

City of Biddeford
Planning Board
November 17, 2021 6:00 PM City Hall & Zoom
Council Chambers,
Nov 17, 2021 06:00 PM Eastern Time (US and Canada)
Topic: Planning Board

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/94458977153>

Or One tap mobile :

US: +13126266799,,94458977153# or +16465588656,,94458977153#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

**US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1
669 900 9128 or +1 253 215 8782**

Webinar ID: 944 5897 7153

International numbers available: <https://biddeford.zoom.us/j/94458977153>

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Approval of Planning Board Meeting Minutes of November 3, 2021
[PB Minutes 110321-DRAFT.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2021.55 Review of Amended Subdivision for Indian Cliff Development to add Lot 6 as a house lot off McKenney Drive (Tax Map 7, Lots 18-13 & 15-2) in the R1A Zone.
[Board Report - McKenney Dr Amend Subdivision.pdf](#)
[DRAFT FOF for 2nd Amend McKenney Dr Subdv Plan \(11-17-21\).pdf](#)
[McKenney Application Package 102621 OLD.pdf](#)
[McKenney Response Package 110921 NEW.pdf](#)
[McKenney Drive CALCS.pdf](#)
[McKenney Lot 6 Resubmission 111521.pdf](#)
[2nd Amended Final Plan - 11-11-2021.pdf](#)
[McKenney Responses - 11-11-2021.pdf](#)
[JDA City-Eon - signed 9-2021.pdf](#)
 - 7.B. 2021.48 Review of the Setback to the Greatest Practical Extent (Shoreland Zone) for Eric Ewald & Stephanie Lenzi at 1 Edgewater Place (Tax Map 55, Lot 23) in the CR Zone.

[2021.48-Application.pdf](#)

[Board Report - 1 Edgewater Place .pdf](#)

[Draft FOF for 1 Edgewater PL \(11-17-21\).pdf](#)

[EWALD19 PLAN.pdf](#)

- 7.C. 2021.51 Sketch Plan Review for Lord & Harrington, LLC on Diamond Street (Tax Map 40, Lots 25-1, 25-2 & 74; Tax Map 37, Lot 35) in the B-1 & MSRD-3 Zones. Lord & Harrington, LLC are creating new buildings for 496 residential units and a mix of commercial space.

[21-10-13 One Diamond Site Plans.pdf](#)

[2021.10.07 One Diamond Sketch Plan Documents.pdf](#)

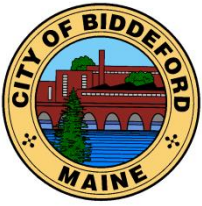
[2021.51 Lord and Harrington, LLC - 1 Diamond Concept SR.pdf](#)

[One Diamond Documents.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.



CITY OF BIDDEFORD

Planning and Development Department

Greg Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

Planning Board Meeting Minutes **DRAFT**

Date: November 3, 2021
Time: 6:00 PM
Location: City Hall Council Chambers & REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Bill Southwick (chair), Bruce Benway, Sean Tarpey, Spiros Droggitis, Alexa Plotkin (voting alternate) and Michael Cantara (via Zoom)
Chair Southwick opened the meeting at 6:02 PM
3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda
 5. A. Approval of Planning Board Meeting Minutes from October 6, 2021

MOTIONS: 6:05
Benway-Motion- to approve the Consent Agenda for October 6, 2021
Plotkin-Second
Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Benway, Tarpey, Droggitis & Plotkin)
6. Unfinished Business
7. New Business
 - 7.A. 2021.47 Public Hearing for proposed zoning amendments to change the zoning district for the following parcels from Suburban Residential-1 (SR-1) to Institutional (IN): 1 Hills Beach Rd. (Map 51, Lot 11), 583 Pool St. (Map 51, Lot 10), 590 Pool St. (Map 51, Lot 18-1). Each of these parcels have been acquired by the University of New England (UNE) since 2010. Changing these parcels to the IN Zone would be consistent with other parcels owned by the UNE.
 - Planner, Greg Tansley introduced Alan Thibeault Vice President for University Operations.
 - Mr. Thibeault gave a brief narrative about the zone change request.
 - Chair Southwick opened the item to the public.
 - Speaking from the public are the following:
Dennis Letellier
Andy Brady of 565 Pool Street

- Chair Southwick brought the discussion back to the Board.
- The Board discussed the requested changed and some pedestrian/traffic issues in the area

MOTIONS: 6:26

Benway-Motion- To recommend the zone change be approved for the University of New England to change the zoning for the 3 parcels identified to IN, consistent with the intent of the IN Zone.

Droggitis-Second

Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Benway, Tarpey, Droggitis & Plotkin)

7B. 2021.44 Conditional Use Permit for a Home Occupation for Scott Pollock to convert the one car garage at 356 South Street (Tax Map 31, Lot 9) into a wellness center in the R-3 Zone.

- Planner Tansley gave a brief introduction of the project. He also shared a report from Joanne Fisk of the Biddeford Police Department regarding traffic on that end of South Street.
- Mr. Pollock spoke on his own behalf telling of his experience. He also addressed some complaints made by neighbors such as parking and timing of appointments.
- There were no comments from the public.
- The Board discussed the proposal with the applicant and asked Mr. Pollock what the definition of a Wellness Center is and what services he will be offering at his facility.

MOTIONS: 6:49

Benway-Motion- To approve the Conditional Use Permit for Scott Pollock at 356 South Street and approve the Draft Findings of Fact with the Conditions presented therein.

Plotkin Second

Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Benway, Tarpey, Droggitis & Plotkin)

7. C. 2021.31 Review a Preliminary 6-Lot Cluster Subdivision Application for Ginger Hill Design + Build at 918 Pool Road (Tax Map 4, Lot 48) in the Coastal Residential (CR) and Rural Farm (RF) Zones.

- Consulting Planner, Chris Di Matteo did a brief introduction of the project.
- Representing the applicant were the following:
Connor Ritter-Walsh Engineering
Emily Ingwersen-Ginger Hill
Norm Chamberlain-Walsh Engineering
Rob Ingwersen-Ginger Hill
- Comments from the public were made by Richard Rhames of Ward 3
- The Board discussed the project with the applicants, the open space was discussed whether it would be handled by the HOA or a Land Trust.

MOTIONS: 7:47

Benway-Motion- To approve the Preliminary Cluster Subdivision for Ginger Hill, LLC at 918 Pool Road conditioned on the applicant addressing all Staff and Planning Board comments in its Final Application submission.

Plotkin-Second

Chairman Southwick-Roll Call for Vote- Motion Passed, 3-2 (Benway, Plotkin for; Tarpey, & Droggitis against; Chair voting to pass the motion as tie breaker)

7.D. Review a Preliminary 6-Lot Cluster Subdivision for Ginger Hill Design + Build at 158 Oak Ridge Road (Tax Map 4, Lot 57) in the Rural Farm (RF) Zone.

- Consulting Planner Chris Di Matteo gave an introduction of the project
 - Presenting for the applicants are as follows:
Connor Ritter-Walsh Engineering
Norm Chamberlain-Walsh Engineering
Emily & Rob Ingwersen-Ginger Hill
 - Richard Rhames of Ward 3 spoke from the public
 - The Board discussed the project again asking about the open space management
- MOTIONS: 8:21**

Benway-Motion: To approve the Preliminary Cluster Subdivision for Ginger Hill, LLC at 158 Pool Road conditioned on the applicant addressing all Staff and Planning Board comments in its Final Application submission.

Plotkin-Second

Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Benway, Tarpey, Droggitis & Plotkin)

7.E. 2021.50 Sketch Plan Review for a new substation for Central Maine Power Company At 466-468 South Street (Tax Map 2, Lot 40-1) in the SR1 Zone.

- Consulting Planner, Chris Di Matteo gave an introduction of the project
- Representing the applicant are as follows:
Mark Christopher –TRC Companies
Marc Inman-CMP
Jeremy Pettingale-CMP
- There were no comments from the public
- The Board discussed the project asking about the height of structures, buffers, existing vs proposed and environmental assessments.

7.F. 2021.52 Sketch Site Plan Review & Contract Zone for BVH Biddeford, LLC at 424 Alfred Street (Tax Map 20, Lot 26-1) in the I-3 Zone. The proposal is for the Biddeford Regional Center of Technology to expand into the Shopping Center.

- Consulting Planner Chris Di Matteo introduced the project
- Representing the applicant are as follows:
Philip Chaney-Barrett Made Architects
Eric Dube-Trillium Engineering
- No Public Comments
- The Board discussed the project mentioning the fact that this is a gateway into Biddeford.

8. Other Business

- Planner Tansley talked about the Comp Plan survey there were over 1200 responses, the majority coming in on paper. The task at hand is to summarize the survey results and fact sheets.
- Planner Tansley also talked about the next PEP with the survey results.
- He also talked about the community charet process looking at the 1st and 2nd weekends in December.

9. Adjourn

MOTIONS: 9:17

Benway-Motion-to adjourn

Plotkin-Second

Vice Chair Angers-Roll Call for Vote- Motion Passed, Unanimous Approval 4-0 (Benway, Tarpey, Droggitis & Plotkin)

Meeting adjourned at 9:23 PM

Planning Board Chair/Vice 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.

PLANNING BOARD
REPORT

November 10, 2021

Biddeford Planning Board
Greg Tansley, City Planner
City of Biddeford
205 Main Street
Biddeford, Maine 04005

Application: McKenney Drive (Lot 6) – Indian Cliff Development Corp.
(Tax Map 7 Lot 18-13; Tax Map 7 Lot 17-2)

Amended Subdivision Plan Review

Review Status: New amended plan application.

Board members and Mr. Tansley,

The following application information has been provided for review:

1. Application form dated 10/26/2021.
2. Cover Letter dated 10/26/2021 by William Thompson, BH2M.
3. Response to Comments to City Planner's 11/8/2021 email. Letter dated 11/9/2021 by William Thompson, BH2M. Includes 2016 MDEP Permit-By-Rule application for stream crossing and email correspondence with Maine Water.
4. Plan entitled: *2nd Amended Final Plan, 5 Lot Subdivision, McKenney Drive, Biddeford, Maine.* REV Date: 11/9/2021. Prepared by BH2M, Engineers, Surveyors.

The following information not part of the application submission:

5. Previously approved plan: Amended Final Plan, 5 Lot Subdivision, McKenney Drive, Biddeford, Maine. Date: June 2017. Prepared by BH2M, Engineers, Surveyors. (BK 389 PG 20 YCRD)
6. Previously approved plan: Final Plan, 5 Lot Subdivision, McKenney Drive, Biddeford, Maine. REV Date: 3/18/2015. Prepared by BH2M, Engineers, Surveyors. (BK 375 PG 25 YCRD)
7. Previously approved plan: Final Plan, McKenney Drive Subdivision, Biddeford, Maine. REV Date: 8/4/1998. Prepared by Paul P. Gadbois, Engineering, Surveying, Land Planning. (BK 243 PG 33 YCRD)

With review of the above information and the Land Development Regulations, I offer the following comments on compliance with the City's ordinances.

PROJECT DESCRIPTION

The project site, located in the Residential-1A Zone, includes remaining land not subdivided 2015 when the Planning Board reviewed and approved a 5-lot subdivision at the end of McKenney Drive, a development that was previously approved in 1997. The 2015 plan was amended in 2017, primarily with the addition of land to some of the 5 lots. The site is bisected by a CMP easement and a stream tributary of Thatcher Brook. The latter was crossed with a culvert and new driveway sometime after 2016. The applicant is seeking approval to create a sixth single family lot with the use of additional land from Tax Map 7 Lot 17-2, also owned by the applicant, and with access via the existing driveway to the hammer-head at the end of McKenney Drive. In addition, a private way extension to the private portion of McKenney Drive is proposed.

COMPLETENESS REVIEW

The application is before the Planning Board as required by Chapter 66 (Subdivisions) subject to previously approved Subdivision Plans that are revised or amended. Per the City's Subdivision ordinance (66-4 (f)), No plan approved under this section shall be altered or amended, or otherwise changed without prior Board approval.

As with a minor subdivision applications, it is assumed the submission would require only that material necessary for the Board to review and make a determination (Sec. 66-33 (b)). The applicant has prepared and submitted information that is adequate for plan review by the Board, however, it is recommended more information/clarification is provided, outlined below, prior to or as part of final approval.

COMPLIANCE WITH THE CITY'S ORDINANCES

The proposed amendment appears to be conforming, though additional information is needed:

1. The proposed lot is not within 200 feet from the public sewer since the sewer in McKenney is private up to Kenzie Way., It is the City's understanding, however, that instead of a single subsurface wastewater disposal system (septic system), connection to the private sewer main is proposed. Applicant should confirm and provide a capacity letter from the City Wastewater Department since the private sewer connects to the city sewer.
2. The calculations on the net density (Sec. 44, Art. VI LDR) that demonstrate the proposed Lot 6 conforms should be submitted. This should reflect the potential for the area depicted as a *50' R.O.W.* to be a street, which would, at such time, effectively create two lots.
3. The applicant proposes in the cover letter a new *private way* (presumably an extension to and) at the end of McKenney Drive. If this is the case, then a revised grading plan should be prepared and submitted that demonstrates the private way extension is constructed in conformance to the ordinances. It doesn't appear it currently does in that a driveway cannot suffice as a private way. It can, though be used to access the proposed lot, until such time a

private way extension is approved by the Planning Board and constructed accordingly. The applicant should clarify this.

4. The application as submitted can be considered for approval to add the proposed lot, however, it does not include adequate information to be considered for an extension to the current private way.
5. It should be confirmed that existing Lot 4 will not have driveway access from the end of the hammer-head turn-a-round.
6. Confirmation/demonstration that the CMP easement burdening the property will accommodate a driveway and/or future street within its bounds. A copy of the easement should be submitted for the City's review and file.
7. The Police Department with regards to E-911 compliance should confirm addressing for the new lot. This is likely not an issue but should be addressed prior to the issuance of a building permit.
8. Ability to Serve letters from Maine Water and Fire Department are required and should be submitted prior to or as part of final approval. A letter that clearly states there are no issues with serving the site from both Maine Water and the Fire Department should be provided.
9. The remaining land of Indian Cliff Development Corp. reflected as 2.046 AC on the previously approved land. Land from the adjacent parcel, that was not part of the original subdivision, is being used to add land to the proposed lot 6. The final amended plan should reflect the owner and deed information here as it is typically done, e.g. N/F Indian Cliff Development Corp....but not perpetuate that it is remaining land since it was not part of the previously approved subdivision.
10. The final plan should be revised to reflect accurately all existing vs. proposed information. It appears the information associated with various drainage easements. If these have been executed, they should be depicted as existing not proposed. If that's not the case, why haven't they been executed? For the same objective, the note on the plan that states *This plan supersedes the previously recorded plan...* should simply state that it *amends* it, not supersedes it. A note that clearly explains, and describes the amendment, e.g. the addition of Lot 6 and land from Tax Map 7 Lot 17-2, etc... should be provided.
11. Final plan's signatory block should be revised to reflect the City Planner's signature rather than the full board, to read as:

BIDDEFORD PLANNING BOARD

GREG TANSLEY, CITY PLANNER, DULY AUTHORIZED TO
SIGN ON BEHALF OF THE BIDDEFORD PLANNING BOARD

NOTE: THE PLAN IS SIGNED BY THE CITY PLANNER ON BEHALF OF THE BIDDEFORD PLANNING BOARD AND SHALL BE DEEMED TO HAVE BEEN SIGNED BY THE INDIVIDUAL MEMBERS OF THE PLANNING BOARD EVIDENCING APPROVAL OF THE FINAL PLANS.

WAIVER REQUESTS

None requested.

CONCLUSION

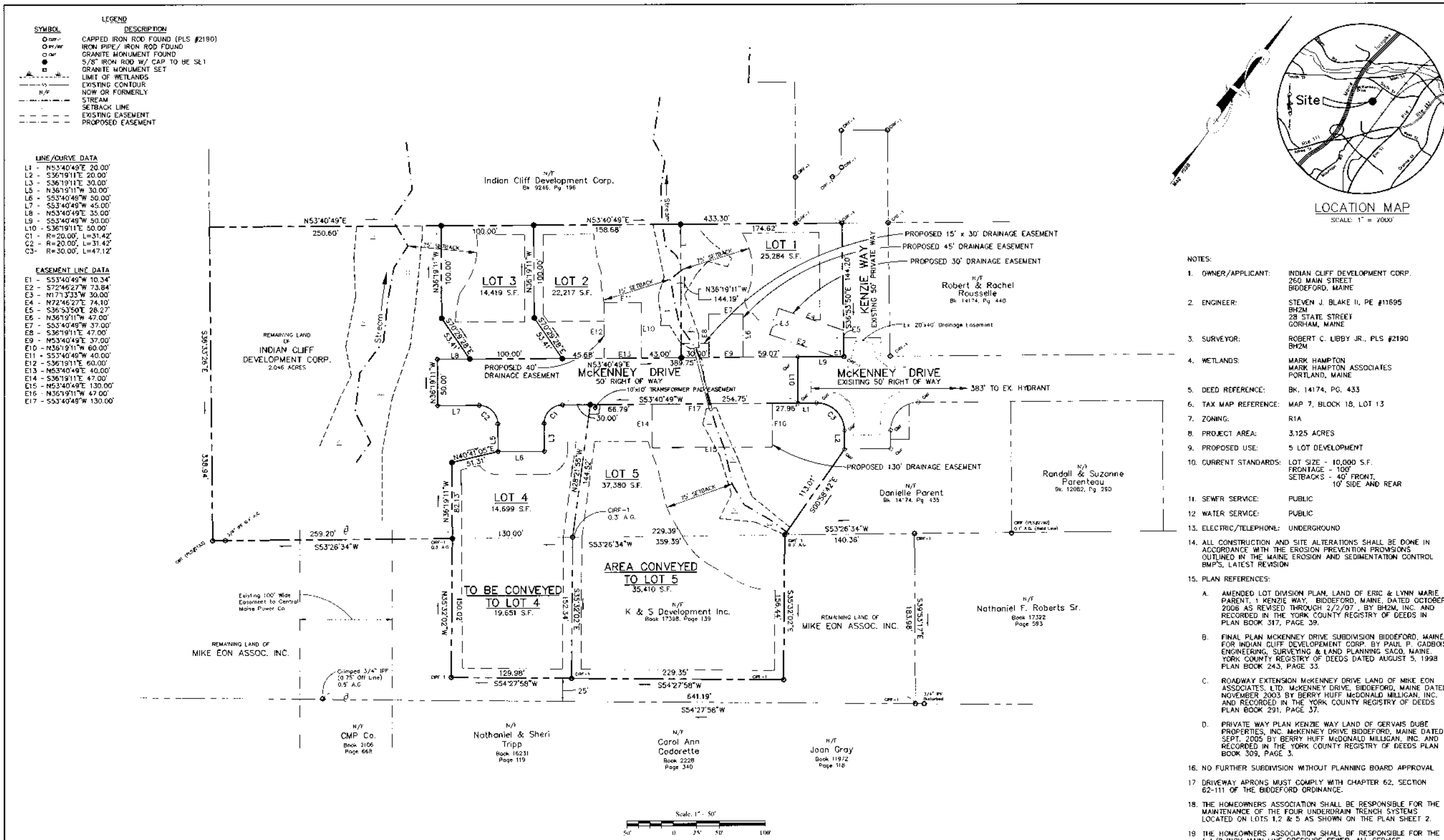
The scope of the application is limited in nature and the submission, considering the comments above, appears to be adequate consideration of a conditional approval if the Planning Board is so inclined. **For suggested motions and conditions of approval see Planning Board Packet Summary.**

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo
City of Biddeford Contract Planner.
cdimatteo@longmeadowpla.com
207.604.4245



I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

1. NO SURVEYORS REPORT

THIS PLAN REVIEWED AND APPROVED BY THE CITY PLANNING BOARD.

DATE 2-5-17

CHAIR

ROBERT C. LIBBY JR. PLS #2190

THIS PLAN SUPERCEDES THE PREVIOUSLY RECORDED PLAN TITLED "FINAL PLAN, 5 LOT SUBDIVISION" DATED OCTOBER 2014, BY BH2M, AND RECORDED IN THE Y.C.R.D. IN PLAN BOOK 375, PAGE 25. THE PURPOSE FOR THIS AMENDMENT IS TO SHOW THE CONVEYANCE OF ADJUTING PROPERTY TO LOT 4 & LOT 5 AS SHOWN

- NOTES:
- OWNER/APPLICANT: INDIAN CLIFF DEVELOPMENT CORP. 260 MAIN STREET BIDDEFORD, MAINE
 - ENGINEER: STEVEN J. BLAKE II, PE #11695 BH2M 208 STATE STREET GORHAM, MAINE
 - SURVEYOR: ROBERT C. LIBBY JR., PLS #2190 BH2M
 - WETLANDS: MARK HAMPTON MARK HAMPTON ASSOCIATES PORTLAND, MAINE
 - DEED REFERENCE: BK. 14174, PG. 433
 - TAX MAP REFERENCE: MAP 7, BLOCK 18, LOT 13
 - ZONING: R1A
 - PROJECT AREA: 3.125 ACRES
 - PROPOSED USE: 5 LOT DEVELOPMENT
 - CURRENT STANDARDS: LOT SIZE - 10,000 S.F. FRONTAGE - 100' SETBACKS - 40' FRONT, 10' SIDE AND REAR
 - SEWER SERVICE: PUBLIC
 - WATER SERVICE: PUBLIC
 - ELECTRIC/TELEPHONE: UNDERGROUND
 - ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION AND SEDIMENTATION CONTROL BMP'S, LATEST REVISION
 - PLAN REFERENCES:
 - A. AMENDED LOT DIVISION PLAN, LAND OF ERIC & LYNN MARIE PARENT, 1 KENZIE WAY, BIDDEFORD, MAINE, DATED OCTOBER 2008 AS REVISED THROUGH 2/2/07, BY BH2M, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 317, PAGE 39.
 - B. FINAL PLAN MCKENNEY DRIVE SUBDIVISION BIDDEFORD, MAINE FOR INDIAN CLIFF DEVELOPMENT CORP. BY PAUL P. GADBOIS ENGINEERING, SURVEYING & LAND PLANNING SACS, MAINE, YORK COUNTY REGISTRY OF DEEDS DATED AUGUST 5, 1998 PLAN BOOK 243, PAGE 33.
 - C. ROADWAY EXTENSION MCKENNEY DRIVE LAND OF MIKE EON ASSOCIATES, LTD. MCKENNEY DRIVE, BIDDEFORD, MAINE DATED NOVEMBER 2003 BY BERRY HUFF McDONALD MILLIGAN, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 291, PAGE 37.
 - D. PRIVATE WAY PLAN KENZIE WAY LAND OF GERVAIS DUBE PROPERTIES, INC. MCKENNEY DRIVE BIDDEFORD, MAINE DATED SEPT. 2005 BY BERRY HUFF McDONALD MILLIGAN, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 309, PAGE 3.
 - NO FURTHER SUBDIVISION WITHOUT PLANNING BOARD APPROVAL
 - DRIVEWAY APRONS MUST COMPLY WITH CHAPTER 62, SECTION 62-111 OF THE BIDDEFORD ORDINANCE.
 - THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE FOUR UNDERDRAIN TRENCH SYSTEMS LOCATED ON LOTS 1, 2 & 5 AS SHOWN ON THE PLAN SHEET 2.
 - THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE 1 1/2 INCH MAIN LINE PRESSURE SEWER. ALL SERVICE CONNECTIONS AND LATERALS TO LOTS AND PUMPS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER.
 - TOTAL PROPOSED IMPERVIOUS AREA (ROAD ONLY) = 12,852 S.F. % OF PROPOSED ROAD CAPTURED BY STORMWATER MANAGEMENT SYSTEM = 64%

REVISION DESCRIPTION

NO. DATE

BH2M

Berry, Huff, McDonald, Milligan, Inc.
Engineers, Surveyors
20 State Street
Biddeford, Maine 04005
Tel: (207) 964-2771
Fax: (207) 964-2840

Indian Cliff Development Corp.
260 Main Street
Biddeford, Maine

AMENDED FINAL PLAN

5 LOT SUBDIVISION

MCKENNEY DRIVE
BIDDEFORD, MAINE

DESIGNED DATE
W. Thompson June 2017

DRAWN SCALE
Dept 1" = 50'

CHECKED JOB NO.
R. Libby Jr. 14184 ASJ

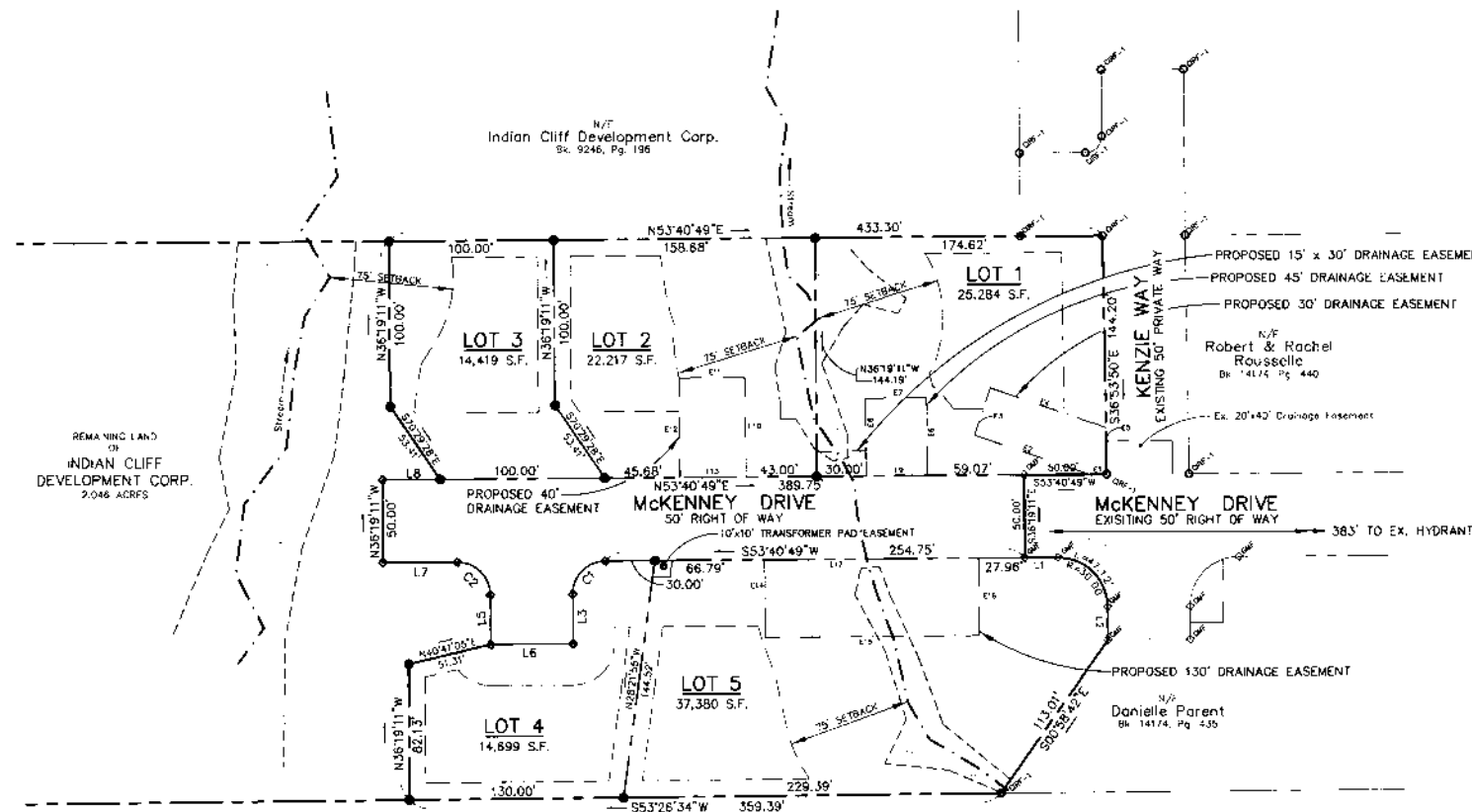
SHEET
1

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SYMBOL	DESCRIPTION
○	CAPPED IRON ROD FOUND (PLS #2190)
○	IRON PIPE/ IRON ROD FOUND
●	GRANITE MONUMENT FOUND
○	5/8" IRON ROD W/ CAP TO BE SET
○	GRANITE MONUMENT SET
---	LIMIT OF WETLANDS
---	EXISTING CONTOUR
---	NOW OR FORMERLY
---	STREAM
---	SETBACK LINE
---	EXISTING EASEMENT
---	PROPOSED EASEMENT

LINE/CURVE DATA
 L1 - N53°40'49"E 20.00'
 L2 - S36°19'11"E 20.00'
 L3 - S36°19'11"E 30.00'
 L4 - N36°19'11"W 30.00'
 L5 - S53°40'49"W 50.00'
 L6 - S53°40'49"W 45.00'
 L7 - N53°40'49"E 35.00'
 L8 - N53°40'49"E 35.00'
 C1 - R=20.00', L=31.42'
 C2 - R=20.00', L=31.42'

EASEMENT LINE DATA
 E1 - S53°40'49"W 10.34'
 E2 - S72°46'27"W 73.84'
 E3 - N17°13'33"W 30.00'
 E4 - N72°46'27"E 74.10'
 E5 - S36°53'50"E 28.27'
 E6 - N36°19'11"W 47.00'
 E7 - S53°40'49"W 37.00'
 E8 - S36°19'11"E 47.00'
 E9 - N53°40'49"E 37.00'
 E10 - N36°19'11"W 60.00'
 E11 - S53°40'49"W 40.00'
 E12 - S36°19'11"E 60.00'
 E13 - N53°40'49"E 40.00'
 E14 - S36°19'11"E 47.00'
 E15 - N53°40'49"E 130.00'
 E16 - N36°19'11"W 47.00'
 E17 - S53°40'49"W 130.00'



Scale 1" = 50'

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

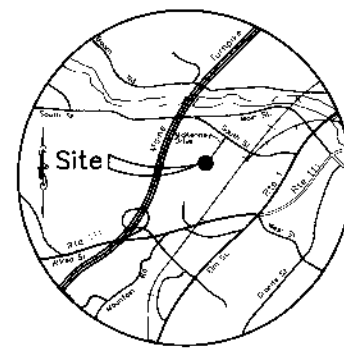
1. NO SURVEYORS REPORT

THIS PLAN REVIEWED AND APPROVED BY THE CITY OF BIDDEFORD PLANNING BOARD.

4/1/15
DATE

CHAIR
 [Signature]
 [Signature]
 [Signature]
 [Signature]
 [Signature]

ROBERT C. LIBBY JR. PLS #2190



LOCATION MAP
SCALE: 1" = 2000'

NOTES:

- OWNER/APPLICANT: INDIAN CLIFF DEVELOPMENT CORP. 280 MAIN STREET BIDDEFORD, MAINE
- ENGINEER: STEVEN J. BLAKE II, PE #11895 BH2M 28 STATE STREET GORHAM, MAINE
- SURVEYOR: ROBERT C. LIBBY JR., PLS #2190 BH2M
- WETLANDS: MARK HAMPTON MARK HAMPTON ASSOCIATES PORTLAND, MAINE
- DEED REFERENCE: BK. 14174, PG. 433
- TAX MAP REFERENCE: MAP 7, BLOCK 18, LOT 13
- ZONING: R1A
- PROJECT AREA: 3.125 ACRES
- PROPOSED USE: 5 LOT DEVELOPMENT
- CURRENT STANDARDS: LOT SIZE - 10,000 S.F. FRONTAGE - 100' SETBACKS - 40' FRONT, 10' SIDE AND REAR
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- WATER SERVICE: PUBLIC
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- DRIVEWAY APRONS MUST COMPLY WITH CHAPTER 62, SECTION 62-111 OF THE BIDDEFORD ORDINANCE.
- THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE FOUR UNDERDRAIN TRENCH SYSTEMS LOCATED ON LOTS 1, 2 & 5 AS SHOWN ON THE PLAN SHEET 2.
- THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE 1 1/2 INCH MAIN LINE PRESSURE SEWER, ALL SERVICE CONNECTIONS AND LATERALS TO LOTS AND PUMPS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER.
- TOTAL PROPOSED IMPERVIOUS AREA (ROAD ONLY) = 12,852 S.F. % OF PROPOSED ROAD CAPTURED BY STORMWATER MANAGEMENT SYSTEM = 64%

000121

NOTICE OF PRELIMINARY DECISION
 [Signature]
 [Signature]
 [Signature]

NO.	DATE	REVISION	DESCRIPTION
1	1/14/15		Submitted to the City of Biddeford
2	2/16/15		Rev'd Per Planning Board
3	2/12/15		Rev'd Per Planning Board
4	2/24/15		Rev'd Per Planning Board
5	3/26/15		Rev'd Per Planning Board

--	--

BH2M
 Surveyors
 Barry Huff, McDonald, Milligan, Inc.
 28 State Street
 Gorham, Maine 04038
 Tel: (207) 639-2777
 Fax: (207) 639-4239

Indian Cliff Development Corp.
 280 Main Street
 Biddeford, Maine

FINAL PLAN
5 LOT SUBDIVISION
 MCKENNEY DRIVE
 BIDDEFORD, MAINE

DESIGNED W. Thompson	DATE Dec 2014
DRAWN Degr	SCALE 1" = 40'
CHECKED R. Libby Jr	JOB. NO. 14104

SHEET 1

REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE WRITTEN CONSENT OF BH2M INC. IS PROHIBITED

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
AMENDED SUBDIVISION PLAN REVIEW
LOT 6 MCKENNEY DR (MAP 7 LOT 18-13)**

Pursuant to the provisions of the City of Biddeford Code of Ordinances Chapter 66 and applicable provisions of the Land Development Regulations, the Biddeford Planning Board has considered the application of **Indian Cliff Development Corp.** including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1.	Applicant and Owner	Michael Eon Indian Cliff Development Corp PO Box 444, Biddeford, ME 04005
2.	Agent:	William Thompson, BH2M
3.	Surveyor:	BH2M Engineers, Surveyors 380B Main Street, Gorham, ME 04038
4.	Project Location:	Terminus of McKenney Drive Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 7 Lot 18-13 (Portion of 7/17-2)
6.	Lot Size:	108,102 SF +/-
7.	Existing Zoning:	R-1A
8.	Overlay Zoning:	None
9.	Existing Use:	Residential Single Family
10.	Proposed Use:	Additional Single Family Lot (#6)
11.	Floodplain Status:	None
12.	Approvals Required:	Amended approved Subdivision Plan
13.	Uses in the Vicinity:	Residential
14.	Dimensional Requirements:	
	Min. Setback from Major R.O.W: 40 FT/ Other R.O.W: 25 FT	Min. Lot Size: 10,000 SF/ Unit (Public Water and Public Sewer)
	Minimum Side/Rear Setback:10 FT	Maximum Height: 3 stories / 35 FT
15.	Waivers Needed:	
	a. None	
16.	Waivers Granted:	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:	None

21.	LDR Attachment A: Fees Paid:	Yes
22.	Application Materials Submitted: 1. Application form dated 10/26/2021. 2. Cover Letter dated 10/26/2021 by William Thompson, BH2M. 3. Response to Comments to City Planner's 11/8/2021 email. Letter dated 11/9/2021 by William Thompson, BH2M. Includes 2016 MDEP Permit-By-Rule application for stream crossing and email correspondence with Maine Water. 4. Plan entitled: 2nd Amended Final Plan, 5 Lot Subdivision, McKenney Drive, Biddeford, Maine. REV Date: 11/9/2021. Prepared by BH2M, Engineers, Surveyors.	
23.	Planning Board Review History:	
	Final Review	Meeting on November 17, 2021

Conclusions of Law:

The Planning Board concludes based on the application information submitted, peer-review and staff reports prepared and testimony provided at their meetings, the application conforms to the following provisions:

A. Section 66-39 (below) applicable standard and requirements of Chapter 66 of the City's subdivision ordinance:

1. The project will not result in undue water or air pollution.
2. The project has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. The project will not cause an unreasonable burden on an existing water supply, if one is utilized;
4. The project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy, condition may result;
5. The project will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. The project will provide for adequate sewage waste disposal;
7. The project will not cause unreasonable burden on the ability of the municipality to disposal of solid waste and sewage if municipal services are to be utilized;
8. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural

- communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent;
9. The project is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan, or land use plan, if any.
 10. The subdivider has adequate financial and technical capacity to meet the above stated standards;
 11. Whenever situated, in whole or in part, within 250 feet of any lake, pond, river or tidal waters, the project will not adversely affect the quality of that body of water, or unreasonably affect the shoreline of that body of water, as indicated on the City of Biddeford, Official Zoning Map and referenced in the City's Comprehensive Plan;
 12. The project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
 13. The project is not in a flood prone area;
 14. The project will not unreasonably obstruct abutting properties or structures access to direct sunlight;
 15. If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the application with the following conditions:

Conditions of Approval:

1. Approval does not include an extension to McKinney Drive.
2. **Prior to any ground disturbance or issuance of any permits:**
 - a. All outstanding review comments as outlined in the Board Report dated 11/10/2021 shall be addressed to the satisfaction of the City Planner.
 - b. A revised Amended Subdivision Plan, suitable for recording, will be provided, no later than thirty days, to the City Planner for review and approval.
 - c. A pre-construction meeting with the contractor needs to be held with the Planning and Engineering Departments to discuss inspection requirements.
 - d. A Unit Cost Estimate on City form shall be submitted to the City Planner for review.
3. **Prior to the issuance of any occupancy permits:**
 - a. A sewer permit is required prior to any permit issuance. Sewer impact fee will be assessed once final flow numbers are provided to the Director.
 - 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. 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.
5. Best management practices shall be adhered to during all ground disturbance operations. All Catch Basin's in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
6. Copies of the maintenance logs for any 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. 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.
8. The Police Department with regards to E-911 compliance should confirm addressing for the new lot.
9. Ability to serve letters from all utility agencies and the Fire Department.
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.

Planning Board Chairman

Date



WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street
Gorham, Maine 04038

Tel. (207) 839-2771
www.bh2m.com

October 26, 2021

Greg Tansley
Biddeford City Planner
P.O. Box 586, 205 Main Street
Biddeford, Maine 04005

Re: McKenney Drive
Amended Plan

Dear Greg;

On behalf of the applicant, Indian Cliff Development Corp., we are submitting an amended plan for a proposed private way off the end of McKenney Drive. This private way will be to access proposed lot 6.

