

City of Biddeford
Planning Board
November 06, 2019 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Consideration of Minutes: October 2 and 16, 2019
[PB Minutes 100219.doc](#)
[PH Minutes 101619.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2019.38 Determination of Greatest Practical Extent for Eric Lubiner to construct a new single family home at 122 Hills Beach Road (Tax Map 54, Lot 76) in the CR and RP zones.
[2019.38 PB Lubiner GPE SR.docx](#)
 - 7.B. 2019.12 Preliminary Subdivision Review and Conditional Use Permit for Jason Labonte of Home Innovations, LLC for a 7-lot Cluster Subdivision located at 30 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.
[2019.12 Labonte Buzzell Rd Prelim SR.docx](#)
 - 7.C. 2018.23 PUBLIC HEARING: Contract Zone and Final Subdivision Review/Site Plan Review for Mike Eon Associates, LTD and Saxon Partners to develop 250 residential rental units located off Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) in the I-3 and R-3 zones.
[2018.23 Saxon Final SR 110619.docx](#)
[2018.23 Saxon CZ FOF.docx](#)
 - 7.D. 2019.01 Final Site Plan Review for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue (Tax Map 74, Lot 11) in the I-2 zone.
[2019.01 Landmatters Final SR 110619.docx](#)
 - 7.E. 2019.31 Final Site Plan Review for Eastwoods Development Corp. to construct a 30' x 60' structure (1,800 sq. footprint) with access to two levels. This includes 3,600 sq. ft. office space with 18 parking spaces located at 8 Wellspring Road (Tax Map 2, Lot 47-4) in the I-3 zone.
[2019.31 Eastwoods Final SR 110619.docx](#)
 - 7.F. 2019.25 Final Subdivision/Site Plan/Conditional Use/Shoreland Zoning for Draft Room, LLC for the redevelopment and renovation of two existing buildings within the Riverdam Mill complex into mixed use with the upper levels having 71 one-bedroom apartments located at 24 Pearl Street (Tax Map 71, Lot 9) in the MSRD-3 zone.
[2019.25 Draft Room FINAL SR 110619.docx](#)
- 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

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Planning Board Minutes

Date: Wednesday, October 2, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
 - A. Quorum Present: Chair William Southwick, Roch Angers, Bruce Benway, Sean Tarpey, Spiros Droggitis, Michael Cantara (alt non-voting member).
3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda
 - A. Consideration of Minutes: September 4, 2019

MOTION:
Benway – Motion: to approve Consent Agenda.
Angers – Second.
Discussion: Michael Cantara pointed out a misspelling for correction.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.
6. Unfinished Business
7. New Business
 - A. 2017.30 Extension of a previously approved subdivision for Lisa Curro for Tide Water Estates (Tax Map 47, Lots 35-46) in the SR-1 zone.

Greg Tansley, City Planner: Recommend the two-year extension.

MOTION:
Benway – Motion: to approve a 2-Year extension for the subdivision approval to December 6, 2021 for Tide Water Estates for a 12-Lot Subdivision off Sokokis Road (Tax Map 47, Lots 35-46) in the SR-1 zone, approve the findings of fact, and sign the mylars

based on the conditions recommended by Staff in its report dated September 26, 2019.
Angers – Second.

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

- B. 2019.36 Conceptual Site Plan Review/Contract Zone for Maine Governmental Facilities Authority for the construction of a courthouse with an approximate 34,545 sf building footprint, two parking lots and construction of a gravel road to connect Elm Street to Hill Street located at 511-515 Elm Street (Tax Maps 88 & 3, Lots 5 & 66-1) in the B2 and R1A zones.

Greg Tansley, City Planner: Spoke Briefly.

Claire Colburn, Project Manager with Finegold Alexander Architects: Gave an over view of the project.

Chris DiMatteo, Gorrill-Palmer: Gave a brief presentation.

Claire Colburn, Project Manager with Finegold Alexander Architects: Talked about what the building would look like.

Margen Soliman, abutter: Concern with the view from the back that will be visible by neighbors.

David Bastarache, abutter: Concerns with fencing, prisoners.

Claire Colburn, Project Manager with Finegold Alexander Architects: Addressed the concerns.

Phil Johnston, Consultant to the Courts: Clarified that this project it not a jail.

Alicia Soliman, former abutter: Concern with reflected noise.

Phil Johnston, Consultant to the Courts: Front of the building will be facing south so noise should be minimal.

Alicia Soliman, former abutter: Landscaping?

Claire Colburn, Project Manager with Finegold Alexander Architects: Will be adding to what's already there and that should help with noise.

Margen Soliman, Abutter: Concerns with 30 foot setback, are the trees being kept and maintained, is there going to be a fence along the whole property, what's to stop someone from crossing my property. A 68 foot building will have an affect on my property.

Claire Colburn, Project Manager with Finegold Alexander Architects: We will be maintaining the trees and planting hearty native vegetation. Talked about the height of the building.

Chris DiMatteo, Gorrill-Palmer: Addressed the buffer.

Alicia Soliman, Former abutter: Concerns with traffic.

Chris DiMatteo, Gorrill-Palmer: An application has been submitted to the State and we will have a scooping meeting.

Sterling Roop, Abutter: Concerns with traffic, buffers, lighting and water pressure.

Chris DiMatteo, Gorrill-Palmer: Addressed some of the concerns.

Phil Johnston, Consultant to the Courts: Addressed the parking concerns.

Claire Colburn, Project Manager with Finegold Alexander Architect: Addressed the lighting concerns.

Judy Jurevic, Abutter: How many people/office? Concerns with buffers and noise.

Claire Colburn, Project Manager with Finegold Alexander Architect: About 90 people will be employed and the penthouse that will house the mechanics will be fully enclosed.

Megan Daley, Pinewood Circle: Has concerns with fencing, story height, tress and parking.

Claire Colburn, Project Manager with Finegold Alexander Architects: Addressed some of the concerns.

David Bastarache, Grayson Street: Fencing around the whole perimeter?

Claire Colburn, Project Manager with Finegold Alexander Architects: That would cause a different set of problems. There will be surveillance cameras around the site and inside as well.

Margen Soliman, 507 Elm Street: Can you move the portion that makes it 68 feet to a different location? Aesthetics in the rooms?

Claire Colburn, Project Manager with Finegold Alexander Architects: Addressed those concerns.

Phil Johnston, Consultant to the Courts: Also addressed the height concern.

Discussion between Board, Staff and Applicant: Regarding water pressure, bus shelter, security, parking lots, how many courtrooms.

8. Other Business

A. Parking Ordinance Update/Discussion

Greg Tansley, City Planner: Gave an update on parking.

Discussion between Board and Staff regarding next meeting on October 16, 2019.

9. Adjourn

MOTION:

Benway – Motion: to Adjourn.

Angers – Second.

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

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Planning Board 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.**



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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City Of Biddeford Planning Board Public Hearing Minutes

Date: October 16, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

- A. Quorum Present: Chair William Southwick, Bruce Benway, Sean Tarpey. Michael Cantara (alt-voting member).
- 1. A zoning amendment to allow Dog Daycare facilities in the B-2 Zone and the I-1 Zone south of Precourt Street/Landry Street as a Conditional Use subject to Performance Standards including, but not limited to, a maximum of 75 dogs at any facility at any time and requiring buffers from existing residential uses and residential zones.

Greg Tansley, City Planner: Spoke briefly and went over the breakdown of the new handouts he gave the Board.

