City of Biddeford
Planning Board
November 07, 2018 6:00 PM City Hall
Council Chambers,

1. **PLEDGE OF ALLEGIANCE**
2. **DECLARATION OF QUORUM/VOTING MEMBERS**
3. **ADJUSTMENTS TO THE AGENDA**
4. **PLANNER'S BUSINESS**
5. **CONSENT AGENDA**
   - 5.A. A. Consideration of Minutes: October 3, 2018
     October 3, 2018.doc
6. **UNFINISHED BUSINESS**
7. **NEW BUSINESS**
   - 7.A. A. 2017.17 The Release/Reduction of the Performance Guarantee for Water Lofts, LLC (11 apartments) located at the old Water Company building at 181 Elm Street (Tax Map 38, Lot 148) in the MSRD-1 zone.
     2017.17 181 Elm Street Water Lofts PG Reduction SR 110718.docx
   - 7.B. B. 2018.24 Preliminary and Final Subdivision Review for South Street Village, LLC to divide the property into 4 lots (3 new building lots) located at 26 Old Hollis Road (Tax Map 7, Lot 7-3) in the SR-1 zone.
     2018.24 South St Village 4 Lots Prelim Final SR 110718.pdf
   - 7.C. C. Removed from Agenda 2018.26 Shoreland Zoning Permit for Christine Spadafor to carry-out shoreline stabilization at 5 Bayberry road (Tax Map 68, Lot 25) in the CR and SR zones.
8. **OTHER BUSINESS**
9. **ADJOURN**

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.

CITY OF BIDDEFORD
PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
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Planning Board
Minutes

Date: Wednesday, October 3, 2018
Time: 6:00 PM
Location: Council Chambers, City Hall

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

   A. Quorum Present: Chair Larry Patoine, William Southwick, Clement Fleurent and Sean Tarpey (Alt voting member).

3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda
   A. Consideration of Minutes: September 5, 2018

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

6. Unfinished Business
7. New Business
   A. 2018.25 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to allow the Building Inspector to approve decreased setbacks of down to 10 feet for utility buildings and structures construction in Industrial Zones.

      Greg Tansley, City Planner: Brief report.
      Discussion between Board and Staff.

   MOTION:
   - Southwick – Motion: to recommend the Zoning Change pass at the City Council.
   - Tarpey – Second.
   - Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

   B. 2018.24 Conceptual Subdivision Review for South Street Village, LLC to divide the property into 4 lots (3 new building lots) located at 26 Old Hollis Road (Tax Map 7, Lot

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7-3) in the SR-1 zone.

Greg Tansley, City Planner: Brief report.
Matthew Chamberlain: Spoke briefly.
Robert Thibodeau, 422 South Street: Has an issue with hours of operation.
Matthew Chamberlain: Believes they are City trucks.
Joel Nevers, 420 South Street: Has issues with noise, traffic and sewer
Linda Brown, 420 South Street: Has an issue with people walking through her property to the river.
Discussion between Board and Staff.

MOTION:
- Southwick – Motion: to determine that the proposed project is a Minor Subdivision.
- Fleurent – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

8. Other Business

A. Remove from Table Item 2018.21 "Dog Day Care" as a land use, allow them as a Conditional Use in the MSRD-3 Zone west of Route 1 (Elm Street), and consider Performance Standards related to them.

MOTION:
- Southwick – Motion: to remove from table.
- Fleurent – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (3-0) all in favor.

Greg Tansley, City Planner: Brief report.
Discussion between Board and Staff.
Tim Sevigny: Answered questions.

MOTION:
- Southwick – Motion: to table pending a workshop.
- Fleurent – Second.
- Chair Patoine – Call for Vote – Unanimous approval (3-0) all in favor.

B. Discussion of MSRD-2

Discussion between Board and Staff.

C. Comprehensive Plan

Discussion between Board and Staff.

9. Adjourn

MOTION:
- Southwick – Motion: to Adjourn.

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

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

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2017.17

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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PLANNING BOARD REPORT

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

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

DATE: October 31, 2018

RE: NEW BUSINESS ITEM #2017.17 The Release/Reduction of the Performance Guarantee for Water Lofts, LLC (11 apartments) located at the old Water Company building at 181 Elm Street (Tax Map 38, Lot 148) in the MSRD-1 zone.