The applicant received a stream crossing "permit by rule" application dated 9/1/14, and that culvert and crossing have been constructed. We will use that location as part of this private way. No wetland impacts will be required for this amendment.

Proposed lot 6 will connect to the existing utilities that were installed as part of the stream crossing project.

We are submitting 10 copies of the amended plan along with the application. We will present this at the November 3rd planning board meeting.

Sincerely,

William A. Thompson
Project Manager

cc: M. Eon
encl.

**CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115**

APPLICATION FORM

Type of Application:

☐ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☒ Subdivision ☐ Private Way
☐ Other: Private Way & Amended Subdivision

Applicant Information:

Applicant's Name: Indian Cliff Development Corp.
Applicant's Mailing Address: P.O. Box 444 Biddeford, Maine 04005
Applicant's Telephone: 207 283-3000

What is Applicant's legal interest in the property?

☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Name: Same as Applicant
Owner's Address: _____
Owner's Telephone: _____

Agent's Name: William Thompson - BH2M Engineers
Agent's Address: 380B Main Street Gorham, Maine 04038
Telephone: 207 839-2771

Engineer/Surveyor: Robert C. Libby PLS 2190 - BH2M Engineers
Engineer/Surveyor's Address: 380B Main Street Gorham, Maine 04038
Telephone: 207 839-2771

Project Location and Lot Information:

Street Address: McKenney Drive
Tax Map: 7 Lot: Block 18 Lot 13 & Block 15 Lot 2
Current Zoning: R1A Shoreland Zoning: None

Size of lot: 105,997 ☐ acres ☒ s.f. Lot Frontage: 100'

Existing Use of Property: wooded & open fields

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer & Private	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☒ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☒ Yes ☐ No If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

Forested Wetlands

Description of proposed use of property:

Project/Proposed Use Description: Residential home with in-law unit

Property to be serviced by:

☐ City Road	☒ Private Road
☐ Public Sewer	☒ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☒ Private Hauler

Is this project part of a larger project? ☐ Yes ☒ No

☐ If in a Shoreland Zone:

Percent of residential lot coverage (Max. 20%): _____

Percent of structure expansion (Max. 30%): _____

☐ If Subdivision Review, number of lots proposed: _____ 1

☐ If a Private Way is proposed, number of lots served: _____ 1

☐ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: _____ One

Total new square feet paving/parking: _____ One

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:

Agent

William A. Thompson - BHJ
William A. Thompson

Date: 10/26/2021

Signature of owner of property:

Date: _____

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**



WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

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Gorham, Maine 04038

Tel. (207) 839-2771
www.bh2m.com

November 9, 2021

Greg Tansley
Biddeford City Planner
205 Main Street
P.O. Box 586
Biddeford, Maine 04005

Re: McKenney Drive
Amended Plan

Dear Greg;

We have made some small changes to the plan referenced above and have the following responses to your e-mail:

1. The proposed Lot 6 has a force main stub located in McKenney Drive that is available for this lot. The manhole is shown on the plan.
2. With water and sewer servicing this lot, we need a minimum of 10,000 s.f. This lot is 2.48 acres.
3. The driveway to serve this lot will not be within the existing CMP easement. Access drives are allowed in a CMP easement providing we do not reduce the vertical clearance.
4. Stream crossing is existing and was allowed under permit by rule issued in 2016.
5. Item 4 references the permit by rule. A copy is attached to this submission.
6. Applicant has contracted Joanne Fisk for assigning an address.
7. Ability to serve letters are being requested and responses will be submitted. Letter from Maine Water is attached.
8. Signature block has been updated to allow for signature of Planner.

We appreciate your review. Enclosed are 10 copies of the plan and associated documents.

Sincerely,

William A. Thompson
Project Manager

encl.

cc: M. Eon

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
NRPA PERMIT BY RULE NOTIFICATION FORM**

(For use with DEP Regulation, Natural Resources Protection Act-Permit by Rule Standards, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY

Name of Applicant: (owner)	INDIAN CLIFF DEVELOPMENT CORP		Name of Agent:	MICHAEL EONI	
Applicant Mailing Address:	P.O. Box 444		Agent Phone # (include area code):	207-283-3000	
Town/City:	BIDDEFORD		PROJECT Information Name of Town/City:	BIDDEFORD	
State and Zip code:	ME 04005		Name of Wetland or Waterbody:	UNNAMED STREAM	
Daytime Phone # (include area code):	207 283-3000		Map #:	7	Lot #: 18-13
Detailed Directions to Site: FROM US RT 1 SOUTH TAKE RIGHT ONTO SOUTH ST GO WEST 0.6mi TO MCKINNEY DR ON LEFT, TURN ONTO MCKINNEY DR. GO 0.3mi TO END & SITE					
Description of Project:			CULVERT CROSSING OF UNNAMED STREAM		
Part of a larger project? (check one) →	☐ Yes ☒ No	After the Fact? (check one) →	☐ Yes ☒ No	Check one → This project ☒ does (or) ☐ does not involve work below mean low water (average low water).	

NRPA PERMIT BY RULE (PBR) SECTIONS: (Check at least one)

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Rules, Chapter 305. I and my agents, if any, have read and will comply with all of the standards in the Sections checked below.

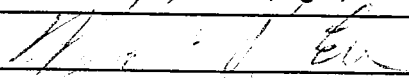
- | | | |
|--|---|--|
| ☒ Sec. (2) Act. Adj. to Protected Natural Res. | ☒ Sec. (10) Stream Crossing | ☐ Sec. (17) Transfers/Permit Extension |
| ☐ Sec. (3) Intake Pipes | ☐ Sec. (11) State Transportation Facil. | ☐ Sec. (18) Maintenance Dredging |
| ☐ Sec. (4) Replacement of Structures | ☐ Sec. (12) Restoration of Natural Areas | ☐ Sec. (19) Activities in/on/over significant vernal pool habitat |
| ☐ Sec. (5) REPEALED | ☐ Sec. (13) F&W Creation/Enhance/Water Quality Improvement | ☐ Sec. (20) Activities located in/on/over high or moderate value inland water-fowl & wading bird habitat or shore-bird feeding & roosting areas |
| ☐ Sec. (6) Movement of Rocks or Vegetation | ☐ Sec. (14) REPEALED | |
| ☐ Sec. (7) Outfall Pipes | ☐ Sec. (15) Public Boat Ramps | |
| ☐ Sec. (8) Shoreline stabilization | ☐ Sec. (16) Coastal Sand Dune Projects | |
| ☒ Sec. (9) Utility Crossing | | |

NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS:

- ☒ **Attach** a check for the correct fee, payable to: "Treasurer, State of Maine". The current fee for NRPA PBR Notifications can be found at the Department's website: <http://www.maine.gov/dep/feesched.pdf>
- ☒ **Attach** a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
- ☒ **Attach** Proof of Legal Name if applicant is a corporation, LLC, or other legal entity. Provide a copy of Secretary of State's registration information (available at <http://icrs.informet.org/nei-sos-icrs/ICRS?MainPage=x>).
- ☒ Individuals and municipalities are not required to provide any proof of identity.
- ☒ **Attach** photos of the proposed site where activity will take place as required in PBR Sections checked above.
- ☒ **Attach** all other required submissions as outlined in the PBR Sections checked above.

I authorize staff of the Departments of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that **this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.**

By signing this Notification Form, I represent that the project meets all applicability requirements and standards in the rule and that the applicant has sufficient title, right, or interest in the property where the activity takes place.

Signature of Agent or Applicant:		Date:	8/1/14
----------------------------------	---	-------	--------

Keep a copy as a record of permit. Send the form with attachments via certified mail or hand deliver to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Office as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. **Work carried out in violation of any standard is subject to enforcement action.**

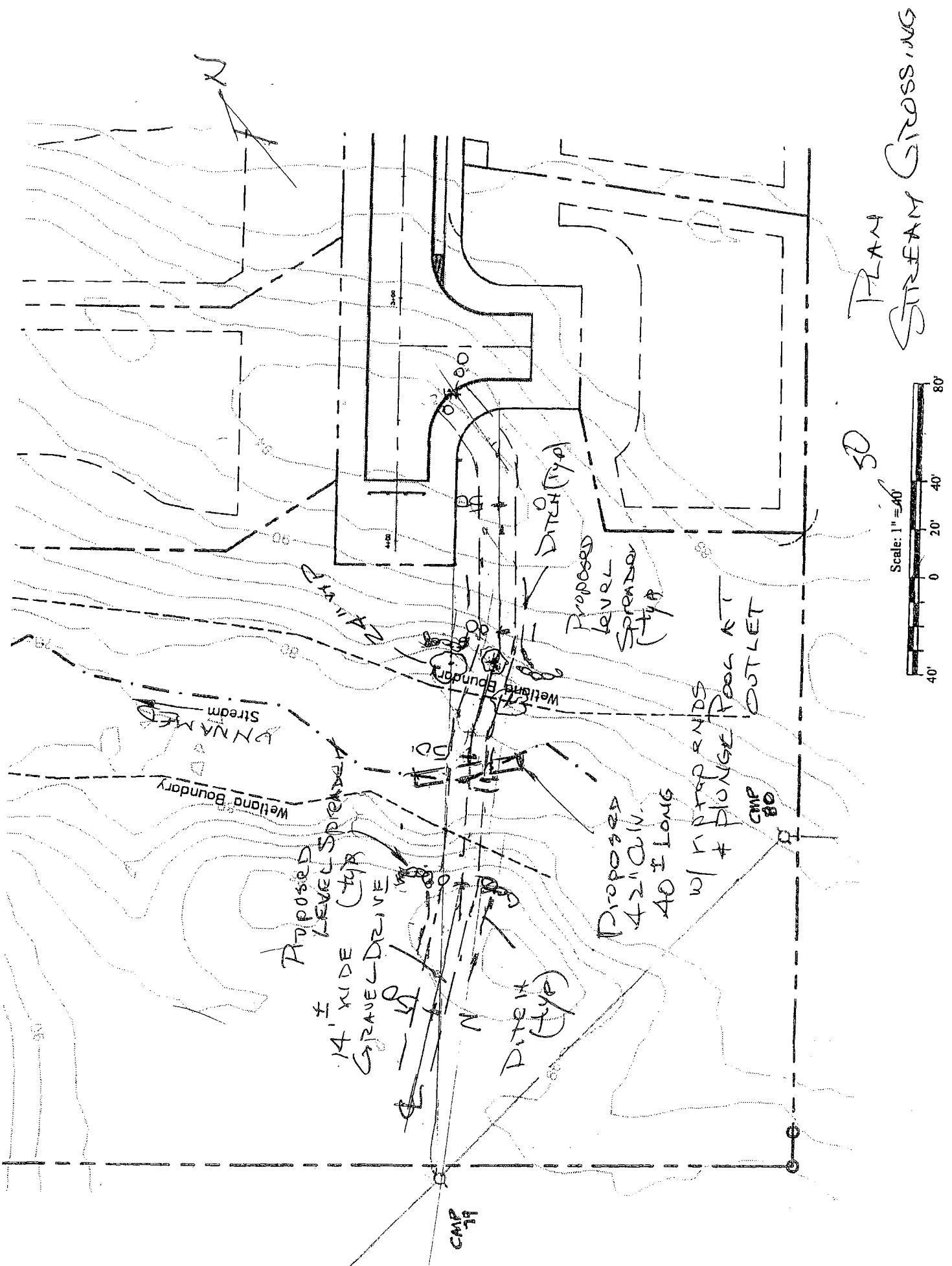
AUGUSTA DEP
17 STATE HOUSE STATION
AUGUSTA, ME 04333-0017
(207)287-3901

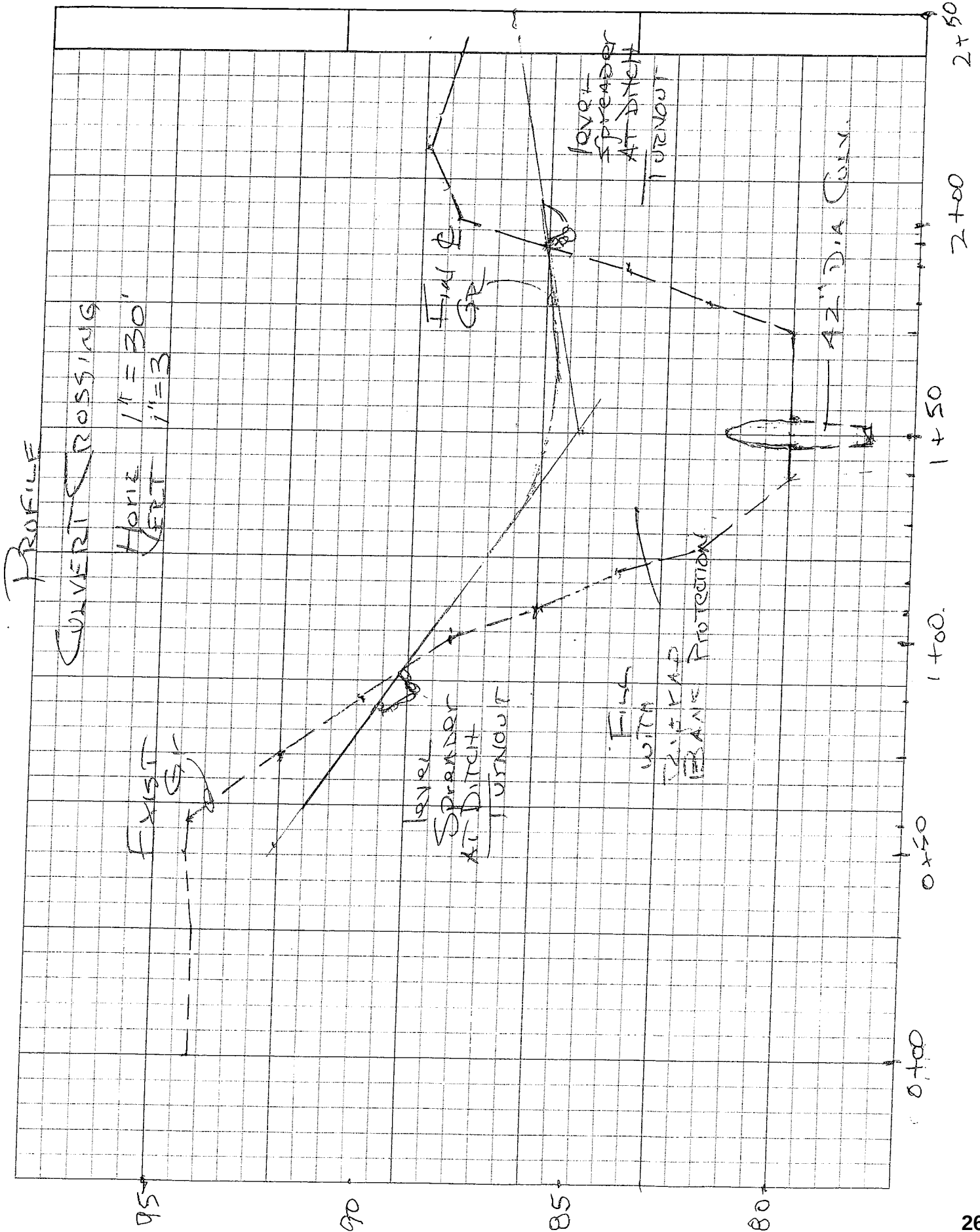
PORTLAND DEP
312 CANCO ROAD
PORTLAND, ME 04103
(207)822-6300

BANGOR DEP
106 HOGAN ROAD
BANGOR, ME 04401
(207)941-4570

PRESQUE ISLE DEP
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207)764-0477

OFFICE USE ONLY	CK.#	Date	Staff	Staff	After Photos
PBR #	FP		Acc. Date	Def. Date	

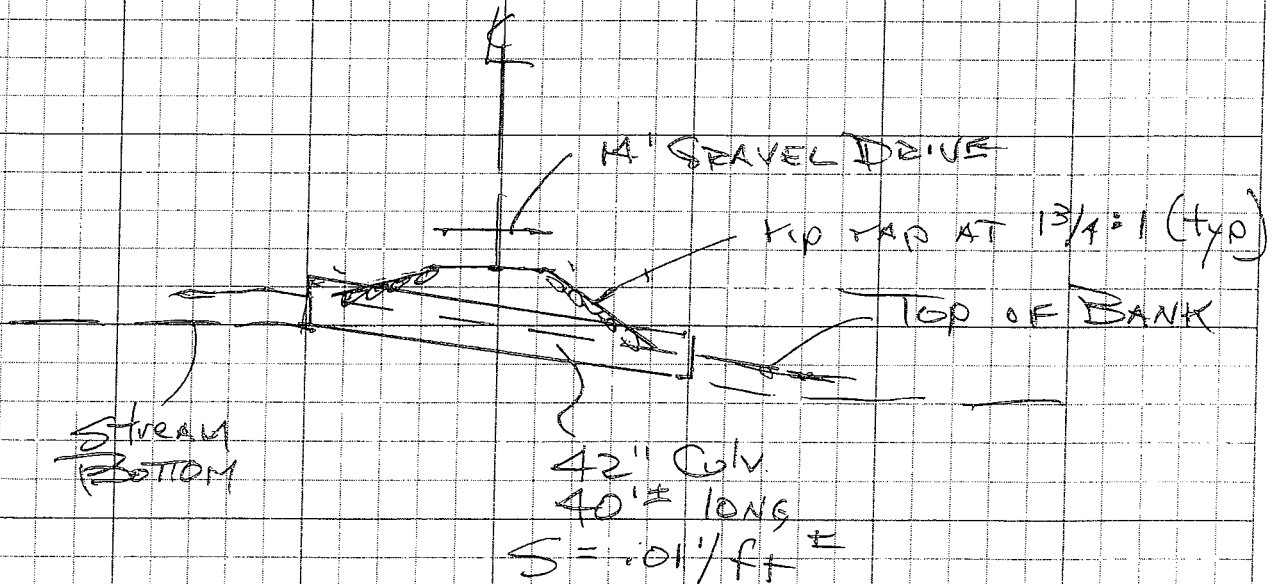






SECTION

HORIZ 1" = 20'
VERT 1" = 20'



From: Marcus Knipp
Sent: Wednesday, September 15, 2021 7:58 AM
To: William Thompson; Mike Eon
Subject: RE: Send data from MFP13521528 09/10/2021 14:19

Hi Bill,

I can't see any records of the private blue brute installation. The first issue I wanted to clarify is will this property be subdivided? When you mentioned separate lots, this requires each lot is served by a public main. Since that material, blue brute, is not in accordance with our most recent specifications, we would not accept that portion of the water service as public. The water service would have to be upgraded from the end of the main with new material.

As far as size, generally 2-inch service size would have no issues serving 4 single family homes. Would you be able to clarify if each lot will be subdivided and individually owned, and the road will be a 'private shared driveway' for access.

Thanks,
Marcus

Marcus Knipp, E.I.T.
Project Engineer



93 Industrial Park Road
Saco, ME 04072
Office: 207-294-6943
Cell: 207-468-2089

From: William Thompson <wthompson@bh2m.com>
Sent: Friday, September 10, 2021 2:31 PM
To: Marcus Knipp <Marcus.Knipp@MaineWater.com>; Mike Eon <meon@mikeeonassoc.com>
Subject: FW: Send data from MFP13521528 09/10/2021 14:19

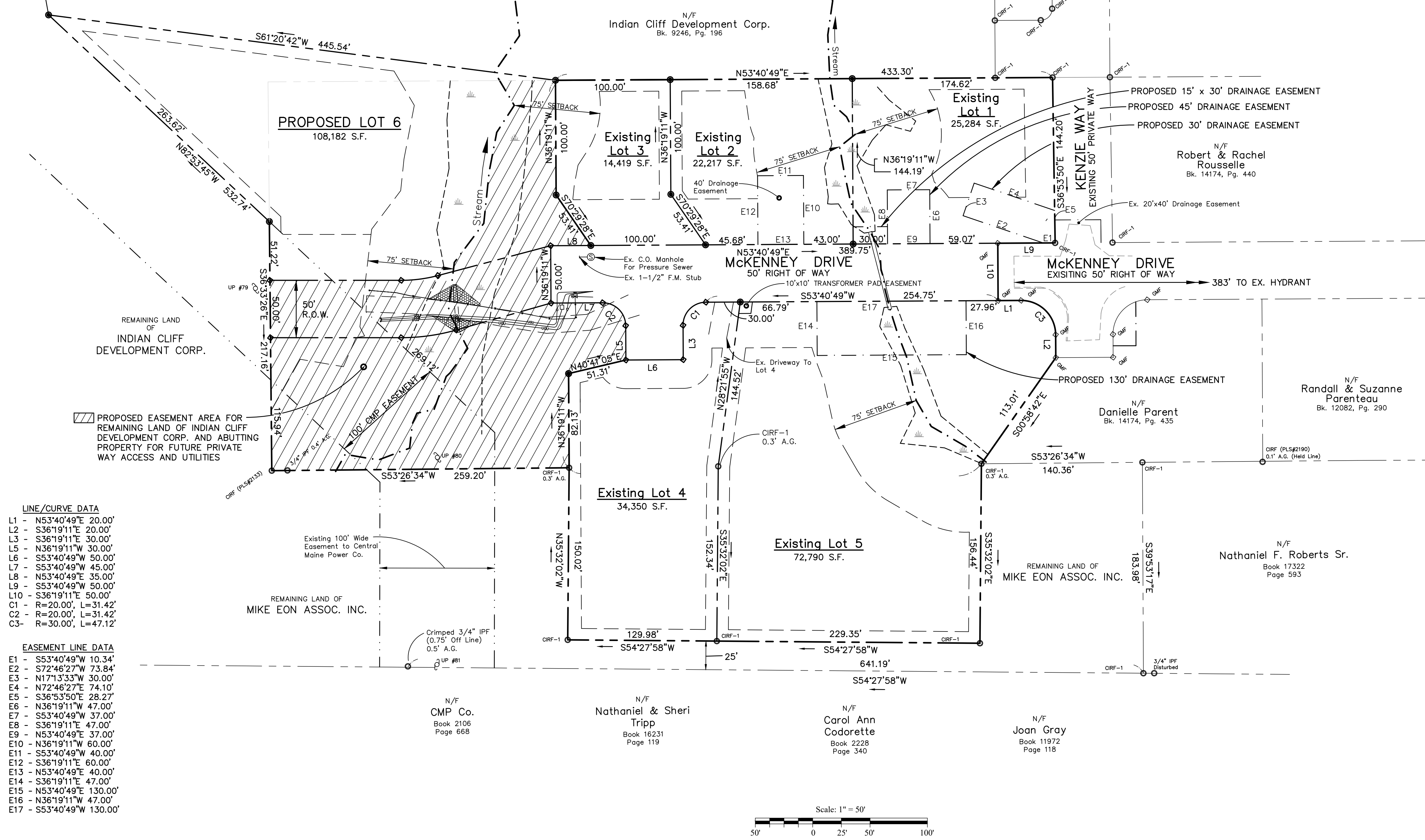
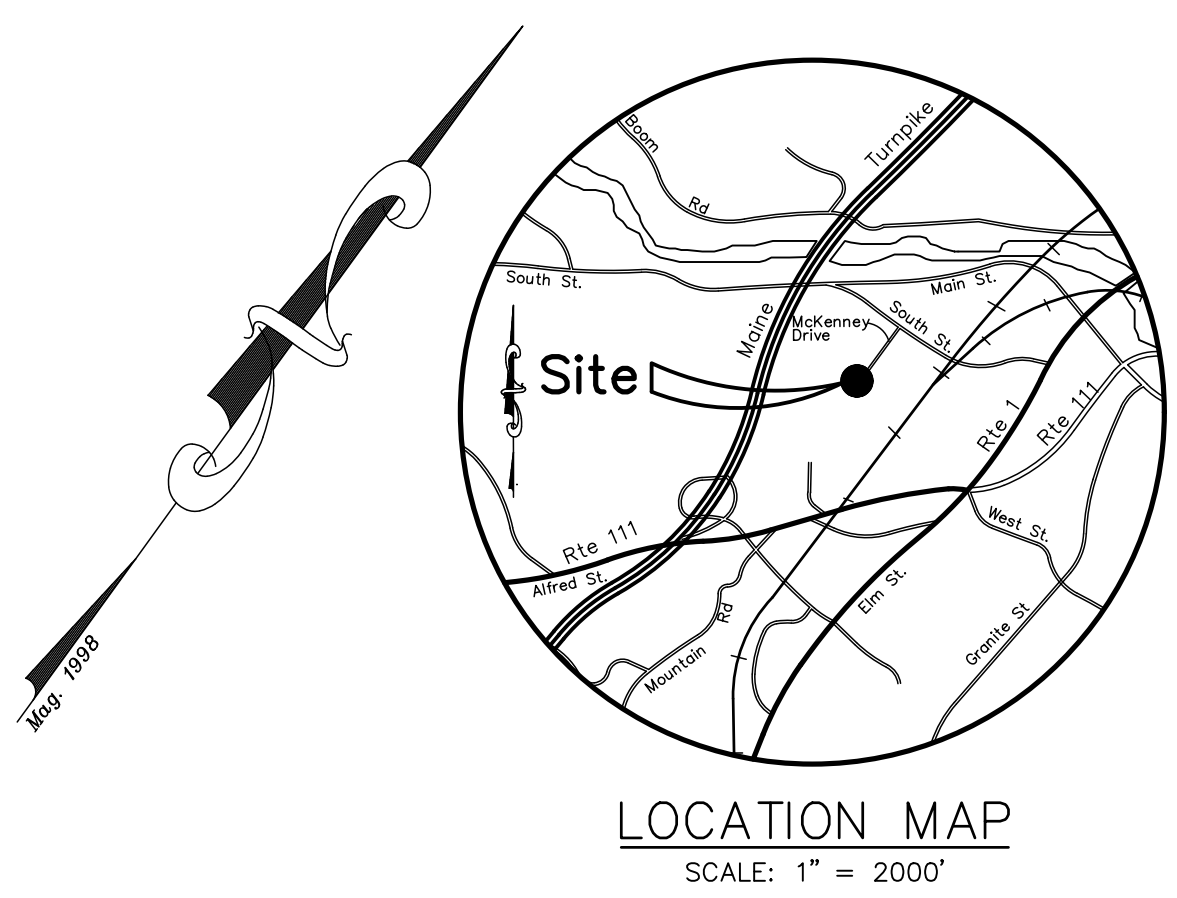
Hi Marcus, Attached is a concept for adding 2 lots to McKenney Drive in Saco . The existing conditions show a 2 inch blue brute water service coming off the end of the 8 inch main serving the McKenny Drive subdivision and extending into the area of proposed lots .

The question we have is, will the 2 inch water line serve the potential of 4 homes should the two lots elect to have two houses on each lot ?

If you need more details on this proposal please let us know , Bill

William Thompson
Project Manager
380B Main Street
Gorham, Maine 04038

SYMBOL	DESCRIPTION
○ CRF-1	CAPPED IRON ROD FOUND (PLS #2190)
○ IPF/IRF	IRON PIPE/ IRON ROD FOUND
□ GMP	GRANITE MONUMENT FOUND
●	5/8" IRON ROD W/ CAP TO BE SET
■	GRANITE MONUMENT SET
---	LIMIT OF WETLANDS
- - -	EXISTING CONTOUR
- - -	NOW OR FORMERLY
---	STREAM
---	SETBACK LINE
---	EXISTING EASEMENT
---	PROPOSED EASEMENT
---	UNDERGROUND ELECTRIC
---	UNDERGROUND UTILITY
---	EXISTING WATER LINE



LINE/CURVE DATA
L1 - N53°40'49"E 20.00'
L2 - S36°19'11"E 20.00'
L3 - N36°19'11"E 30.00'
L4 - N36°19'11"E 30.00'
L5 - S53°40'49"W 50.00'
L6 - S53°40'49"W 45.00'
L7 - N53°40'49"E 35.00'
L8 - S53°40'49"W 50.00'
L9 - S53°40'49"W 50.00'
L10 - S36°19'11"E 50.00'
C1 - R=20.00', L=31.42'
C2 - R=20.00', L=31.42'
C3 - R=50.00', L=47.12'

EASEMENT LINE DATA
E1 - S53°40'49"W 10.34'
E2 - S72°46'27"W 73.84'
E3 - N17°13'33"W 30.00'
E4 - N72°46'27"E 74.10'
E5 - S36°53'50"E 28.27'
E6 - N36°19'11"W 47.00'
E7 - S53°40'49"W 37.00'
E8 - S36°19'11"E 47.00'
E9 - N53°40'49"E 37.00'
E10 - N36°19'11"W 60.00'
E11 - S53°40'49"W 40.00'
E12 - S36°19'11"E 60.00'
E13 - N53°40'49"E 40.00'
E14 - S36°19'11"E 47.00'
E15 - N53°40'49"E 130.00'
E16 - N36°19'11"W 47.00'
E17 - S53°40'49"W 130.00'

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

1. NO SURVEYORS REPORT



THIS PLAN REVIEWED AND APPROVED BY THE CITY PLANNER.

DATE

THIS PLAN SUPERCEDES THE PREVIOUSLY RECORDED PLAN, TITLED "AMENDED FINAL PLAN, 5 LOT SUBDIVISION" DATED JUNE 2017, BY BH2M, AND RECORDED IN THE Y.C.R.D. IN PLAN BOOK 389, PAGE 20. THE PURPOSE FOR THIS AMENDMENT IS TO ADD LOT 6 AS SHOWN.

YORK,ss
Received _____
at _____ h _____ m _____ M., and
Filed In Plan Book _____ Page _____
ATTEST: _____
Register

- NOTES:
1. OWNER/APPLICANT: INDIAN CLIFF DEVELOPMENT CORP.
P.O. BOX 444
BIDDEFORD, MAINE
 2. ENGINEER: STEVEN J. BLAKE II, PE #11695
BH2M
380B MAIN STREET
GORHAM, MAINE
 3. SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
BH2M
 4. WETLANDS: MARK HAMPTON
MARK HAMPTON ASSOCIATES
PORTLAND, MAINE
 5. DEED REFERENCE: BK. 14174, PG. 433
 6. TAX MAP REFERENCE: MAP 7, BLOCK 18, LOT 13
MAP 7, BLOCK 15, LOT 2
 7. ZONING: R1A
 8. PROJECT AREA: 6.995 ACRES
 9. PROPOSED USE: 1 LOT ADDITION
 10. CURRENT STANDARDS: LOT SIZE - 10,000 S.F.
FRONTAGE - 100'
SETBACKS - 40' FRONT,
10' SIDE AND REAR
 11. SEWER SERVICE: PUBLIC/PRIVATE
 12. WATER SERVICE: PUBLIC
 13. ELECTRIC/TELEPHONE: UNDERGROUND
 14. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION AND SEDIMENTATION CONTROL BMP'S, LATEST REVISION
 15. PLAN REFERENCES:
 - A. AMENDED LOT DIVISION PLAN, LAND OF ERIC & LYNN MARIE PARENT, 1 KENZIE WAY, BIDDEFORD, MAINE, DATED OCTOBER 2006 AS REVISED THROUGH 2/2/07, BY BH2M, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 317, PAGE 39.
 - B. FINAL PLAN MCKENNEY DRIVE SUBDIVISION BIDDEFORD, MAINE FOR INDIAN CLIFF DEVELOPEMENT CORP. BY PAUL P. GADBOIS ENGINEERING, SURVEYING & LAND PLANNING SAGO, MAINE. YORK COUNTY REGISTRY OF DEEDS DATED AUGUST 5, 1998 PLAN BOOK 243, PAGE 33.
 - C. ROADWAY EXTENSION MCKENNEY DRIVE LAND OF MIKE EON ASSOCIATES, LTD. MCKENNEY DRIVE, BIDDEFORD, MAINE DATED NOVEMBER 2003 BY BERRY HUFF McDONALD MILLIGAN, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 291, PAGE 37.
 - D. PRIVATE WAY PLAN KENZIE WAY LAND OF GERVAIS DUBE PROPERTIES, INC. MCKENNEY DRIVE BIDDEFORD, MAINE DATED SEPT. 2005 BY BERRY HUFF McDONALD MILLIGAN, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 309, PAGE 3.
 16. NO FURTHER SUBDIVISION WITHOUT PLANNING BOARD APPROVAL
 17. DRIVEWAY APRONS MUST COMPLY WITH CHAPTER 62, SECTION 62-111 OF THE BIDDEFORD ORDINANCE.
 18. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE FOUR UNDERDRAIN TRENCH SYSTEMS LOCATED ON LOTS 1, 2 & 5 AS SHOWN ON THE PLAN SHEET 2.
 19. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE 1 1/2 INCH MAIN LINE PRESSURE SEWER. ALL SERVICE CONNECTIONS AND LATERALS TO LOTS AND PUMPS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNER.

REVISION	DESCRIPTION
NO.	DATE
1	11/9/21
Revised Per Planner Email Dated 11/9/21	

--

BH2M
Barry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors
380B Main Street
Gorham, Maine 04038
Tel. (207) 839-2771
Fax (207) 839-8250

FOR
Indian Cliff Development Corp.
P.O. Box 444
Biddeford, Maine

2ND AMENDED FINAL
PLAN
5 LOT SUBDIVISION
MCKENNEY DRIVE
BIDDEFORD, MAINE

DESIGNED W. Thompson	DATE October 2021
DRAWN Dept.	SCALE 1" = 50'
CHECKED R. Libby Jr.	JOB. NO. 21179

SHEET
1

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McKenney Drive, Biddeford
Net Residential Calculations for Lot 6

TOTAL AREA 108,182 sf

DEDUCT:

 WETLANDS - 23,054 sf

 RIGHT OF WAY - 12,500 sf

 USABLE AREA 72,628 sf ÷ 20,000 sf = 3.63 LOTS



WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

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Gorham, Maine 04038

Tel. (207) 839-2771
www.bh2m.com

November 15, 2021

Greg Tansley
Biddeford City Planner
P.O. Box 586 / 205 Main Street
Biddeford, Maine 04005

Re: McKenney Drive – 2nd Amendment
Conditions of Approval

Dear Greg;

Mike Eon and I have reviewed the Conditions of Approval dated November 17, 2021. Based on our proposed design for just the addition of Lot 6 and not a private way or associated utilities at this time, we would like you and the board to review some of the Conditions of Approval.

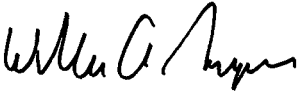
1. We agree that this approval does not include an extension to McKenney Drive.
2. Prior to any ground disturbances or issuance of any permit.
 - a. All review comments will be addressed to the satisfaction of the City Planner.
 - b. Amended Subdivision Plan, suitable for recording will be provided no later than 30 days to the City Planner for review and approval.
 - c. A pre-construction meeting with the contractor will not be required as the construction only involves house construction.
 - d. A unit cost estimate will not be required as an access and utilities for this lot are installed.
3. Prior to the issuance of any occupancy permits:
 - a. No issues with sewer permit requirements.
 - b. A performance guarantee would not be required as there are no site improvements beyond the house construction.
4. No issue with erosion control measures being installed.
5. Best management practices shall apply only to the house construction and necessary grading as there are no catchbasins in the vicinity of earthwork.
6. There are no stormwater facilities as part of this project, therefore no maintenance logs will be required.
7. No issue with other pertinent permits being required.
8. E-911 approval has been obtained.
9. Ability to serve letters have been secured.
10. As-built plan will not be required as this project is just for house construction.

11. Certifying that project has been completed per approved plans will not apply as this is only an approved lot for house construction.

Attached also find a proposed deed with an Exhibit A (McKenney Drive Extension) as this document outlines the conditions and restrictions to this proposed lot conveyance.

We appreciate your review of this comments on the proposed conditions of approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A. Thompson'.

William A. Thompson
Project Manager

encl.
cc: M. Eon

**WARRANTY DEED
Maine Statutory Short Form**

KNOW ALL MEN BY THESE PRESENTS. That Indian Cliff Development Corporation, a Maine corporation with a place of business at 260 Main Street, Biddeford, Maine 04005, for consideration paid, grants to _____ and _____, both with a mailing address of _____, with **WARRANTY COVENANTS**, AS JOINT TENANTS, the land in Biddeford in the County of York and State of Maine, described as follows:

That certain lot or parcel of land situated on McKenney Drive, so-called, in Biddeford, York County, Maine, and being Lot _____ as shown and depicted on plan entitled "FINAL PLAN, 5 Lot Subdivision, McKenney Drive, Biddeford, Maine, For Indian Cliff Development, 260 Main Street, Biddeford, Maine, dated October, 2014, as revised through March 28, 2015, prepared by BH2M, and being recorded in York Registry of Deeds in Plan Book 375, page 25, as further amended by plan entitled "2nd Amended Final Plan, 5 Lot Subdivision, McKenney Drive, Biddeford, Maine" dated October 2021, as revised through _____ to which Plans and the record thereof reference is hereby made for a more particular description of the within conveyed premises.

Except as may be modified by the terms and conditions of EXHIBIT A attached hereto, the above described premises are conveyed together with the right, in common with INDIAN CLIFF DEVELOPMENT CORPORATION, its successors and assigns, the within Grantees and all others who may be subsequently granted rights in and to the use thereof by Grantor and to that area shown on the Plans as a roadway or access way known as McKenney Drive running in a general southwesterly direction from South Street to and through by the within conveyed premises in that area (the Hatched Area") diagonally hatched and labelled "Proposed Easement Area for Remaining Land of Indian Cliff Development Corp. and Abutting property for Future Private Way Access and Utilities" and, most specifically, that area labelled "50' R.O.W." or purposes of ingress and egress on foot or in vehicles and for the use, introduction, placement, maintenance, repair and replacement of all utility services customarily placed over, on or under such area for service to the within conveyed premises and other land owned by Indian Cliff Development Corporation and others. The within Grantor reserves for itself, its successors and assigns the right to improve said 50' R.O.W. to any standards required by the City of Biddeford or other governmental agencies dependent on its use from time to time and shall have the right to apply for any necessary governmental approvals either in its own name or the name of the fee owner of such area. The use of such roadway and the obligations with respect to the maintenance thereof as well as portions of the forced sewer system (in the event the within Grantees shall elect to connect to the same and surface and subsurface water drainage systems shall be subject to the

terms and conditions of restriction 15 attached hereto and which shall be applicable to in so far as road maintenance and surface and subsurface water drainage systems only are concerned until such time as the roadway shall be accepted as a public street by the City of Biddeford. Duties and obligations under the terms hereof shall be assigned to the Homeowner's Association hereinafter described.