The new handouts with the Agency's comments have been added for public comment.

Open Public Hearing

Nancy Garanche, 1 Booth Street: Is against the project.

Chris Denton, Applicant: Is willing to work with neighbors regarding the noise. Would really appreciate it if the Board would pass the Kennel portion with the Dog Daycare. The kennel is a huge part of the business plan.

Richard Rhames, Ward 3: Spoke on the project.

Nancy Garanche, 1 Booth Street: Is it a Dog Daycare or Kennel? Is it 6-9 or 24 hours?

Chair William Southwick: Those are all issues we will be deliberating on tonight.

Discussion between Board and Staff.

Chair William Southwick: Mrs. Garnache would you please come back up and tell us about the transition to an Industrial Park in your neighborhood.

Nancy Garanche, 1 Booth Street: Spoke about some neighbors having issues with this or that business at one time or another.

Closed Public Hearing

MOTION:

Benway – Motion: to send the adjusted version provided by the Planner today with a corrected outlined map to the City Council.

Discussion between Board and Staff.

Benway – I withdraw my first motion.

MOTION:

Benway – Motion: to table for further consideration of a doggie daycare with kennel provisions.

Cantara – Second.

Chair Southwick – 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.**
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CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.38

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PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: October 31, 2019

RE: NEW BUSINESS ITEM #A – 2019.38 Determination of Greatest Practical Extent for Eric Lubiner to construct a new single family home at 122 Hills Beach Road (Tax Map 54, Lot 76) in the CR and RP zones.

MEETING DATE: NOVEMBER 6, 2019

1. INTRODUCTION

The applicant is proposing to tear down and re-build the structure located at 122 Hills Beach Road. The existing structure is the former Bufflehead's Restaurant. In June 2019 the Planning Board reviewed and approved the change of use of this property from commercial to residential. That approval was a prerequisite to their coming back before the Board for a determination of Greatest Practical Extent (GPE).

The structure is non-conforming due to the Resource Protection District off the "Pool".

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The existing structure is within the 250' Resource Protection (RP) District Setback. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3

(Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

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

In cases of “reconstruction” or “replacement”, the Planning Board shall also consider “the physical condition and type of foundation present, if any.”

The primary case in this proposal appears to be the front setback to Hills Beach Road being a minimum of 15’ (Code Enforcement Officer determined). If the existing structure were to be picked up and relocated on the site, it could not be placed any closer to Hills Beach Road than it currently is which means the “Pool” facing limit of construction is current limits of the existing structure.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Eric and Jill Lubiner 109 Hills Beach Road Biddeford, ME 04005
2.	Owner of Property:	Eric and Jill Lubiner 109 Hills Beach Road Biddeford, ME 04005
3.	Agent:	Teresa Telander Caleb Johnson Studio 110 Exchange Street

		Portland, ME 04101
4.	Surveyor:	Dow & Coulombe, Inc. 13 Park Street Saco, ME 04072
5.	Project Location:	122 Hills Beach Road Biddeford, ME 04005
6.	Project Tax Map #/Lot #:	Tax Map 54, Lot 76
7.	Existing Zoning:	CR
8.	Overlay Zoning:	Resource Protection (RP) Shoreland Zone
9.	Existing Use:	Commercial (Restaurant)
10.	Proposed Use:	Single family home(s).
11.	Approvals Required:	Shoreland Zoning Approval – Greatest Practical Extent
12.	Uses in the Vicinity:	Residential, primarily Single-family
13.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans (no closer than 67.1 +/- feet from 7.4' elevation to the Ocean (NAVD 88), and no closer to Hills Beach Road as Permitted by the Code Enforcement Office) by Dow and Coulombe, Inc., entitled "Plan Showing A Boundary Survey and Topographic Survey Made For Lubiner Poolside, LLC" (dated August 20, 2019) and signed by the Planning Board considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to the Conditions of Approval approved by the Planning Board.
14.	Lot Size:	N/A
15.	Floodplain Status:	The property in the vicinity of the existing and proposed new structure is an AE Floodzone with Elevation 9.0 NGVD 1929.

16.	Waivers Needed:	a. None
17.	Waivers Granted:	a. None
18.	Variances Needed for Approval:	None.
19.	Other City Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
20.	Other Permits Obtained:	None.
21.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
22.	LDR Attachment A: Fees Paid:	Yes
23.	Planning Board Review History: Greatest Practical Extent Review:	November 6, 2019

3. EXISTING CONDITIONS

The existing lot has a vacant restaurant building on it with an existing septic system (oversized) to the right of the structure if looking at it from Hills Beach Road.



Source: City of Biddeford ArcMap GIS System, Accessed 05/23/2019.

4. PROJECT PROPOSAL

Reconstruction (construction) of a new house at 122 Hills Beach Road.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on October 30, 2019. Mailing notices were also sent out to all abutters within 250' on October 30, 2019 – 10 notices were sent out.

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

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR Zone. Single-family homes are not permitted in the RP Zone.

- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:
 - 1. Add a Signature Block to the Survey Plan for Board signature.
 - 2. Provide a minimum of two (2) Paper Plans for signature by November 5, 2019 @ NOON. Provide additional plans if applicant and/or agent wants signed plans.

7. STAFF RECOMMENDATION

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

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

issuance of the determination, the applicant shall have one additional year to complete the project, at which time any building permits shall expire.

8. NEXT STEPS/SUGGESTED ACTIONS

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

9. SAMPLE MOTIONS

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

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

- a)* _____
- b)* _____

ATTACHMENTS

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



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.12

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PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: October 31, 2019

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

MEETING DATE: NOVEMBER 6, 2019

1. INTRODUCTION

Buzzell Road Estates was approved in April 2018 for seven (7) single-family house lots off Buzzell Road on a new road called Crickett Lane. The same applicant has now obtained the rights to the adjacent parcel which is now the subject of this application. The applicant wishes to create six (6) new house lots of Crickett Lane, bring the total to 13 Lots.

This proposal effectively amends the existing approved subdivision Buzzell Road Estates.

The Concept Plans were reviewed by the Planning Board in March 2019. At that meeting the Board determined it was a "Major" Subdivision.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Jason Labonte 57 Smutty Ln. Saco, ME 04072
2.	Owner of Property:	Home Innovations, LLC

		57 Smutty Ln. Saco, ME 04072
3.	Agent:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Engineer/Architect:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Project Location:	34 Buzzell Road
5.	Project Tax Map #/Lot #:	Tax Map 6, Lot 43
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	7-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision, Cluster Subdivision (Conditional Use)
11.	Uses in the Vicinity:	Residential, Agricultural, Woodlands
12.	Parcel Size:	12.2 acres
13.	Number of Lots/Units in Subdivision:	7 Residential Lots (one existing) and one "Open Space" lot at the rear. An "open space" area is also proposed along Buzzell Road.
14.	Minimum Lot Size Required: Provided:	20,000 SF (Upland) 20,000 SF Minimum.
15.	Frontage Required:	100'
16.	Front Setback Required:	25'
17.	Side Setbacks Required:	15'
18.	Rear Setback Requires:	15'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Drilled Private Wells
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	TBD
26.	Soil Study Provided:	Mark Hampton Associates, Inc.
29.	Ownership of Road:	Buzzell Road is a City Street. Crickett Lane is proposed as a City Street.