MEETING DATE: November 7, 2018 @ 6:00 PM

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1. INTRODUCTION:

The applicant was approved in May 2017 for an 11-Unit Multifamily housing project at 181 Elm Street in the MSRD-1 zone. The project is located at the corner of Elm Street and South Street in the old "water company" building.

2. PROJECT SITE:

3. STAFF REVIEW:

The applicant has progressed quite well with improvements both outside and inside of the building. They are currently completing code compliance issues in order to get a Certificate of Occupancy in the near future.

From a site perspective, there was not much to do to begin with and all site work are substantially complete. The applicant posted a $10,050 cash Performance Guarantee at the beginning of the project in order to pull building permits.

The following Condition of Approval is in place related to Occupancy Permits:

Prior to issuance of an occupancy permit:

a. The Planning Department shall conduct a compliance inspection and shall determine that all required site improvements related to the public's health, safety, and welfare have been completed, and that the City holds a Performance Guarantee sufficient to cover any remaining site improvements and/or deficiencies.

4. STAFF RECOMMENDATION

Based on the completed site work to date, Staff recommend reducing the required Performance Guarantee to $1,000 to ensure grass growth/site stabilization in the spring, allowing the issuance of Occupancy Permits, and releasing the $1,000 to the charge of Staff.

5. SAMPLE MOTIONS

A. Motion to reduce the Performance Guarantee for Water Lofts, LLC to $1,000 for grass growth/site stabilization and to charge further reductions/releases with Staff.

CITY OF BIDDEFORD
PLANNING DEPARTMENT

2018.24

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PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: October 31, 2018

RE: **NEW BUSINESS ITEM #B – 2018.24 Preliminary and Final Subdivision Review** for South Street Village, LLC to divide the property into 4 lots (3 new building lots) located at 26 Old Hollis Road (Tax Map 7, Lot 7-3) in the SR-1 zone.

MEETING DATE: NOVEMBER 7, 2018

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1. INTRODUCTION

South Street Village, LLC is proposing to create four (4) lots off of South Street. The address for the parent parcel is 26 Old Hollis Road. The existing house at 26 Old Hollis Road would be on its own lot. Three (3) new house lots would be created with frontage on South Street.

Since the proposal does not create five (5) or more lots, does not involve the creation of a new road, and does not extend sewer or water mains it is considered to be a "minor" subdivision. The Board determined the Subdivision was in fact "minor" at its October 3, 2018 Meeting.