The above described premises are conveyed subject to those restrictions set forth in EXHIBIT A attached hereto and made a part hereof and all conditions, restrictions and reservations of Planning Board Approval or other items in the nature of restrictions, easements, or conditions, as shown on said Plan as "NOTES" or otherwise.

The within Grantor reserves for itself, its successors and its specific assigns, the right to use any portion of the remaining land areas shown on said Plans for any and all purposes such as, for instance, access to other land and also reserves the right, subject to any necessary municipal approvals, to relocate and reconstruct any easement areas shown on said Plan which lie on land it owns or controls, provided that such relocation and reconstruction shall be done in such a manner and fashion that it shall not materially impair or adversely affect any existing use of the easement area by other owners on said Plan. The Grantor further reserves the right to connect to any existing utilities which may lie within the Hatched Area or adjacent thereto and to extend the same for the benefit of adjacent land.

The within Grantee(s) do(es) hereby agrees (he/she/they) shall install backwater valves on on all sewerage connections and the same shall be maintained by the individual lot owners with a right to enforce such obligation in the homeowner's association hereinafter referred to.

The above described premises are hereby conveyed: (1) subject to such utility service easements or other easements or rights-of-way on, over, under or across said property as may now have any legal existence, including but not limited to the easement to Central Maine Power Company and the drainage easements shown on the above plan; (2) together with the benefit of any appurtenant utility service easements or other easements or rights-of-way; and (3) subject to all federal, state and local land use statutes, ordinances and regulations.

Reserving to Indian Cliff Development Corporation, its successors and assigns, perpetual easements for all purposes relating to the installation and maintenance of all utility services and for the construction and maintenance of drainage ways to provide surface and sub-surface water drainage of the within conveyed premises and other lots on the aforesaid Plan. The areas encumbered by these easements are parallel, and interior to and adjacent to all lot boundaries of the above described lot, shall be ten (10) feet in width adjacent to all rear and side lot lines, twenty (20) feet in width adjacent to the frontlines and this reservation shall include the right-of-entry by men and machines. It shall be a condition of the grant that the person exercising its rights to construct or maintain such drainage ways shall suitably re-grade and re-seed any areas disturbed by such construction or maintenance. The within Grantee(s) shall have the right to use such areas for all purposes not inconsistent with the reservation herein.

The within Grantor reserves for itself, its successors and assigns the right and easement to create walking trails and access points in the Hatched Area on the above conveyed premises all in accordance with the provisions of a Joint Development Agreement between the City of Biddeford, and Grantor and others as the same may be implemented.

The above described parcel being a portion of the premises conveyed to INDIAN CLIFF DEVELOPMENT CORPORATION by deed of _____ dated _____ and recorded in the York County Registry of Deeds in Book _____, Page _____.

IN WITNESS WHEREOF, the said INDIAN CLIFF DEVELOPMENT CORPORATION, has caused this instrument to be signed in its corporate name and behalf by Michael R. Eon, its PRESIDENT, duly authorized, all as of the ___ day of _____, 202__.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:

INDIAN CLIFF DEVELOPMENT
CORPORATION

By: _____
Michael R. Eon, Its President

STATE OF MAINE
COUNTY OF YORK, SS.

_____, 202__

Personally appeared the above named MICHAEL R. EON, President of INDIAN CLIFF DEVELOPMENT CORPORATION and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney-At-Law
Print Name: _____

I:\forms\realestate\subdivisions\McKenney\deed\lot6\revised11-13-2021

EXHIBIT A

(McKenney Drive Extension)

The Lot shown on the last plan referred to in the deed to which this is attached (the "Plan") is conveyed subject to the following conditions and restrictions which shall run with and bind the premises conveyed hereby shall be enforceable until December 31, 2045, (provided, however that the duties and obligations under paragraph 15 hereof shall not expire) and Indian Cliff Development Corporation, and the other numbered lot owners on the plan first referred to in the deed to which this is attached and the McKenney Place Homeowner's Association, their respective heirs, successors and assigns, shall have the right at any time or times to proceed at law or in equity against any person violating or attempting to violate any of the provisions hereof and to compel compliance with the terms hereof, but said Indian Cliff Development Corporation, its successors and assigns, shall be under no obligation to enforce any of said restrictions:

1. No structures except two single family residences, whether the same be one duplex structure or two separate structures built in accordance with any provisions of the Biddeford Zoning Ordinance as the same may be amended from time to time and such additional structures ordinarily appurtenant thereto shall be built or erected upon each numbered lot herein conveyed. The main living structure shall contain at least 960 square feet of living area, if a single-story structure, and at least 650 square feet of living area on each floor, if a two story structure and at least a two (2) car garage shall be built at the time of initial construction either as an integral part of the residential structure or as a separate structure. Living area shall not include basements, garages, porches, breezeways or decks and the areas must be suitable, when finished, for occupancy on a year-round basis. "Structures ordinarily appurtenant thereto" shall include, but shall not be limited to, garages for use of the owner of the lot constructed either as an integral part of the dwelling or as a detached building, a swimming pool, suitable garden structures including a greenhouse, and such additional structures as shall from time to time be used in connection with residential uses situated in similar neighborhoods.

2. No building or structure of any type shall be erected, placed or permitted to remain on the above described premises unless the exterior color, finish and design and placement of such building or structure on the lot shall be approved by Indian Cliff Development Corporation, its successors or specific assigns, or by its duly authorized agent, such approval shall not be unreasonably withheld, delayed or conditioned. The approval required by this paragraph shall only apply until such time as Indian Cliff Development Corporation or its successors or specific assigns shall cease to have any ownership interest in the real property as shown on said recorded Plan or adjacent thereto and this restriction does not necessitate the approval in any form of any other lot owner on said Plan or McKenney Place Homeowner's Association, if the same shall be formed.

3. The Grantees herein agree to complete all building construction and landscaping within twelve (12) months from the beginning of construction. Completion, as used herein, includes, but is not limited to, porches, steps, decks, platforms, carports, other outside living terraces, grading and seeding of lawns. All driveways shall be paved with asphalt or finished with pavers or finished concrete within two (2) years of the commencement of construction.

4. No junk or abandoned vehicles or vehicles of a size larger than one (1) ton in carrying capacity, nor accumulations of trash or debris shall be allowed on said premises.

5. No animals other than ordinary household pets may be kept, boarded or otherwise maintained on the premises.

6. No mobile homes shall be placed on the property at any time; provided, however, that trailers used for camping or so-called recreational vehicles, boats, trailers or similar vehicles may be stored upon the property provided they are stored in a neat and reasonable manner.

7. The within Grantees, their heirs, successors and assigns, shall not alter the area encompassed within the bounds of the drainage easements or natural drainage courses as indicated on the aforesaid plan in any manner which would impede or adversely affect the drainage of the adjacent areas to the above described premises.

8. All curb cuts shall be made and driveways shall be constructed in such fashion so as not to impede or adversely affect the drainage of surface water in the location of the streets as shown on said plan into the drainage easements situated either in said streets or on the lots themselves and all construction shall be done in accordance with the specifications and in the manner required by the Public Works Director of the City of Biddeford, Maine.

In the event curb cuts shall be made or driveways shall be constructed in a fashion so as to violate this covenant and restriction, Indian Cliff Development Corporation may, but shall not be required to, correct the construction so that it does not violate this paragraph and the holder of title to the above lot shall be liable for all costs of the same. Costs shall include all direct and indirect costs and all costs of collection including, but not limited to, filing fees, sheriff's fees and reasonable attorney's fees. Similarly the holder of title to the above lot shall be liable for all costs to repair asphalt, pavement or curbing caused as a result of construction activity by the owner or his agents, contracts and employees.

9. All pulpwood and firewood shall be stored in the backyard of the dwelling.

10. Trees standing upon the within conveyed premises or trees thereafter growing thereon in excess of six (6) inches in diameter measured five (5) feet above the surface of the ground shall not be cut or removed, except as hereinafter provided. Trees of such diameter which are dead, dying or diseased may be cut and removed and living trees may be trimmed or minimally thinned in accordance with good forestry practice. Trees of lesser diameter which are dead, dying or diseased may be cut and removed and living trees may be trimmed or selectively thinned in

accordance with good forestry practice. Further, trees, whether alive or dead may be cut and removed by the title holder thereof or the duly authorized agent of the title holder only to such extent as shall be minimally necessary for the construction of the buildings and accessory uses permitted upon the property and for the construction of driveways and normal lawn areas. It is further provided that all softwoods which may present a danger to persons or property may be cut. In addition, clearing and trimming may be done to the minimal extent necessary to create walking trails in the Hatched Area in accordance with the implementation of the Joint Development Agreement (as both are defined in the aforementioned deed. Such right to clear and trim shall extend to Indian Cliff Development Corporation.

11. No signs, advertising the sale of the lot herein conveyed, or structure thereon, or for any other purpose, shall be permitted to be erected on the property other than one sign having dimensions of not more than 24 inches by 24 inches may be placed upon the lot to be sold and any informational signage or numbering required by any municipal authority to satisfy the provisions of any life safety codes shall be permitted.

During the period of construction of the improvements allowed to be constructed upon the lot conveyed, the builder may maintain one construction information sign of a size and design approved by Indian Cliff Development Corporation.

12. Indian Cliff Development Corporation, for itself, its successors and specific assigns, reserves the right to use all of the street and ways and areas marked as rights of way in any fashion shown on the Plans of the Subdivision for access to any other land adjacent or near to said Subdivision it may own or hereafter acquire. It is further agreed and understood that no purchaser of such adjacent or near land from Indian Cliff Development Corporation shall have the right to use such streets and ways for such purposes unless such right shall have been specifically granted to such purchaser by Indian Cliff Development Corporation. It is further understood and agreed that no purchaser shall have a right to access abutting land without the approval of Indian Cliff Development Corporation, which consent may be withheld or conditioned for any reason.

13. Indian Cliff Development Corporation, for itself, its successors and specific assigns, reserves the right to use all such streets and ways and rights of way shown and depicted on said Plans, all areas shown and depicted on said Plans as utility or other easement areas (in any fashion) for the use, introduction and maintenance of all utility services and to use all existing or hereinafter installed infrastructure improvements for use of lots in the Subdivision or to any other adjacent or nearby land owned by it or its specific assigns or hereinafter acquired by it or them. It is further agreed and understood that no purchaser of such adjacent or near land from Indian Cliff Development Corporation shall have the right to use such streets and ways for such purposes unless such right shall have been specifically granted to such purchaser by Indian Cliff Development Corporation.

14. Indian Cliff Development Corporation, reserves for itself, its successors and specific assigns, the right and privilege to alter, amend, reconfigure, combine or re-subdivided any unsold lots in the Subdivision or any adjacent real estate in its ownership or to use any such lots for access

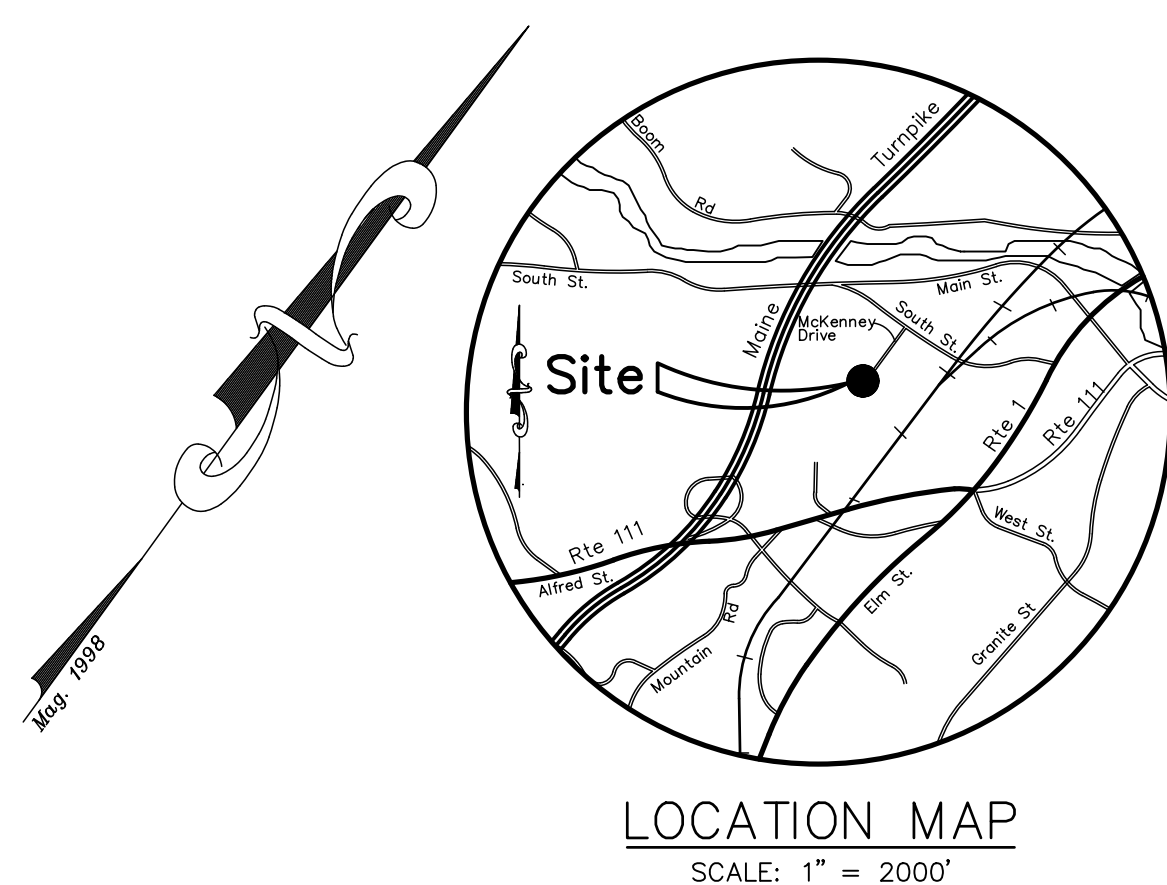
to and for the use, introduction, installation, and maintenance of utility services to any adjacent land owned by Indian Cliff Development Corporation, or hereinafter acquired by it or its specific assigns and to alter, amend or change the location of any streets, rights-of-way or access roads shown on said Plans to a location of its choosing provided that access to the premises to be conveyed is not materially impaired or affected.

15. Each owner of a lot in the Subdivision (and any owner of a lot created hereinafter from land now owned by or hereinafter acquired by Indian Cliff Development Corporation which is made specifically subject to these restrictions or obligations created herein) shall be a member of the McKenney Place Homeowner's Association (the "Association"), a Maine not-for-profit corporation at the time of the purchase of a lot or lots on the Plan. Each lot owner shall have one vote in the association for each lot owned. In the event there are multiple owners of a lot, such owners in the aggregate shall be entitled to one vote. The Association shall be charged with the costs of maintenance, repair, replacement and snow plowing of the roadways in the Subdivision and any surface or subsurface drainage systems or forced main sewer installations, pipes, pumps, cleanouts and appurtenances in or out of the Subdivision to the point where they become public improvements, but not the initial installation cost thereof, in the event the roadways, the drainage systems or sewer installations are not accepted by the City of Biddeford as public streets or public improvements and shall also be responsible for the maintenance and landscaping of all entrance areas, esplanades and boulevards and the maintenance, repair and replacement of any identification signage or common mailbox systems and any appurtenances thereto. In addition it shall be the responsibility of the Association to implement, maintain and report to appropriate municipal officials with respect to the requirements of the maintenance plan for the underdrain trenches and all associated parts thereof, all in accordance with the conditions of approval by the Planning Board of the City of Biddeford. It shall be the responsibility of each individual lot owner to make suitable arrangements for trash removal and for the installation, maintenance, repair and replacement of all portions of the forced main sewer system from the connection to the line located within the right of way to and including all components within the structure or structures erected on the lot.

It is specifically provided, however, that in the event adjacent land shall become subject to these restrictions, such land shall not be obligated to pay for the costs of maintenance, operation, repair and replacement of any services or utilities to which it is not connected and/or does not utilize. Further, the owner of the lot herein conveyed shall not be responsible for the costs of maintenance, repair or replacement of any portion of the forced main sewer system unless the property shall be connected to the same, it being understood that a subsurface waste disposal system may be installed on the premises herein described.

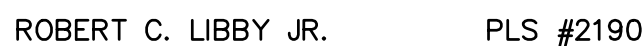
16. The above restrictions contained in paragraphs (1) through (15) hereof shall not apply to any remaining land of Indian Cliff Development Corporation which may lie near or adjacent to the above described premises, except to the extent it shall be specifically made subject to the same.

Exatodcedtolot6//subdivisions/McKenney



- SPACE STANDARDS FOR R1A ZONE
MINIMUM DENSITY - 20,000 S.F.
- NET RESIDENTIAL DENSITY: $\frac{72,786 \text{ S.F.}}{20,000 \text{ S.F.}} = 3.64 \text{ LOTS}$

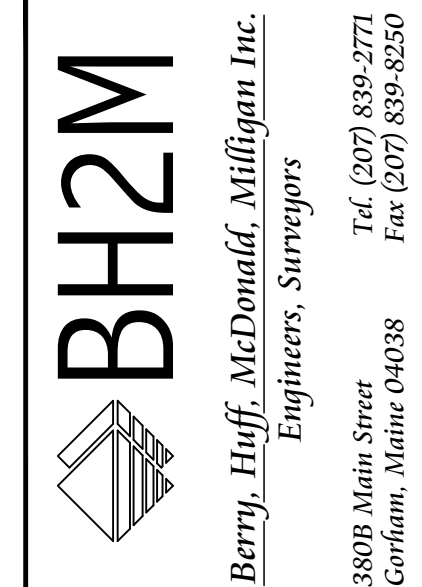
1. NO SURVEYORS REPORT



NOTE: THE PLAN IS SIGNED BY THE CITY PLANNER ON BEHALF OF THE BIDDEFORD PLANNING BOARD AND SHALL BE DEEMED TO HAVE BEEN SIGNED BY THE INDIVIDUAL MEMBERS OF THE PLANNING BOARD EVIDENCING APPROVAL OF THE FINAL PLANS.

YORK,ss REGISTRY OF DEEDS
Received _____
at _____ h _____ m _____ M., and
Filed In Plan Book _____ Page _____
ATTEST:

Register

[illegible]

FOR
Indian Cliff Development Corp.
P.O. Box 444
Biddeford, Maine

2ND AMENDED FINAL
PLAN
5 LOT SUBDIVISION
MCKENNEY DRIVE
BIDDEFORD, MAINE

DESIGNED W. Thompson	DATE October 2021
DRAWN Dept.	SCALE 1" = 50'
CHECKED R. Libby Jr.	JOB. NO. 21179

SHEET
1

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WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
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ANDREW S. MORRELL
STEVEN J. BLAKE

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

380B Main Street
Gorham, Maine 04038

Tel. (207) 839-2771
www.bh2m.com

November 11, 2021

Greg Tansley
Biddeford City Planner
P.O. Box 586 / 205 Main Street
Biddeford, Maine 04005

Re: Responses to memo on McKenney Drive by
Long Meadow planning dated November 10, 2021

Dear Greg;

We have reviewed the above referenced memo and have the following responses:

Compliance with the City's Ordinances

1. We have secured an ability to serve e-mail from the City Engineer to support the wastewater expected by this project of two single family homes.
2. The net residential calculations are now shown on the project plan as plan note 20. The calculations support this project density. We also have confirmed, should this lot be divided in the future, the density still meets the ordinance.
3. The right of way shown on this amended plan is for future access to other land of Indian Cliff Development Corp. and Eon Entities. Possible future connectivity to other property is outlined in the Master Plan for property from Barra Road. There is a joint development agreement with the City and Eon Entities that was signed on September 21, 2021 which outlines what has been agreed to. We understand that we will need to come before the planning board for future development including the private way approval.
4. We understand that the engineering for private way has not been submitted and will be done for a future submission. The intent of this submission and approval is to allow Lot 6 to be built upon under current City regulations.
5. Existing Lot 4 has a driveway access from McKenney Drive and not on the T-turn around. This is shown on the plan.
6. Any driveway or roadway for access that crosses this CMP easement shall be done as previous crossings between this project and Maine Turnpike.
7. The applicant has contacted the E-911 department for assigning a street address to this lot. This lot will be 31 McKenney Drive.

8. Maine Water has reviewed this project and has confirmed that the existing 2-inch waterline in place could serve up to 4 homes. We have sent this plan to the Fire Chief to review. We will copy the Planner when we receive this letter.
9. The reference to the land being added to Lot 6 that is not part of the original project has been noted as N/F Indian Cliff Development Corp. The parcel deed that supports this additional land is referenced in plan note 5.
10. No changes are being done to our plan note on "superseding". This is used many times with legal advice and acceptable to many revisions thru the City of Biddeford Planning Board.
11. The signature block is changed to the recommended language.

Sincerely,



William A. Thompson
Project Manager

encl.

cc: M. Eon

JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement ("Agreement"), dated September 21, 2021 is executed by **Mike Eon Associates, Ltd., Indian Cliff Development Corporation and Sawmill Park Properties, LLC. (collectively the "Eon Entities")**, their successors and assigns and the **CITY OF BIDDEFORD, MAINE** (the "City") (each a "Party" and, collectively, the "Parties").

RECITALS

WHEREAS, Saxon Partners ("Saxon") wishes to enter into a Credit Enhancement Agreement with the City dated as of September 21, 2021 (the "Credit Enhancement Agreement"); and

WHEREAS, the development of the property owned by the Eon Entities as outlined herein is contingent upon the approval and development of the adjacent Saxon property as currently contemplated; and

WHEREAS, the City seeks to expand its connections to the Eastern Trail, bringing it closer to the terminus of the Riverwalk, so-called; and

WHEREAS, the Eon Entities and the City have a mutual interest in protecting segments of the Thatcher Brook that run through the Eon Entities' property; and

WHEREAS, the City desires to create additional housing options in the community, including affordable housing and "next homes", to meet its 5-year Housing Goals and Strategies; and

WHEREAS, it is the intent of the Eon Entities to further develop the remaining properties in a mixed commercial and residential fashion, including the creation of new affordable housing for seniors being persons over the age of 55 ("Senior Housing");

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I
COMMITMENTS

1. Eon Entities Commitments.

- a. Mixed Use Master Plan. The Eon Entities shall draft a mutually acceptable Mixed Use Master Plan, in collaboration with the City, for the remainder of the Eon Entities property to create additional Senior Housing options for the City, add protections around segments of Thatcher Brook, and create easements for a pedestrian connection through its property with the Eastern Trail between Barra Road and Village Lane. The Master Plan is intended to become the basis for future development of the area and any zoning ordinance changes required to meet Housing Development Goals and Strategies.
- b. Permanent Easement Commitment. Eon Entities agree to grant the following permanent pedestrian easement to the City in connection with the Eastern Trail by continuing the trail from its end in and around Barra Road through the Eon Entities property to South Street via local roads, sidewalks and dedicated pathways:
 - i. A pedestrian easement, for use by the public, of a certain area generally enumerated and to be identified as the "City Pedestrian Easement Area" on the concept plan attached hereto as Exhibit A; the easement area shall be further determined during the Master Planning process. The exact location and dimensions of the Pedestrian Easement Area shall be mutually agreed upon by the Eon Entities and the City through good faith negotiations.

By execution of this Agreement, the City hereby represents that the City Council has authorized the City Manager to accept, on behalf of the City, the Pedestrian Easement Area on the terms and conditions set forth above.

- c. Housing Commitments. The Eon Entities agree to carve out 2 +/- acres of land adjacent to the Saxon project land (see Exhibit A below), owned by the Eon Entities (the "Housing Parcel"), to create between 35-45 affordable housing units serving seniors at 80% or less of area median income. Eon Entities shall work with an appropriate low-income senior housing developer to create said units. The final unit count and size of the Housing Parcel shall be subject to the findings and goals of the mixed use Master Plan.

d. Schedule. The Eon Entities shall adhere to the following performance schedule:

- i. Commence work on a mixed use Master Plan for the Eon Entities' property within 18 months of execution of the Credit Enhancement Agreement with Saxon;
- ii. Complete the mixed use Master Plan within 18 months of the issuance of a Certificate of Occupancy for the Saxon project;
- iii. Grant the permanent pedestrian easement to the City within 3 years of the issuance of the Certificate of Occupancy for the Saxon project; and,
- iv. Within 2 years of the issuance of the Certificate of Occupancy for the Saxon project, commence, in conjunction with an appropriate senior low income housing agency, planning for 35-45 housing units on the 2+/- acre Housing Parcel and complete construction within 2 years of obtaining financing and necessary permits. Further:

1. With the exception of the property needed for the Saxon project and property to be conveyed to abutters shown on Assessor's Map at lots 17-3 and/or 17-5, no other residential housing construction on any Eon Entities properties which use Barra Road as its primary access (specifically, Tax Map 7, Lots 15 and 17-2), shall commence until the affordable Housing Parcel and the Housing Parcel access road are established.
2. Eon Entities' failure to move forward with the Senior Housing project within the schedule prescribed above shall result in the forfeiture of the 2+/- acre Housing Parcel to the City for the primary intended purpose of affordable housing development. The City agrees that the completion of construction of affordable Senior Housing units on the 2+/- acre Housing Parcel shall satisfy the requirements hereof.

2. City Commitments. The City commits to the following:

- a. The establishment of a 20 year Credit Enhancement Agreement with Saxon that will provide as follows:

- i. For years 1-5, Saxon shall pay taxes to the City totaling \$255,000 in Year 1, escalating at the annual rate of 2% in Years 2-5.
 - ii. For Years 6-20, taxes shall be assessed at the full fair market value. Sixty five percent (65%) of the taxes paid by Saxon or its successor shall be retained by the City and thirty five percent (35%) shall be returned to the property owner.
- b. Coordination of the Master Planning activities with key departments, committees, and agencies to ensure a sound planning process and completion within the specified period above.
- c. Based on the Master Planning process, make recommendations to the Planning Board and City Council for zoning adjustments, including but not limited to, height restrictions, reduction in yard setbacks, or adjusting density requirements, consistent with the standards of the Saxon project.
- d. Assist Eon Entities and an associated developer in obtaining financing in support of the housing project as contemplated herein, including due consideration of a Credit Enhancement if the City determines that it is necessary to obtain financing to complete the project. The Eon Entities recognize that the City may decline to provide any such financial assistance at its sole discretion. The City, for its part, recognizes that the primary, if not exclusive source, of funding for the housing project contemplated herein comes from the Maine State Housing Authority and funds currently are allocated based on a certain level of municipal support including but not limited to some form of Credit Enhancement.

ARTICLE II

INDEMNIFICATIONS

The City agrees to indemnify, defend and hold Eon Entities harmless from any claims, damages, costs, liabilities and expenses (including attorney's fees) arising from the City and/or the public's use of the "City Pedestrian Easement Area" as outlined in Article I, Section 1(b)(i). Each Party shall indemnify, defend, and hold the other Party harmless from any claims, damages, costs, liabilities and expenses (including reasonable attorney's fees) arising from the gross negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its agents, servants, officers, directors, employees and affiliates.

ARTICLE III
LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their affiliates, by reason of any of their respective acts or omissions relating to this Agreement be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE IV
MISCELLANEOUS

1. **Representations and Warranties.**

Each Party represents and warrants to the other that:

- a. It is duly qualified to do business and is in good standing in the State of Maine; and
- b. It has full power and authority to execute, deliver and perform its obligations under this Agreement; and
- c. The execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and
- d. The execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the articles of incorporation or by-laws of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.

2. **Right to Require Performance.**

The failure of any Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce the same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. **Governing Law.**

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. **Relationship of Parties.**

- a. This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's planning, zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the actions required under this Agreement;
- b. The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City, and the Eon Entities agree to cooperate in good faith with regard to each and every aspect required for the completion of all obligations contemplated by this Agreement; and
- c. This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. **Breach by the Eon Entities.**

- a. The City shall provide notice to the Eon Entities of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- b. If a breach is not cured as set forth above, the City may bring an action, in law or in equity, to enforce this Agreement or for damages, or both. During the period of any such breach, the Eon Entities recognize and agree that the City will not issue any approvals or building permits for Lots 7-17-2 and 7-15 other than for the projects contemplated herein.

6. **Breach by City.**

- a. Eon Entities shall provide notice to the City of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.
- b. If a breach is not cured as set forth above, the Eon Entities may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. **Integration.**

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written regarding the matters addressed in this Agreement. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

8. **No Oral Modifications; Assignment.**

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. This Agreement and any of the rights, interests or obligations under this Agreement may not be assigned or delegated by any Party, without the prior written consent of the other Party, provided, however, that it is hereby agreed and acknowledged that the Eon Entities shall have the right to assign this Agreement to an affiliate or related entity of the Eon Entities, without having to obtain the prior written consent of the City for such assignment. This Agreement is not intended to confer any rights or benefits to any entity other than to the City and the Eon Entities, and their affiliates and/or assignees.

9. **Notice.**

All notices required to be given to City or Eon Entities under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City: City of Biddeford
c/o James A. Bennett, (or the then current) City Manager
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

With a copy to: Keith R. Jacques, Esq.
Woodman Edmands Danylik Austin Smith & Jacques, P.A.
234 Main Street
P.O. Box 468
Biddeford, ME 04005

Eon Entities: Mike Eon Associates, Ltd.,
PO Box 444
Biddeford, ME 04005

Indian Cliff Development Corporation
PO Box 444
Biddeford, ME 04005

Sawmill Park Properties, LLC
PO Box 444
Biddeford, ME 04005

With a copy to: Richard A. Hull, III
Hull Law Office, LLC
409 Alfred Road
Biddeford, ME 04005

10. **Severability.**

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

11. **Survival.**

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

12. **Mediation/Arbitration.**

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

13. **Consents.**

Eon Entities shall use commercially reasonable efforts to obtain all necessary consents of its mortgage holders and other lien holders to this Agreement and the easements contemplated herein.

14. **Memorandum of Joint Development Agreement.**

The Parties shall execute a Memorandum of Joint Development Agreement in the form attached hereto that shall be recorded in the York County Registry of Deeds.

IN WITNESS WHEREOF, The Eon Entities and the City have set their hands and seals as of the day, month and year first above written.

MIKE EON ASSOCIATES, LTD

Witness

By: _____
Michael Eon
Title: President

INDIAN CLIFF DEVELOPMENT CORP.

Witness

By: _____
Michael Eon
Title: President

SAWMILL PARK PROPERTIES, LLC

Witness

By: _____
Michael Eon
Title: Member

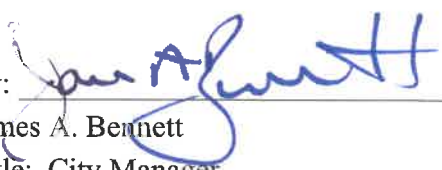
Witness

By: _____
David Gould
Title: Member

CITY OF BIDDEFORD



Witness

By: 

James A. Bennett
Title: City Manager

Richard M. Hays
Witness

MIKE EON ASSOCIATES, LTD

By: Michael Eon
Michael Eon
Title: President

to
Witness

INDIAN CLIFF DEVELOPMENT CORP.

By: Michael Eon
Michael Eon
Title: President

are there
Witness
Richard M. Hays
Witness

SAWMILL PARK PROPERTIES, LLC

By: Michael Eon
Michael Eon
Title: Member
By: David Gould
David Gould
Title: Member

Kendi L. Norton
Witness

CITY OF BIDDEFORD

By: James A. Bennett
James A. Bennett
Title: City Manager

Exhibit A

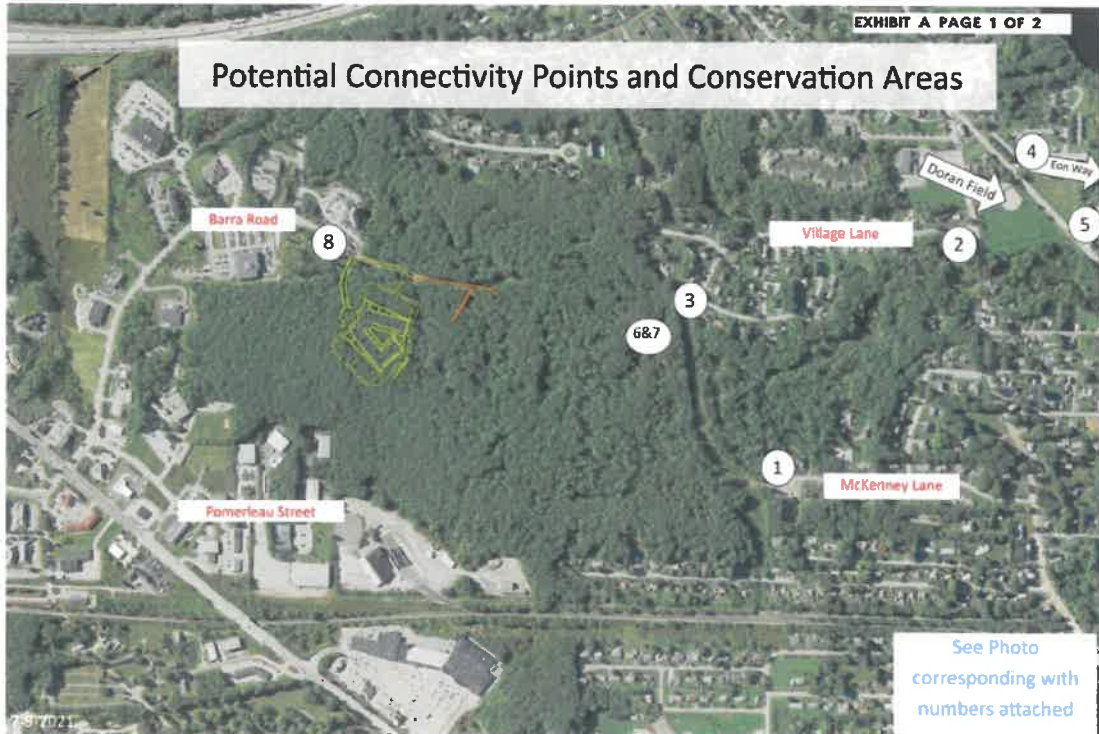


EXHIBIT A PAGE 2 OF 2

Photos Corresponding with Numbers on Potential Connectivity Point and Conservation Areas



1 Trail Access Point end of McKenney Drive



2 Intersection South Street and Village Lane



3 Access Point to Bridge and Indian Cliff Intersection of Glade & Village Lane



4 Eon Way is the access road from the teen center to beach, fields and boat ramp at Rotary Park.



5 Rotary Park entrance on Main Street facing Doran Field angle room behind fence to access Village Lane



6 Possible Preservation Area

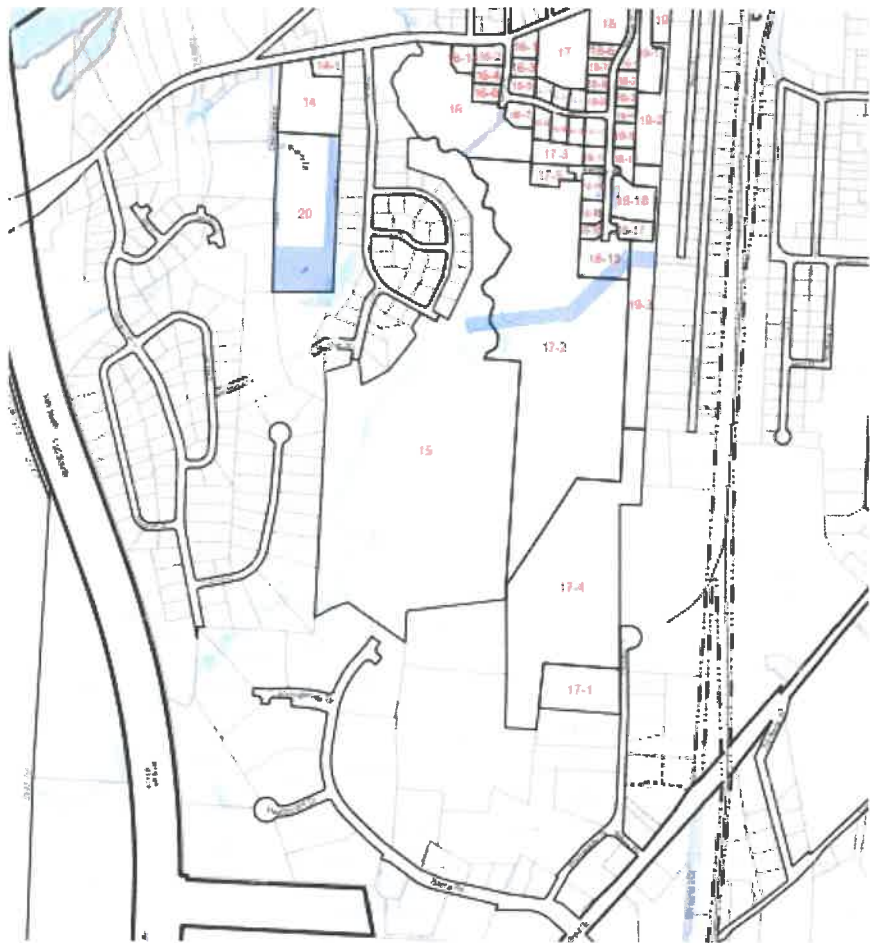


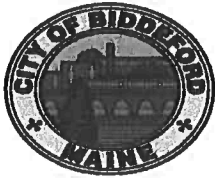
7 Possible Preservation Area



8 Access Point end of Barra Road

Tax Map 7, Lots 15 and 17-2, as referenced in Article I, Section 1(d)(iv)(1) above





City of Biddeford
Planning Board Application

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☒ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☐ Subdivision ☐ Private Way
☒ Other: "GREATEST PRACTICAL Extent"

Applicant Information:

Name: ERIC EWALD & Stephanie Lewzi
Mailing Address: 6 ATWOOD LN Andover MA 01810
Telephone: 508-612-0990
Email: ewaldisj@yahoo.com

What is your legal interest in the property?

☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: _____
Mailing Address: SAME AS ABOVE
Telephone: _____
Email: _____

Agent's Information:

Name: Tony Covino, Saco Bay Builders LLC
Mailing Address: 128 HILLS BENCH Rd Biddeford, ME 04005
Telephone: 207-281-3442
Email: tonycovino@aol.com

Engineer/Surveyor's Information:

Name: Dow & Colombe
Mailing Address: 13 PARK ST SACO ME 04072
Telephone: 207-284-4521
Email: dowcolombe.com

Project Location and Lot Information:

Street Address: 1 EDGEWATER PLACE Biddeford ME 04005
Tax Map: 55 Lot: 23
Current Zoning: CR Shoreland Zoning: CR
Size of Lot: .1 (X) acres () s.f. Lot Frontage: _____
Existing use of Property: RESIDENTIAL

Property currently serviced by:

~~X~~ City Road

___ Private Road

Public Sewer

~~X~~Septic System

Public Water

 Private Well

~~X~~ Public Trash

 Private Hauler

Slope Conditions in Area of Construction (if applicable):

☒ Flat (0-3% slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15%+ Slope)

Are there any wetlands or waterbodies on the site? (Yes) X (No) if yes attach information

Do you plan to bring fill onto the lot? (Yes) X (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

RESIDENTIAL

Property to be Serviced by:

 City Road

 Private Road

Public Sewer

Septic System

~~Public Water~~

Private Well

Public Trash

Private Hauler

Is this project part of a larger project? (Yes) X(No)

___ If in a Shoreland Zone:

~~Percent of residential lot coverage (Max 20%):~~

Percent of structure expansion (Max 30%):

~~— If Subdivision Review, number of lots proposed:~~

~~If a Private Way is proposed, number of lots served:~~

If Site Plan Review, you must provide the following information:

Total new square feet footprint of structure:

Total new square feet paving/parking:

N/A

Waiver Requests (attach details):

1. _____
2. _____
3. NONE
4. _____
5. _____

Attachments:

A. Letters of Approval

— Fire Department-Contact Chief or Deputy Chief – 282-9986

— Ability to Serve for Water Service – Maine Water – 282-1543

— Ability to Serve for Sewer Service – Engineering Dept – Tom Milligan 284-9118

— Police Department ✓ e-911 Road Name Designation – Contact Joanne Fisk 282-5127

- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

75 + 300 = \$375

- \$40 Nonrefundable Administration Fee is required for every application.
- Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

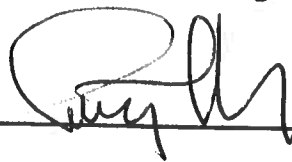
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

___ Project proposed to have 1 acre or more of Site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of Applicant:



Date

10-8-21

Signature of Property Owner:

Date

IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE) CHECKWITH PLANNING STAFF FOR CLARIFICATION.

From: **eric ewald** ewaldej@yahoo.com
Subject: **1 Edgewater**
Date: **Oct 11, 2021 at 4:16:39 PM**
To: **tonycovino@aol.com**

Please accept this email as conveying authority to Tony Covino to function as my agent/representative for the planning and possible construction on 1 Edgewater Place. Any questions or concerns please feel free to email me or call/text my cell at 508 612 0990

Thank you
Eric Ewald & Stephanie Lenzi

**PLANNING
BOARD REPORT**

November 10, 2021

Biddeford Planning Board
Greg Tansley, City Planner
City of Biddeford
205 Main Street
Biddeford, Maine 04005

Application: New Principal Building – Ewald & Lenzi
1 Edgewater Place (Tax Map 55 Lot 23)

Reconstruction of a Nonconforming Structure in the Shoreland Overlay Zone

Review Status: New Application

Board members and Mr. Tansley,

The following application information has been provided for review:

1. Application form dated October 10, 2021
2. Plan entitled: *Shoreland Zone Setback Requirement to the Greatest Practical Extent – Site Plan made for Eric Ewald and Stephanie Lenzi...Parcel located at 1 Edgewater Place, Hills Beach, Biddeford, Maine.* Prepared by Dow & Coulombe, Inc, dated 10/26/2021.

With review of the above information and the City's Land Development Regulations I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The project site is a developed legally nonconforming lot located within the Shoreland Zone (Limited Residential and Resource Protection) and Coastal Residential base zone. The applicant is seeking to reconstruct a new dwelling on site which requires the Planning Board to determine the setbacks, in this case more than one, from the shorelines *to the greatest practical extent*.

APPLICATION COMPLETENESS REVIEW

The application is before the Planning Board for reconstruction of a nonconforming building within the shoreland zone per Article XIV Shoreland Zoning Ordinance, Section 12.C.4 Reconstruction. As outlined in this provision, the Planning Board is required to determine to the greatest practical extent the distance the new structure can be located from the protected resource, as directed in Section 12.C.3 Relocation.

When considering the sections above and Section 16 Administration, **the application submitted appears be complete.**

COMPLIANCE WITH THE CITY'S ORDINANCES

LAND USE REGULATIONS

1. As noted on the Plan the principal building no longer exists. The Code Enforcement Office has determined that the structure was removed such that it has NOT lost its grandfathering and can be reconstructed after the Planning Board has determined the setback(s) to the greatest practical extent.
2. Section 12.C.4 allows the reconstruction of a nonconforming structure in the Shoreland Zone when the Planning Board determines the new location is at a distance *to the greatest practical extent* from the Protected Resource. The existing building is not within the 100- foot Limited Residential (LR) District Setback, however, as the plan depicts, is within 250 feet of the Resource Protection (RP) District. The latter is effectively a setback since residential dwellings are not permitted in the RP District. When determining the greatest practical extent, the Board considers factors outlined in Section 12.C.3 and included below:
 - *the size of the lot,*
 - *the slope of the land,*
 - *the potential for soil erosion,*
 - *the location of other structures on the property and on adjacent properties,*
 - *the location of the septic system and other on-site soils suitable for septic systems, and*
 - *the type and amount of vegetation to be removed to accomplish the relocation.*
3. The Plan depicts the former building footprint within the side/rear yard setbacks, and within the front yard setback for Edgewater Place along with a Maine Water utility easement that lies within the same vicinity. This essentially prevents the building footprint to be located further from the RP District, to do so would result in a more nonconforming situation. It appears the current southeasterly building corner that is 214 feet from the Highest Annual Tide (HAT) (Elev. 7.4 NAVD 88) within Biddeford Pool is the required setback the greatest practical extent. If the Planning Board concurs, the applicant should make it clearer on the final plan that this required setback to the shoreline to the greatest practical extent.

ADDITIONAL COMMENTS

4. A final plan should include the following revisions:
 - a. Plan note that reads: *Purpose of this Plan: This plan depicts reconstruction of a non-conforming structure to meet the wetland setback requirement to the greatest practical extent, pursuant to Article XIV Shoreland Zoning Ordinance, Section 12.C.4 of the City of Biddeford's Land Development Regulations. The new building shall be no closer than 214 feet from the Highest Annual Tide (HAT) within Biddeford Pool, as denoted on this plan.*

- c. b. Final plan's signatory block should be revised to reflect the City Planner's signature on behalf of the Planning Board, not the Staff Review Committee. Please amend the two instances where it refers to the Staff Review Committee. Conditions of approval, when finalized, to be placed on the plan.
- d. The property Tax Map and Lot number does not appear to be on the plan. If it is not, this information should be included with the plan notes.

WAIVER REQUESTS

None requested.

CONCLUSION

The Planning Board should review Section 12.C.4 and 12.C.3 for the determination to locating a reconstructed nonconforming structure from the shoreline to the greatest practical extent and determine if it concurs with the required setback from the shoreline proposed.

With consideration of the comments above, providing a revised plan to reflect the City Planner's signature on behalf of the Planning Board, not the Staff Review Committee, the application appears to address the applicable provisions in the City's Shoreland Zoning Ordinance (Article XIV), and a conditional approval (conditioned to recommended plan revisions) appears to be in order. Suggested conditions of approval can be found in the draft Findings of Fact.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo
Contract Planner for the City of Biddeford
cdimatteo@longmeadowpla.com
207.604.4245

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
RECONSTRUCTION OF A NONCONFORMING STRUCTURE
WITHIN THE SHORELAND ZONE**

Determination of the Required Setback to the Greatest Practical Extent

Pursuant to the provisions of the City of Biddeford Land Development Regulations Article XIV, Shoreland Zoning, the Biddeford Planning Board has considered the application by **Eric Wald and Stephanie Lenzi**, including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1.	Applicant:	Eric Wald and Stephanie Lenzi 6 Atwood Lane Andover, MA 01810
2.	Owner of Property:	Eric Wald and Stephanie Lenzi
3.	Agent:	Tony Covino, Saco Bay Builders, LLC
4.	Surveyor:	Dow & Coulombe, Inc. 13 Park Street, Saco, ME 04072
4.	Project Location:	1 Edgewater Place
5.	Project Tax Map #/Lot #:	Tax Map 55 Lot 23
6.	Lot Size:	5,870 SF +/-
7.	Base Zoning:	Coastal Residential
8.	Overlay Zoning:	Resource Protection and Limited Residential
9.	Designations:	Back Coastal Dune Boundary and Erosion Hazard Zone
10.	Existing Use:	Residential
11.	Proposed Use:	Residential - Single family dwelling
12.	Floodplain Status:	none
13.	Approvals Required:	Determination of the Required Setback to the Greatest Practical Extent
14.	Uses in the Vicinity:	Residential - Single family dwelling
15.	Dimensional Requirements (Base Zone):	
	Min. Setback from R.O.W: 25 FT	Minimum Rear Setback: 25 FT
	Minimum Side Setback: 25 FT	Maximum Height: 3 stories / 35 FT
	Minimum Setback from the normal high-water line (Highest Annual Tide) of other water bodies, tributary streams, or the upland edge of a wetland: 100 FT.	
	Reconstruction of a nonconforming structure located less than the required setback for a new structure is to be located to the greatest practical extent from the shoreline (HAT) as depicted on the approved plans (referenced below) and signed by the Planning Board considering all factors outlined in Section	

	12.C.3 and 12.C.4 of Article XIV (Shoreland Zoning Ordinance) of the City's Land Development Regulations and subject to the Board's Conditions of Approval.	
16.	Waivers Needed:	a. None
17.	Waivers Granted:	a. None
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 – Coastal Dune
22.	LDR Attachment A: Fees Paid:	Yes
23.	Application Materials Submitted: 1. Application form dated April 11, 2021 2. Description of proposed development (email dated 6/28/2021) Plan entitled: <i>Boundary Survey made for Maria Elizabeth Shultz...Parcel located at 5 Surf Avenue, Hills Beach, Biddeford, Maine.</i> Prepared by Dow & Coulombe, Inc, REV. date 5/20/2021	
24.	Planning Board Review History:	
	Final review and approval of the required setback to the greatest practical extent on November 17, 2021.	

Conclusions of Law:

The Planning Board concludes based on the following that the proposed location of the nonconforming structure at 1 Edgewater Place, being no closer than 214 feet from the Highest Annual Tide (HAT) line within Biddeford Pool and as depicted on the approved plan for Eric Wald and Stephanie Lenzi, signed by the Planning Board (or its designee), is in compliance with the required setback from the shoreline to the greatest practical extent.

1. Pursuant to the City's Land Use Regulations, Article XIV, Section 12.C, when considering the relocation, reconstruction or replacement of a nonconforming structure located less than the required setback from the shoreline, the Planning Board shall consider the following:
 - a. **The size of the lot:** Modest lot size and required minimum setbacks limits locating the structure further from the Highest Annual Tide elevation than shown on the plan;
 - b. **The slope of the land:** The topography is modest in relief and does not limit the location of the structure;
 - c. **The potential for soil erosion:** The property is located in the Erosion Hazard Area, however, due to the size of the lot, this factor is not a limitation on the location of the structure.

- d. ***The location of other structures on the property and on adjacent properties:***
There are structures adjacent to the property and the side and rear yard setbacks do limit the location of the structure.
- e. ***The location of the septic system and other on-site soils suitable for septic systems:*** The existing septic system is located the building and the street, within the front yard setback and does not limit the location of the structure; and
- f. ***The type and amount of vegetation to be removed to accomplish the relocation:*** There is no existing vegetation that would limit locating the structure further away from the protected resource.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the application with the following conditions:

Conditions of Approval:

Standard Shoreland Zoning Requirements related to Section 12.C.3 and 12.C.4 of Article XIV as follows:

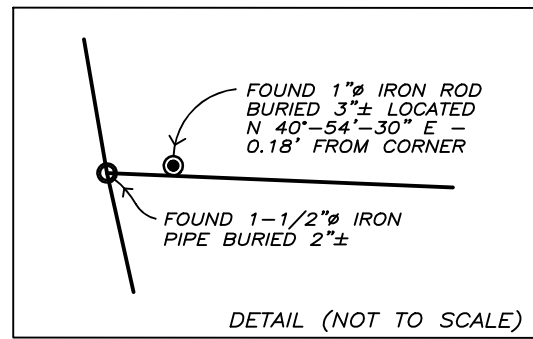
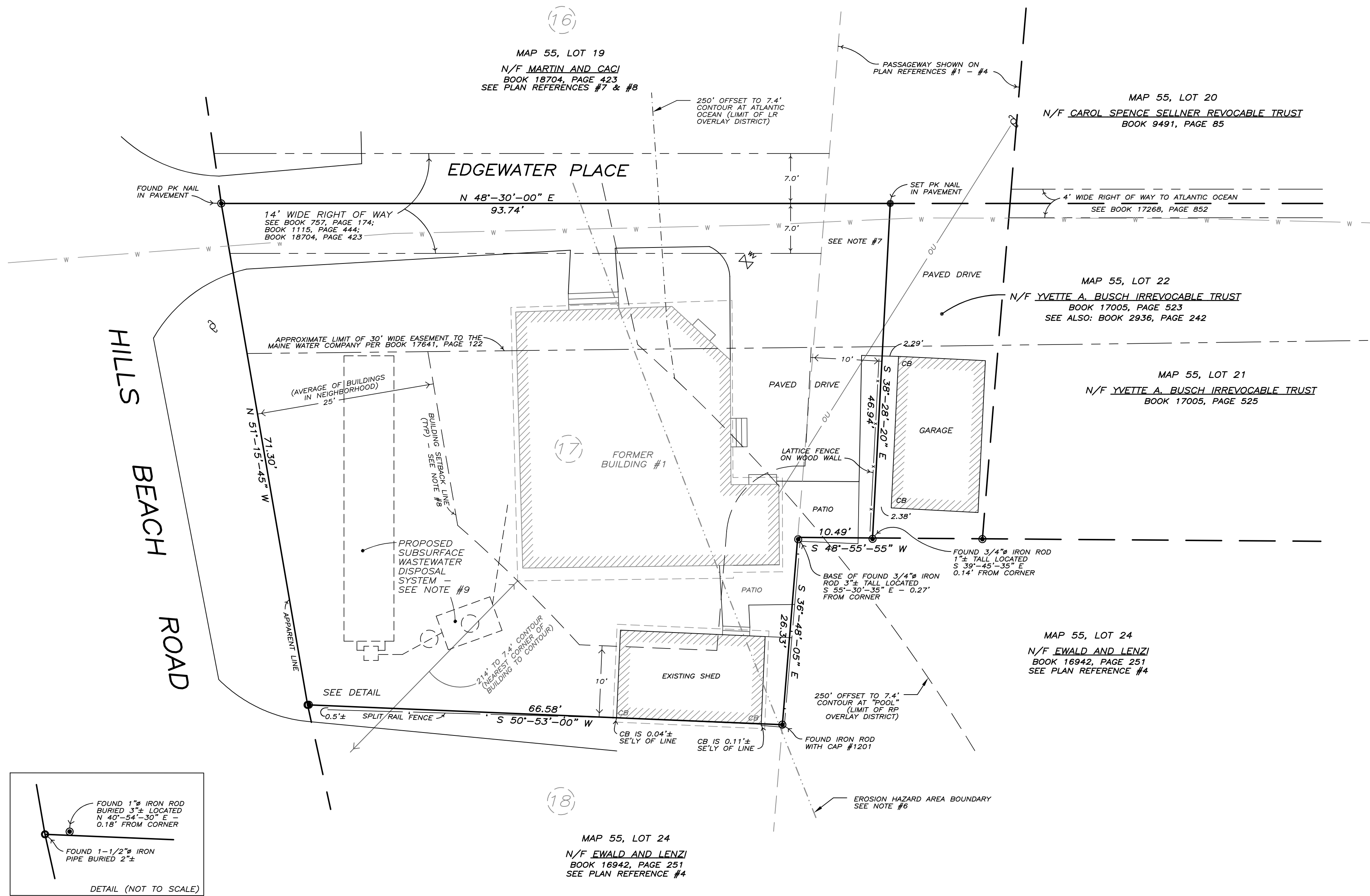
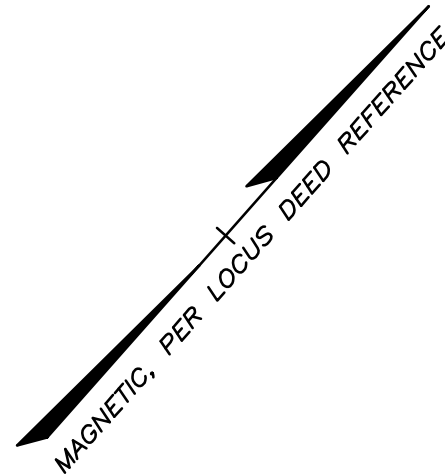
1. Standard Condition's
2. Prior to signing the final plan, a revised plan per staff's Board Report and Board comments shall be submitted to the City Planner for his review and approval.
3. No new (reconstruction) structure is permitted closer to the shoreline as what is depicted on the approved plan entitled: Plan entitled: *Shoreland Zone Setback Requirement to the Greatest Practical Extent –Site Plan made for Eric Wald and Stephanie Lenzi ...Parcel located at 1 Edgewater Place, Hills Beach, Biddeford, Maine.* Prepared by Dow & Coulombe, signed by the Planning Board or its designee .
4. No portion of the structure shall be reconstructed within the City Right-Of-Way.
5. The Code Enforcement Officer shall review and approve conformance to provisions of Article XIV of the Land Development Regulations (Shoreland Zoning Ordinance) that are required in addition to the Planning Board's approval of the required setback to the greatest practical extent.
6. 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.

7. 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.
8. Obtain all required permits from Maine Department of Environmental Protection and the Biddeford Code Enforcement Office.
9. This approval shall expire one year from the date below if a substantial start is not made in construction. If a substantial start is made within one year of the date below, the applicant shall have one additional year to complete the project, thereafter this approval shall expire.

Planning Board Chairman

Date



FORMER BUILDING AREA AND VOLUME NOTES :

1. THE AREA OF THE GROUND FLOOR OF THE FORMER BUILDING EQUALED 1,117± SQUARE FEET (INCLUDING PORCHES AND DECKS).
2. THE AREA OF THE SECOND FLOOR OF THE FORMER BUILDING EQUALED 1,182± SQUARE FEET (INCLUDING PORCHES AND DECKS).
3. THE VOLUME OF THE FORMER BUILDING EQUALED 23,500± CUBIC FEET FROM THE MEAN ORIGINAL GRADE AT THE DOWNHILL SIDE OF THE STRUCTURE TO THE HIGHEST POINT (ROOF PEAK) OF THE STRUCTURE.

LOT AREA COVERAGE NOTES :

1. TOTAL AREA OF PARCEL EQUALS 5,870 SQUARE FEET OR 0.134 ACRE.
2. AREA OF PARCEL WITHIN THE RP OVERLAY ZONE EQUALS 4,597± SQUARE FEET.
3. AREA OF PARCEL WITHIN THE LR OVERLAY ZONE EQUALS 1,147± SQUARE FEET.

NON-VEGETATED AREAS (IN SQUARE FEET AND PERCENTAGE OF PARCEL AREA):*

	WITHIN RP ZONE	WITHIN LR ZONE	WITHIN ENTIRE PARCEL
BUILDINGS, STEPS, LANDINGS, DECKS AND EAVES OVERHANG	1,399± (30.4%)	136± (11.9%)	1,573± (26.8%)
PAVEMENT (LESS OVERLAPS)	474± (10.3%)	816± (71.1%)	1,333± (22.7%)
PATIOS AND OTHER (LESS OVERLAPS)	119± (2.6%)	65± (5.7%)	184± (3.1%)
TOTAL	1,992± (43.3%)	1,017± (88.7%)	3,096± (52.6%)

*FORMER BUILDING AND IMPROVEMENTS

LEGEND :

- SET IRON ROD WITH CAP (UNLESS OTHERWISE NOTED)
- HYDRANT
- UTILITY POLE
- WATER VALVE
- DIAMETER
- N/F NOW OR FORMERLY
- CB CORNERBOARD
- OU OVERHEAD UTILITY LINES
- o CHAIN LINK FENCE
- STOCKADE FENCE
- x LATTICE FENCE
- W UNDERGROUND WATER MAIN

LOCUS DEED REFERENCES :

AC PROPERTIES, LLC
TO
ERIC EWALD AND STEPHANIE LENZI
JULY 22, 2020 BOOK 18318, PAGE 393
SEE ALSO: BOOK 2936, PAGE 240

PLAN REFERENCES :

1. "PLAN OF LAND KNOWN AS 'GOLDTHWAITS PINES' BELONGING TO THE HEIRS OF THE LATE CAPT. TRISTAM GOLDTHWAIT OF BIDDEFORD, ME." SURVEYED IN OCTOBER & NOVEMBER, 1887 BY AMOS G. GOODWIN.
2. "SECTION NO. 1 OF PLAN OF LAND OF THE LATE TRISTAM GOLDTHWAIT LOCATED AT THE 'PINES', BIDDEFORD, ME." SURVEYED IN NOVEMBER, 1887 AND DRAWN BY A.G. GOODWIN. NOTE: DOW & COULOMBE COPY BY HENRY H. GOVE RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS.
3. "PLAN SHOWING LAND SURVEYED FOR ORIL A. & PAULETTE G. LEMAY HILLS BEACH - BIDDEFORD, MAINE", DATED MARCH 7, 1979 BY DOW & COULOMBE, INC.
4. "SKETCH SHOWING LAND SURVEYED FOR JOHN R. CATALANI HILLS BEACH, BIDDEFORD, MAINE", DATED JULY 21, 1981 AND REVISED NOVEMBER 10, 1995 BY DOW & COULOMBE, INC.
5. "COASTAL SAND DUNE GEOLOGY, HILLS BEACH, BIDDEFORD, MAINE" DATED 2011, OPEN FILE NO. 11-106, BY MAINE GEOLOGICAL SURVEY.
6. "PLAN SHOWING A BOUNDARY SURVEY MADE FOR AC PROPERTIES, LLC" DATED OCTOBER 3, 2016 AS REVISED MAY 12, 2017 BY DOW & COULOMBE, INC.
7. "PLAN OF LAND PREPARED FOR MELISSA A. CACI & ROBERT P. MARTIN" DATED SEPTEMBER 10, 2021 BY DOW & COULOMBE, INC.
8. "PLAN SHOWING A BOUNDARY SURVEY MADE FOR YVETTE A. BUSCH AND WILLIAM R. BUSCH" DATED APRIL 26, 2021 BY DOW & COULOMBE, INC.

NOTES :

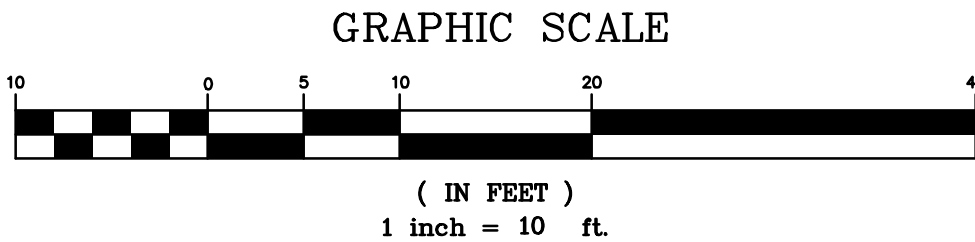
1. BOUNDARY INFORMATION COPIED FROM PLAN REFERENCE #6, A SURVEY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, CONFORMS TO THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS: CHAPTER 90, ADOPTED APRIL, 2001. EXCEPTIONS: A PROPOSED LEGAL DESCRIPTION WAS NOT PREPARED. A SURVEYOR'S REPORT WAS NOT PREPARED.
2. AREA EQUALS 5,870 SQUARE FEET OR 0.134 ACRE.
3. INFORMATION IN PARENTHESES COPIED FROM DEED AND PLAN REFERENCES.
4. LOT NUMBERS (17) REFER TO PLAN REFERENCE #2.
5. THE SUBJECT PARCEL IS LOCATED WITHIN THE COASTAL RESIDENTIAL (CR) ZONE. PORTIONS OF THE SUBJECT PARCEL ARE LOCATED WITHIN THE RESOURCE PROTECTION (RP) AND LIMITED RESIDENTIAL (LR) OVERLAY DISTRICTS.
6. ACCORDING TO PLAN REFERENCE #5, THE SUBJECT PARCEL IS LOCATED WITHIN A BACK DUNE, AND PARTLY WITHIN AN EROSION HAZARD AREA.
7. THE PARCEL OF LAND DESCRIBED IN THE LOCUS DEED REFERENCE, BOOK 2932, PAGE 240 WAS CONVEYED:
 1. "SUBJECT TO WHATEVER PEDESTRIAN RIGHTS NOW EXIST IN A 2 FOOT WIDE STRIP ADJACENT TO THE NORTHWESTERLY BOUNDARY OF THIS LOT".
 2. "ALSO SUBJECT TO THE EXISTING RIGHT OF WAY OVER THE NORTH-WESTERLY END OF SAID PARCEL FOR ACCESS TO GRANTORS PROPERTY AND UTILITY ACCESS THERETO, OVER EXISTING RIGHT OF WAYS".
8. THE BUILDING SETBACK LINES ARE PER A MEETING WITH THE CITY OF BIDDEFORD CODE ENFORCEMENT OFFICER ON OCTOBER 3, 2016 AND CONFIRMED DECEMBER 16, 2016.
9. THE PROPOSED SUBSURFACE WASTEWATER DISPOSAL SYSTEM WAS PLOTTED FROM AN HHE-200 APPLICATION DATED JANUARY 16, 2017, PREPARED BY ALBERT FRICK ASSOCIATES, FURNISHED BY THE CLIENT TO THE SURVEYOR PER PLAN REFERENCE #6.

YORK, ss. REGISTRY OF DEEDS
Received _____
at _____ m _____ M, and
Filed in Plan Book _____, Page _____
ATTEST: _____
Register

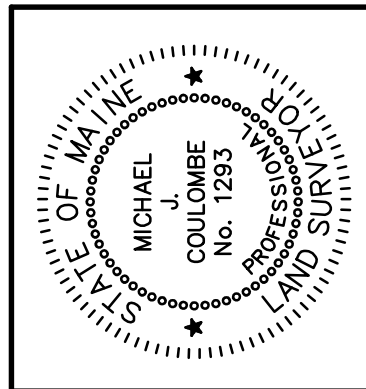
BIDDEFORD STAFF REVIEW COMMITTEE

GREG TANSLEY, CITY PLANNER, DULY AUTHORIZED TO SIGN ON BEHALF OF THE BIDDEFORD STAFF REVIEW COMMITTEE.

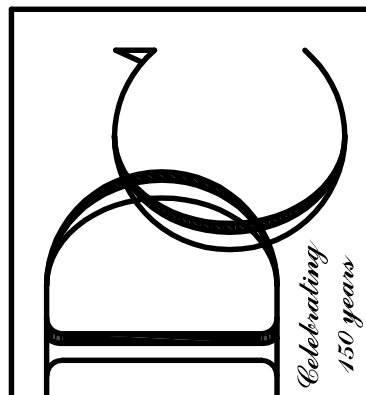
NOTE: THIS PLAN IS SIGNED BY THE CITY PLANNER ON BEHALF OF THE BIDDEFORD PLANNING BOARD AND SHALL BE DEEMED TO HAVE BEEN SIGNED BY THE INDIVIDUAL MEMBERS OF THE PLANNING BOARD EVIDENCING APPROVAL OF THE FINAL PLAN.



No.	Revision	Date



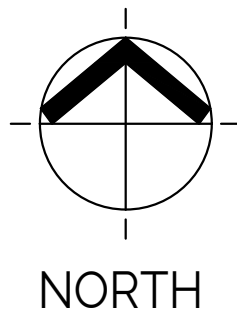
SHORELAND ZONE SETBACK REQUIREMENT TO THE GREATEST PRACTICAL EXTENT - SITE PLAN MADE FOR
ERIC EWALD AND STEPHANIE LENZI
C/O TONY COVINO
(MAILING ADDRESS : 128 HILLS BEACH ROAD, BIDDEFORD, ME 04005)
PARCEL LOCATED AT 1 EDGEWATER PLACE, HILLS BEACH
BIDDEFORD MAINE



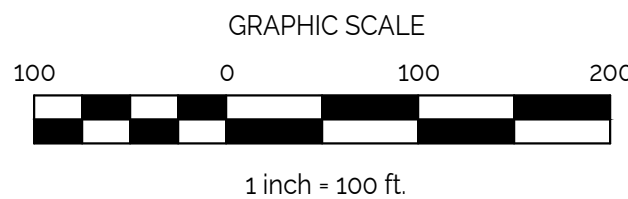
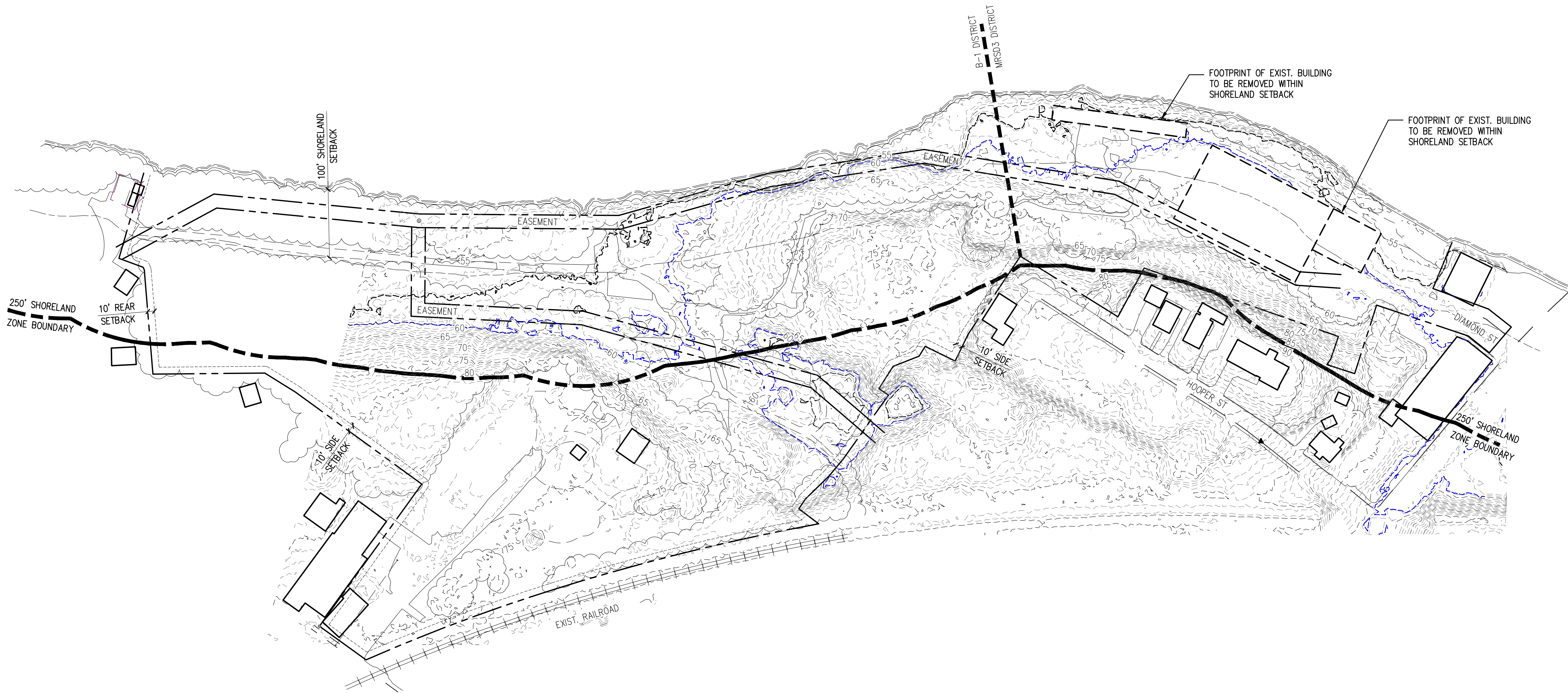
Dow & Coulombe, Inc.
Land Surveyors & Land Planners Since 1864
13 Park Street, Saco, Maine 04072
Telephone: (207)284-4521 * Fax: (207)284-4522
info@dowcoulombe.com * www.dowcoulombe.com

Date: October 26, 2021
H. Scale: Drawn by: 1" = 10' SBH/JMS
Chk'd by: Appv'd by: MJC PDD
SHEET 1 OF 1

ZONE-19
CDwgs2021\EWALD19



EXISTING SITE PLAN



SCALE: 1" = 100'-0"

GENERAL NOTES

- 1) BOUNDARY AND TOPOGRAPHY INFO. TAKEN FROM SUREYOR, DATED DATE.
- 2) THE CONTRACT WORK TO BE PERFORMED ON THIS PROJECT CONSISTS OF FURNISHING ALL REQUIRED LABOR, MATERIALS, EQUIPMENT, IMPLEMENTS, PARTS AND SUPPLIES NECESSARY FOR OR APPURTENANT TO THE INSTALLATION OF CONSTRUCTION IMPROVEMENTS IN ACCORDANCE WITH THESE DRAWINGS AND AS FURTHER ELABORATED IN ANY ACCOMPANYING SPECIFICATIONS.
- 3) THE WORK SHALL BE PERFORMED IN A THOROUGH WORKMANLIKE MANNER. ALL CONTRACTORS TO CONFORM TO ALL APPLICABLE OSHA STANDARDS. ANY REFERENCE TO A SPECIFICATION OR DESIGNATION OF THE AMERICAN SOCIETY FOR TESTING MATERIALS, FEDERAL SPECIFICATIONS, OR OTHER STANDARDS, CODES OR ORDERS, REFERS TO THE MOST RECENT OR LATEST SPECIFICATION OR DESIGNATION.
- 4) ALL CONSTRUCTION WITHIN THE TOWN RIGHT OF WAY SHALL COMPLY WITH TOWN PUBLIC WORKS STANDARDS. ALL CONSTRUCTION WITHIN A STATE RIGHT OF WAY SHALL COMPLY WITH MAINE D.O.T. STANDARDS. ALL UTILITY CONSTRUCTION SHALL CONFORM TO RESPECTIVE UTILITY STANDARDS.
- 5) THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS REQUIRED BY THE TOWN PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE TOWN REQUIRED TO PERFORM ALL THE WORK (STREET OPENINGS, BUILDING PERMIT, ETC.). THE CONTRACTOR SHALL POST ALL BONDS AS REQUIRED, PAY ALL FEES, PROVIDE PROOF OF INSURANCE AND PROVIDE TRAFFIC CONTROL NECESSARY FOR THIS WORK.
- 6) PRIOR TO CONSTRUCTION, THE SITE CONTRACTOR IS TO INFORM ALL AREA UTILITY COMPANIES AND GOVERNMENTAL AGENCIES OF PLANNED CONSTRUCTION. THE SITE CONTRACTOR IS REQUIRED TO CONTACT DIG-SAFE (1-800-225-4977) AT LEAST 3 BUSINESS DAYS PRIOR TO ANY EXCAVATION TO VERIFY ALL UNDERGROUND AND OVERHEAD UTILITY LOCATIONS.
- 7) THE PROJECT DRAWINGS ARE GENERALLY SCHEMATIC AND INDICATE THE POSSIBLE LOCATION OF EXISTING UNDERGROUND UTILITIES. INFORMATION ON EXISTING UTILITIES HAS BEEN COMPILED FROM AVAILABLE INFORMATION INCLUDING UTILITY COMPANY MAPS, MUNICIPAL RECORD MAPS, AND FIELD SURVEY. IT IS NOT GUARANTEED TO BE CORRECT OR COMPLETE. UTILITIES ARE SHOWN TO ALERT THE CONTRACTOR TO THEIR PRESENCE. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ACTUAL LOCATIONS AND ELEVATIONS OF ALL UTILITIES, INCLUDING SERVICES WHEN THOSE SERVICES ARE TO BE LEFT IN PLACE. THE CONTRACTOR IS TO PROVIDE ADEQUATE MEANS OF SUPPORT AND PROTECTION DURING THE EXCAVATING AND BACKFILLING OPERATIONS. SHOULD ANY UNCHARTED OR INCORRECTLY CHARTED UTILITIES BE FOUND, THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER IMMEDIATELY FOR DIRECTIONS BEFORE PROCEEDING FURTHER WITH THE WORK IN THIS AREA.
- 8) OSHA REGULATIONS MAKE IT UNLAWFUL TO OPERATE CRANES, BOOMS, HOISTS, ETC. WITHIN TEN FEET (10') OF ANY ELECTRIC LINE. IF THE CONTRACTOR MUST OPERATE CLOSER THAN 10', THE CONTRACTOR MUST CONTACT THE POWER COMPANY TO MAKE ARRANGEMENTS FOR PROPER SAFEGUARDS BEFORE ENCRDACHING ON THIS REQUIREMENT.
- 9) IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLANS, APPROVALS, AND DETAILS FOR ADDITIONAL INFORMATION. THE CONTRACTOR SHALL VERIFY ALL THE SITE CONDITIONS IN THE FIELD AND CONTACT THE DESIGN ENGINEER IF THERE ARE ANY DISCREPANCIES REGARDING THE CONSTRUCTION DOCUMENTS AND/OR FIELD CONDITIONS SO THAT AN APPROPRIATE REVISION CAN BE MADE PRIOR TO BIDDING.
- 10) THE CONTRACTOR SHALL REFERENCE ARCHITECTURAL PLANS FOR EXACT DIMENSIONS AND CONSTRUCTION DETAILS OF THE BUILDING AREA. BUILDING AND DRIVEWAYS SHOWN ARE CONCEPTUAL. ALL SITE DIMENSIONS ARE REFERENCED TO PROPERTY LINES, THE FACE OF CURBS, OUTSIDE FACE OF WALLS, OR EDGE OF PAVING UNLESS OTHERWISE NOTED.
- 11) ALTERNATIVE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED IN WRITING BY THE OWNER, DESIGN ENGINEER, AND APPROPRIATE GOVERNMENTAL AGENCY PRIOR TO INSTALLATION.
- 12) THE CONTRACTOR SHALL RESTORE ALL UTILITY STRUCTURES, PIPE, UTILITIES, PAVEMENT, CURBS, SIDEWALKS, AND LANDSCAPED AREAS DISTURBED BY CONSTRUCTION TO AS GOOD AS BEFORE BEING DISTURBED AS DETERMINED BY CITY CODE ENFORCEMENT OFFICIALS. ANY DAMAGES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- 13) ALL EXCAVATION SHALL BE BACKFILLED TO EXISTING GRADE BEFORE THE END OF THE DAY OR ADEQUATELY PROTECTED FROM DANGER TO HUMANS AND ANIMALS.
- 14) THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE OWNER WILL PROVIDE A BENCH MARK AT THE CONSTRUCTION SITE FROM WHICH TO BEGIN LAYOUT.
- 15) THE CONTRACTOR SHALL GUARANTEE THE FAITHFUL REMEDY OF ANY DEFECTS DUE TO FAULTY MATERIALS OR WORKMANSHIP AND GUARANTEES PAYMENT FOR ANY RESULTING DAMAGE WHICH SHALL APPEAR WITHIN A PERIOD OF ONE (1) YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION OF THE PROJECT.
- 16) THE CONTRACTOR SHALL PROVIDE AS-BUILT RECORDS OF ALL CONSTRUCTION (INCLUDING UNDERGROUND UTILITIES) TO THE OWNER AT THE END OF CONSTRUCTION.
- 17) A PRE-CONSTRUCTION CONFERENCE WITH THE OWNER, DESIGNERS, TOWN OFFICIALS AND CONTRACTOR SHALL BE REQUIRED BEFORE ANY CONSTRUCTION OCCURS ON THE PROJECT. DURING CONSTRUCTION THERE SHALL BE WEEKLY PROGRESS MEETINGS WITH THE OWNER (ON SITE OR TELECONFERENCE) UNTIL PROJECT COMPLETION.
- 18) PROPER IMPLEMENTATION AND MAINTENANCE OF EROSION CONTROL MEASURES ARE OF PARAMOUNT IMPORTANCE FOR THIS PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ONSITE INSPECTIONS OF THE OWNER, THEIR REPRESENTATIVES, OR STATE/LOCAL/ FEDERAL INSPECTORS AT NO ADDITIONAL COST TO THE OWNER.