32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Provided by Peoples Choice Credit Union.
34.	Waivers Needed:	a.
35.	Waivers Granted:	a.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Concept and Preliminary Fees Only
41.	Planning Board Review History:	
	Conceptual Review:	March 6, 2019
	Preliminary Review:	November 6, 2019
	Final Review:	TBD

3. EXISTING CONDITIONS:

The project site currently has one house on it. This house would remain with access to Buzzell Road, while the new lots would all gain access off Crickett Lane.



Source: "30 Buzzell Road". <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=863>. Accessed Date: 10/29/2019.



Source: "30 Buzzell Road, Biddeford, Maine." 43°30'44.11" N 70°32'00.53" W. Google Earth Street View. Imagery Date: 8/2011. Accessed Date: 10/29/2019.

4. PROJECT PROPOSAL:

See attached application package for the Applicant's Submittal Letter and Preliminary Plans.

5. PUBLIC COMMENT:

Concept Review: No public comments have been received as of the time of this report.

Preliminary Review: No public comments have been received as of the time of this report.

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Conditional Use permitted in the R-F.
- b. REVIEW STANDARDS: Performance Standards for Cluster Subdivisions and Subdivision Review.
- c. WAIVERS: **Wildlife Study.**
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH A FINAL SUBMITTAL:
 1. Existing house needs to be created outside of the cluster provisions (i.e., meet all non-cluster dimensional requirements).
 2. Sheet 1: Title Block could be confused with previous project. Add something akin to "phase 2".
 3. Sheet 1: Well location leader says "SEE NOT #31". Spelling "NOT" and should it refer to Note 28 instead?
 4. Need a landscape plan with trees for areas of the buffers without trees.
 5. Add note on the plan that buildings shall be no less than 30' apart.
 6. Provide net density calculations (Article VI, Section 44) and add as a note on the plan. Note: All lots must have 20,000 SF after subtracting all applicable factors in Article VI, Section 44.
 7. Submit a complete Final Plan Application Package.
 8. Staff will be sending this out for 3rd Party Engineering Review once the applicant provides a plan set they are comfortable with for review.

Staff will provide additional comments upon review of future submittal(s).

7. STAFF RECOMMENDATION:

- Waiver Requests: Article VI, Section 70 requiring a Wildlife Study

- The previous “Phase” of the project was granted this waiver. This property abuts the original and Staff have no knowledge of anything that would suggest the Planning Board consider this request differently.
- See the applicant’s submittal for documentation from Maine Department of Inland Fisheries and Wildlife regarding known wildlife habitats on the property.
- Recommend the Board either grant or deny the waiver of the requirement for a Wildlife Study.
- Listen to comments from abutters (if any) and provide feedback to the applicant.
- Consider granting the Preliminary Subdivision Approval.

8. NEXT STEPS/SUGGESTED ACTIONS:

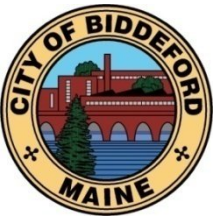
1. Submit a Final Subdivision Plan Package for further review and address the above mentioned comments as well as any other questions or issues that arise.

9. SAMPLE MOTIONS:

- A. *Motion to waive Article VI, Section 70 requiring a Wildlife study based on the submittal ir being no known significant wildlife habitat exists on or near the property based on Maine Department of Inland Fisheries and Wildlife information submitted by the applicant.*
- B. *Motion to approve the Preliminary Subdivision Plan for Jason Labonte for a proposed 7-lot subdivision off Buzzell Road (Tax Map 6, Lot 44) in the R-F zone.*

ATTACHMENTS

1. Applicant’s Preliminary Subdivision Application Submittal.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2018.23

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PLANNING BOARD REPORT

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

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

DATE: October 31, 2019

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

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

1. INTRODUCTION

Saxon Partners is proposing a 250 residential units project in two connected buildings off the end of Barra Road. The housing would be market rate and would consist of studios and 1-bedroom units. According to the applicant, such a project can serve the workforce of Biddeford that desire to be close to the medical, retail, and commercial opportunities in the Route 111/Alfred Street area of Biddeford as well as being close to the Turnpike and employment opportunities elsewhere.

This multi-family project requires a Contract Zone which has already been endorsed by the City Council. Subdivision Approval, as well as Site Plan Approval, from the Planning Board is required. The Planning Board through its review also must develop Contract Zone language to be forwarded back to the City Council for final action.

In the fall of 2018 the Planning Board conducted a Conceptual Review of the project. Overall, the project was well-received and little comments were provided by the Planning Board to the applicant. At the meeting the Planning Board did determine the project constitutes a “major” subdivision.

NOTE: Due to notification issues, the Planning Board will also hold a Public Hearing on the Contract Zone proposal November 20, 2019 prior to making a recommendation to the City Council about the Contract Zone.

2. PROJECT DATA/INFORMATION

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Saxon Partners 25 Recreation Drive Hingham, MA 02043
2.	Owner of Property:	Sawmill Park Properties PO Box 444 Biddeford, ME 04005
3.	Agent:	William Thompson, BH2M Engineers 28 State Street Gorham, ME 04038
4.	Project Location:	Barra Road
5.	Project Tax Map #/Lot #:	Tax Map 2, Lot 43-1; Tax Map 2, Lot 42-1; and Tax Map 7, Lot 15
6.	Existing Zoning:	I-3 and R-3
7.	Overlay Zoning:	None.
8.	Existing Use:	Vacant property
9.	Proposed Use:	250 Units Housing
10.	Approvals Required:	Site Plan, Subdivision
11.	Uses in the Vicinity:	Primarily office and commercial south and east of Thatcher Brook, residential north of Thatcher Brook.
12.	Parcel Size:	10 Acres +/-
13.	Number of Lots/Units in Subdivision:	250 Units
14.	Minimum Lot Size Required: Provided:	N/A – Contract Zone 10 Acres +/-
15.	Frontage Required: Provided:	N/A – Contract Zone 150'
16.	Front Setback Required: Provided:	40 feet 40 feet
17.	Side Setbacks Required: Provided:	25 feet 25 feet
18.	Rear Setback Requires: Provided:	25 feet 25 feet
19.	Height Requirements: Provided:	The project proposes to comply with the existing height requirements in each of the existing zoning districts being R-3 and I-3.

		3 stories, 35 foot maximum in the existing R-3 Zone, and 6 Stories, 60 feet maximum in the existing I-3 Zone.
20.	Water Supply:	Maine Water
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None.
25.	Wetland/Surface Water Impacts:	3,181 SF
26.	Soil Study Provided:	N/A
27.	Parking Spaces Required:	250
28.	Parking Spaces Provided (total): # Handicapped Spaces:	322 (including 46 garage spaces) 8, including a minimum of 2 van accessible spaces.
29.	Ownership of Road:	Barra Road is a City Road
30.	Impervious Surface Area Existing: Proposed: Net Change:	Negligible 4.75 acres +/- + 4.75 acres +/-
31.	Building Footprint Existing: Proposed: Net Change:	0 SF +/- Total Approximately 1.42 acres + Total Approximately 1.42 acres
32.	Building Floor Area Existing: Proposed: Net Change:	0 SF +/- Approximately 220,000 SF +/- Approximately 220,000 SF +/-
33.	Estimated Site Development Costs:	\$1,571,830.00 +/-
34.	Financial Capacity Letter:	TBD
35.	Waivers Needed:	a. Article VI, Section 26.F – Steep slopes greater than 3:1 and grading within 10' of a property line.
36.	Waivers Granted:	a. Article VI, Section 26.F – Steep slopes greater than 3:1 and grading within 10' of a property line.
37.	Variances Needed for Approval:	None.
38.	Other Permits Obtained:	None.
39.	Other Non-City Permits Required:	Site Location of Development Act (SLODA) Maine DOT Traffic Movement Permit
40.	Covenants, By-laws, Restrictions Required by the Planning Board:	None.
41.	LDR Attachment A: Fess Paid:	Planning Application Fees Paid.