2. PROJECT DATA/INFORMATION

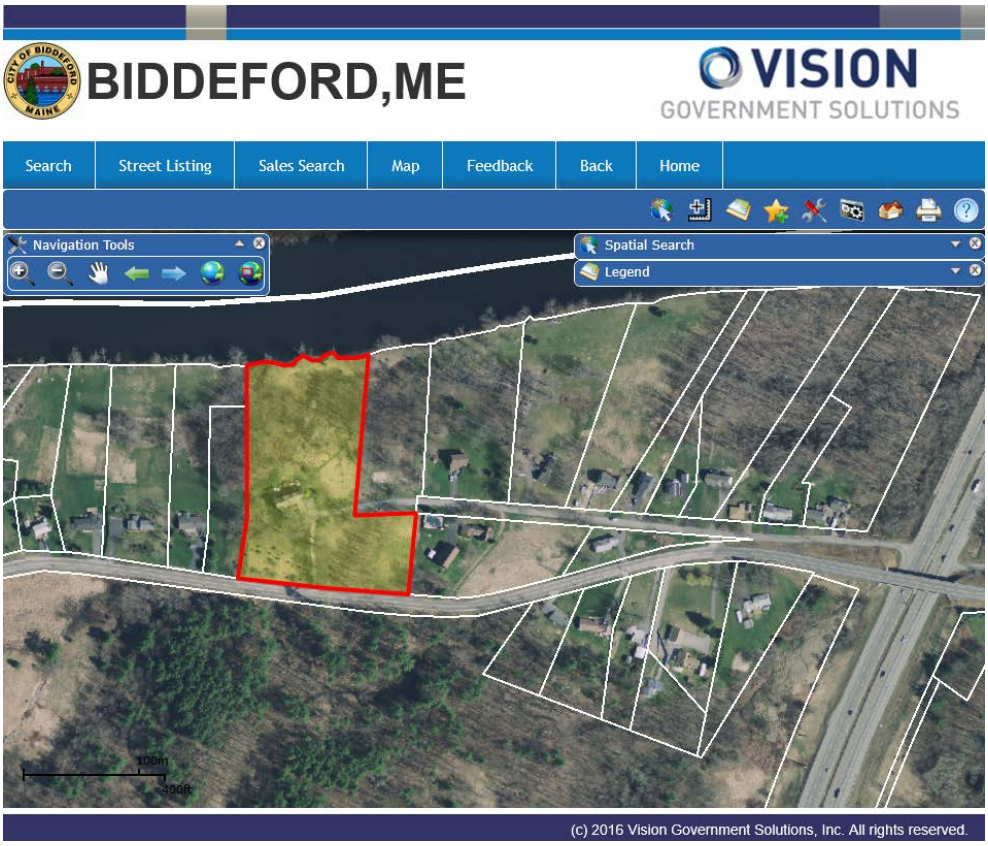
	SUBJECT	***DATA/INFORMATION***
1.	Applicant:	South Street Village, LLC 762 Main Street South Portland, ME 04106
2.	Owner of Property:	South Street Village, LLC 762 Main Street South Portland, ME 04106
3.	Agent:	Richard Potvin

		150 Guinea Road Biddeford, ME 04005
4.	Surveyor:	Dow and Coulombe 13 Park Street Saco, ME 04072
	Project Location:	26 Old Hollis Road
5.	Project Tax Map #/Lot #:	Tax Map 7, Lot 7-3
6.	Existing Zoning:	SR-1
7.	Overlay Zoning:	Limited Residential (250' off the Saco River) – New lots are not located in a Shoreland Zone
8.	Existing Use:	Single-family Home
9.	Proposed Use:	3 New House Lots fronting on South Street
10.	Approvals Required:	Minor Subdivision
11.	Uses in the Vicinity:	Residential, Vacant Land
12.	Parcel Size:	4.189 Acres
13.	Number of Lots/Units in Subdivision:	4 Lots (including existing house lot)
14.	Minimum Lot Size Required: Provided:	20,000 square feet Lot 5-1: 22,678 square feet Lot 5-2: 20,232 square feet Lot 5-3: 20,016 square feet Lot 5-4 (Existing House Lot): 2.744 acres
15.	Frontage Required: Provided:	100 feet Lot 5-1: 120 feet Lot 5-2: 100 feet Lot 5-3: 123.7 feet Lot 5-4 (Existing House Lot): 153 feet (+/-)
16.	Front Setback Required: Provided:	40 feet 40 feet
17.	Side Setbacks Required: Provided:	10 feet 10 feet
18.	Rear Setback Requires: Provided:	10 feet 10 feet
19.	Height Requirements: Provided:	Maximum 35' Maximum 35'
20.	Water Supply:	Maine Water
21.	Sewerage Disposal:	Individual Subsurface Disposal Systems
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	AE off Saco River – No development proposed in vicinity of AE Zone
25.	Wetland/Surface Water Impacts:	None.
26.	Soil Study Provided:	HHE-200 Forms provided by Mark Hampton for Lots 5-1, 5-2, and 5-3

29.	Ownership of Road:	South Street is a City Road
34.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A
36.	Waivers Needed:	a. Waiver to allow joint Preliminary/Final Subdivision approval.
37.	Waivers Granted:	a. Waiver to allow joint Preliminary/Final Subdivision approval.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	None.
40.	Other Non-City Permits Required:	Saco River Corridor Commission (if applicable) Maine Water Company Water Services
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	Water line easements, utility easements, and pedestrian easement to be provided as indicated on the approved plan.
42.	LDR Attachment A: Fess Paid:	Yes.
43.	Planning Board Review History: Conceptual Review:	October 3, 2018 Meeting Date (Journal Tribune posting September 25, 2018; Posted in City Hall September 24, 2018; Mail Notices to all abutters within 250' sent September 24, 2018 – 7 notices sent). November 7, 2018 Meeting Date (Journal Tribune posting October 30, 2018; Posted in City Hall October 30, 2018; Mail Notices to all abutters within 250' sent October 30, 2018 – 7 notices sent).