EXISTING		LEGEND		PROPOSED	
	GRANITE MONUMENT - 3' OFFSET		IRON PIN FOUND/SET		IRON ROD FOUND
	IRON ROD FOUND		CAPED IRON ROD FOUND		DRILL HOLE FOUND
	GRANITE MONUMENT FOUND		STREET LINE		LOT SETBACKS
	PROPERTY LINE		ABUTTOR LINE		"NO CUT" BUFFER
	WETLANDS		EDGE OF ROAD/TRAVELLED WAY		SOIL TEST PIT
	CONTOUR		SPOT GRADE		GAS SHUT-OFF
	UTILITY POLE		OVERHEAD ELECTRICAL		UNDERGROUND ELECTRICAL
	ELECTRICAL TRANSFORMER		FIRE HYDRANT		WATER LINE
	WATER GATE		SEWER LINE		SEWER MANHOLE
	DRAINAGE MANHOLE		CATCH BASIN		UNDERDRAIN/STORMDRAIN
	UNDERDRAIN		SILT FENCE		TIMP. STONE CHECK DAM
	GRADING AND FLOW DIRECTION		HAY BALES		EROSION CONTROL BLANKET
	STORMWATER BOUNDARY		STORMWATER FLOW (t)		FACE OF LEDGE OUTCROP
	BIRCH		MAPLE		TREE LINE
	SITE LIGHTING (BAYSIDE FIXTURE)		STONE WALL		



CLIENT:
BARRETT MADE
65 HANOVER STREET
PORTLAND, ME 04101

PRELIMINARY
NOT FOR CONSTRUCTION

ONE DIAMOND
BIDDEFORD, MAINE

PROPOSED DEVELOPMENT

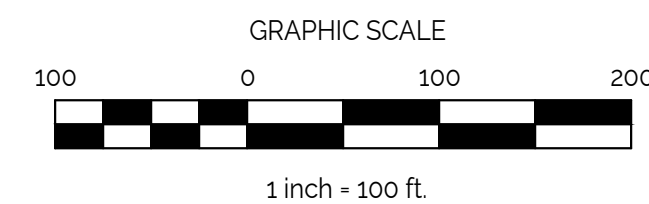
ISSUED	DESCRIPTION	DR	CHKD	BY	DATE
	CONCEPT SKETCH PLAN	DL			10-13-21
No.	A				

SHEET TITLE:

EXISTING SITE
PLAN

DESIGNED: DL
DRAWN: DL
DATE: 10-13-21
PROJECT NUMBER: 21-049

C100



SCALE: 1" = 100'-0"



ONE DIAMOND

BIDDEFORD, MAINE

PROPOSED DEVELOPMENT

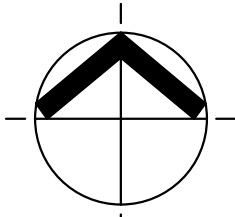
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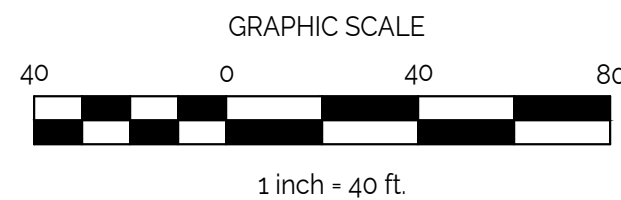
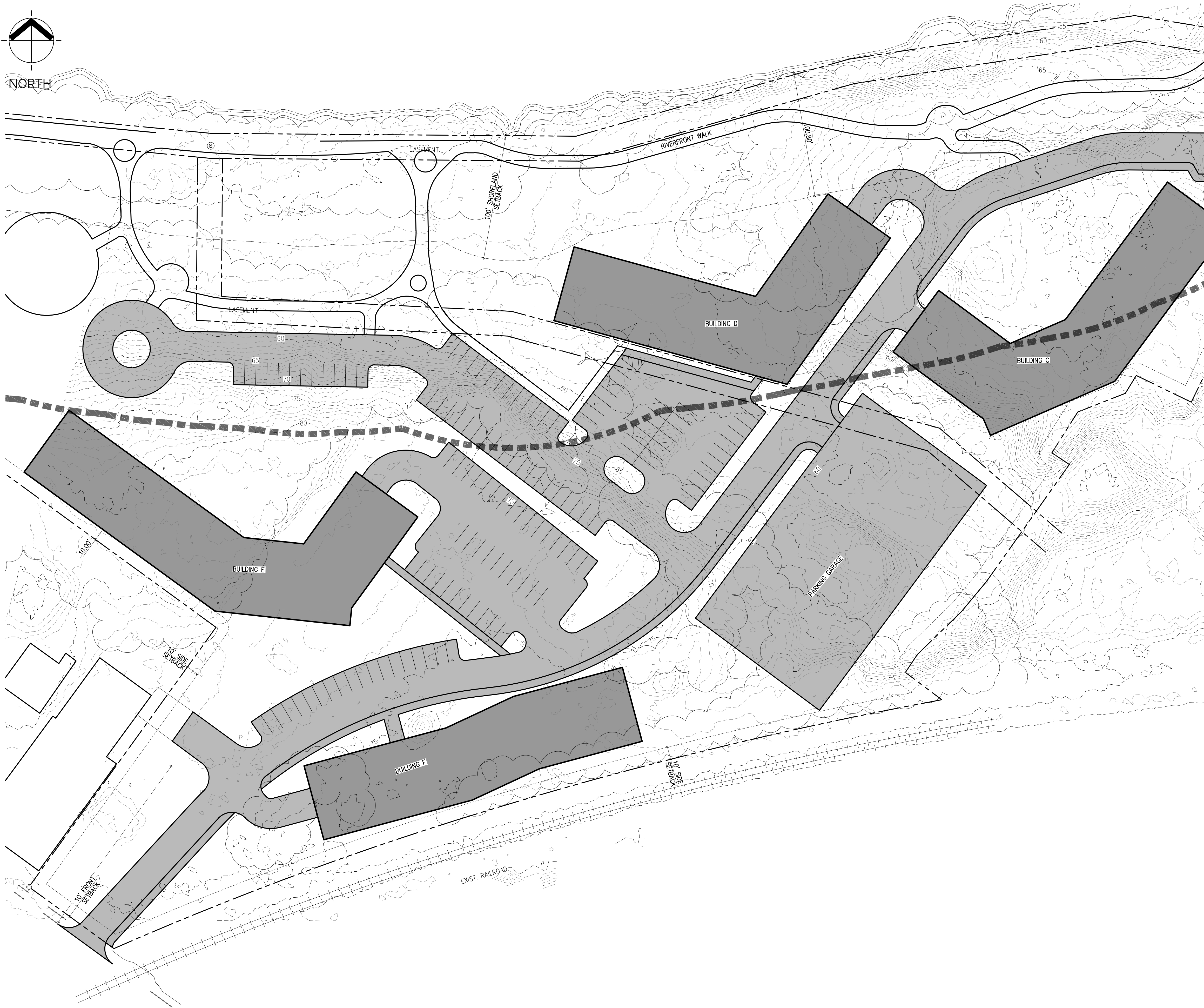
OVERALL SITE
PLAN

DESIGNED:	DL
DRAWN:	DL
DATE:	10-13-21
PROJECT NUMBER:	21-049

C101



NORTH



LEGEND		
EXISTING	DESCRIPTION	PROPOSED
	GRANITE MONUMENT - 3' OFFSET	
	IRON PIN FOUND/SET	
	IRON ROD FOUND	
	CAPED IRON ROD FOUND	
	DRILL HOLE FOUND	
	GRANITE MONUMENT FOUND	
	STREET LINE	
	LOT SETBACKS	
	PROPERTY LINE	
	ABUTTOR LINE	
	"NO CUT" BUFFER	
	WETLANDS	
	EDGE OF ROAD/TRAVELLED WAY	
	SOIL TEST PIT	
	CONTOUR	
	SPOT GRADE	
	GAS SHUT-OFF	
	UTILITY POLE	
	OVERHEAD ELECTRICAL	
	UNDERGROUND ELECTRICAL	
	ELECTRICAL TRANSFORMER	
	FIRE HYDRANT	
	WATER LINE	
	WATER GATE	
	SEWER LINE	
	SEWER MANHOLE	
	DRAINAGE MANHOLE	
	CATCH BASIN	
	UNDERDRAIN/STORMDRAIN	
	UNDERDRAIN	
	SILT FENCE	
	TEMP. STONE CHECK DAM	
	GRADING AND FLOW DIRECTION	
	HAY BALES	
	EROSION CONTROL BLANKET	
	STORMWATER BOUNDARY	
	STORMWATER FLOW (To)	
	FACE OF LEDGE OUTCROP	
	BIRCH	
	MAPLE	
	TREE LINE	
	SITE LIGHTING (BAYSIDE FIXTURE)	
	STONE WALL	

PROPOSED GRADING & DRAINAGE PLAN

SCALE: 1" = 40'-0"

CLIENT:

BARRETT MADE

65 HANOVER STREET
PORTLAND, ME 04101

PRELIMINARY
NOT FOR CONSTRUCTION

BIDDEFORD, MAINE

ONE DIAMOND

PROPOSED DEVELOPMENT

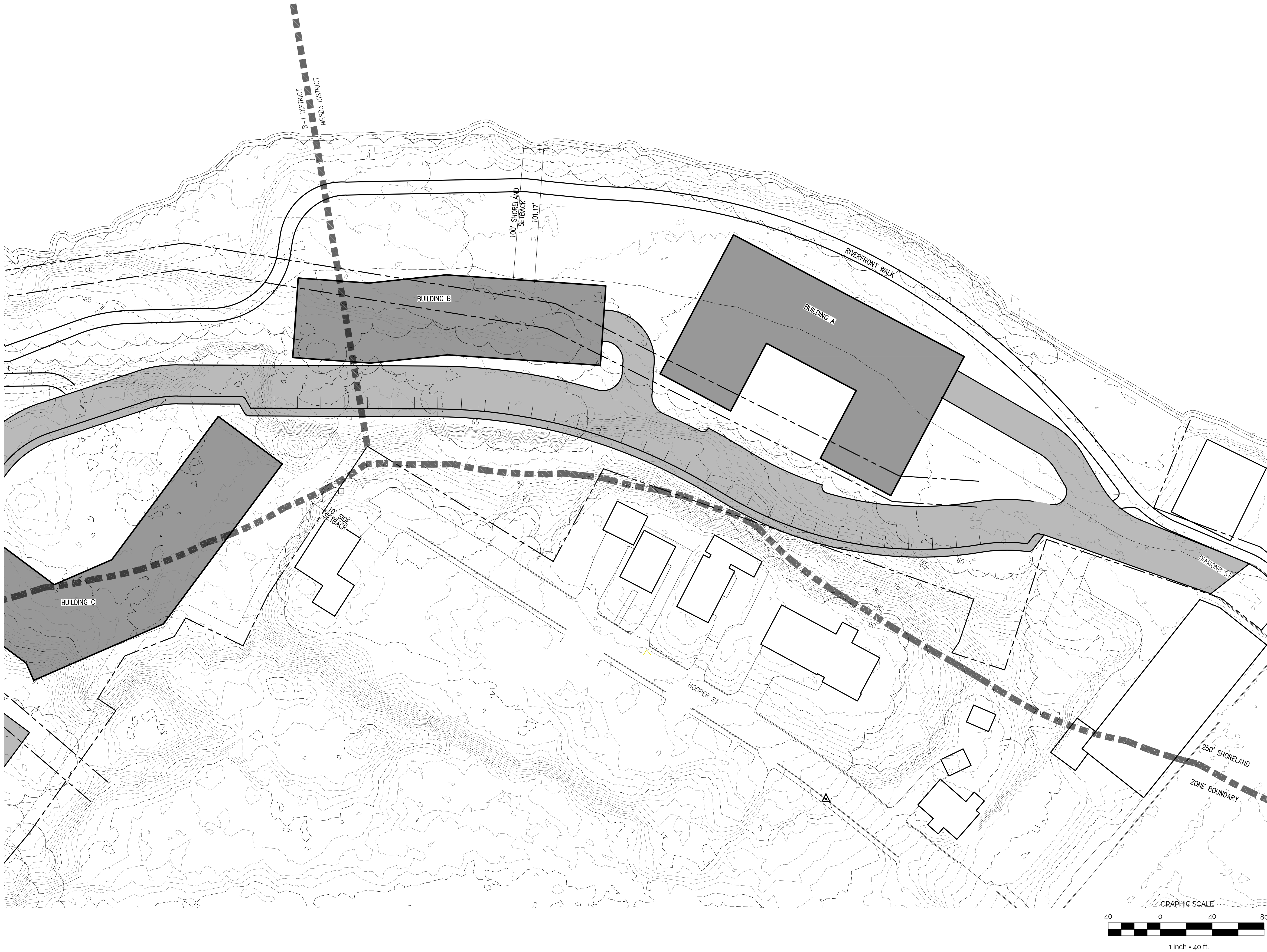
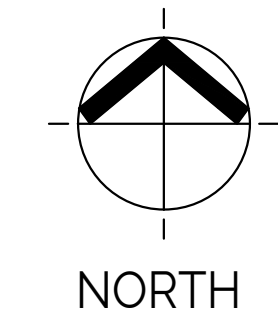
ISSUED	DESCRIPTION	CHKD.	DATE				
				DR.	BY	ED	
	CONCEPT SKETCH PLAN		10-13-21				
No.	A						

SHEET TITLE:

PARTIAL SITE
PLAN

DESIGNED: DL
DRAWN: DL
DATE: 10-13-21
PROJECT NUMBER: 21-049

C102



LEGEND		
EXISTING	DESCRIPTION	PROPOSED
	GRANITE MONUMENT - 3' OFFSET	
	IRON PIN FOUND/SET	
	IRON ROD FOUND	
	CAPED IRON ROD FOUND	
	DRILL HOLE FOUND	
	GRANITE MONUMENT FOUND	
	STREET LINE	
	LOT SETBACKS	
	PROPERTY LINE	
	ABUTTOR LINE	
	"NO CUT" BUFFER	
	WETLANDS	
	EDGE OF ROAD/TRAVELLED WAY	
	SOIL TEST PIT	
	CONTOUR	
	SPOT GRADE	
	GAS SHUT-OFF	
	UTILITY POLE	
	OVERHEAD ELECTRICAL	
	UNDERGROUND ELECTRICAL	
	ELECTRICAL TRANSFORMER	
	FIRE HYDRANT	
	WATER LINE	
	WATER GATE	
	SEWER LINE	
	SEWER MANHOLE	
	DRAINAGE MANHOLE	
	CATCH BASIN	
	UNDERDRAIN/STORMDRAIN	
	UNDERDRAIN	
	SILT FENCE	
	TEMP. STONE CHECK DAM	
	GRADING AND FLOW DIRECTION	
	HAY BALES	
	EROSION CONTROL BLANKET	
	STORMWATER BOUNDARY	
	STORMWATER FLOW (Tc)	
	FACE OF LEDGE OUTCROP	
	BIRCH	
	MAPLE	
	TREE LINE	
	SITE LIGHTING (BAYSIDE FIXTURE)	
	STONE WALL	

PROPOSED GRADING & DRAINAGE PLAN

SCALE: 1" = 40'-0"

ISSUED	DESCRIPTION	DR	CHKD BY	DATE
	CONCEPT SKETCH PLAN	DL	ED	10-13-21
No.	A			

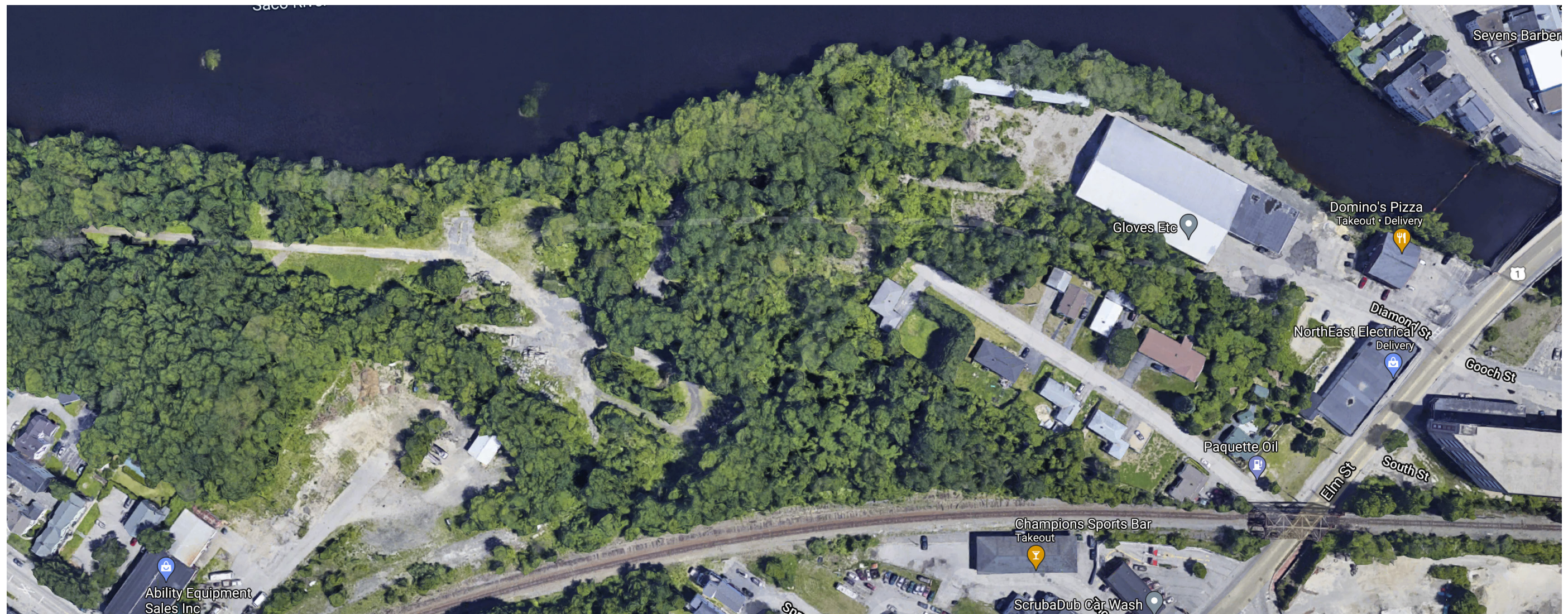
SHEET TITLE:
PARTIAL SITE PLAN

DESIGNED: DL
DRAWN: DL
DATE: 10-13-21
PROJECT NUMBER: 21-049

C103

BARRETT MADE

ARCHITECTURE + CONSTRUCTION



SKETCH PLAN REVIEW

ONE DIAMOND BIDDEFORD, MAINE

SUBMITTED 2021.10.13 FOR REVIEW ON 2021.11.03





B1/GD1 Allowed Density

MSRD3: 578,965sf; 13.29 Acres

Within Shoreland: 332,161sf; 7.63 Acres

Shoreland Units: 7.63X41= 312.83 Units

B1 Zone Units: 246,804/1,000 = 246.8 Units

Allowed S.L. Lot Coverage: 232,512.7 sf

MSRD3/GD2 Allowed Density

MSRD3: 153,149.4sf; 3.52 Acres

3.52X41= 144.3 Units

Allowed S.L. Lot Coverage: 107,204.6 sf

100'

250'

250' SHORELAND
ZONE BOUNDARY

10' REAR
SETBACK

PARK AREA

100' SHORELAND
SETBACK

EASEMENT

EASEMENT

B-1 DISTRICT
MSRD3 DISTRICT

10' SIDE
SETBACK

HOOPER ST

250' SHORELAND
ZONE BOUNDARY

Shoreland Requirements:

Lot Area per Dwelling Unit: 41/Acre

Non-Residential Units: 4-6/Acre

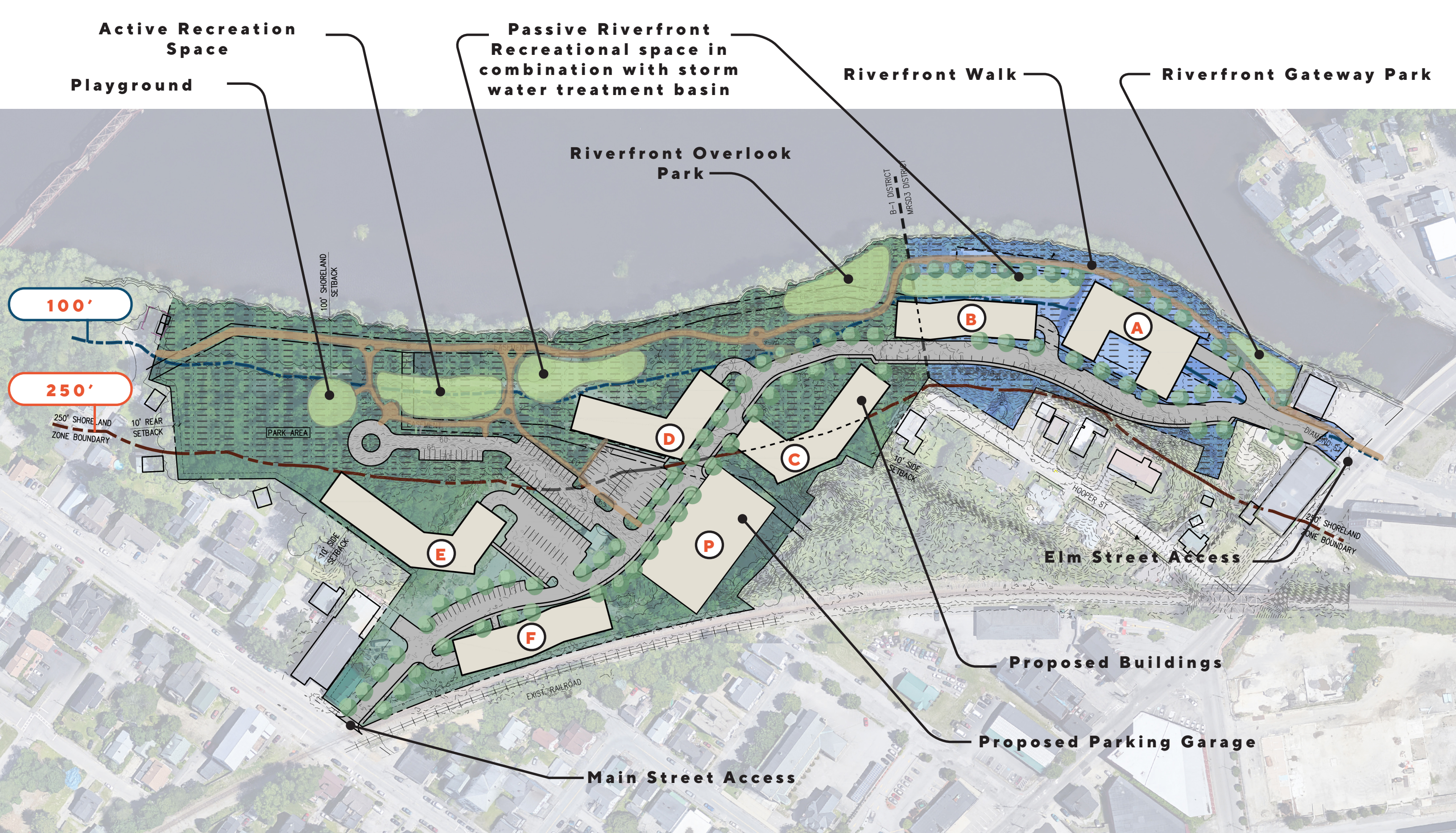
Building Setback from Normal Highwater: 100'

Lowest Floor Elevation: 1' above 100-yr Flood

Parking Areas Setback: 100'

Road/Drive Setback: 100'

Lot Coverage: 70%



Proposed MSRD3/GD1

BUILDING A:

Footprint: 19,560 GSF
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 6 above parking
Total Units: 98

BUILDING B:

Footprint: 14,288 GSF
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 6 above parking
Total Units: 69
- 12 Units are located within the B-1 Zone

Total Units (98+69-12) **155 Units**

10.7 Units over the allowed 144.3 Units

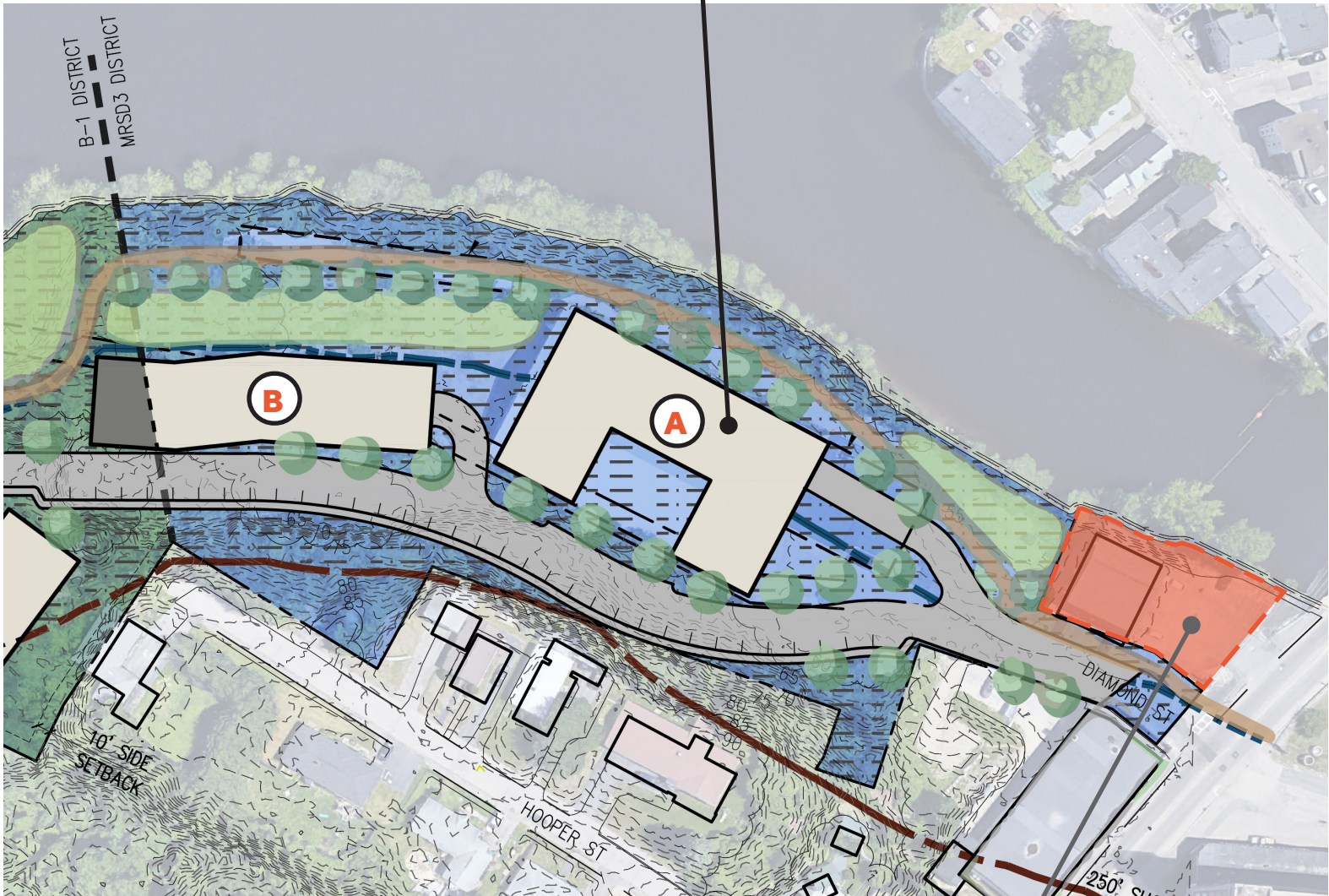
Lot Coverage

Buildings: (19,560 + 14,228) = 33,788 sf
Roadway: 27,303
Total Coverage: **61,091sf** < 107,204.6sf allowed

The Owner is pursuing the acquisition of an adjacent parcel that allows us to achieve the unit density as designed.

Note: Additional lot coverage will be required for pedestrian walks and paths

Building A Utilizes the Existing Building Footprint



Additional Parcel

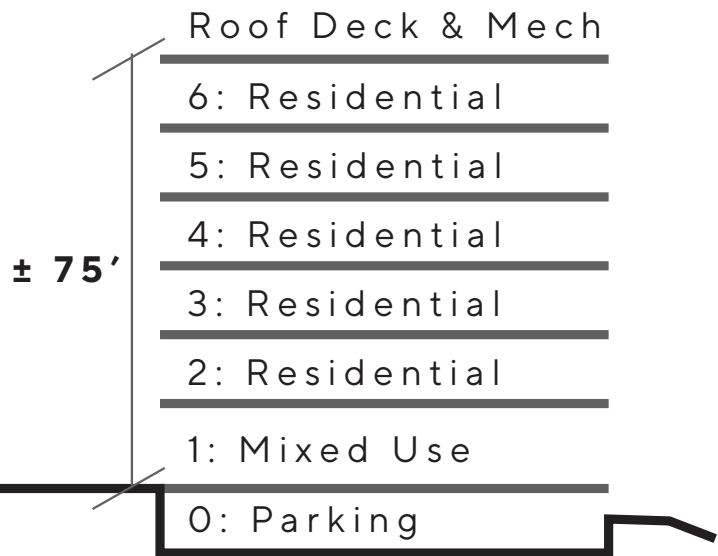
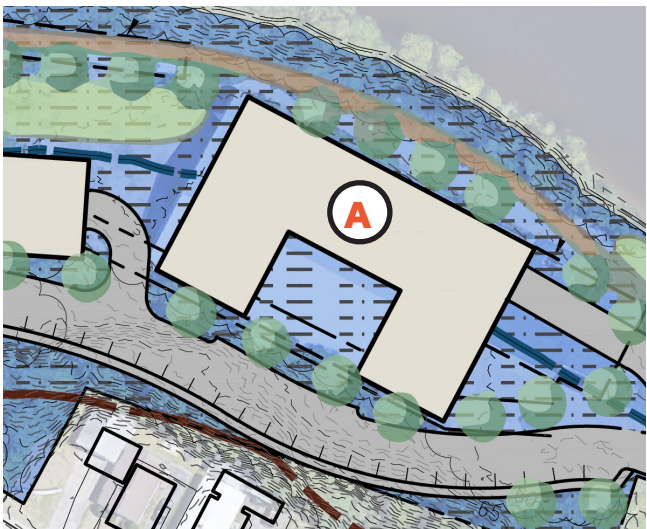
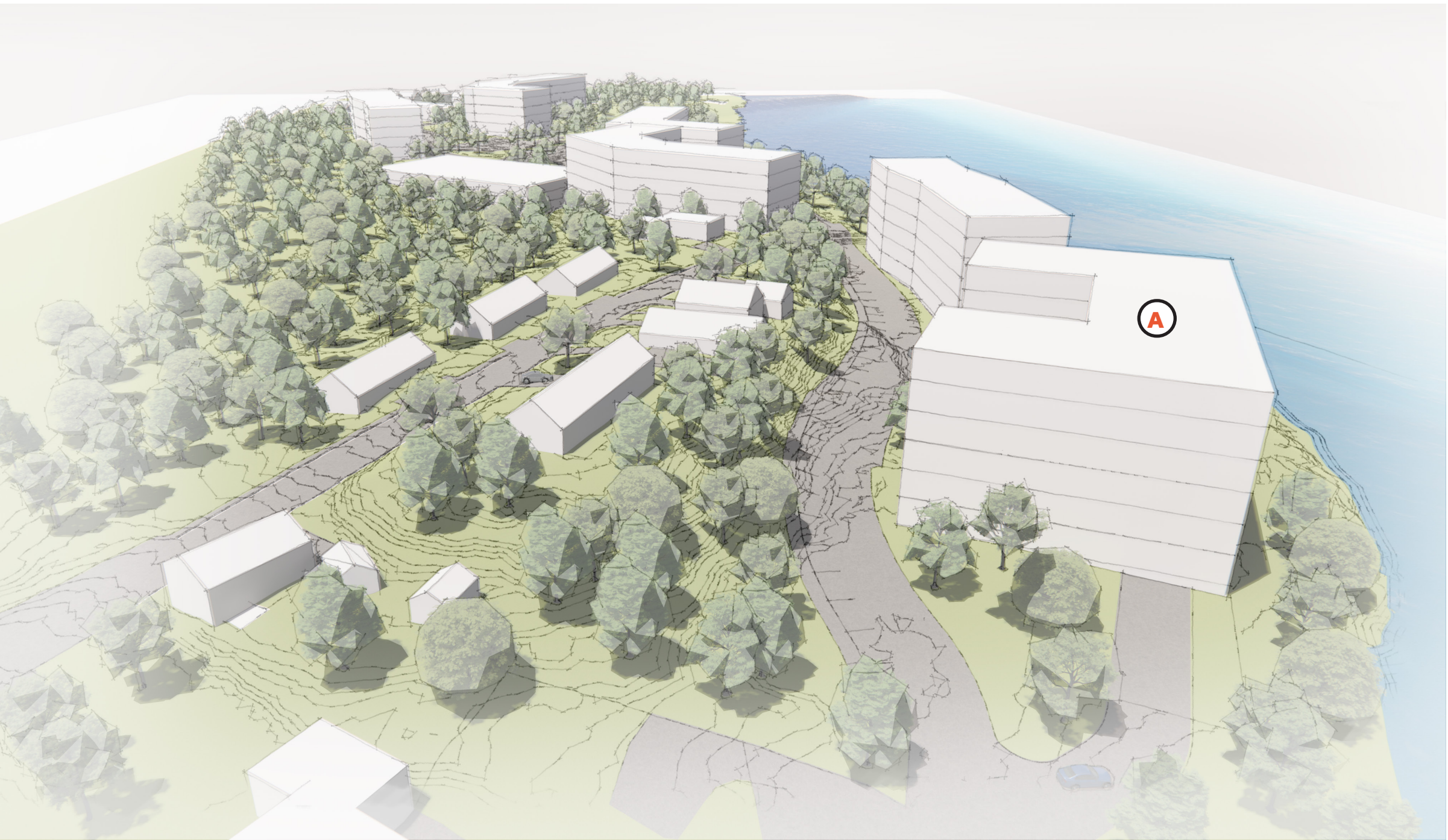
MSRD3:11,262 sf; .26 Acres (estimated)

.26x41= **10.7 Units**

10.7+ 144.3 = **155 Units Allowed**

Intent will be to utilize this as a non-residential use.