42.	Planning Board Review History: Conceptual Review: Preliminary Subdivision/Site Plan Review: Final Subdivision/Site Plan Review: Final Review and Contract Zone Public Hearing:	September 5, 2018 Meeting Date (Journal Tribune posting August 26, 2018; Posted in City Hall August 23, 2018; Mail Notices to all abutters within 250' sent August 23, 2018 – 54 notices sent). May 1, 2019 Meeting Date (Posted in City Hall April 23, 2019; Mail Notices to all abutters within 250' sent April 22, 2019 – 54 notices sent). November 6, 2019 (Posted in City Hall April 23, 2019; Mail Notices to all abutters within 250' sent April 22, 2019 – 54 notices sent). November 20, 2019 (Posted in City Hall November XX, 2019; Mail Notices to all abutters within 250' sent November X, 2019 – 54 notices sent).
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3. EXISTING CONDITIONS

The proposal site is comprised of 3 parcels of land (or parts thereof) of the end of Barra Road. The site is undeveloped.

4. PROJECT PROPOSAL

250 residential units comprised of studio and 1-Bedroom market rate rental units.

5. PUBLIC COMMENT:

September 5, 2018 Meeting Date:

As of August 28, 2018 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- Several people have come in asking about the project but have not raised any concerns.

May 1, 2019 Meeting Date

As of April 24, 2019 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- Again, some people have come in to look at the plans but none have expressed any comments/concerns about the project.

November 6, 2019 Meeting Date:

As of October 31, 2019 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- No additional comments have been received.

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Permitted Use in the R-3 Zone and is not permitted in the I-3 Zone, warranting the Contract Zone.
- b. REVIEW STANDARDS: Subdivision/Site Plan/Performance Standards.
- c. WAIVERS: Article VI, Section 26.F – Steep slopes greater than 3:1 and grading within 10' of a property line.
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:
 1. Add signage at the end of the paved section of Barra Road indicating “NO EXIT” or similar.
 2. All catch basin in parking areas and entrance roads should have Casco type traps (oil /debris hoods). Please specify.
 3. Correct Sheets 1 and 2 Tax Map and Lot References. Should be Tax Map 42, Lot “1”, not Lot “11”
 4. Provide a Performance Guarantee Cost Estimate on City form for all site improvements.
 5. Provide an emergency protocol in writing to address any oil or gas /spills or other materials spills in parking areas
 6. Provide a double roll of silt fence for erosion control protection on the north side of the site road and on the north side of the side entrance drive.
 7. Provide a maintenance/management plan for the site for catch basin inspection and cleaning.
 8. Curbing in City Right of Way shall be granite. Identify on Plan.
 9. Provide lighting cut-sheets.
 10. Provide final building elevations and façade materials.

11. No signage is proposed on the plan. Assuming a project sign, provide sign design and location. Building sign?
12. Provide Financial Capacity Letter demonstrating the applicant's ability to complete the project.
13. Provide complete Mylar Set and Paper set no later than November 5 @ 2:00 PM amended based on comments.

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. Prior to any ground disturbance or issuance of any permits:
 - a. The applicant must submit a recorded copy of the Notice of Decision for the subdivision/site plan approval to the Planning Office.
 - b. A stormwater mitigation fee of \$XXX,XXX shall be paid to the Planning Department based on the Maine DEP Site Location of Development Act Urban Impaired Stream Compensation Fee Maine DEP Chapter 501 SS 3.A.{1}
 - c. A pre-construction meeting with the contractor needs to be held with the Engineering Office to discuss inspection requirements.
 - d. A copy of all required Maine DEP and Maine DOT Permits must be submitted to the Planning Department.
 - e. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$235,774.50 (10% of 150% of total estimated site improvements cost) an amount to be determined by the Planning Department) shall be submitted to the Planning Department.
 - f. Salt Management Plan to be provided for review and approval by the Planning Department.
2. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer. With no improvements completed, the estimated cost of improvements would be \$1,571,830.00 requiring a Performance Guarantee of \$2,357,745.00.
2. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
3. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.

4. 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.
5. 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.
6. 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.
7. Once completed, as-built drawings of the site shall be provided to the Planning Department.
8. 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.
9. Standard Conditions of Approval apply.
10. This approval is conditioned upon approval of a Contract Zone by the Biddeford City Council.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting the requested waiver to Article VI, Section 26.F – Steep slopes greater than 3:1 and grading within 10' of a property line.
- Consider granting final Site plan/Subdivision approval based on the conditions outlined above.

9. SAMPLE MOTIONS

- A. *Motion to grant the waiver to Article VI, Section 26.F – Steep slopes greater than 3:1 and grading within 10' of a property line.*
- B. *Motion to approve the Final Subdivision and Site Plan for Mike Eon Associates, LTD and Saxon Partners to develop 250 residential rental units located off Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) and approve the Findings of Fact based on the conditions recommended by Staff in its report dated October 31, 2019.*
- C. *Motion to deny the project based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS:

1. Application and supporting materials.
2. Draft Findings of Fact

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

To: Mayor Alan Casavant
Members of the Biddeford City Council

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

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

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

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

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

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

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

CZ-___ shall provide for the following:

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

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

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

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

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

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

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

City of Biddeford Planning Board

_____, 201_ By: _____
Its Chairman duly authorized

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

_____, 201_

Sawmill Park Properties, LLC

By: _____
Michael R. Eon, Member

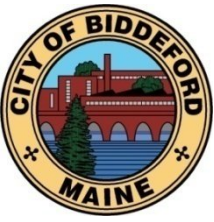
Indian Cliff Development Corp.

By: _____
Michael R. Eon, President

Mike Eon Associates, LTD.

By: _____
Michael R. Eon, President

DRAFT



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.01

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: October 31, 2019

RE: NEW BUSINESS ITEM #D – 2019.01 Final Site Plan Review/Conditional Use Permit for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue (Tax Map 74, Lot 11) in the I-2 zone.

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

1. INTRODUCTION

In January 2019 the applicant appeared before the Planning Board for a Conceptual Review of a proposal to construct three (3) new buildings with a total of eleven (11) new commercial units off Marcel Avenue and Landry street. In May, the Applicant re-appeared before the Planning Board for the review of a revised Concept. The revised Concept was designed so that only one storage unit would be accessed from Marcel Avenue.

At both of these meeting residents on Marcel Avenue voiced concern over the project, particularly related to access onto Marcel Avenue and traffic related issues.

Marcel Avenue is an older residential street that pre-exists the Airport Industrial Park(s) but is located directly across from Hill Street near the airport. Landry Street is an industrial road leading from Route 1 to Hill Street and the airport.

All of the existing homes on Marcel Avenue are pre-existing non-conforming residential uses in the Industrial-2 (I-2) Zone. There are seven (7) existing residential properties on Marcel Avenue, including the subject parcel. The proposed use is a Permitted (P) use in the I-2 Zone. Although it is a "P" use, added attention should be given to the residential character of Marcel Avenue through the review of this application.