3. EXISTING CONDITIONS

The proposal site is located off South Street. The site is currently developed and occupied by one (1) single-family house. The proposed lots are undeveloped.



Proposed new three (3) house lots are to the right in the following photos:

4. PROJECT PROPOSAL

Four (4) Lot Subdivision. One existing house to remain off Old Hollis Road. Three (3) new house lots to be created with frontage on South Street.

5. PUBLIC COMMENT

October 3, 2018 Meeting Date (Journal Tribune posting September 25, 2018; Posted in City Hall September 24, 2018; Mail Notices to all abutters within 250' sent September 24, 2018 – 7 notices sent).

- Various comments were provided at the October 3, 2018 Public Meeting. Most had little or nothing to do with the proposal at hand.
- Comments related to the proposal at hand included traffic and safety concerns. Traffic Solutions (William J. Bray, PE) has provided a traffic assessment that indicates minimal additional traffic added per day and the ability to install driveways that meet minimum sight distance requirements for a 35 MPH road.

Preliminary/Final Review: November 7, 2018 (Journal Tribune posting October 30, 2018; Posted in City Hall October 30, 2018; Mail Notices to all abutters within 250' sent October 30, 2018 – 7 notices sent).

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

6. STAFF REVIEW

a. ZONING: SR-1 – Single Residential is a Permitted Use in the SR-1 Zone.

b. REVIEW STANDARDS: Dimensional Requirements, Subdivision Review.

c. WAIVERS:

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

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

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

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

   NOTE: This waiver needs to be granted by the Board to allow joint Preliminary/Final Approval at the November 7, 2018 Meeting.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO SUBISSION OF A PRELIMINARY APPLICATION PACKAGE:

1. Add necessary utility easements to the plan (electric, water, etc.).
2. Indicate on plan that existing gravel drive to South Street to be eliminated.
3. Note 8: “Frint” should say “Front”.
4. At a minimum add LiDAR 2’ contours to the plan.
5. How is drainage accommodated in South Street?
6. Review existing vegetation along South Street. There is a good buffer along a portion of it. Can this be preserved to maintain a treeline along South Street? Staff recommend the applicant identify vegetation along South Street that can be preserved?
7. The three (3) proposed new house lots appear to pitch towards South Street yet there is little discernable drainage along the north side of South Street. How will drainage off the new lots be accommodated so as not to impact South Street?

8. Assuming the Board agrees to grant simultaneous Preliminary and Final plan approval at this Planning Board Meeting, a note to such effect needs to be added to the plan.
9. Submit 2 Mylars and 2 Paper copies of the Subdivision Plan prior to November 6, 2018 at NOON.

7. STAFF RECOMMENDATION

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

1. **Driveways for Lots 5-1, 5-2, and 5-3 to be installed subject to the "General Notes" indicated in Table 1 of the October 16, 2018 Traffic Assessment provided by Traffic Solutions.**
2. **All driveways onto South Street require street opening permits from the Public Works Department. Drainage improvements may be required by the Public Works Department along the frontage of the three (3) lots with South Street.**
3. **Applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting the waiver approval of the minor subdivision based on the conditions outlined above (Recommended).

9. SAMPLE MOTIONS

A. Motion to waive the full subdivision process and allow for a joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely.
B. Motion to approve the minor subdivision for South Street Village, LLC to create 4-Lot Subdivision at 26 Old Hollis Road, approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated October 31, 2018.

ATTACHMENTS:

1. Subdivision Plan
2. Applicants Preliminary and Final Application Package
3. Draft Findings of Fact

ATTACHMENTS

1. Applicant's application submittal, including plan entitled "Amended Subdivision Plan of THE LEVESQUE PROPERTY" dated October 15, 2018.