP
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Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

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

DATE: November 14, 2019

RE: NEW BUSINESS ITEM #D – 2019.34 Private Road and Shoreland Zoning Permit for David Markellos to construct a one-lot private road off of Westwood Drive (Tax Map 8, Lot 8) in the SR-1 and Stream Protection (SP) Shoreland Zone.

MEETING DATE: NOVEMBER 20, 2019

1. INTRODUCTION

The applicant is proposing to construct a 1-Lot Private road through an existing 50' ROW to provide frontage to a lot for building permit purposes. In order to access the buildable area of the lot the private road must cross a stream that is governed by a Stream Protection Shoreland Zoning District.

The proposed turnaround and house would be located outside of the Stream Protection District. The Private Road design has been reviewed and following back-and-forth comments, has been signed off on our 3rd Party review Engineer.

Since this Private include a Shoreland Zoning Permit, it must be reviewed by the Planning Board.

PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	David and Cherylynn Markellos 7 Tideview Terrace Kennebunk, ME 04046
2.	Owner of Property:	David and Cherylynn Markellos

		7 Tideview Terrace Kennebunk, ME 04046
3.	Agent:	Paul Gadbois, P.E. PO Box 327 Saco, ME 04072
4.	Surveyor/Engineer:	Paul Gadbois, P.E. PO Box 327 Saco, ME 04072
5.	Project Location:	Off Westwood Drive Biddeford, ME 04005
6.	Project Tax Map #/Lot #:	Tax Map 8, Lot 8
7.	Existing Zoning:	SR-1
8.	Overlay Zoning:	Stream Protection (SP) Shoreland Zone
9.	Existing Use:	Vacant
10.	Proposed Use:	Single family home(s).
11.	Approvals Required:	Shoreland Zoning Approval – Stream Crossing
12.	Uses in the Vicinity:	Residential, primarily Single-family
13.	SR-1 Dimensional Requirements:	Minimum Lot Size: 20,000 SF with Public Water
14.	Lot Size:	15 acres +/-
15.	Floodplain Status:	None.
16.	Waivers Needed:	a. Wildlife study (Section 70)
17.	Waivers Granted:	a. Wildlife study (Section 70)
18.	Variances Needed for Approval:	None.
19.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
20.	Other Permits Obtained:	None.
21.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
22.	LDR Attachment A: Fees Paid:	Inspection Fees Due: \$500.00
23.	Planning Board Review History: Private Road and Shoreland Zoning:	November 20, 2019. Posted in City Hall November 13, 2019; Mail Notices to all abutters within 250' sent November 13, 2019 - 12 notices sent).

2. EXISTING CONDITIONS

The existing area to be accessed is vacant. A stream runs across the 50' ROW where the new Private Road would be constructed. The private road would come off of Westwood Drive, a City Street.



Source: City of Biddeford ArcMap GIS System, Accessed 11/13/2019.

3. PROJECT PROPOSAL

Construct a One-Lot Private Road to cross a stream and access a developable portion of the property. The One-Lot Private Road would provide frontage for the lot where the applicant would like to construct a residence.

The stream crossing standards in Shoreland Zoning are essentially Erosion and Sedimentation Control Standards, including grading slope stabilization requirements. These standards are duplicative of many City public and private street standards and this project appears to be consistent with both.

4. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on November 13, 2019. Mailing notices were also sent out to all abutters within 250' on November 13, 2019 – 12 notices were sent out.

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

5. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the SR-1 Zone. It is NOT Permitted in the Stream Protection zone, and the house is appropriately proposed beyond the limits of the SP Zone.

- b. REVIEW STANDARDS: Private Roads Standards and Shoreland Zoning Stream Crossing Standards.
- c. WAIVERS: Wildlife Study (Section 70).

Staff are of the opinion that with the mapping of the vernal pools (both significant and not significant) the only developable area within the lot has been identified by default. The proposal accommodates the greatest separation of development from the vernal pools. Staff are of the opinion the Wildlife Study waiver should be granted based on the fact that the vernal pools have been located and identified on the plan.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:

- 1. Need HHE-200 for the new lot or show test pit locations on plan.
- 2. Add Zoning Dimensional Requirements to Plan
- 3. Add Revision Date to Final Plan for Signature
- 4. Need Performance Guarantee Cost Estimate on City Form
- 5. Need E-911 Letter from JoAnn Fiske at the Police Department
- 6. Sheet 1, Note 8: "Permits" missing the "t"

Prior to Final Plan Signature:

- 1. Engineering Inspection Fee Due Prior to approval: \$500.00
- 2. Submit 2 Mylar Sets and 2 Paper Sets of plans for signature by NOON Tuesday November 19, 2019.