In June 2019 the applicant presented a new plan to the Board where NONE of the 14 Storage Units would have access to and from Landry Street (i.e., there would be no access to, or from, Marcel Avenue). The Board and the residents on Marcel Avenue seemed pleased with this new layout.

The applicant has now received all necessary Maine DEP permitting regarding Chapter 500 – Stormwater. They have now resubmitted and are requesting final approval.

PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Landmatters, LLC PO Box 468 Old Orchard Beach, ME 207-331-2865
2.	Owner of Property:	Heirs of Clarence Belanger
3.	Agent:	Tom Gillis, Landmatters, LLC PO Box 468 Old Orchard Beach, ME 207-331-2865
4.	Engineer:	BH2M Engineers 28 State Street Gorham, ME 04038
5.	Surveyor:	Corner Post Land Survey, LLC 600 Main Street Springvale, ME 207-324-2119
6.	Project Location:	23 Marcel Avenue and 50 Landry Street
7.	Project Tax Map #/Lot #:	Tax Map 74, Lot 11 and Tax Map 74, Lot 10-2
8.	Existing Zoning:	I-2
9.	Overlay Zoning:	None
10.	Existing Use:	Single-family Residential, Vacant
11.	Proposed Use:	14-Units of commercial storage space with unknown tenants
12.	City Approvals Required:	Site Plan Review/Conditional Use Permit
13.	Uses in the Vicinity:	Industrial, Airport, Residential
14.	Parcel Size:	3.4 Acres and 30,928 SF (50 Landry Street)
15.	Number of Lots/Units in Subdivision:	N/A – Commercial Units
16.	Minimum Lot Size Required: Provided:	None None
17.	Frontage Required: Provided:	50 feet. More than 50 feet

18.	Front Setback Required: Provided:	40 feet (Landry Street) 50 feet
19.	Side Setbacks Required: Provided:	25 feet from non-IN Zones 25 feet from non-IN Zones
20.	Rear Setback Requires: Provided:	25 feet from non-IN Zones 25 feet from non-IN Zones
21.	Height Requirements: Provided:	Maximum 6 stories, 60 feet Less than 6 stories, 60 feet
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	8,316 SF Freshwater Wetlands Fill
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	Assuming the use is "Building materials storage and sales" the parking requirement is 1 space per 500 square feet = 69 spaces.
30.	Parking Spaces Provided (total): # Handicapped Spaces:	69 4
31.	Ownership of Road:	Marcel Avenue and Landry Street are City Streets
32.	Impervious Surface Area:	2.01 acres
33.	Total Disturbed Area:	3.03 acres developed
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1; 2. LDR, Article VI, Section 49, 5 & 10 – screen parking from adjacent residential properties and public roads; 3. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks; 4. LDR, Article XI, 5.B.4.i.3 – 30% maximum lot coverage for paving.
37.	Waivers Granted:	1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1; 2. LDR, Article VI, Section 49, 5 & 10 – screen parking from adjacent residential properties and public roads; 3. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;

		4. LDR, Article XI, 5.B.4.i.3 – 30% maximum lot coverage for paving.
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	Maine DEP Stormwater Maine DEP NRPA
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	No
41.	Planning Board Review History:	
	Conceptual Review:	January 16, 2019 Meeting Date.
	Revised Concept Review:	May 1, 2019 Meeting Date
	2 nd Revised Concept Review:	June 5, 2019 Meeting Date
	Final Plan Review:	November 6, 2019 Meeting Date

EXISTING CONDITIONS

The proposed property is occupied by a single-family residence. It is quite a large lot (5+ acres) that is mostly vacant. Although located in an I-2 Zone, the lot(s) is at the beginning of Marcel Avenue which is primarily residential.



2. PROJECT PROPOSAL

See attached application package and Revised Concept Plan for more information.

3. PUBLIC COMMENT

- Public comments have been received throughout the review process. Primarily, the comments received have been related to potential impacts on the existing neighborhood on Marcel Avenue.

4. STAFF REVIEW

- A. ZONING: The proposed use is either Permitted (P) or Conditional (C) in the I-2 Zone. Staff recommend also approving a Conditional Use Permit to cover “Contractor Storage Yard” should these facilities be used for such a use, knowing however that outside storage is not permitted.

A list of those uses either Permitted (P) or Conditional (C) is provided here:

Permitted (P) Uses:

- Offices, business or professional
- Publishing, printing
- Wholesale business

- Light manufacturing
- Light trucking dependent industry
- Storage of bulk gaseous fuels
- Trucking, distribution terminal
- Warehousing and storage
- Day care center, adult
- Municipal use
- Parks and recreation

Conditional (C) Uses:

- Air transportation dependent use
- Airport
- Contractor's storage yard
- Experimental research and testing laboratory
- Manufacturing
- Planned unit development
- Recycling facility
- Day care center, children's
- Essential services
- Public facility
- Water supply systems

B. REVIEW STANDARDS: Site Plan Review (Article XI), Conditional Uses (Article VII), Performance Standards (Article VI).

C. WAIVERS: The applicant has requested the following waivers:

1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
2. LDR, Article VI, Section 49, 5 & 10 – screen parking from adjacent residential properties and public roads;
3. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
4. LDR, Article XI, 5.B.4.i.3 – 30% maximum lot coverage for paving.

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

1. Submit \$3,000 Engineering Inspection Fee. No approval can occur without this fee having been paid.
2. All catch basin in parking areas and entrance roads should have Casco type traps (oil /debris hoods). Detail does show hoods, but should note that all CBs should have them.
3. Provide an emergency protocol in writing to address any oil or gas /spills or other materials spills in parking areas

4. Provide a maintenance/management plan for the site for catch basin inspection and cleaning.
5. Is there a project sign?
6. Provide Performance Guarantee Cost Estimate on City Form.
7. Provide Financial Capacity Letter from a recognized financial entity.
8. Curbing in City Right of Way shall be granite. Identify on Plan.
9. Provide lighting cut-sheets.
10. Landscape Plan. Staff has asked for a Landscape Plan. One has been provided (see Sheet 7) in conjunction with a lighting plan with photometrics. The plan indicates that 16 arborvitae trees would be planted in the south-west corner of the property, providing screening from Marcel Avenue.
11. All disturbed areas need to be revegetated and stabilized. Add note to plan Sheet 1.
12. Indicate 4 signs along filter beds A and B indicating "No Snow Storage" or something similar.
13. Signs needs to be added at entrance indicating "No Tractor Trailers" or something similar. One could be on the back of the stop sign. Add to plan.
14. No signage is proposed on the plan. Assuming a street sign, provide sign design and location. Is the intent to have individual units have their own signage? Door signage since they advertise to no one who can see them?
15. Provide complete Mylar Set and Paper set no later than November 5 @ 2:00 PM amended based on comments.

5. STAFF RECOMMENDATION

WAIVERS:

Recommend considering the applicant's requests for the following waivers:

1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
 - 2:1 slopes are used to minimize impacts to wetlands as well as fit the project into the site. Staff have no issue with allowing 2:1 slopes given they will be stabilized and recommend this waiver be granted.
2. LDR, Article VI, Section 49, 5 & 10 – screen parking from adjacent residential properties and public roads;
 - Applicant proposes to leave the vegetation in its natural state as a buffer between it and the neighboring properties to the south. They do propose adding 16 arborvitae to buffer the closest residential use on Marcel Avenue and staff have no issue with granting this waiver.
3. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
 - There is a small (2 foot +/-) strip along the northern access road that would be paved as part of the driveway. Staff are of the opinion that

this is inconsequential since stormwater is being managed adequately within the site and have no issue with granting the waiver.