Building A



Building Section Diagram



59 Elm Street; Adjacent to Parcel

Number of Floors: 6

Estimated Building Height: 70' + Roof top Access



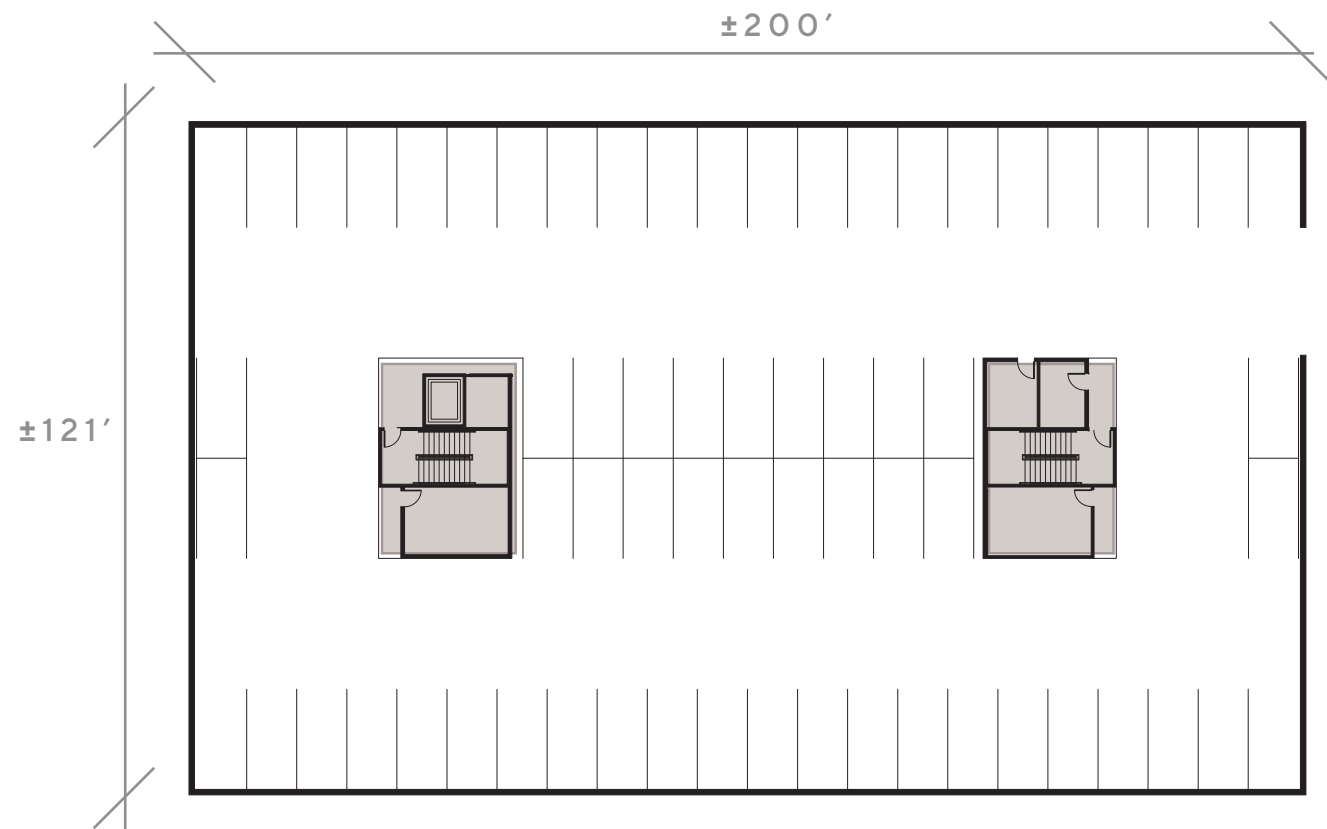
Mill @ Saco Falls; Adjacent to Parcel

Number of Floors: 6

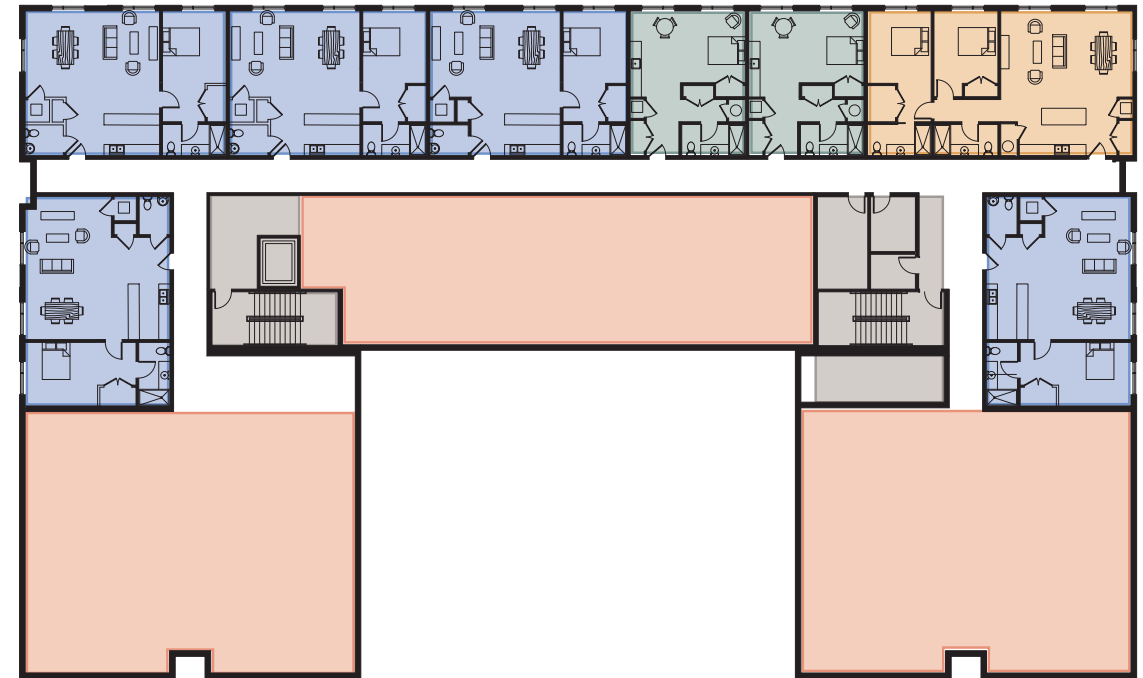
Estimated Building Height: 75' + Roof top Access



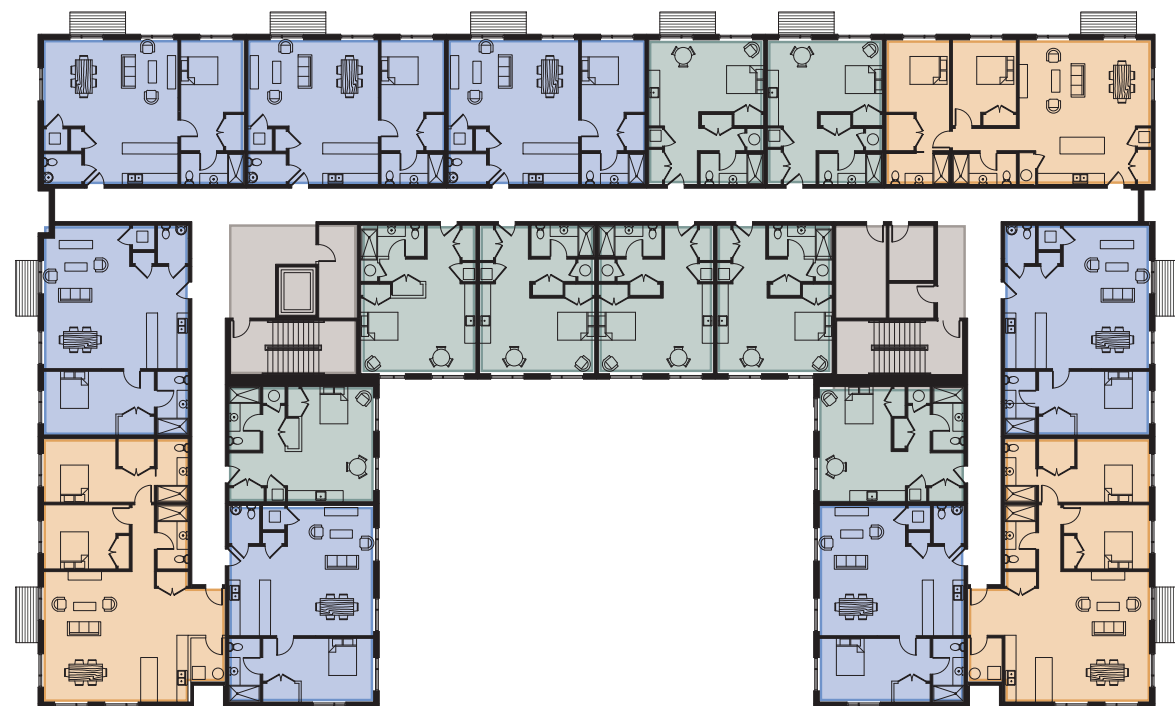




○ **Subgrade Parking Level**



○ **Ground Floor**



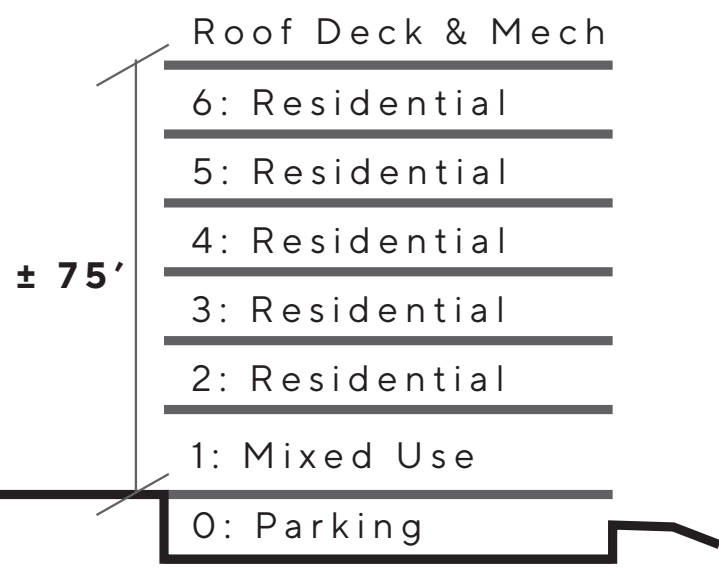
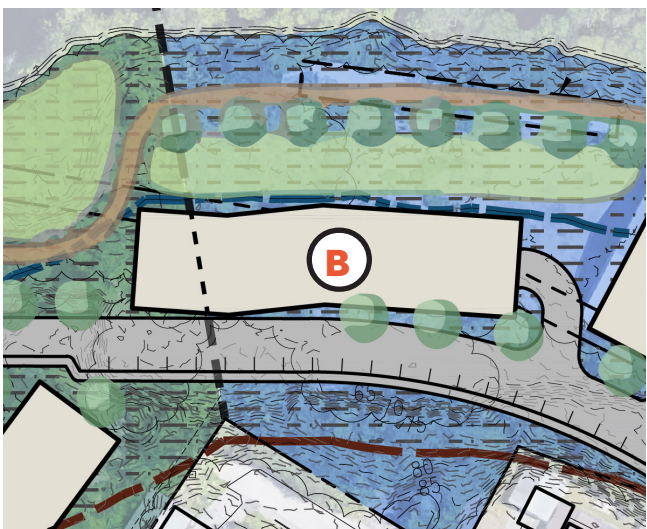
○ **Typical Upper Floor**

- Studio Unit
- 1 Bedroom Unit
- 2 Bedroom Unit
- Amenity Space
- Support Space

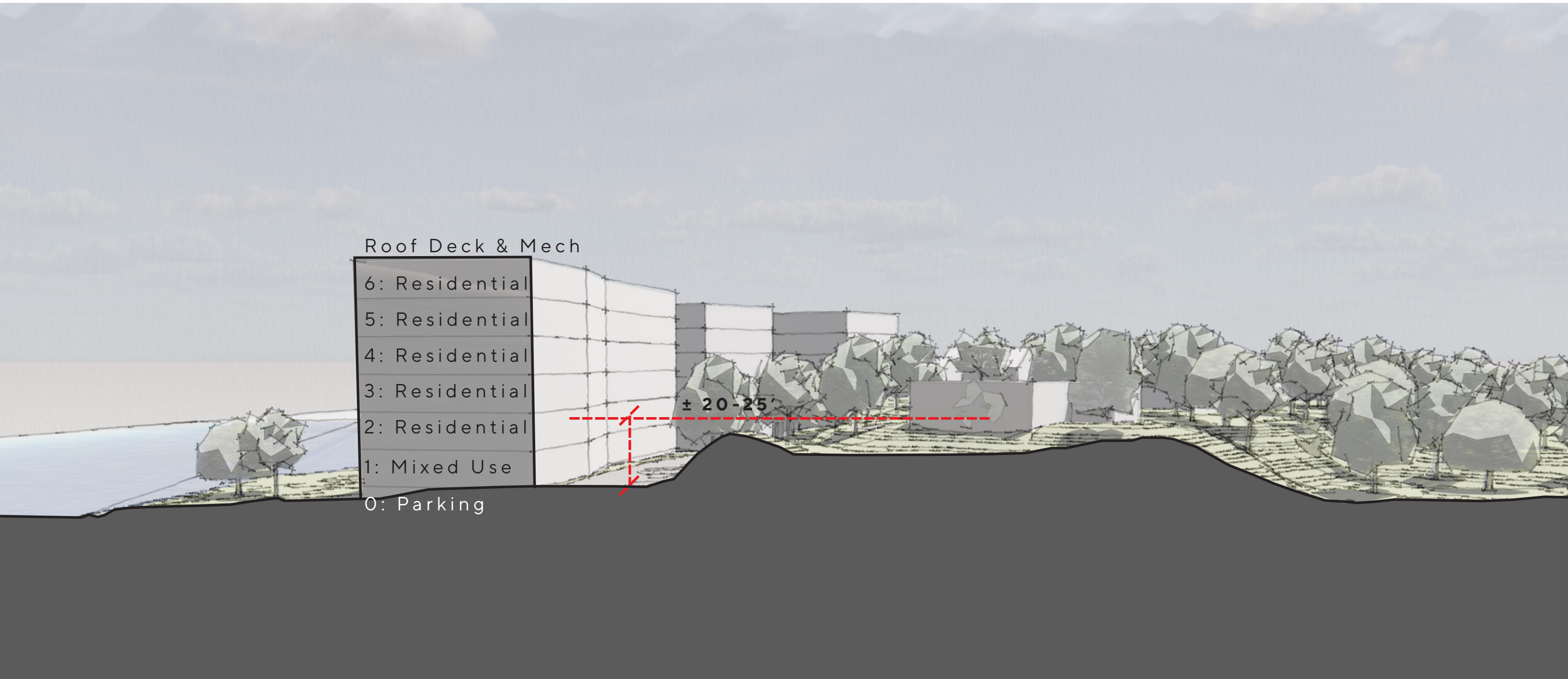
BUILDING A:

Footprint: 19,560 GSF
 Sub-grade Parking: Yes
 First Floor Mixed Use: Yes
 Residential Floors: 6
 Total Floors: 6 + parking
 Total Units: 98
 Total GSF: 141,650 GSF

Building B



Building Section Diagram



Roof Deck & Mech

6: Residential

5: Residential

4: Residential

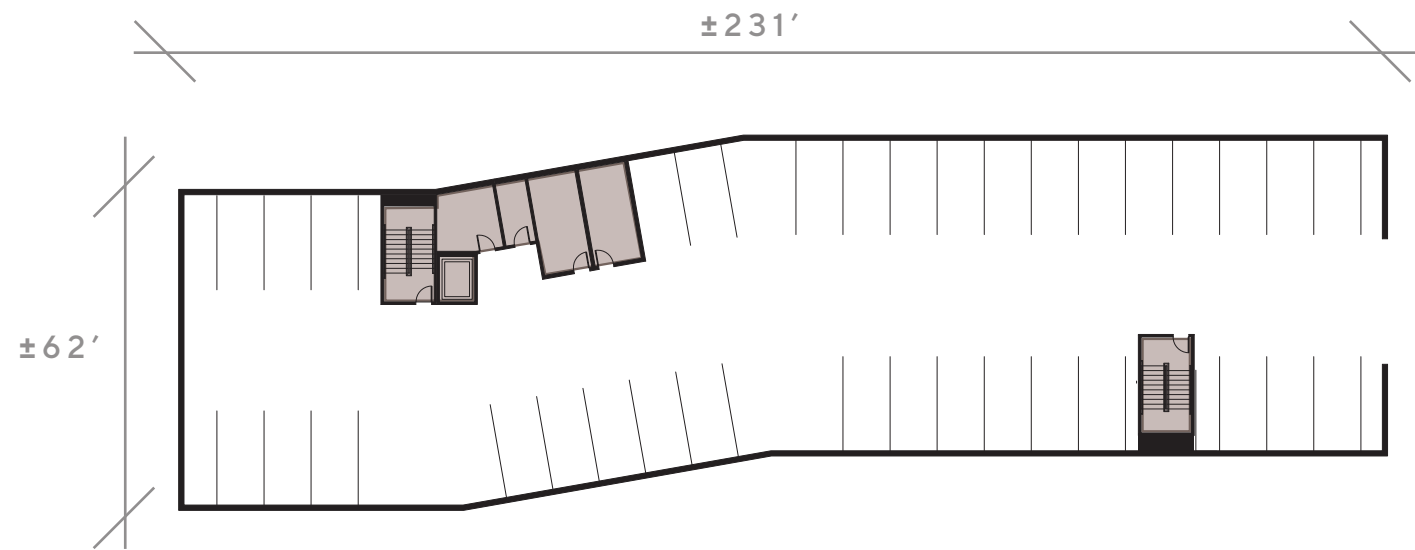
3: Residential

2: Residential

1: Mixed Use

0: Parking

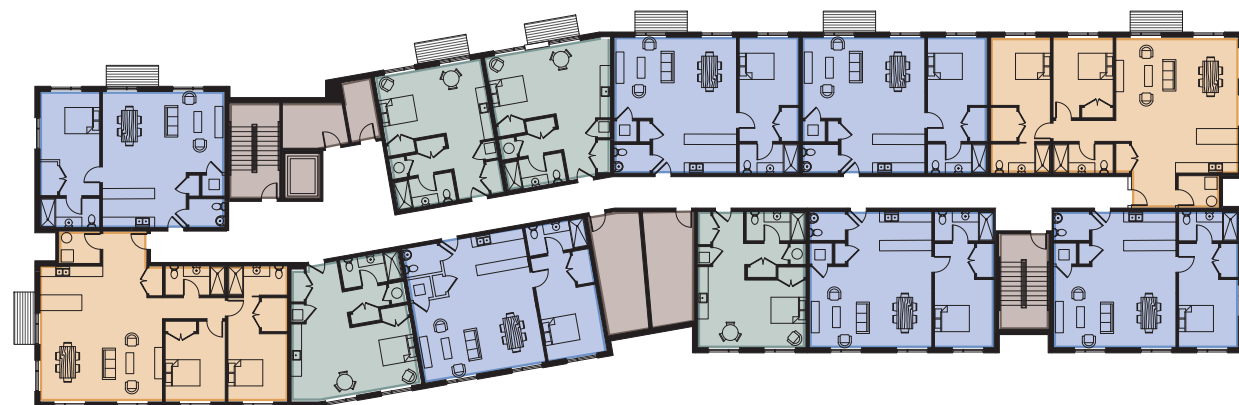
± 20-25'



○ **Subgrade Parking Level**



○ **Ground Floor**



○ **Typical Upper Floor**

- Studio Unit
- 1 Bedroom Unit
- 2 Bedroom Unit
- Amenity Space
- Support Space

BUILDING B:

Footprint: 14,288 GSF
 Sub-grade Parking: Yes
 First Floor Mixed Use: Yes
 Residential Floors: 6
 Total Floors: 6 + parking
 Total Units: 69
 Total GSF: 100,016 GSF



BUILDINGS A&B DESIGN INTENT:

Buildings A&B will define the gateway into the newly developed site. The site is transitional in regards to it's contextual relationships; to the east it abuts the Mill District, single family residences to the South and West, the river to the north, and bisected from adjoining parcels by the railroad tracks. The design intent will be to utilize materials, scale, and aesthetic that is referential to the Mill District, but also begin to weave in residential scale, materials, and aesthetic to enhance the existing urban fabric.



Proposed B1/GD2

BUILDING B:

Footprint: 2,409 GSF within B1/GD2
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 6 above parking
Total Units: 12 within B1/GD2

BUILDING C:

Footprint: 10,292 GSF within B1/GD2
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 5 above parking
Total Units: 45 within B1/GD2

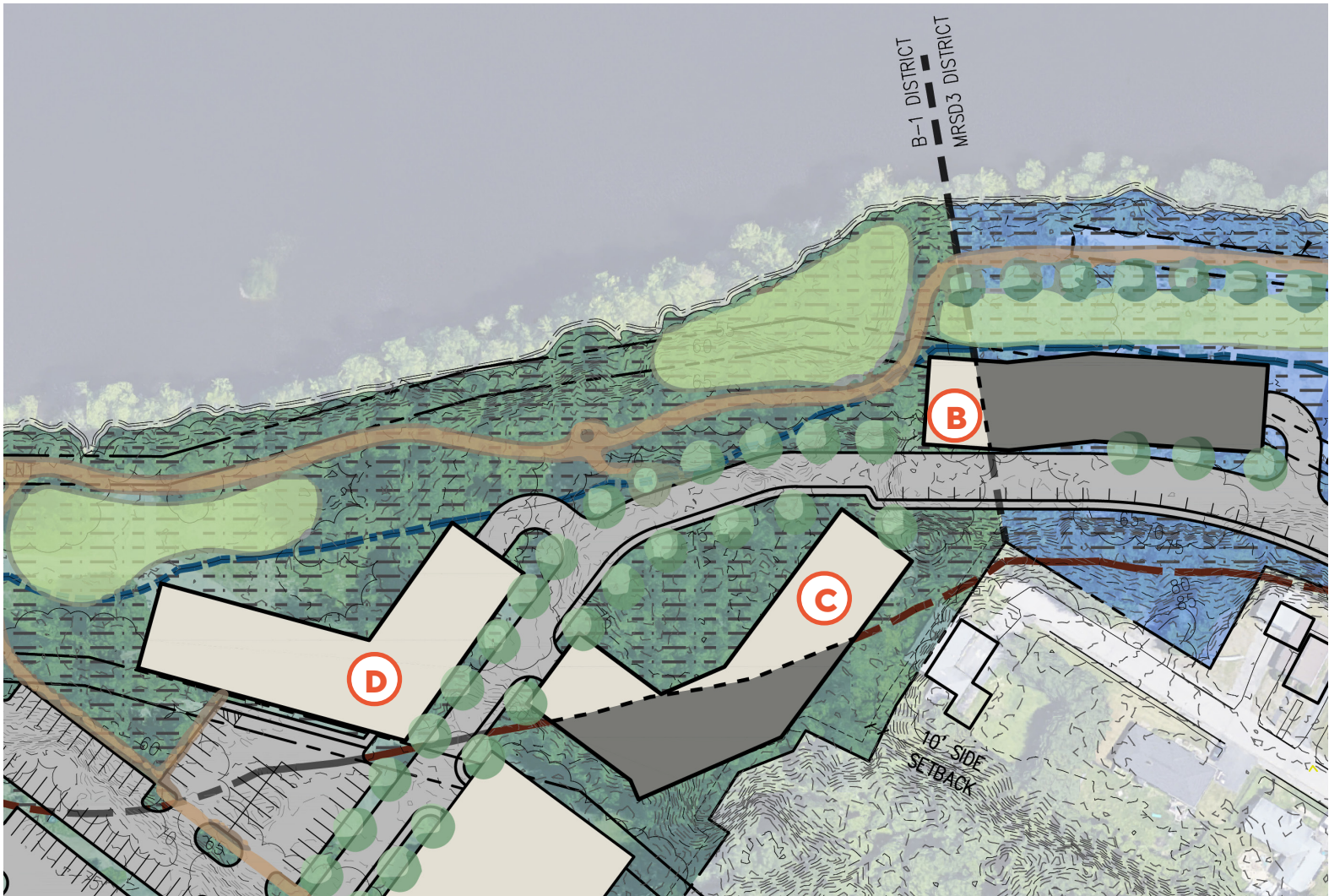
BUILDING D:

Footprint: 18,000 GSF within B1/GD2
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 5 above parking
Total Units: 75 within B1/GD2

Total Units (12+45+75) **132 Units**

132 Units is below the Allowed 312.83

Note: Additional lot coverage will be required for pedestrian walks and paths as well as public park access.



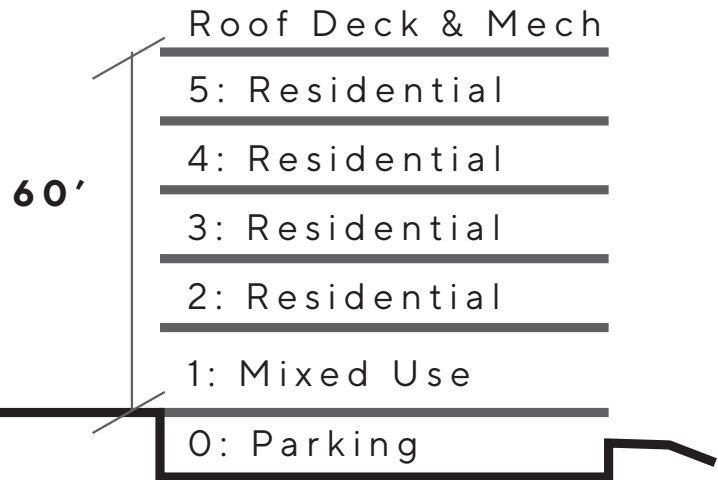
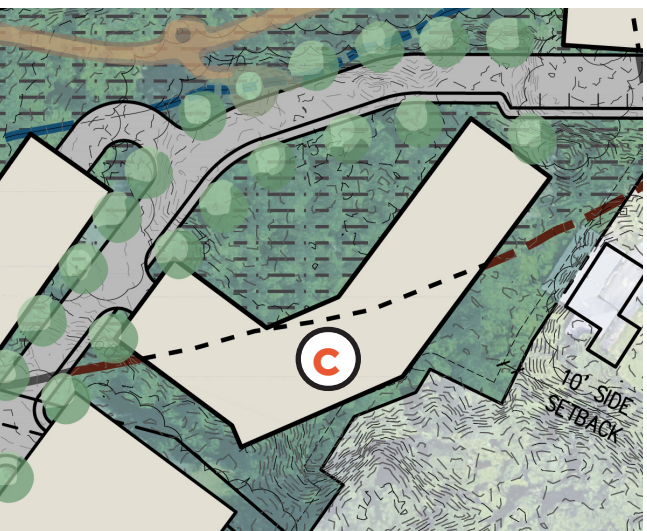
Lot Coverage

Buildings: (2,409 + 10,292 + 18,000) = 30,701 sf

Paving: 26,440

Total Coverage: 57,141sf < 232,512.7sf allowed

Building C



Building Section Diagram



Roof Deck & Mech

5: Residential

4: Residential

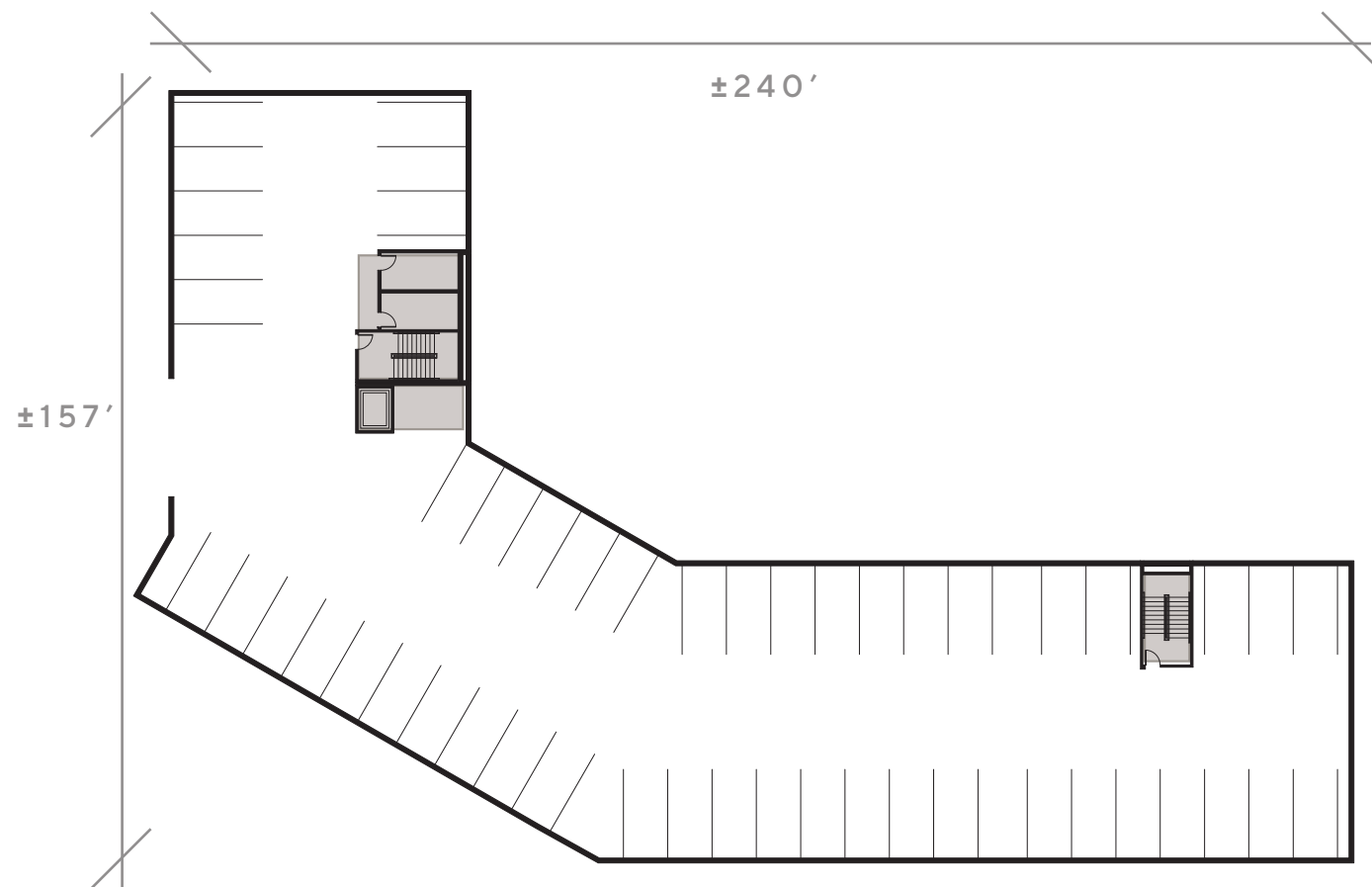
3: Residential

2: Residential

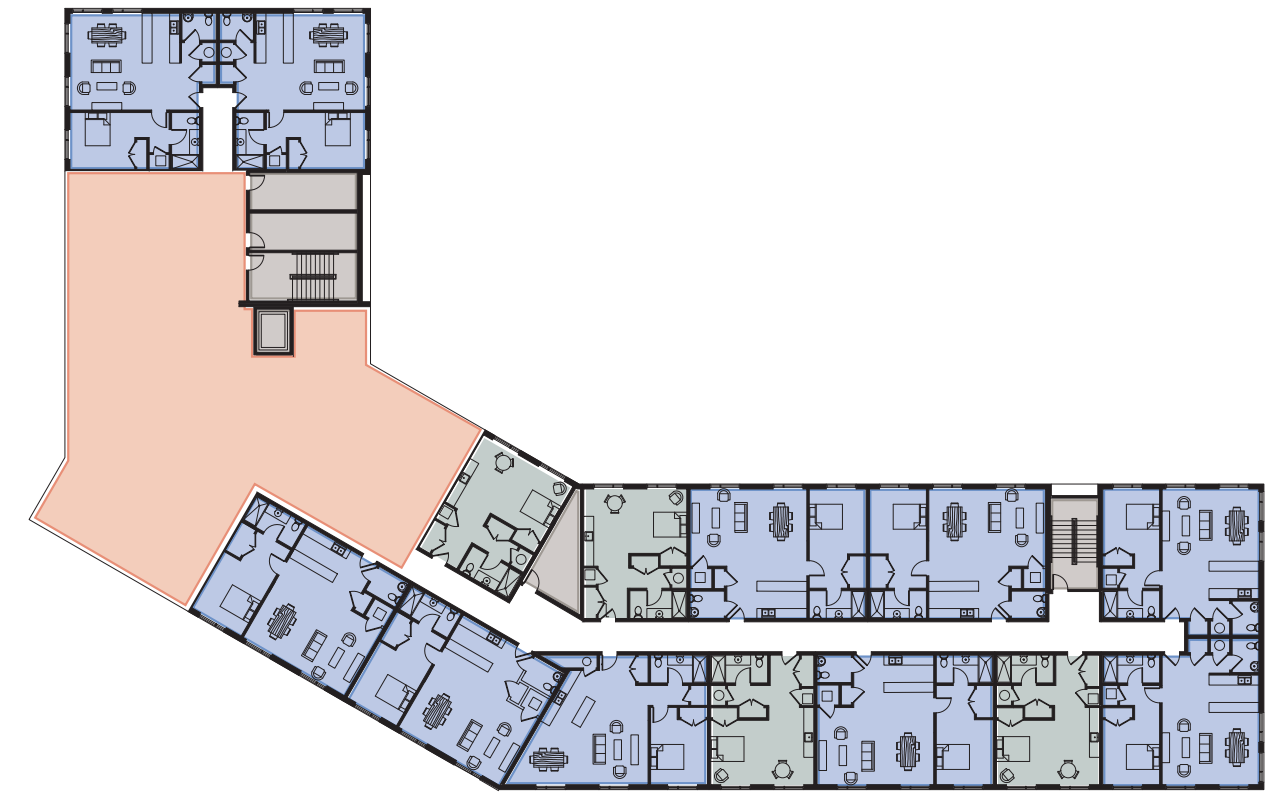
1: Mixed Use

0: Parking

± 10'



○ **Subgrade Parking Level**



○ **Ground Floor**



○ **Typical Upper Floor**

- Studio Unit
- 1 Bedroom Unit
- 2 Bedroom Unit
- Amenity Space
- Support Space

BUILDING C:

Footprint: 19,000 GSF

Sub-grade Parking: Yes

First Floor Mixed Use: Yes

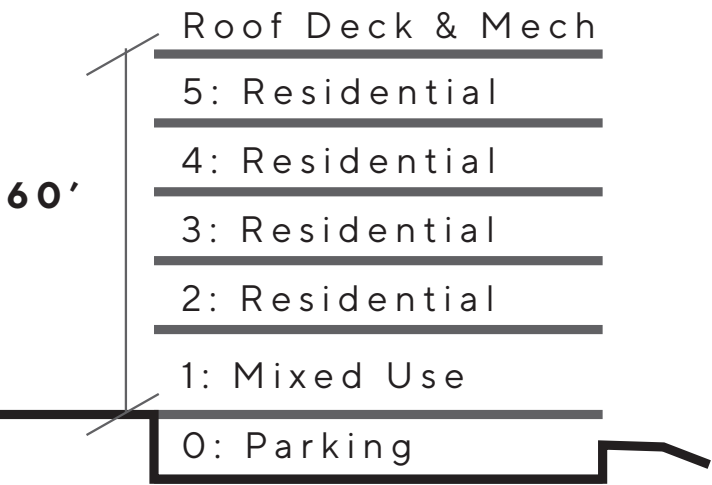
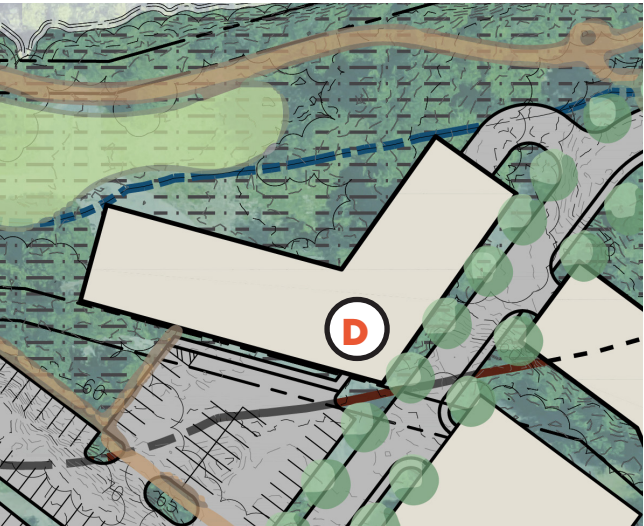
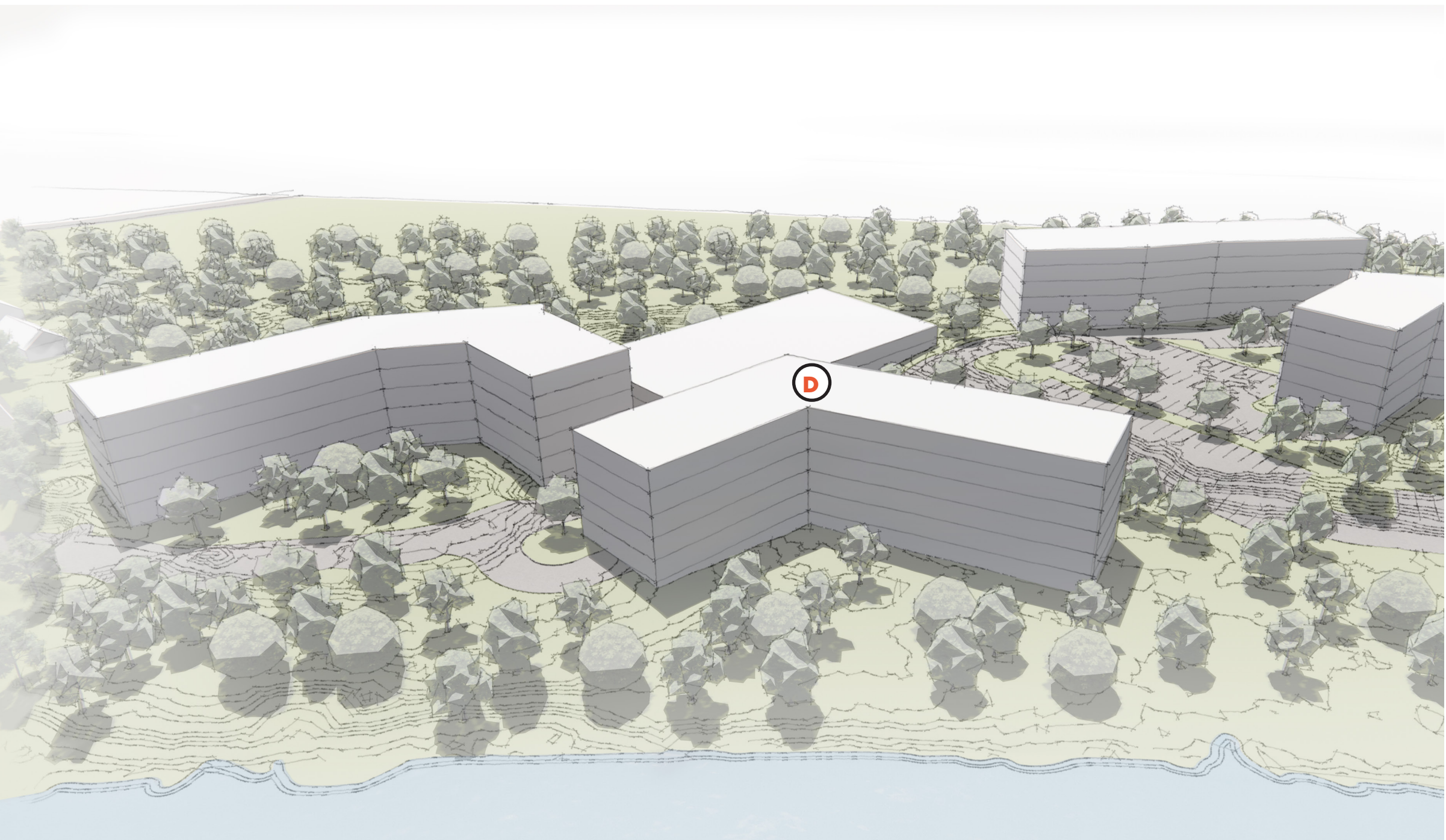
Residential Floors: 5