Lastly, when you plot this and any other plans for signature, please ensure the latest plans are plotted, incorporating final staff comments as well as previous staff and 3rd Party Engineer review comments.

6. STAFF RECOMMENDATION

Consider granting the waiver for a Wildlife study requirement.

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

- 1. Prior to any ground disturbance:
 - a. The applicant must submit a recorded copy of the private way plans to the Planning Department.
 - b. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.

- c. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XX,XXX (amount to be determined by the Planning Department) shall be submitted to the Planning Department.
- d. A Street Opening Permit must be obtained from the Biddeford Public Works Department prior to any work within the City Right-of-Way.
- e. Any curbing within City Right-of-Way shall be granite.
- f. All Engineering Inspection Fees shall be paid in full.
- 2. Prior to any building permits or the sale/conveyance of any lots:
 - a. A Performance Guarantee (acceptable to the Planning Department) in an amount of 150% of the expected costs of the project being shall be submitted to the Planning Department.
- 2. Any Blasting requires a City of Biddeford Blasting Permit.
- 3. Contact Joanne Fisk at the Police Department (207-282-5127 or joanne.fisk@biddefordmaine.org) regarding E-911 Addressing and/or a Road Name. If a road name is required, three (3) potential road names should be provided for consideration.
- 4. Best management practices (BMPs) shall be adhered to during all ground disturbance operations.
- 5. Contact Tom Milligan in the Engineering Department at 207-284-9118 for inspections.
- 6. Prior to the release of the Performance Guarantee:
 - a. All monumentation/iron pins around the ROW & interior lot lines needs to be set.
 - b. The project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
- 7. No additional lots may be serviced by this Private Way without prior City approval.
- 8. Standard Conditions of Approval apply.

7. NEXT STEPS/SUGGESTED ACTIONS

Consider granting the waiver for the Wildlife Study.

Consider granting approval of the Private Road and Shoreland Zoning Permit based on the conditions presented above as well as any other agreed to conditions of the Board.

8. SAMPLE MOTIONS

- A. *Motion to grnat the waiver for the Wildlife study given the vernal pools have all been field located and mapped and identified on the plan.*
- B. *Motion to approve the Private Road and Shoreland Zoning Permit for David and Cherylynn Markellos based on the materials presented for a lot off Westwood Drive (Tax Map 8, Lot 8), approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated November 14, 2019.*

C. *Motion to deny the Private Road and/or Shoreland Zoning Permit based upon the following reasons:*

a) _____

b) _____

ATTACHMENTS

1. Applicant's Application and Plans
2. Draft Findings of Fact.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.33

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: November 14, 2019

RE: NEW BUSINESS ITEM #E – 2019.33 Final Site Plan/Conditional Use Permit/Shoreland Zone Permit for The Maine Water Company to replace the existing facility with a new water intake and pump station at 466 South Street (Tax Map 2, Lot 40) in the SR-1 and LR zone and construct a new treatment facility located at 437-469 South Street (Tax Map 1, Lots 14, 14-1, 40), (Tax Map 2, Lots 17-4, 18, 19) in the RF and SR-1 zones.

MEETING DATE: NOVEMBER 20, 2019

1. INTRODUCTION

This proposal is for the development of a new Maine Water Treatment Facility off South Street. The new facility would be located on the south side of South Street. It will replace the existing facility currently located immediately adjacent to the Saco River, north of South Street.

Water would be drawn from the Saco River to a pump station which then pumps the water up to the new facility. The Planning Board reviewed and recommended approval for a Shoreland Zoning Amendment allowing structures associated with essential services to be located no less than 75' from the Saco River, as opposed to the existing 100' setback. The City Council passed first reading of this amendment August 20 and approved the 2nd Reading September 3. It has since been approved by Maine DEP.

The City's 3rd Part engineer has completed its review of the project and is satisfied with the applicant's responses.