4. LDR, Article XI, 5.B.4.i.3 – 30% maximum lot coverage for paving.
 - This standard often does not apply since it is designed to represent a ration of building footprint to paving. Staff recommend removing this standard in a future updates of the Ordinance, but for now recommend it be waived.

APPROVAL CONSIDERATION:

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

1. Prior to any ground disturbance or issuance of any permits:
 - a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - b. A stormwater mitigation fee of \$21,750.00 shall be paid to the Planning Department.
 - c. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX shall be submitted to the Planning Department.
 - d. Salt Management Plan to be provided for review and approval by the Planning Department.
2. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
3. Conditional Use Permit approval for this project is limited to the following:
 - Air transportation dependent use
 - Contractor's storage yard
4. Outside storage and/or display is prohibited.
5. Snow storage (temporary or otherwise) is prohibited from stormwater management facilities.
6. Best management practices shall be adhered to during all ground disturbance operations.
7. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
8. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies

within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.

9. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.
10. Once completed, as-built drawings of the site shall be provided to the Planning Department.
11. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
12. Standard Conditions of Approval apply.

6. NEXT STEPS/SUGGESTED ACTIONS

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

7. SAMPLE MOTIONS

A. *Motion to grant the waivers to*

- LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
- LDR, Article VI, Section 49, 5 & 10 – screen parking from adjacent residential properties and public roads;
- LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
- LDR, Article XI, 5.B.4.i.3 – 30% maximum lot coverage for paving.

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

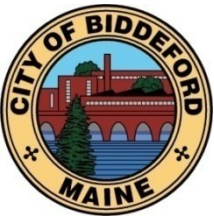
B. *Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.*

C. *Motion to deny the Site Plan Application of Landmatters, LLC based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS

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



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.31

Greg D. Tansley, A.I.C.P.
205 Main Street
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Biddeford, ME 04005
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PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: October XX, 2019

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

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

1. INTRODUCTION

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

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

The Board had few comments in August.

They have now resubmitted and are requesting final approval. The City's 3rd Party Engineer completed their review of the project on October 28. The results of that review were forwarded to the applicant October 29 for their review.

PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Eastwoods Development Corporation 185 Granite Street Biddeford, ME 207-229-2157
2.	Owner of Property:	Eastwoods Development Corporation 185 Granite Street Biddeford, ME 207-229-2157
3.	Agent:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
4.	Engineer:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
5.	Surveyor:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
6.	Project Location:	8 Wellspring Road
7.	Project Tax Map #/Lot #:	Tax Map 2, Lot 47-4
8.	Existing Zoning:	I-3
9.	Overlay Zoning:	None
10.	Existing Use:	Vacant Land
11.	Proposed Use:	13,600 SF Offices
12.	City Approvals Required:	Site Plan Review
13.	Uses in the Vicinity:	Commercial, Medical
14.	Parcel Size:	46,235 SF
15.	Number of Lots/Units in Subdivision:	N/A – Commercial Units
16.	Minimum Lot Size Required: Provided:	None None
17.	Frontage Required: Provided:	50 feet. More than 50 feet
18.	Front Setback Required: Provided:	40 feet 40 feet
19.	Side Setbacks Required: Provided:	25 feet 25 feet
20.	Rear Setback Requires: Provided:	25 feet 25 feet
21.	Height Requirements: Provided:	Maximum 6 stories, 60 feet Less than 6 stories, 60 feet

22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	TBD
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	18
30.	Parking Spaces Provided (total): # Handicapped Spaces:	18 Minimum 1 Required
31.	Ownership of Road:	Wellspring Road is a City Street
32.	Impervious Surface Area:	TBD
33.	Total Disturbed Area:	TBD
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1; 2. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
37.	Waivers Granted:	1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1; 2. LDR, Article XI, 1.II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	None
40.	Other Non-City Permits Required:	Maine DEP NRPA
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	Yes
41.	Planning Board Review History:	
	Conceptual Review:	August 7, 2019
	Final Review:	November 6, 2019

2. EXISTING CONDITIONS

The proposed property is vacant.



Source: "8 Wellspring Road".

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



Source: "8 Wellspring Road, Biddeford, Maine." 43°28'52.54" N 70°29'29.67" W.

Google Earth Street View. Imagery Date: 7/2018. Accessed Date: 07/31/2019.

3. PROJECT PROPOSAL

See the enclosed application package for more information.

4. PUBLIC COMMENT

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

Final Review: November 6, 2019 – No Public comments were received as of October 29, 2019.

5. STAFF REVIEW

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

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

C. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

D. WAIVERS: The applicant has requested the following waivers:

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

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

1. Provide Performance Guarantee Cost Estimate on City Form.
2. Provide Financial Capacity Letter from a recognized financial entity.
3. Provide a Salt Management Plan.
4. Staff concur with the 3rd Party Engineer's observation that the angle of the parking is problematic from a 1-Way circulation perspective. Staff have expressed this concern on several occasions in the past since they are at opposing angles to the direction of travel. Please evaluate.
5. Staff concur with the 3rd Party Engineer's concern about ADA access in front of the building. Please evaluate.
6. How will edge between lawn and pavement throughout the site be protected? Suggest near bituminous curb protection. Please address.
7. Add guardrail along entire length of stormwater pond in back. This is consistent with Maine DEP requirements. Add detail for guardrail.
8. Add an additional parallel line of silt fence along back perimeter to better protect brook during site disturbance.

9. Verify drainage flow and protection from culvert outlet at abutting property (N/F SMHC). How will this avoid neighbor's property without an easement?
10. Need a Disability Parking sign at rear HC parking space at building.
11. Need HC sign on bollard at front of building. Add location and detail to plan.
12. Add pavement striping details for directional arrows.
13. Add "NO EXIT" sign at site ingress, perhaps on back of proposed lantern.
14. Show stabilized construction access on plan and add detail.
15. Curbing in City Right of Way shall be granite. Identify on Sheet 1.
16. Provide lighting photometric plan and cut-sheets.
17. Show location of underdrain pipe in filter area in the plan view
18. Provide an emergency protocol in writing to address any oil or gas spills in parking areas and on site
19. Provide a maintenance/management plan for inspection and cleaning of the site's stormwater management/facilities devices and areas
20. Provide complete Mylar Set and Paper set no later than November 5 @ 2:00 PM amended based on comments.

NOTE: ITEM #20 is standard, but in this case, not realistic. Resubmittal addressing the above comments would need to be received well before November 5 in order to facilitate our 3rd Party Engineer's review of the response.

Recommend the Board listen to public comment and provide final feedback to the Board at this meeting. Recommend the Board consider tabling this to allow for the applicant to prepare a response and for the City to have its 3rd Party engineer review it. Staff are comfortable, if the applicant responds fairly quickly, in having this item put on the November 20 Agenda for final approval, subject to the 3rd Party engineer reviewing revised final plans/submittals by November 13, 2019.