Total Floors: 5 + parking

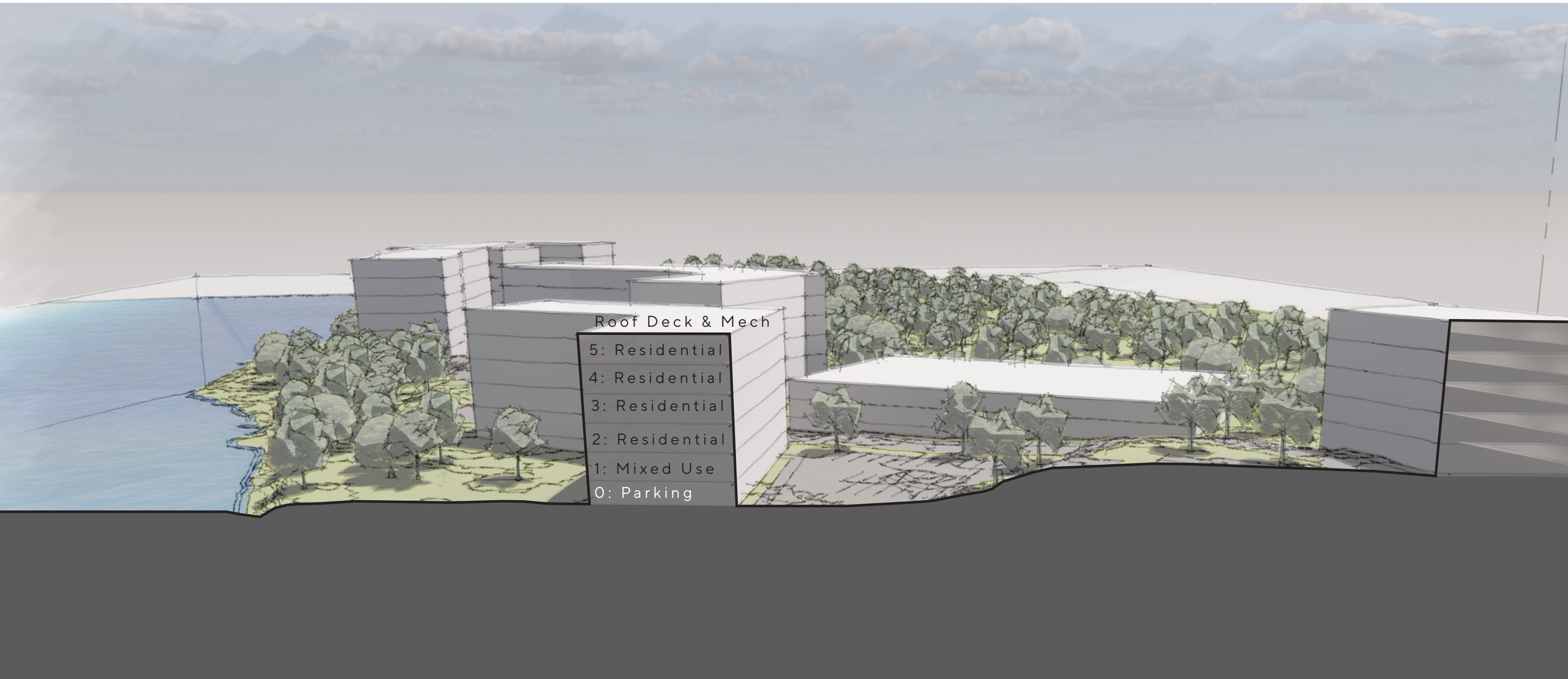
Total Units: 90

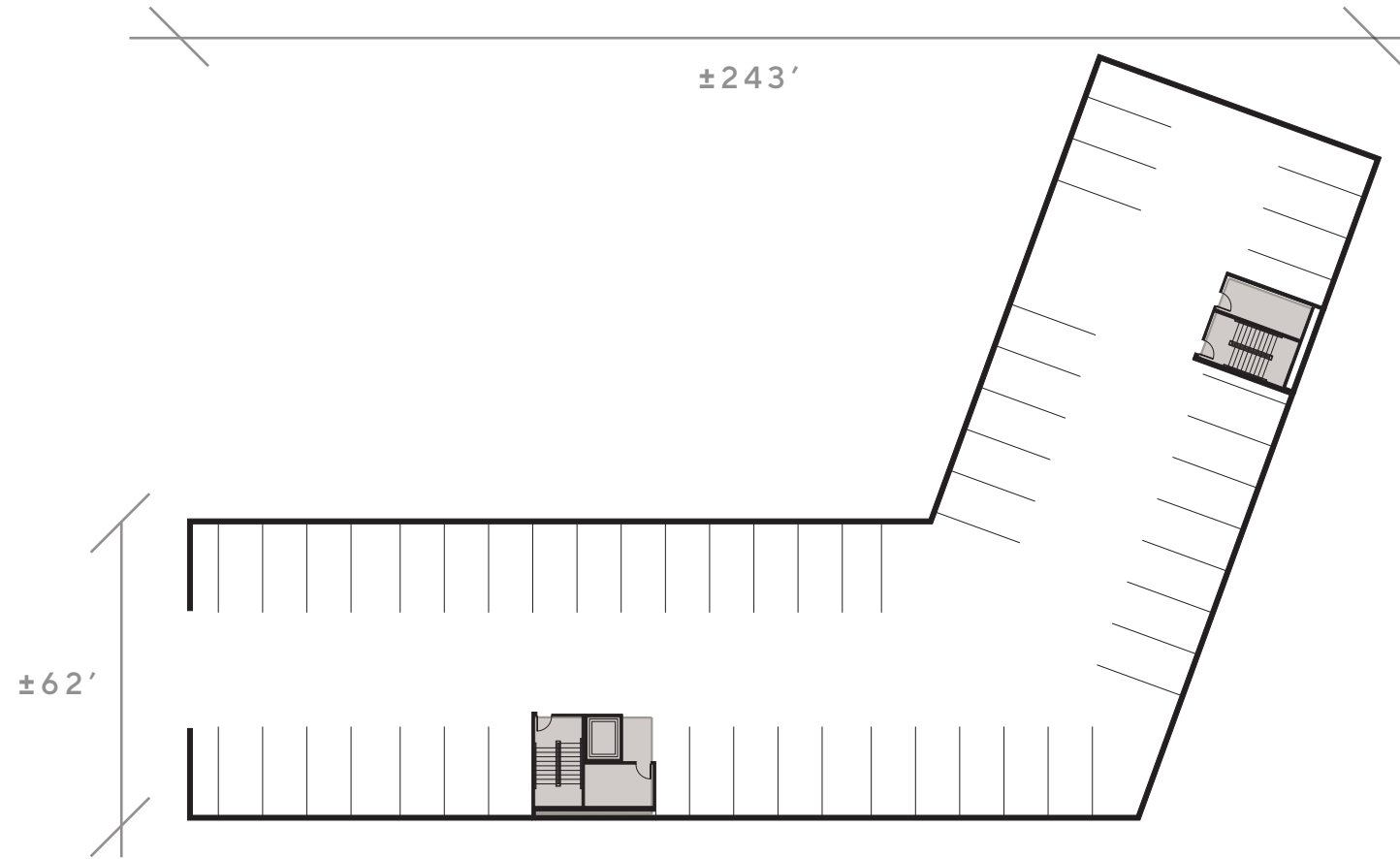
Total GSF: 114,000 GSF

Building D

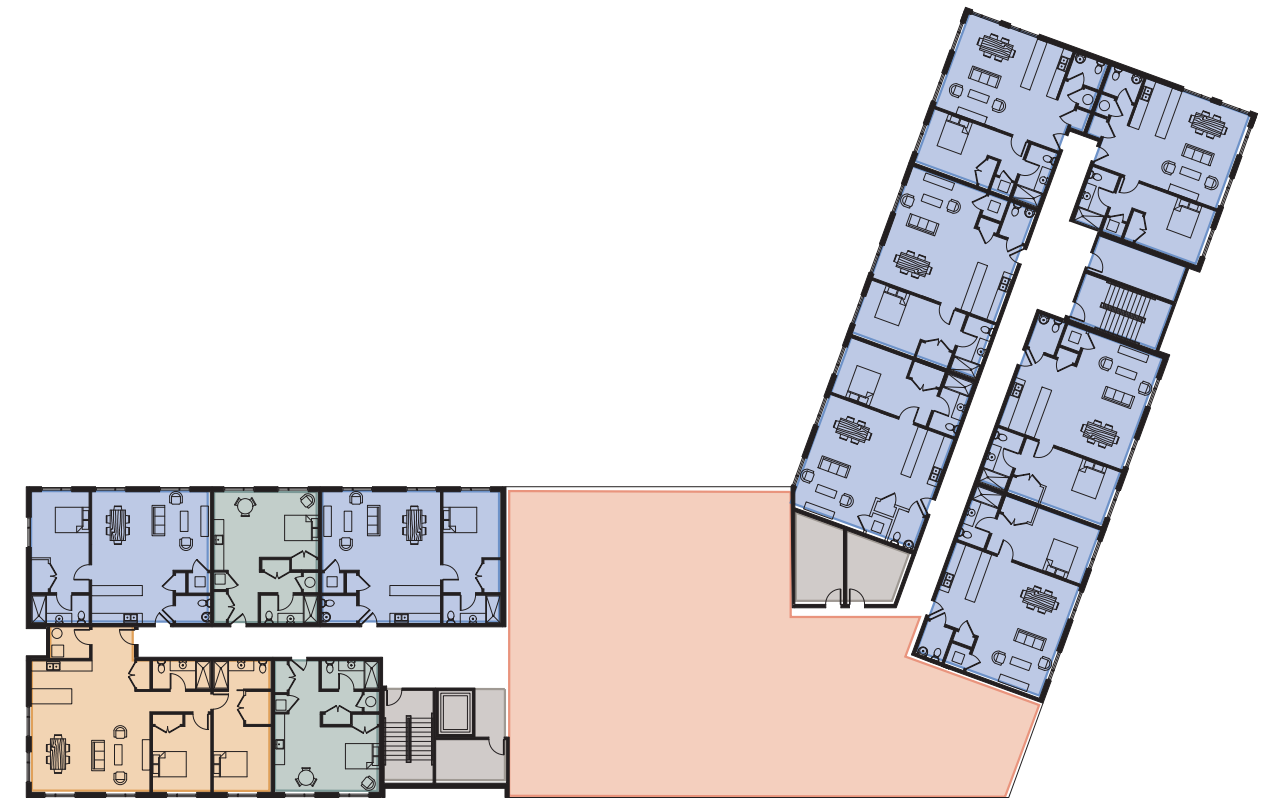


Building Section Diagram

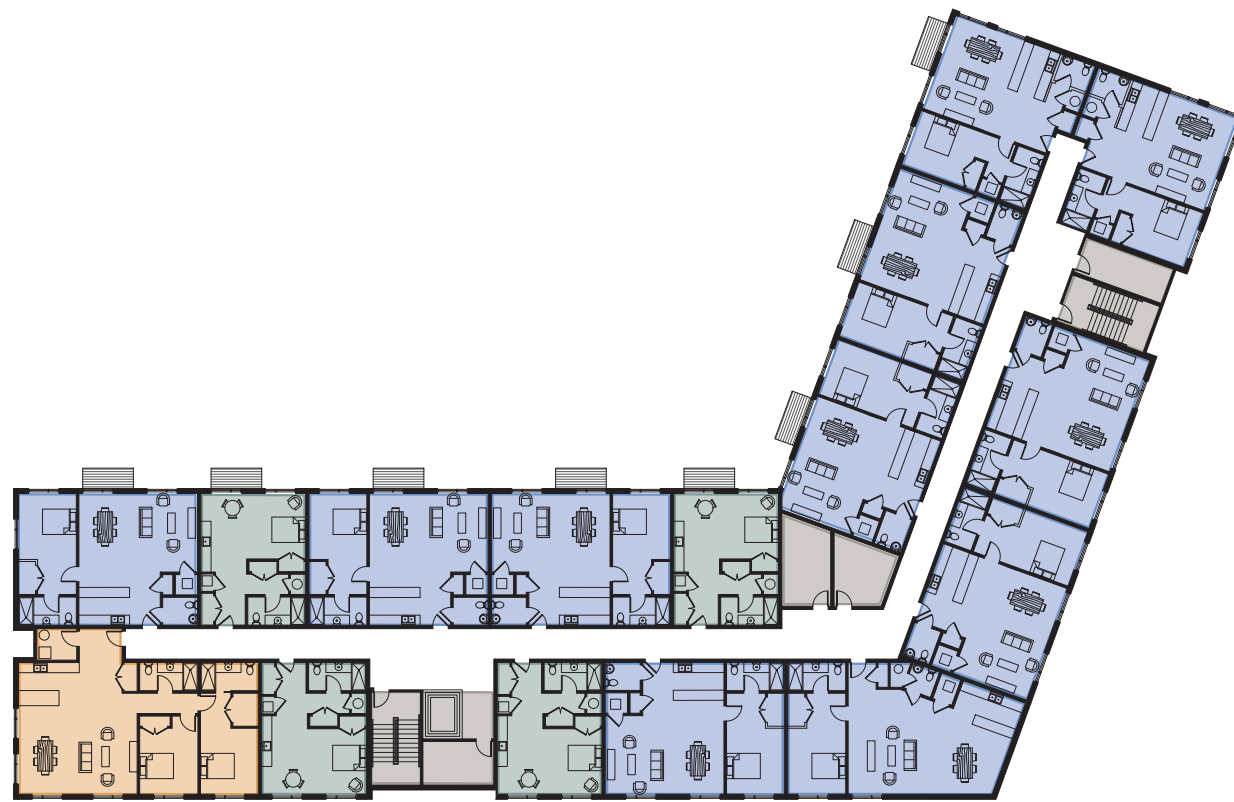




Subgrade Parking Level



Ground Floor



Typical Upper Floor

- Studio Unit
- 1 Bedroom Unit
- 2 Bedroom Unit
- Amenity Space
- Support Space

BUILDING D:

Footprint: 18,000 GSF
 Sub-grade Parking: Yes
 First Floor Mixed Use: Yes
 Residential Floors: 5
 Total Floors: 5 + parking
 Total Units: 75
 Total GSF: 108,000 GSF



BUILDINGS C&D DESIGN INTENT:

Buildings C&D will begin to integrate changes in scale, material, and texture that will help bridge the Mill District Aesthetic to the Residential scale of adjacent neighborhoods. At the heart of the project, these buildings will reinforce the referential industrial mill aesthetic and begin to define the new residential development.

Proposed B1

BUILDING C:

Footprint: 8,708 GSF within B1
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 5 above parking
Total Units: 45 within B1

BUILDING E:

Footprint: 21,200 GSF
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 5 above parking
Total Units: 102

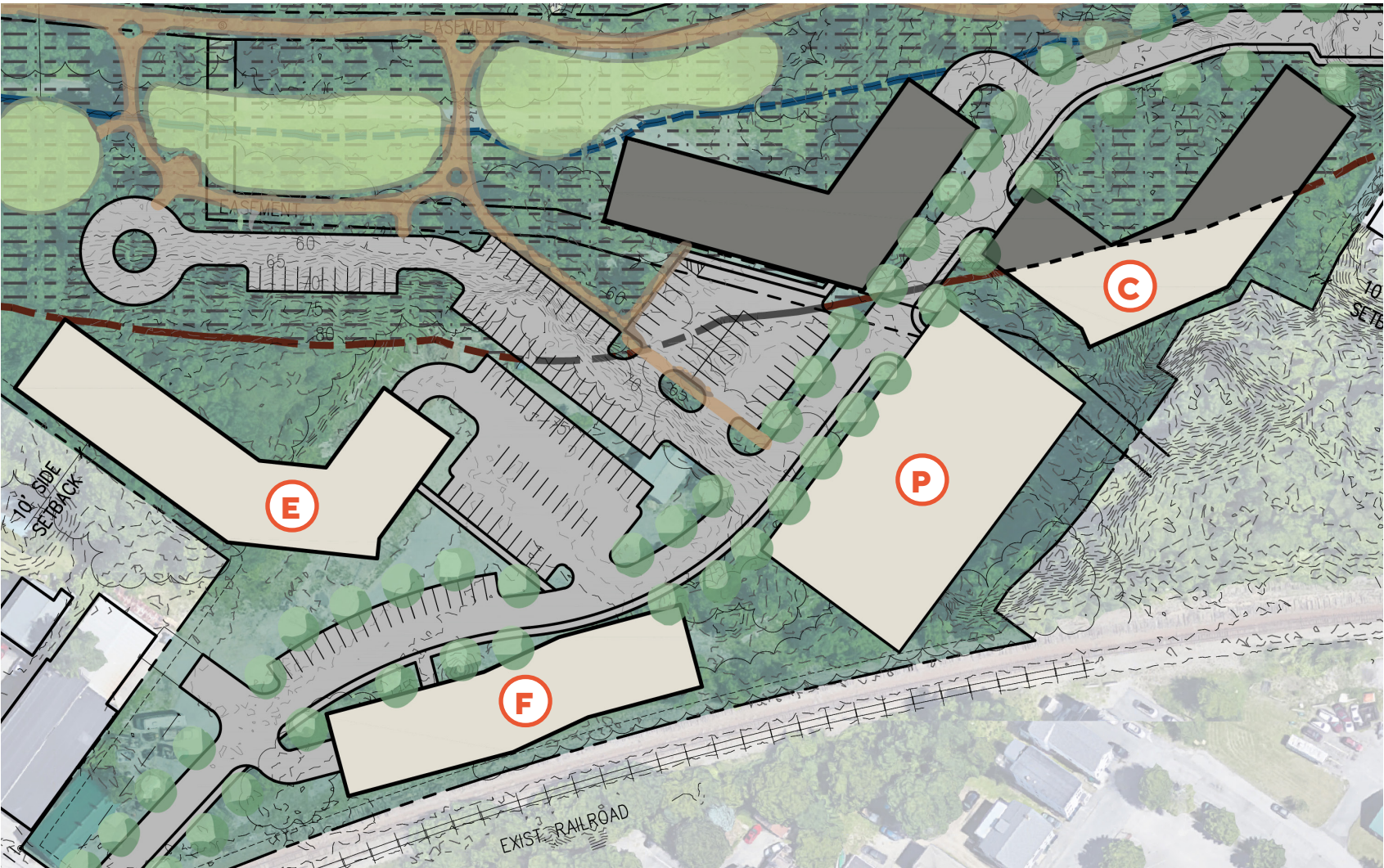
BUILDING F:

Footprint: 16,400 GSF
Sub-grade Parking: Yes
First Floor Non-Residential: Yes
Total Floors: 5 above parking
Total Units: 66

Total Units (45+102+66) **213 Units**

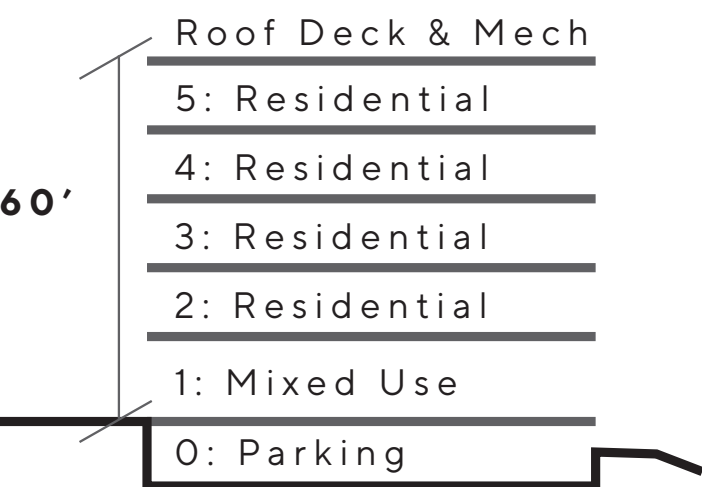
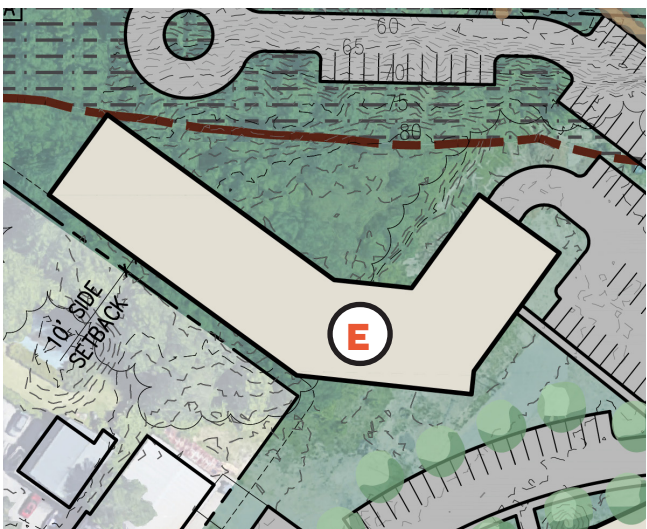
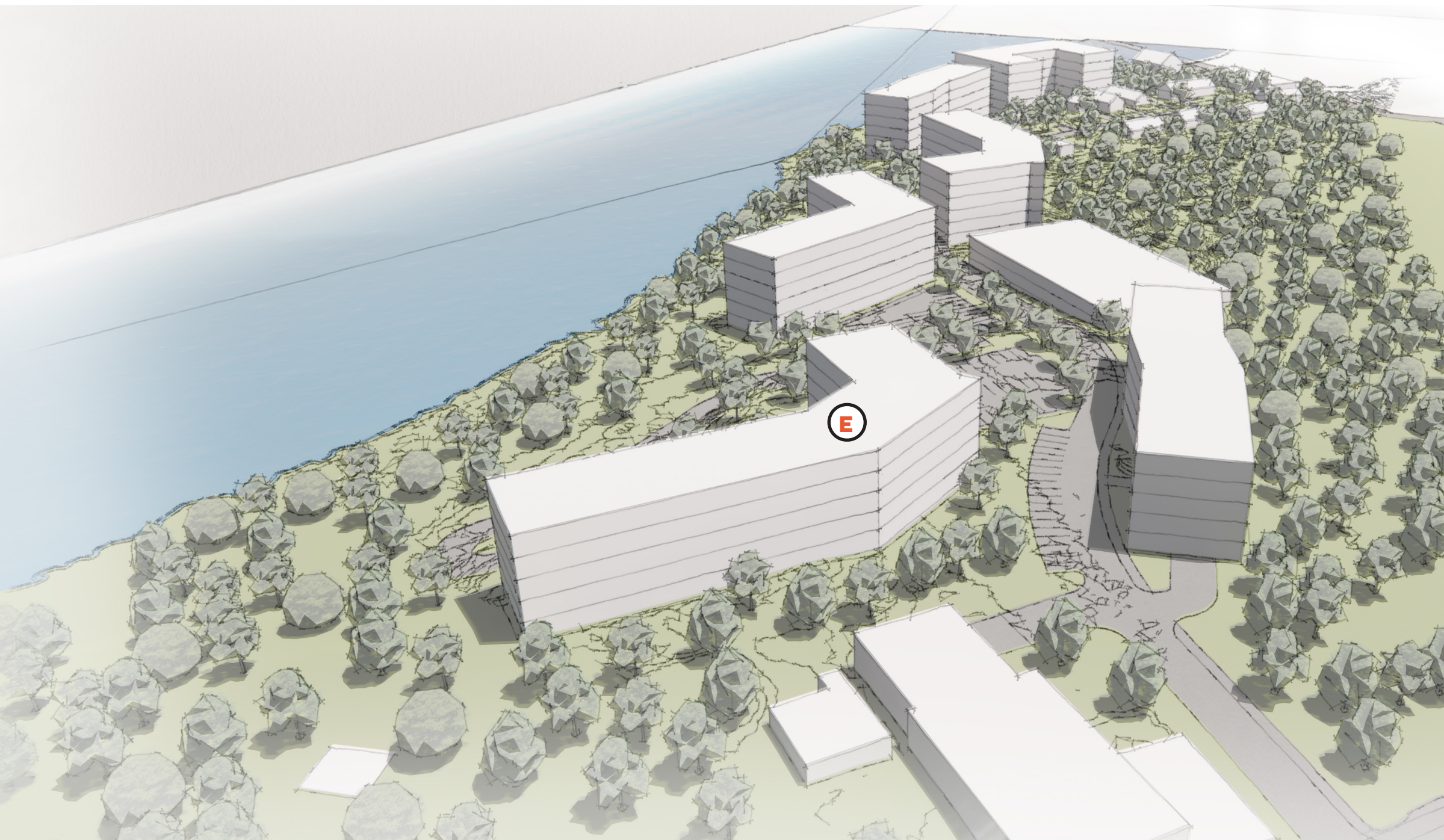
B1 is allowed 1,000 sf per dwelling unit
213,000 sf required < 246,804sf existing

Note: Additional lot coverage will be required for pedestrian walks and paths as well as public park access.

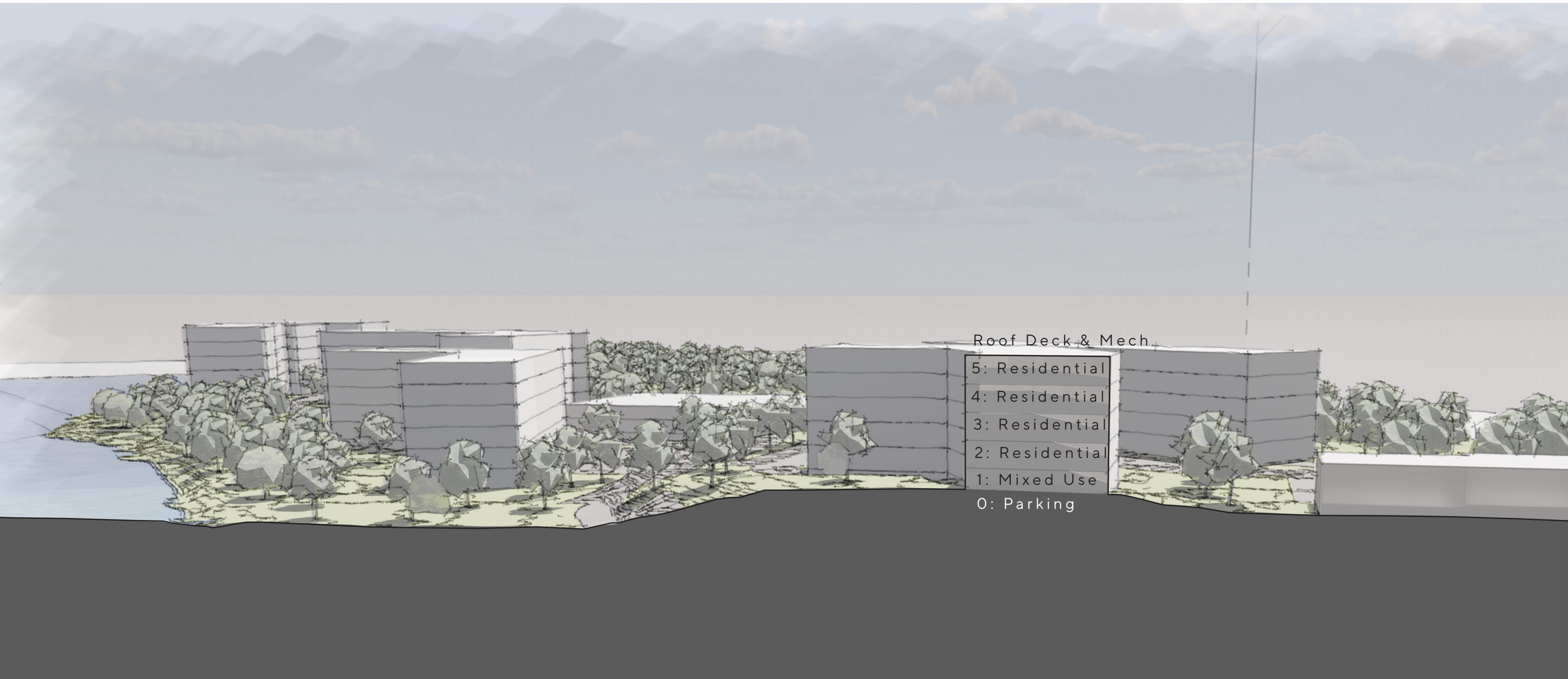


Parking Garage
Footprint as shown: 28,000 sf

Building E



Building Section Diagram



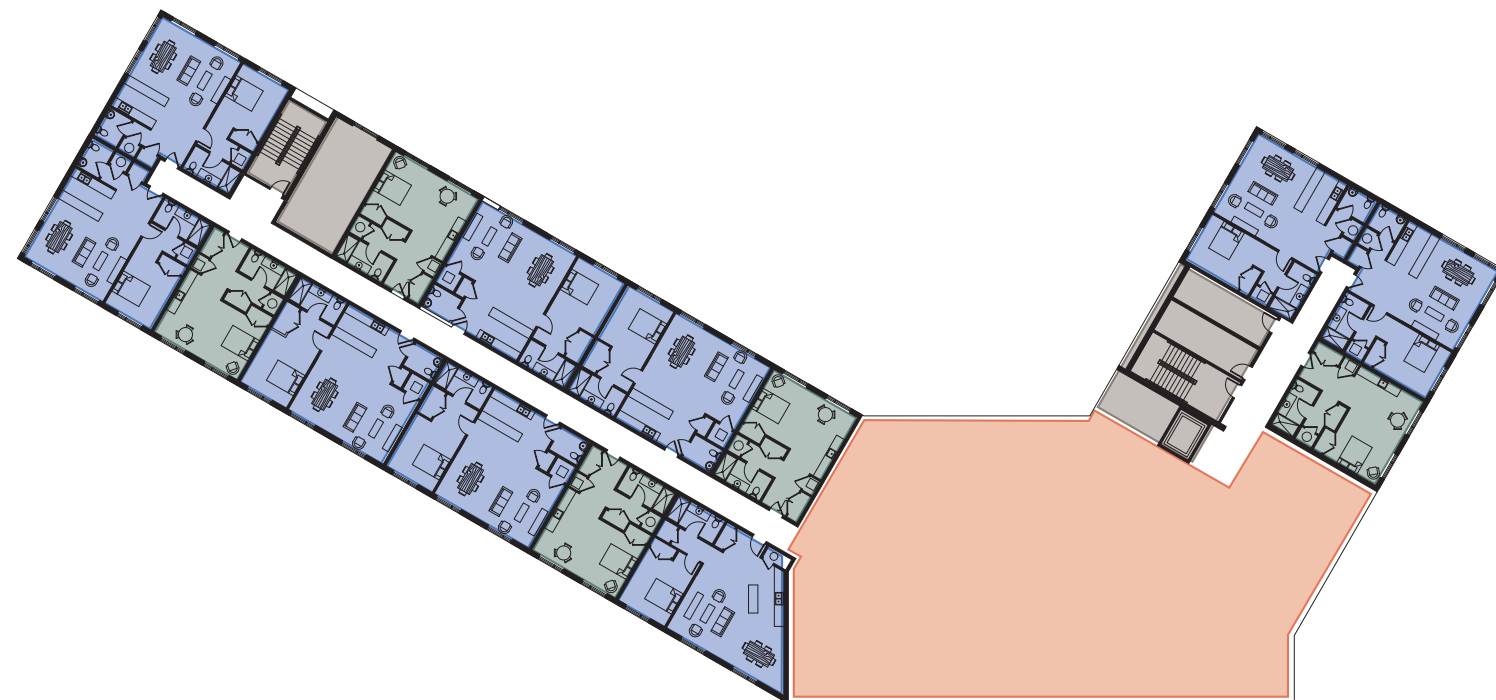
Roof Deck & Mech

- 5: Residential
- 4: Residential
- 3: Residential
- 2: Residential
- 1: Mixed Use
- 0: Parking

±318'

±148'

○ Subgrade Parking Level



○ Ground Floor



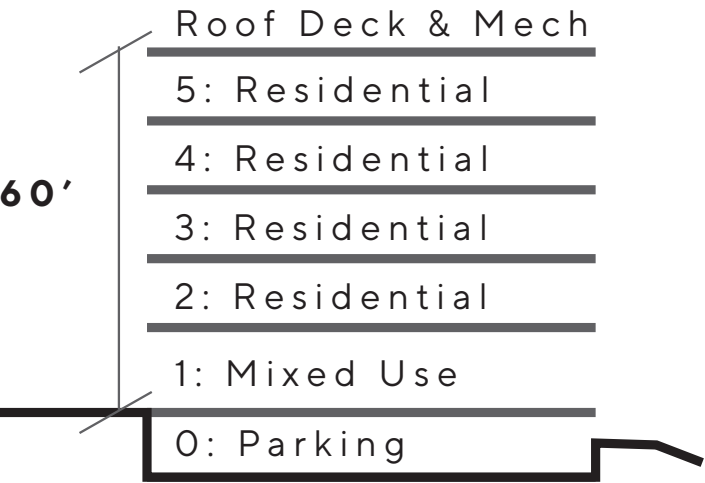
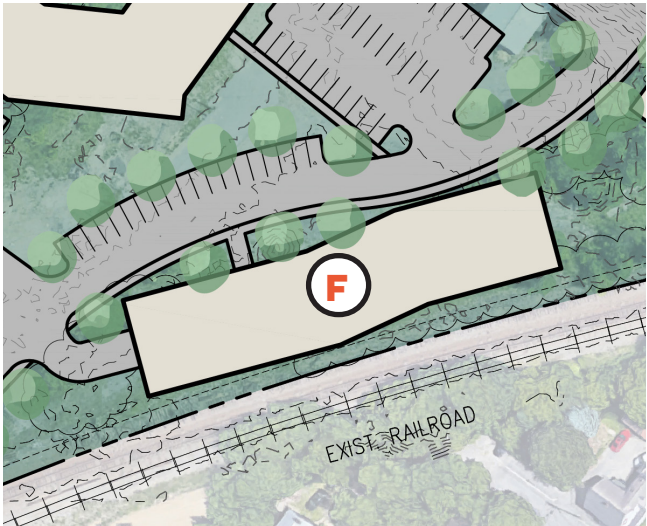
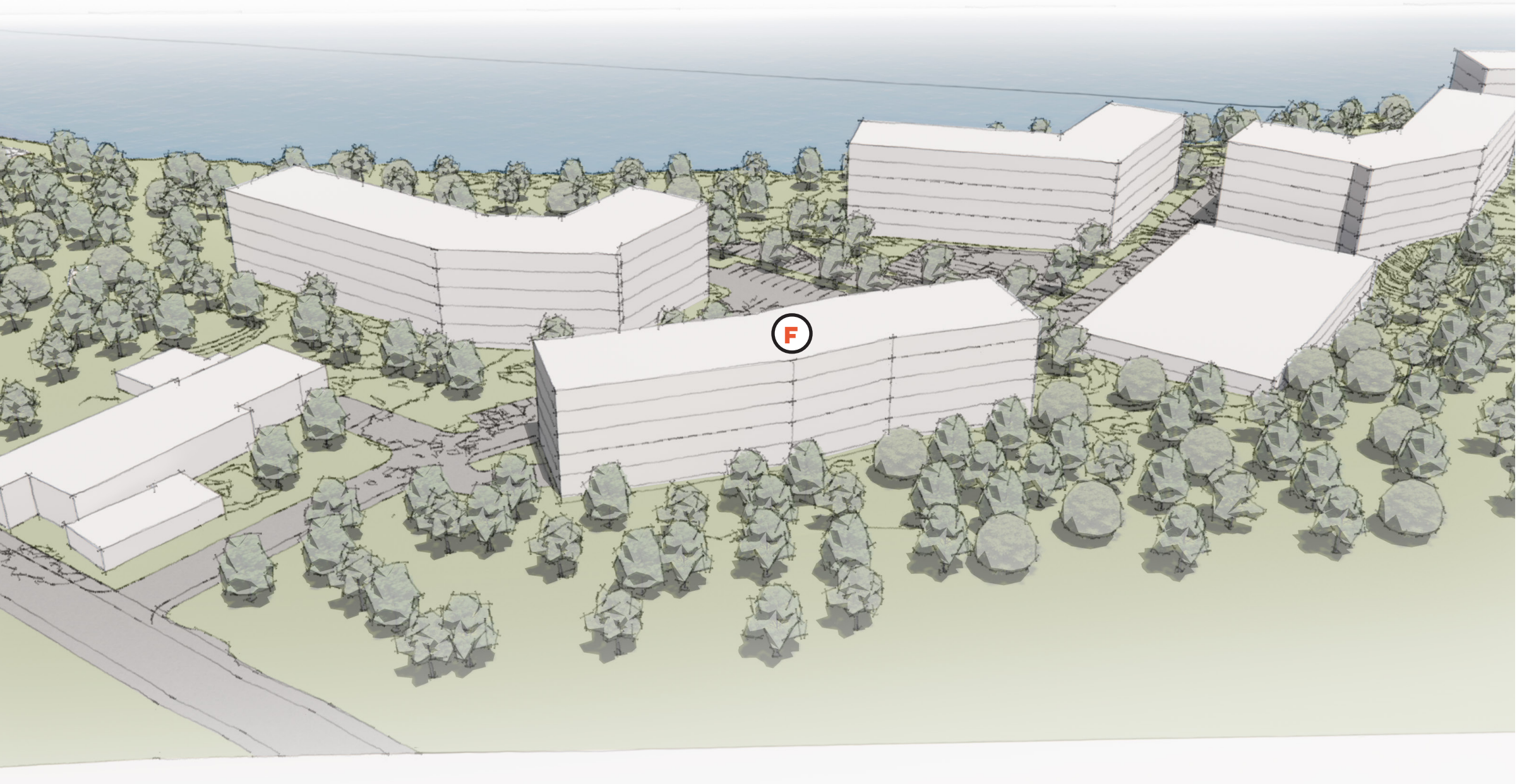
○ Typical Upper Floor