2. PROJECT DATA/INFORMATION

	SUBJECT	DATA/INFORMATION
1.	Applicant:	The Maine Water Company

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		93 Industrial Park Road Saco, ME 04072
2.	Owner of Property:	The Maine Water Company 93 Industrial Park Road Saco, ME 04072
3.	Agent:	Walsh Engineering Associates, Inc. One Karen Drive Westbrook, ME 04092
4.	Engineer:	Bill Walsh Walsh Engineering Associates, Inc. One Karen Drive Westbrook, ME 04092
5.	Surveyor:	Walsh Engineering Associates, Inc. One Karen Drive Westbrook, ME 04092
6.	Project Location:	466 South Street
7.	Project Tax Map #/Lot #:	Tax Map 1, Lots 40, 14, and 14-1 Tax Map 2, Lots 17-4, 18, and 19
8.	Existing Zoning:	R-F and SR-1
9.	Overlay Zoning:	Limited Residential 250' off the Saco River
10.	Existing Use:	Water Storage Facility
11.	Proposed Use:	37,630 SF water treatment facility
12.	City Approvals Required:	Site Plan Review/Conditional Use Permit
13.	Uses in the Vicinity:	Vacant land, residential, water storage facility, water treatment facility
14.	Parcel Size:	300+ Acres
15.	Number of Lots/Units in Subdivision:	N/A
16.	Minimum Lot Size Required: Provided:	40,000 SF 300 + Acres
17.	Frontage Required: Provided:	100 feet SR-1, 120 feet R-F. More than 120 feet
18.	Front Setback Required: Provided:	40 feet Greater Than 40 feet
19.	Side Setbacks Required: Provided:	10 feet (SR-1), 25 feet (R-F) 10 feet (SR-1), 25 feet (R-F)
20.	Rear Setback Requires: Provided:	10 feet (SR-1), 25 feet (R-F) 10 feet (SR-1), 25 feet (R-F)
21.	Height Requirements: Provided:	Maximum 35 feet Maximum 35 feet
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	On-site disposal
24.	Solid Waste Disposal:	Private Hauler

25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	1.88 Acres +/- See Section 3 of the Applicants Applicable Package for more information.
28.	Soil Study Provided:	HHE-200 for on-site disposal system
29.	Parking Spaces Required:	26 (5 more at the pump station)
30.	Parking Spaces Provided (total): # Handicapped Spaces:	34 2
31.	Ownership of Road:	South Street is a City Street
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Financial Statements provided.
36.	Waivers Needed:	a. None
37.	Waivers Granted:	a. None
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	TBD
40.	Other Non-City Permits Required:	Maine DEP, ACOE, Saco River Corridor Commission
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	Fees Paid.
41.	Planning Board Review History: Conceptual Review: Final Review:	September 4, 2019 Meeting Date (Posted in City Hall August 27, 2019; Mail Notices to all abutters within 250' sent August 27, 2019 - 50 notices sent). November 20, 2019 Meeting Date (Posted in City Hall November 13, 2019; Mail Notices to all abutters within 250' sent November 13, 2019 - 50 notices sent).

3. EXISTING CONDITIONS

The subject parcel for the treatment facility is located south of South Street and is vacant except for the adjacent water storage facility.

4. PROJECT PROPOSAL

Water Treatment Facility including raw water intake and pump station.

5. PUBLIC COMMENT

To date the only concerns/comments that have been raised were from the direct abutter to the west, Alexander White. His concerns have been primarily related to visual and noise buffering. Maine Water have been made aware of these concerns and will address these at the meeting.

6. STAFF REVIEW

- a. ZONING: The proposed use (Essential Service) is a Conditional Use in the SR-1 and R-F Zones.
- b. REVIEW STANDARDS: Site Plan Review, Conditional Use, Shoreland Zoning.
- c. WAIVERS: None.
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:
 - 1. Add Signature Block to Plan Set Cover Page.
 - 2. Provide complete Mylar Set and Paper set no later than November 19 @ 2:00 PM amended based on comments.

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 or issuance of any permits:
 - a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - b. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX shall be submitted to the Planning Department.
- 2. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
- 3. Outside storage and/or display is prohibited.
- 4. Snow storage (temporary or otherwise) is prohibited from stormwater management facilities.

5. Best management practices shall be adhered to during all ground disturbance operations.
6. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
7. 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.
8. 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.
9. Once completed, as-built drawings of the site shall be provided to the Planning Department.
10. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
11. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Listen to any public comment and consider granting final approval of the Site Plan, Conditional Use Permit, and Shoreland Zoning for Maine Water.

9. SAMPLE MOTIONS

- A. *Motion to approve the Site Plan Application, Shoreland Zoning, and Conditional Use Permit for Maine Water Company off South Street, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated November 14, 2019.*
- A. *Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.*
- B. *Motion to deny the application of the Maine Water Company based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

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