6. STAFF RECOMMENDATION

WAIVERS:

Recommend considering the applicant's requests for the following waivers:

1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
 - 2:1 slopes are used to minimize impacts to wetlands as well as fit the project into the site. Staff have no issue with allowing 2:1 slopes given they will be stabilized and recommend this waiver be granted to

minimize encroachment towards the brook. Staff recommend APPROVING this waiver.

2. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
 - There is a portion of both access aisles around the site being within the side setback. Staff are of the opinion that this is inconsequential since stormwater is being managed adequately within the site and have no issue with granting the waiver and recommend APPROVING it.

APPROVAL CONSIDERATION:

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

1. Prior to any ground disturbance or issuance of any permits:
 - a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - b. A stormwater mitigation fee of \$X,XXX.00 shall be paid to the Planning Department based on new impervious surface to be added within the Thatcher Brook Watershed and the need to address watershed based water quality improvements.
 - c. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX shall be submitted to the Planning Department.
 - d. Salt Management Plan to be provided for review and approval by the Planning Department.
2. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
3. Outside storage and/or display is prohibited.
4. Snow storage (temporary or otherwise) is strictly prohibited from stormwater management facilities.
5. Best management practices shall be adhered to during all ground disturbance operations.
6. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
7. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies

within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.

8. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.
9. Once completed, as-built drawings of the site shall be provided to the Planning Department.
10. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
11. Standard Conditions of Approval apply.

7. NEXT STEPS/SUGGESTED ACTIONS

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

8. SAMPLE MOTIONS

A. *Motion to grant the waivers to*

1. LDR, Article VI, Section 26.F – cut/fill slopes within 10' of a property line and steeper than 3:1;
2. LDR, Article XI, II.5.B.4.f.1 – no parking or paving within rear or side setbacks;
3. LDR, Article XI, 5.B.4.i.3 – 30% maximum lot coverage for paving.

A. *Motion to approve the Site Plan and Shoreland Zoning Application Eastwoods Development Corp., at Tax Map 2, Lot 47-4, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated October 30, 2019.*

B. *Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.*

C. *Motion to deny the Site Plan and Shoreland Zoning Application of Eastwoods Development Corp., based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS

1. Application Package and Plans.
2. Applicant's Follow-up Regarding Stormwater Mitigation Fee and Landscaping.
3. Draft Findings of Fact and Conclusions of Law.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.25

Greg D. Tansley, A.I.C.P.
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PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: October 31, 2019

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

MEETING DATE: NOVEMBER 6, 2019

1. INTRODUCTION

This proposal is for the full redevelopment (including limited demolition) of the remainder of Riverdam Millyard. Current tenants, who would remain, include a brewery and a distillery. The Board reviewed this as a conceptual review on August 21 and the Preliminary Plan submission on September 4, 2019.

On September 4, 2019 the Board approved the Preliminary Subdivision Plan, including the site plan, conditioned on the city's 3rd Party Engineer completing its review of the project as well as the applicant making significant progress with the Maine DOT Traffic Movement Permit process.

A Maine DOT Scoping Meeting was held and three (3) intersections were identified for evaluation – Main/Adams/Lincoln, Main/Elm, and Lincoln/Elm. Preliminary improvements at each of these locations were discussed and the applicant has filed the permit application now with Maine DOT. Discussed at this meeting was the need to apply a traffic impact fee to the project based on the Mill District Impact Fee study completed in 2015. It was generally agreed that any improvements undertaken by the applicant related to the traffic movement permit would count as "credits" towards the total impact fee for traffic.

The City's 3rd Party Review Engineer completed his review of the project on September 10, 2019. The applicant has provided an itemized response in its Final Plan Submission packet.

2. PROJECT DATA/INFORMATION

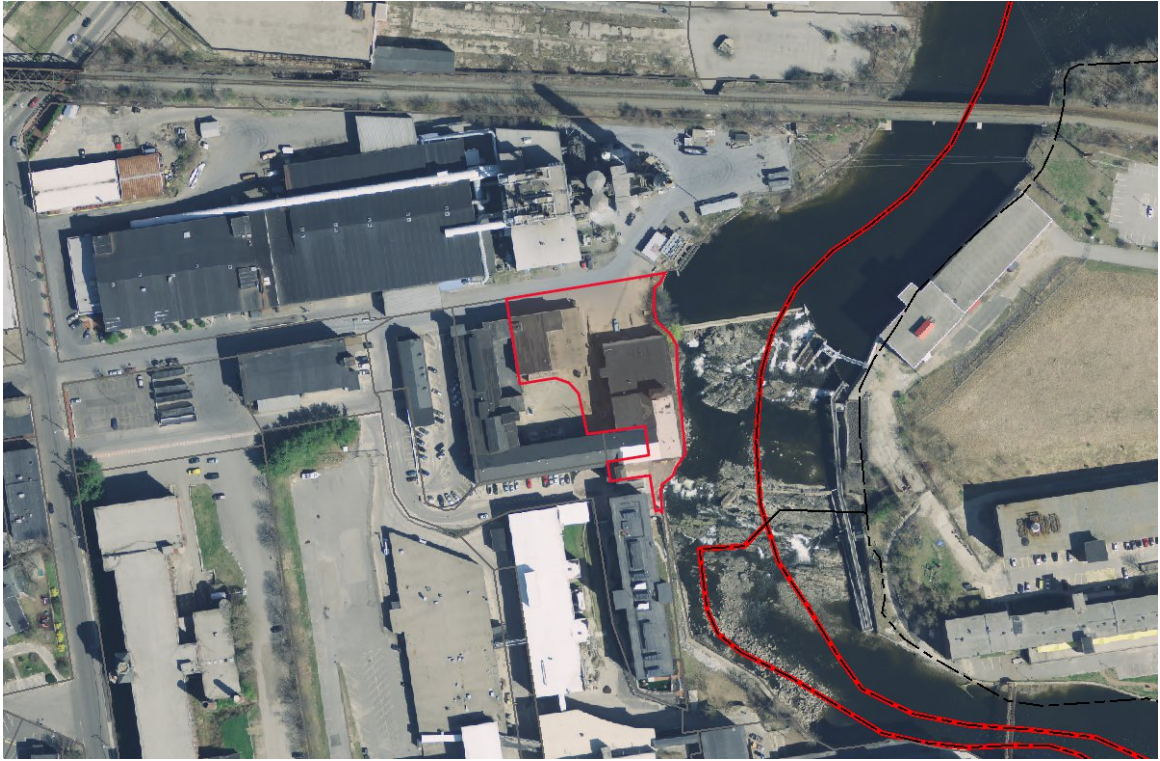
	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Draft Room, LLC 82 Hanover Street Portland, ME 04101
2.	Owner of Property:	Draft Room, LLC 82 Hanover Street Portland, ME 04101
3.	Agent:	Acorn Engineering 65 Hanover Street Portland, ME 04101
4.	Project Location:	End of Pearl Street – 24 Pearl Street
5.	Project Tax Map #/Lot #:	Tax Map 71, Lot 9
6.	Existing Zoning:	MSRD-3
7.	Overlay Zoning:	GD-1 Shoreland Zone
8.	Existing Use:	Partially Vacant property with some tenants such as Dirigo Brewing.
9.	Proposed Use:	71 residential units, and commercial space.
10.	Approvals Required:	Site Plan, Subdivision, Shoreland Zoning, Conditional Use Permit
11.	Uses in the Vicinity:	Primarily Residential, some commercial. Vacant (3 Lincoln Street)
12.	Parcel Size:	1.1 Acres +/-
13.	Number of Lots/Units in Subdivision:	71 Units
14.	Minimum Lot Size Required: Provided:	N/A – MSRD-3 1.1 acres
15.	Frontage Required: Provided:	None N/A
16.	Front Setback Required: Provided:	None N/A
17.	Side Setbacks Required: Provided:	None N/A
18.	Rear Setback Requires: Provided:	None N/A
19.	Height Requirements: Provided:	Minimum 2 stories, 26 feet More than the minimum existing
20.	Water Supply:	Maine Water

