CITY OF BIDDEFORD
PLANNING DEPARTMENT

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Planning Board
Minutes

Date: Wednesday, November 20, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members

   Quorum Present: Chair William Southwick, Roch Angers, Bruce Benway, Spiros Droggitis, Michael Cantara (Alt-voting member).

3. Adjustments to the Agenda
4. Planner's Business

5. Consent Agenda
   A. Consideration of Minutes: November 6, 2019

   MOTION:
   Benway- Motion: to adopt the Consent Agenda with the correction in spelling of Chair Southwick's name.
   Angers- Second.
   Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

6. Unfinished Business
7. New Business

   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.

   Greg Tansley, City Planner: Spoke Briefly.
   Discussion between Board and Staff.
   Chair Southwick opened the Public Hearing. There was no public comment. Chair Southwick closed the Public Hearing.

MOTION:
Benway- Motion: to approve the "Findings of Fact and Recommendations of the City of Biddeford Planning Board" and forward the Contract Zone proposal to the City Council with a positive recommendation for approval subject to further review and any necessary adjustments that may be made or that should be made prior to submission to the City Council.
Angers- Second.
Discussion between Board and Staff.
Angers withdrew his second and Benway withdrew his original motion.

MOTION:
Benway- Motion: to approve the "Findings of Fact and Recommendations of the City of Biddeford Planning Board" and forward the Contract Zone proposal to the City Council with a positive recommendation for approval subject to further review of page 2 of the Contract Zone agreement in paragraph 2; the last two sentences.
Angers- Second.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

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.

Greg Tansley, City Planner: Spoke briefly and explained the need re-sign the mylars for the already approved project in order to ensure the property was divided properly.

There was no public comment.

MOTION:
Benway- Motion: for the Board to agree to resign those documents with the adjustments.
Angers- Second.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

C. 2019.31 Final Site Plan Review for Eastwoods Development Corp. to construct a 30' x 60' structure (1800 sq. footprint) with access to two 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.

Greg Tansley, City Planner: Recommended the following additional Conditions of Approval should the Board approve the project:

1. **Prior to any ground disturbance or issuance of any permits:**
e. **The City Engineer shall approve the final plans for the manhole relating to the connection to the manhole and the reconstruction of the channel per 3rd Party Engineers comments dated November 20, 2019.**
3. **Prior to issuance of any occupancy permits:**

c. The City Engineer shall approve the final construction along adjacent medical office property per 3rd Party Engineers comments dated November 20, 2019.

13. The pavement removal for the trench shall be carried to the edge of pavement as noted per 3rd Party Engineers comments dated November 20, 2019.

Discussion between Board and Staff.

MOTION:
Benway- <u>Motion:</u> 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 and as amended with the additional conditions recommended by Staff.
Angers- <u>Second.</u>
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

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.

Greg Tansley, City Planner: Spoke Briefly.
Paul Gadbois, Engineer: Brief presentation.
Chair Southwick opened the meeting to the Public.
Richard Rhames: Concerned about vernal pools and thinks this important for the Board to really look into.
Chris Copey, Wetland Scientist for Albert Frick & Associates: Spoke about how the project has to meet DEP and Army Corp standards. Questioned the purpose for a wildlife study given they are already addressing the standards.
Paul Gadbois, Engineer: We are just using 2 to 3 acres and the remaining land will be left untouched.
Chair Southwick: Can you clarify how the remaining land will be untouched?
Paul Gadbois, Engineer: Believes his client would be willing to put a deed restriction stating that it wont be developed.
Chris Copey, Wetland Scientist for Albert Frick & Associates: We are limiting development to the corner and we are not going between vernal pools or severing any types of corridor for the amphibians.
Richard Rhames: Feels it would be useful for the Board to use what is on record as far as a Wildlife study goes. Who would enforce further no development on the remaining land?
Discussion between Board, Staff and Applicant regarding a Wildlife Study.

MOTION:
Benway- <u>Motion:</u> to grant the waiver for the Wildlife Study given the vernal pools have all been field located, mapped, and identified on the plan.
Chair Southwick- No second - motion fails.

Benway- Asked if the Applicant would be willing to return December 4 as an agenda item to reconsider this with information with the cost of a Wildlife Study and the scope of the area. Any other additional information you would like us to consider that would help us in granting the waiver or not granting the waiver.

Discussion between Board, Staff and Applicant.
Applicant to come back to the Board as early as December 4 with additional information for the Board to consider such as the cost and scope of what a Wildlife study might entail.

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.

Greg Tansley, City Planner: Staff and third party Engineer are satisfied.
Alexander White, 475 South Street: Has concerns with the placement of the facility and believe the visual and noise will have a negative impact on his daily life. Would like to see more trees added for buffering.
Rick Knowlton, Maine Water: Talked about the visual impact and willingness to add more buffers.
Michael Cantara: Would the applicant be willing to add that as a condition of approval if this is approved tonight?
Rick Knowlton, Maine Water: Yes.
Alexander White, 475 South Street: Sounds too undefined.
Discussion between Board, Staff and Applicant.
City Planner Tansley noted that the City will hold a Performance guarantee and we can hold monies back to ensure buffering is achieved as discussed.

MOTION:
Benway- <u>Motion:</u> 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.
Angers- <u>Second.</u>
Chair Southwick- Call for Vote- Unanimous (4-0) all in favor.

8. Other Business

A. Re-sign Draft Room, LLC mylars.

Chair Southwick- no discussion just signing the amended mylar.

Discussion between the Board and Staff: Regarding dog daycare, next meeting, Comp Plan, homelessness, and Wildlife Study.

9. Adjourn

MOTION:
Benway- Motion: to Adjourn.
Angers- Second.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

- **Planning Board Chair** — 2-5-2020 **Date**
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- **These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.**