- Studio Unit
- 1 Bedroom Unit
- 2 Bedroom Unit
- Amenity Space
- Support Space

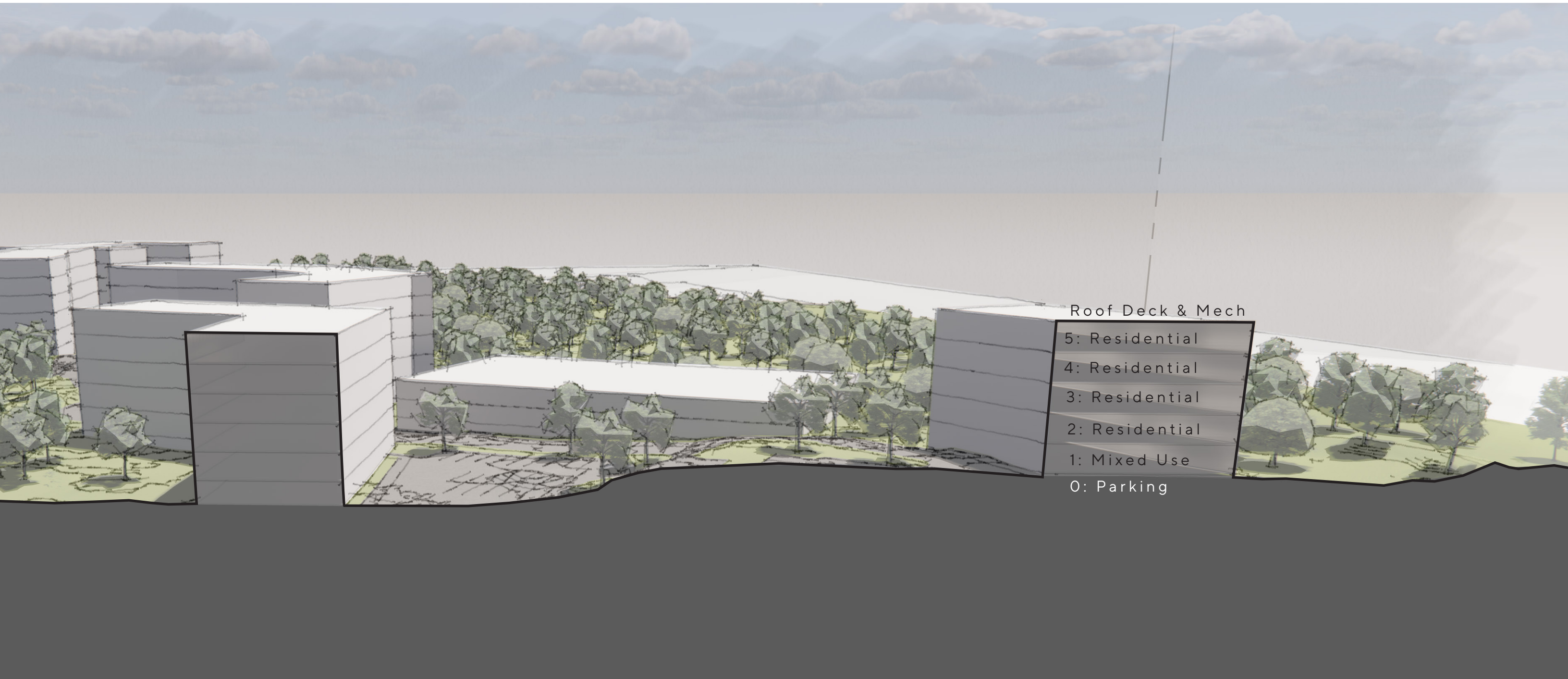
BUILDING E:

Footprint: 21,200 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 5
Total Floors: 5 + parking
Total Units: 98
Total GSF: 127,200 GSF

Building F



Building Section Diagram



Roof Deck & Mech

5: Residential

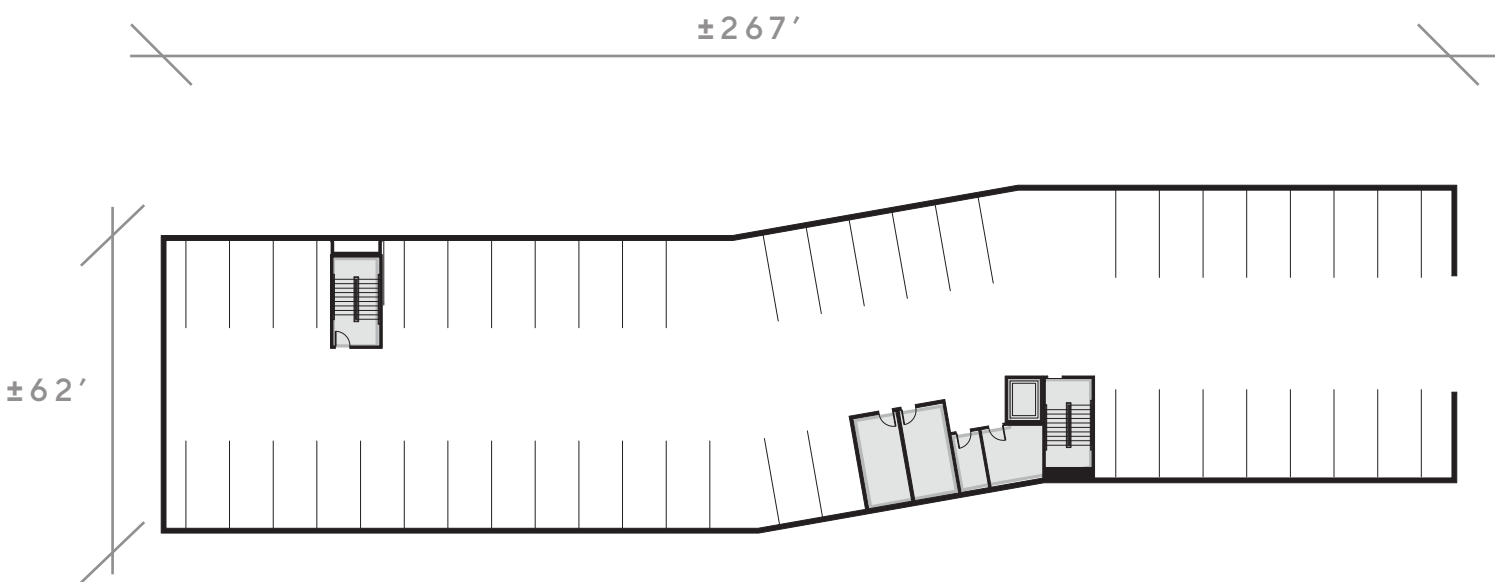
4: Residential

3: Residential

2: Residential

1: Mixed Use

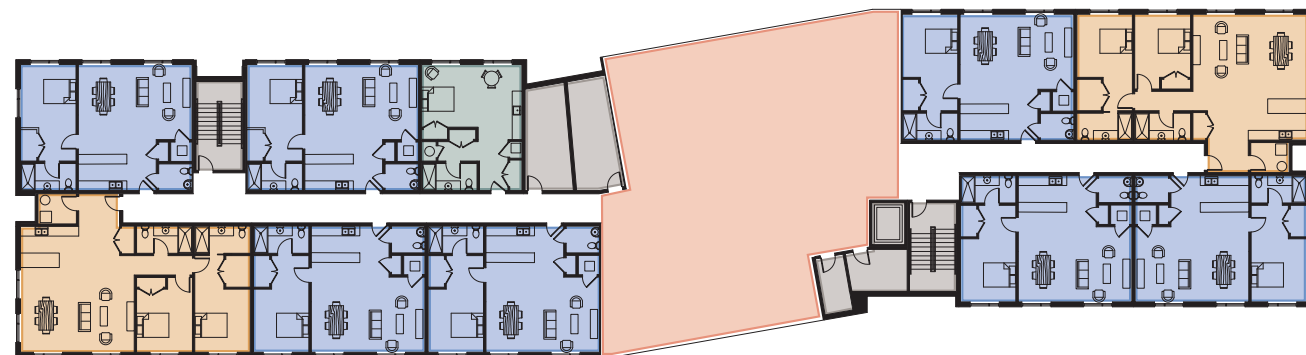
0: Parking



○ **Subgrade Parking Level**



○ **Typical Upper Floor**



○ **Ground Floor**

- Studio Unit
- 1 Bedroom Unit
- 2 Bedroom Unit
- Amenity Space
- Support Space

BUILDING F:

Footprint: 16,400 GSF
 Sub-grade Parking: Yes
 First Floor Mixed Use: Yes
 Residential Floors: 5
 Total Floors: 5 + parking
 Total Units: 66
 Total GSF: 98,400 GSF



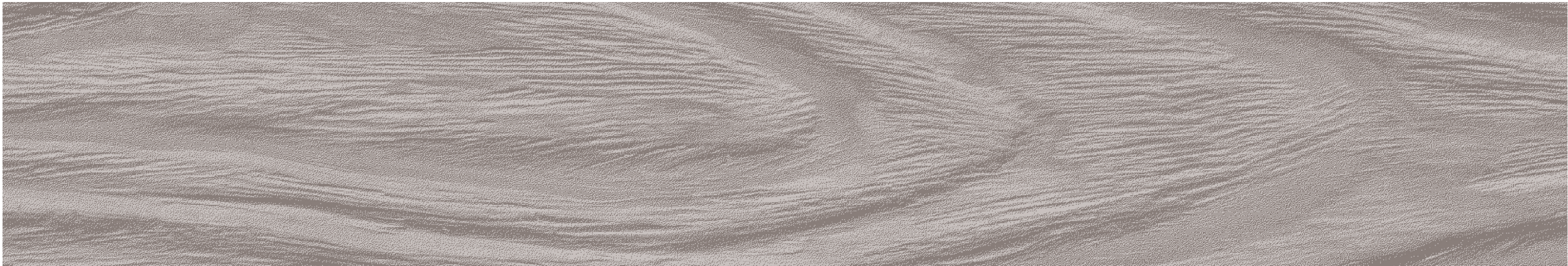
BUILDINGS E&F DESIGN INTENT:

Buildings E&F create another gateway to the site off of Main Street. This portion of Main street is a mix of residential and converted residential/ Commercial spaces. These two buildings will reinforce an Urban Residential aesthetic while utilizing similar design elements from the other buildings on site. These buildings will integrate well into the existing on context as well as the future of Main Street's Revitalization.



Buildings E&F Design Intent





P a r k i n g

Parking Requirements

Residential

2 spaces per 2 Bedroom Units
1 Space per 1 Bed & Studios

Office buildings, business services

1 space for every 200 square feet of floor area

Current Capacity:

Subgrade @ Buildings: +/-290
Surface Spaces: +/- 165

Subtotal: 455

Parking Garage Requirement:

$(560-455)= 105$ Spots

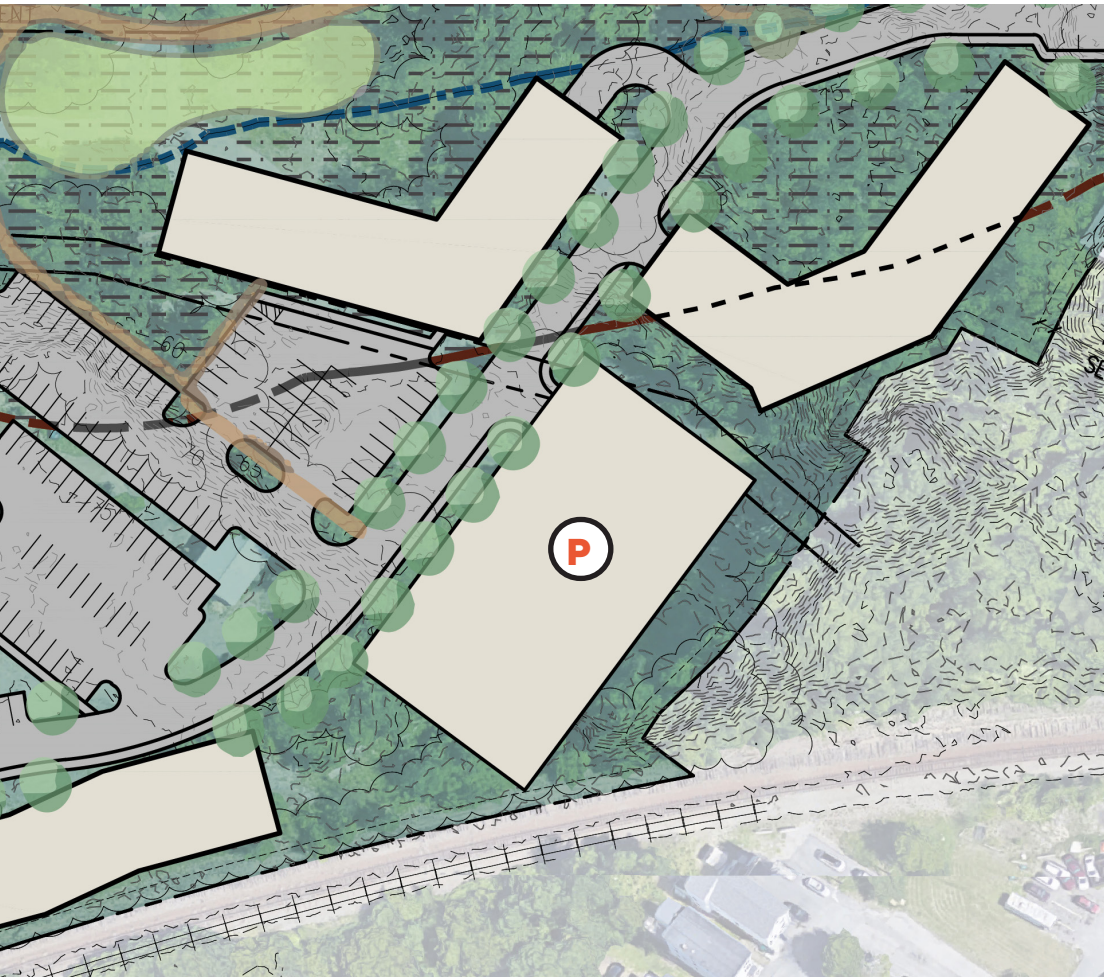
Unit Matrix:

Studios: 168 Total Units	168
One Bedrooms: 285 Units	285
Two Bedrooms: 43 Units	86

Commercial Space:

Assume 4,200 sf	21
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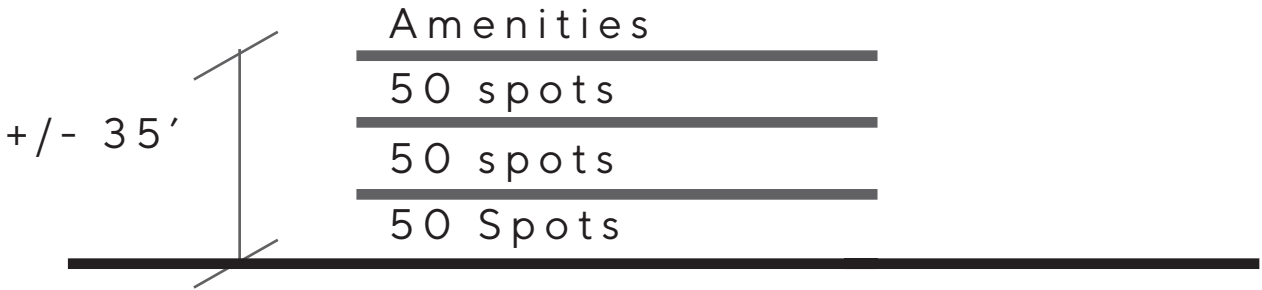
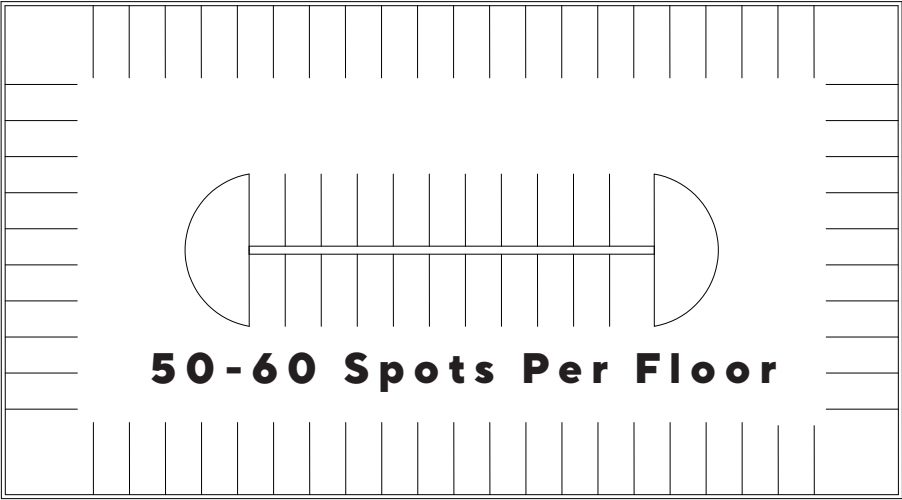
Total: 560 Spots



Unit Plans and Unit Matrix are for discussion purposes only. As we receive feedback and advance the designs this is subject to change.

Parking Garage

We are proposing a three level parking garage with the potential of roof top amenity space. The location of the parking garage is ideal since grading reduces it's visual impact to the site and adjoining properties.



BUILDING A:

Footprint: 19,560 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 6
Total Floors: 6 + parking
Total Units: 98
Total GSF: 141,650 GSF

BUILDING B:

Footprint: 14,288 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 6
Total Floors: 6 + parking
Total Units: 69
Total GSF: 100,016 GSF

BUILDING C:

Footprint: 19,000 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 5
Total Floors: 5 + parking
Total Units: 90
Total GSF: 114,000 GSF

BUILDING D:

Footprint: 18,000 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 5
Total Floors: 5 + parking
Total Units: 75
Total GSF: 108,000 GSF

BUILDING E:

Footprint: 21,200 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 5
Total Floors: 5 + parking
Total Units: 98
Total GSF: 127,200 GSF

BUILDING F:

Footprint: 16,400 GSF
Sub-grade Parking: Yes
First Floor Mixed Use: Yes
Residential Floors: 5
Total Floors: 5 + parking
Total Units: 66
Total GSF: 98,400 GSF

Unit Matrix:

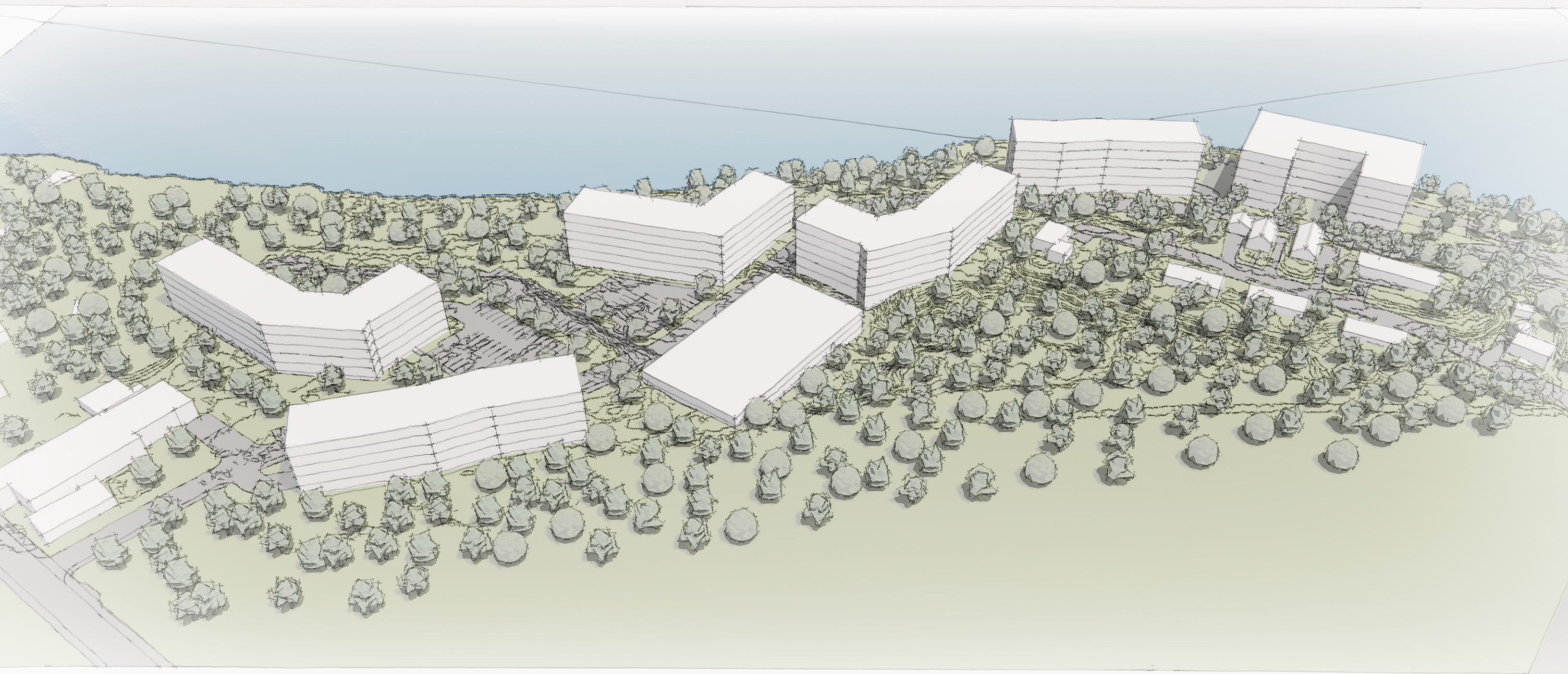
Studios: 168 Total Units
One Bedrooms: 285 Units
Two Bedrooms: 43 Units

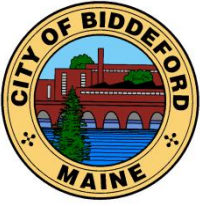
TOTAL # OF UNITS 496

TOTAL GSF: 689,266 GSF

Parking Garage: 84,000GSF

Unit Plans and Unit Matrix are for discussion purposes only. As we receive feedback and advance the designs this is subject to change.





CITY OF BIDDEFORD

Planning and Development Department

Hannah Bonine
Assistant City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Hannah.Bonine@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Southwick and Members of the Biddeford Planning Board

FROM: Hannah Bonine, Assistant City Planner

DATE: November 10, 2021

A handwritten signature in black ink that reads "Hannah Bonine".

RE: **2021.51 Subdivision, Site Plan, and Shoreland Zoning Sketch Plan Review for Lord & Harrington, LLC – 1 Diamond Street redevelopment (Tax Map 40, Lots 25-1, 25-2, and 74; Tax Map 37, Lot 35)**

MEETING DATE: November 17, 2021 at 6:00 PM

1. Introduction

This application proposes six buildings of 5-6 stories each to be developed with a total of 496 residential units, amenity space, and active and passive recreational spaces along the Saco River. Commercial space is also proposed for some of the projects. Two buildings will be located in the MSRD-3 Zone and the General Development-1 Shoreland Overlay Zone, and the remaining four buildings and a parking structure will be in the B-1 Zone and General Development-2 Shoreland Overlay Zone. Each building is proposed to have subgrade parking, mixed-use space on the ground floor, and residential units on all upper floors. There is proposed access to the site from both Elm and Main Streets.

Please see the applicant's submission package for more information.

2. Review Process

Per City ordinance, this application is subject to Site Plan Review (Land Development Regulations, Article XI) and Subdivision review and approval (Code of Ordinances, Chapter 66). All subdivision applications must undergo a three-tier approval process beginning with a Sketch Plan review and followed by a preliminary plan review and approval and a final plan approval.

The information contained in this Sketch Plan application satisfies the requirements stated in City ordinances for the Planning Board to review. The board then may offer general comments and concerns regarding the project and overall community impact.

Lastly, it should be noted that City Staff are working with Maine DEP to explore changes to Biddeford's Shoreland Zoning in the Downtown and Mill District areas. Future review of this project will be determined through how the amendment discussion with Maine DEP progresses. At this time though, due to the scale of the project and the applicant's wishes to introduce the project to the Board, we have scheduled it for a Sketch Review on November 17. We see this as an opportunity for the applicant to present their proposal and obtain initial feedback as they continue to refine the project for future submissions and reviews.

3. Waiver Requests

None at this time.

4. Recommendations

Staff provide this brief report to introduce the project to the Board. We recommend the Board listen to the applicant's presentation and public feedback. We also recommend the Board provide initial comments back to the applicant for further consideration.

CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

APPLICATION FORM

Type of Application:

- | | | |
|---|---|--------------------------------------|
| ☐ Shoreland Zoning Permit | ☐ Site Plan Review | ☐ Extraction |
| ☐ Conditional Use Permit | ☐ Subdivision | ☐ Private Way |
| ☒ Other: <u>Sketch Plan Application</u> | | |

Applicant Information:

Applicant's Name: Lord and Harrington, LLC

Applicant's Mailing Address: 2 Livewell Drive, Suite 201, Kennebunk, ME 04043

Applicant's Telephone: 207-985-5132

What is Applicant's legal interest in the property?

- ☐ Owner ☒ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Name: Tim Harrington

Owner's Address: 2 Livewell Drive, Suite 201, Kennebunk, ME 04043

Owner's Telephone: 207-985-5132

Agent's Name: Eric Dube, Trillium Engineering Group

Agent's Address: 189 Main Street, Yarmouth, ME 04096

Telephone: 207-307-0872

Engineer/Surveyor: Eric Dube, Trillium Engineering Group

Engineer/Surveyor's Address: 189 Main Street, Yarmouth, ME 04096

Telephone: 207-307-0872

Project Location and Lot Information:

Street Address: Diamond Street

Tax Map: 40 [37] Lot: 25-1, 25-2, 74; [35]

Current Zoning: B-1, MRSD3 Shoreland Zoning: Yes

Size of lot: 16.81 ☒ acres ☐ s.f. Lot Frontage: _____

Existing Use of Property: Mix of existing buildings and undeveloped land

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3 % slope) ☒ Rolling (3-8% slope) ☒ Hilly (8-15% slope) ☒ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☒ Yes ☐ No If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: (6) new buildings for residential and commercial use with associated parking and access road, along with new scenic water walkways and park area.

Property to be serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Is this project part of a larger project? ☐ Yes ☒ No

☒ If in a Shoreland Zone:Percent of residential lot coverage (Max. 20%): 28.3% - allowed in GD-1Percent of structure expansion (Max. 30%): 13%☐ If Subdivision Review, number of lots proposed: N/A☐ If a Private Way is proposed, number of lots served: N/A☐ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application):

Refer to “Attachment A Fees and Charges” of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

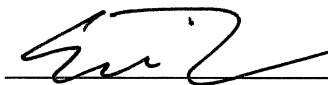
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:



Date: 10/12/2021

Signature of owner of property:

Date: _____

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**

CHECKLIST FOR ***SITE PLAN*** REQUIREMENTS

YES **NO**

- | | | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | Be on sheet size of 24 by 36 inches. |
| ☐ | ☐ | The scale of said plan shall be not less than one inch equals 50 feet and shall be indicated on the plat by use of a bar scale. |
| ☐ | ☐ | The plan shall bear the date, title, north point. |
| ☐ | ☐ | The plan shall contain a location or vicinity sketch (suggested scale one inch equals 800 feet). |
| ☐ | ☐ | The plan shall contain the name and address of the developer and applicant. |
| ☐ | ☐ | All appropriate dimensional requirements. |
| ☐ | ☐ | Existing and proposed easements. |
| ☐ | ☐ | Plan of the site showing existing watercourses and water bodies, seasonal wet areas. |
| ☐ | ☐ | Plan of the site showing soil type and location of test borings. |
| ☐ | ☐ | Location of all existing and proposed utilities. |
| ☐ | ☐ | Topographic contours (every five percent for zero to three percent slope; or every two feet for steeper areas). |
| ☐ | ☐ | Plan should include preservation and supplementation of existing dominant vegetation. |
| ☐ | ☐ | Plan shall indicate which features are to be retained and which are to be removed or altered. |
| ☐ | ☐ | Location of stonewalls, graveyards, fences, stands of trees, and other important unique natural areas and site features, including but not limited to floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with description of such features. |
| ☐ | ☐ | Plan view of all buildings with their use, size, location, and first-floor elevation in respect to grade. |
| ☐ | ☐ | Standard elevation view of existing and proposed buildings or structures on-site. |

YES NO

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Outline of any buildings located within 200 feet of such existing or proposed buildings or structures indicating their shape, size, location, heights and volume. |
| ☐ | ☐ | Existing use of abutting properties shall be identified with approximate location of any structures thereon including access roads. |
| ☐ | ☐ | Location, width, curbing, and paving of access ways, egress ways, and streets within the site for both pedestrian and vehicular use. |
| ☐ | ☐ | The location of off-street parking and loading spaces with a layout of the parking indicated. |
| ☐ | ☐ | The size and proposed location of water mains and sanitary sewerage facilities will all necessary engineering data. |
| ☐ | ☐ | The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and locations, indicating whether above or below ground. |
| ☐ | ☐ | The type, nature, and composition of all solid, liquid, and gaseous waste, industrial or otherwise, and the location, type, and design criteria of the storage and disposal facilities dealing with such waste. |
| ☐ | ☐ | A landscape plan and open space areas indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; plus size, location, purpose and type of vegetation. |
| ☐ | ☐ | A drainage plan including location, elevation, layout of catch basins and other surface and subsurface drainage features. |
| ☐ | ☐ | Location, size and design of proposed signs and other advertising or instructional devices. |
| ☐ | ☐ | Existing and proposed contours and finished grade elevations as well as the type, extent, and location of existing and proposed landscaping and open space areas which will be retained. |
| ☐ | ☐ | Location and type of lighting for outdoor facilities. |
| ☐ | ☐ | Lines of existing and proposed abutting streets showing width. |
| ☐ | ☐ | Surveyed property lines showing their bearing and distances and monument locations. |
| ☐ | ☐ | If subdivision is involved, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public or private use. |

YES **NO**

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Provide copies of any covenants or restrictions that are intended to cover all or part of the land area to be developed. |
| ☐ | ☐ | Indicate limits of the wetland areas on the property. |
| ☐ | ☐ | Delineate existing zoning boundaries within 1,000 feet of the site. |
| ☐ | ☐ | Stamp and signature of either a Maine licensed land surveyor, professional engineer, or architect responsible for said plan. |
| ☐ | ☐ | Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for site plan review purposes. |



189 Main Street, Suite 200
Yarmouth, ME 04096

October 13, 2021

City of Biddeford
Attn: Greg Tansley
205 Main Street
Biddeford, ME 04005

Re: One Diamond – Proposed Subdivision
Sketch Plan Application

Dear Greg:

Trillium Engineering Group is providing this project narrative for the proposed One Diamond sketch plan application. This project proposes (6) buildings with a grand total of 496 units along with an associated access road to be primarily located on existing undeveloped parcels (Tax Map 40, Lots 25-1, 25-2, and 74; Tax Map 37, Lot 35). Additionally, this development will also feature a scenic park area and walking path along the Saco River.

The site currently features a wide variety of terrain and slopes. To combat this, Trillium Engineering Group plans on adding retaining walls and below building parking as required throughout the proposed development. Said walls have not yet been added to the plan, as TEG is waiting for Planning Board concept feedback before designing the site grading. Also note that, due to the early stage of this project, TEG has not obtained letters of approval for the project.

Thank you for taking the time to review this application. An architectural narrative prepared by Barrett Made has also been included in this application. Should you have any further questions or require any additional information, please do not hesitate to ask.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Dube', with a stylized flourish at the end.

Eric Dube, P.E.
Trillium Engineering Group

3.6 Architectural Approach

Architectural design plans have been provided and reflect the approach described below. These are to be considered sketch level plans that will continue to be developed and modified during the design development and review stages of the project.

3.6.1 Building Organization

Description of Spaces

Each building is considered in its relation to the context in regard to ground floor programming. Building A, located closest to Elm Street and Downtown has the largest amount of ground floor amenity space provided. This could include fitness space, café space, or other programs that support the site development as well as augmenting what is currently being developed along Elm Street and the Greater Mill District. As the buildings progress through the site, the amenity spaces are reduced and planned only to service the immediate building needs. This strategy is based on feedback from early conversations with City Staff to provide limited public amenities as to reinforce the Main Street Revitalization districts and not create competing commercial areas.

The upper floors of each building are currently programmed as full residential floors. Rooftops are planned to have tenant accessible roof decks that will have views over the river as well as back to the city.

We are currently noting subgrade parking at each of the buildings. This is a strategy that will be developed in parallel with the site grading to help identify what quantities of parking spaces will be available as the design progresses.

There is a proposed parking structure noted in the plans that will make up the difference of required parking spaces between the subgrade and surface parking as shown. At this level of design, the parking structure is intended to have a roof structure over it with potential amenity/recreation space above.

Heights, Grades

The site grading, in relation to the proposed buildings, is at its lowest towards the corner of Elm Street and Diamond Street. The grade gradually increases along the proposed road until it reaches its intersection with Main Street. The grading at buildings A & B reduces their visual impact to the adjacent residential homes along Hooper Street since it locates the ground floors approximately 20'-30' below the ground floors of the adjacent residences.

Buildings A&B are planned as 6 story buildings, on top of the subgrade parking, which at this time we are not considering a story due to its relation to grade. The number of stories allowed in this District, MSRD3, is not defined in the Zoning Ordinance, however, the Adjacent B1 district, which is fundamentally more stringent, allows up to 6 stories. We are utilizing 6 stories and anticipating a building height of 75' for Buildings A & B.

This allows for the ground floor spaces to have a higher floor to floor for any non-residential uses and is in line with buildings of similar scales in the immediate context; 59 Elm Street and The Mills at Saco Falls, see provided documentation with referential photos.

Buildings C,D,E, & F are all located within the B1 zone and are allowed to be 6 stories and 60' tall. Due to the sites undulating topography we plan to utilize 5 stories and 60' tall in relation to average grade. These buildings are also planned to sit on one level of subgrade parking.

Entrances and Egresses

Buildings entrances and Egresses will be oriented towards the street and parking areas adjacent to the street edge. This, coupled with sidewalks and bicycle lanes will enhance the street activity. Plantings, Trees, and public paths weave through the site and connect with the existing landscape, proposed public parks and riverfront walk.

Materials and Design

Buildings A&B will define the gateway into the newly developed site. The site is transitional in regards to it's contextual relationships; to the east it abuts the Mill District, single family residences to the South and West, the river to the north, and bisected from adjoining parcels by the railroad tracks.

The design intent for buildings A&B will be to utilize materials, scale, and aesthetic that is referential to the Mill District, but also begins to weave in residential scale, materials, and aesthetic to enhance the existing urban fabric.

Buildings C&D will begin to integrate changes in scale, material, and texture that will help bridge the Mill District Aesthetic to the Residential scale of adjacent neighborhoods. At the heart of the project, these buildings will reinforce the referential industrial mill aesthetic and begin to define the new urban residential development.

Materials will include, but not limited to, masonry; primarily at the ground levels, Cementitious cladding of differing colors and scales, Metal cladding, and phenolic cladding materials. The mix of materials will provide opportunities to address the scale of the buildings and create texture and pattern within the site. The Pedestrian level will have a clear delineation from the middle and tops of the buildings and will be clad in materials appropriate at the pedestrian scale. The defined base will aid in navigating the site and identifying the main entries and amenity spaces

**CITY PROPERTY ADJACENT TO
1 DIAMOND STREET PROPERTY
OUTLINE OF JDA TERMS BETWEEN
CITY OF BIDDEFORD AND LORD & HARRINGTON, LLC**

1. Parties:

City of Biddeford (“City”)
Lord & Harrington, LLC (“L&H”)

2. **Property:** City-owned property adjacent to property at 1 Diamond Street, and being Lot 2 in Block 25 on Biddeford Tax Map 40.
3. **Project:** Development by L&H of a multi-unit, multi-building residential project (involving both fee ownership and rental units provided that at least 30% of the units shall be held in fee ownership) on the combined City Property and 1 Diamond Street property.
4. **Conveyance:** Upon completion of and/or compliance with undertakings of L&H as set forth below, City agrees that it will convey the City Property to L&H by a municipal release deed. The City will retain an easement on the City Property for any necessary stormwater/sewer separation projects.
5. **Consideration:** In consideration of the conveyance to it of the City Property, L&H agrees to the following:
 - Construction of a RiverWalk along the entire shore of the Saco River on the City Property and the 1 Diamond Street property pursuant to the terms set out below; and the granting of a public easement to the City over the RiverWalk for use by the public. The RiverWalk shall be constructed in general compliance with design standards established in previous RiverWalk phases and the plans submitted by L&H to City Council.
 - Creation of passive open space adjacent to the RiverWalk and maintenance thereof by L&H. The passive open space shall be a minimum size of two (2) acres. L&H to grant an easement to the City for passive recreational use of that open space by members of the public. L&H also shall provide six (6) free public parking spaces near the passive open space or RiverWalk. Design shall be in general accordance with the plans submitted by L&H to City Council and after construction, maintained by L&H.

- The combined RiverWalk and passive open space area are expected to have a joint development value of between \$900,000-1,200,000.
 - At closing, L&H shall place the sum of \$1,000,000.00 into an escrow account maintained by the City, said sum to be held in escrow as set forth below:
 - If L&H identifies a property acceptable to the City Council within one (1) year after the closing on the conveyance of the City Property, and submits, within an additional year, a redevelopment plan acceptable to the City Council to develop said property into a multi-unit residential and/or mixed commercial building, the City agrees that the \$1,000,000.00 held in escrow will be paid to L&H.
 - In the event that L&H does not identify a property acceptable to the City Council within one (1) year after the closing on the conveyance of the City Property, or if L&H fails to submit, within an additional year, a redevelopment plan acceptable to the City Council to develop said property into a multi-unit residential building, L&H agrees that the \$1,000,000.00 held in escrow will be paid to the City.
6. **Closing:** The closing of this transaction shall occur 30 days after receipt of all necessary City and State approvals, but no later than December 31, 2021; provided, however, at its sole discretion, L&H may extend the closing date beyond December 31, 2021 by an additional 90 days.
 7. **RiverWalk:** L&H agrees that it will construct the RiverWalk pursuant to plans approved by the City as to location, dimensions and design. The specifications and construction components and details shall be similar to the currently existing RiverWalk. Construction of the RiverWalk shall be completed prior to the first occupancy permit being granted to L&H or L&H shall provide a Bond in a form and amount acceptable to the City to ensure the completion of the RiverWalk.
 8. **TIF District:** The Parties agree that there will be no credit enhancement for the benefit of L&H in the development of the Project. However, the Parties further understand that the City will seek approval of a TIF District encompassing the City Property and the 1 Diamond Street property, with the proceeds from that TIF District to be used to advance affordable housing within the City of Biddeford.

9. **Timeframe:** L&H shall file site plan and subdivision review applications with the City Planning Board, any other City agencies, and the State of Maine within six (6) months of the date of execution of the JDA. Failure to timely submit an application shall render the JDA null and void. Construction of the Project must begin within two (2) years of final Planning Board approval. Construction of the Project shall be completed by December 31, 2024.

Dated: May ____, 2021

Lord & Harrington, LLC

By: _____
Timothy Harrington, Manager

City of Biddeford

By: _____
James Bennett, City Manager