21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None apparent.
25.	Wetland/Surface Water Impacts:	None.
26.	Soil Study Provided:	N/A
27.	Parking Spaces Required:	98
28.	Parking Spaces Provided (total): # Handicapped Spaces:	22 (on-site) 4 (on-site) The remainder of the parking requirements are accommodated through the Joint Development Agreement between the developer and the owner for the City to lease them parking spaces either in the proposed parking garage, or if not, in a location in close proximity to the proposed parking garage on 3 Lincoln Street.
29.	Ownership of Road:	Pearl Street is a Public and Private Road with various rights within it.
30.	Impervious Surface Area Net Change:	None
31.	Total Disturbed Area:	Varied site disturbances throughout the site.
33.	Estimated Site Development Costs:	TBD
34.	Financial Capacity Letter:	Provided by TD Bank
36.	Waivers Needed:	1. Off-street Parking and Loading: Section 49.C.3.K1.E. – Waive 6 nonresidential parking spaces – GRANTED September 4, 2019. 2. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow vehicles to reverse into public ROW for Building #4 3. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow reduced parking stall dimensions for 10 parking spaces. 4. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow no landscaped around perimeter of parking areas at lot lines. 5. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow parking within 5' of lot lines. 6. Photometrics: Section 49.C.3.K1.E.

37.	Waivers Granted:	1. Off-street Parking and Loading: Section 49.C.3.K1.E. – Waive 6 nonresidential parking spaces – GRANTED September 4, 2019. 2. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow vehicles to reverse into public ROW for Building #4 3. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow reduced parking stall dimensions for 10 parking spaces. 4. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow no landscaped around perimeter of parking areas at lot lines. 5. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow parking within 5' of lot lines. 6. Photometrics: Section 49.C.3.K1.E.
38.	LDR Attachment A: Fess Paid:	All Planning Application Fees Paid.
39.	Planning Board Review History:	
	Conceptual Review:	August 21, 2019 Meeting Date; Posted in City Hall August 12, 2019; Mail Notices to all abutters within 250' sent August 12, 2019 – 6 notices sent).
	Preliminary Review:	September 4, 2019 Meeting Date; Posted in City Hall August 28, 2019; Mail Notices to all abutters within 250' sent August 28, 2019 – 6 notices sent).
	Final Review:	November 6, 2019 Meeting Date; Posted in City Hall October 30, 2019; Mail Notices to all abutters within 250' sent October 30, 2019 – 6 notices sent).

3. EXISTING CONDITIONS

Riverdam Millyard is located on the River at the end of Pearl Street:



4. PROJECT PROPOSAL

Mixed Use Redevelopment Project. See applicants submittal for more information.

5. PUBLIC COMMENT

No Public Comments have been received to date.

6. STAFF REVIEW

- a. ZONING: The proposed use (Multi-use) is permitted in the MSRD-3 Zone.
- b. REVIEW STANDARDS: Site Plan Review, Subdivision, Conditional Use, Shoreland Zoning.
- c. WAIVERS:

The following waivers have been identified as necessary for the project to proceed. Staff recommend APPROVING all of these requests which would reflect the fact that this project is in an existing built environment where “greenfield” requirements are often times unrealistic.

- 1. Off-street Parking and Loading: Section 49.C.3.K1.E. – Waive 6 nonresidential parking spaces – **GRANTED September 4, 2019.**

2. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow vehicles to reverse into public ROW for Building #4
3. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow reduced parking stall dimensions for 10 parking spaces.
4. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow no landscaped around perimeter of parking areas at lot lines.
5. Off-street Parking and Loading: Section 49.C.3.K1.E. – Allow parking within 5' of lot lines.
6. Photometrics: Section 49.C.3.K1.E.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL

1. Provide detail for fence and gate around utility area (transformer and dumpster).
2. If approved, all reduced dimension parking spaces need to be marked as such (e.g., "COMPACT CARS ONLY").
3. Provide a Salt Management Plan (see Condition of Approval below in case one cannot be provided before Nov. 6).
4. Provide an emergency protocol plan to address any oil or gas spills in parking areas (see Condition of Approval below in case one cannot be provided before Nov. 6).
5. Provide Performance Guarantee Unit Cost Estimate on City of Biddeford Worksheet.
6. Add a signature block (with Date) to the Plan Set. Recommend Sheet C-10 or C-11 as options.
7. Provide final plan sets and all requested materials to the Planning Department by Noon Tuesday Nov 5th. The City requires 1 Complete Mylar Set and 1 Complete Paper Set. Additional copies for signature may also be provided by the applicant, for the applicant.

7. STAFF RECOMMENDATION

Waiver(s) – Parking: The Planning Board already granted the waiver of 6 nonresidential parking spaces. Four other parking-related waivers have also been identified as necessary and Staff recommend APPROVING the waiver requests.

Waiver – Photometrics: Staff recommend APPROVING this waiver based on the proposed lighting scheme (minimal) and that the location is an urban location where light spillover at property lines is probable, but given the applicant has proposed full cutoff lighting for all fixtures, would be minimal.

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. Prior to any ground disturbance or issuance of any permits:
 - a. The applicant must submit a recorded copy of the subdivision/site plan to the Planning Department.
 - b. A Salt Management Plan must be provided for review and approval by the Planning Department.
 - c. Provide an emergency protocol plan to address any oil or gas spills in parking areas.
 - d. A pre-construction meeting with the contractor needs to be held with the Planning Department to discuss inspection requirements.
 - e. 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.
 - f. A Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX shall be submitted to the Planning Department.
2. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
3. A Sewer Permit application must be filed and applicable fees paid as determined by the Wastewater Department. Continued use of floor drains must be approved by the Sewer Department. Roof drains connected to the sewer system must be disconnected as part of this approval.
4. Prior to the issuance of a Sewer Permit:
 - a. Provide written evidence of the authorization for the applicant to convey sewerage via the system at Lofts at Saco Falls.
 - b. Applicant shall pay is proportionate impact fee (per Part II (Land Development Regulations), Article VI (Performance Standards), Section 62) necessary for wastewater infrastructure improvement costs to accommodate the additional flows in the conveyance system. Applicant's share shall be proportionate based on expected flows to the costs of the improvements which currently are estimated to be \$79,000 per e-mail from Tom Milligan, P.E., City Engineer, dated October 29, 2019. The final impact fee to be determined by the Director of the Department of Public Works.
5. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.
6. Temporary trash storage is limited outside of the buildings only in the approved, fenced in, solid waste storage area indicated on the approved plans.
7. All reduced dimension parking spaces shall be marked as such (e.g., COMPACT CARS ONLY").
8. Standard Conditions of Approval apply.
9. 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.
- b. The applicant shall have completed all required improvements related to the Maine DOT Traffic Movement Permit, or has escrowed 150% of the estimated costs for all remaining such improvements with the City.
- c. Applicant shall pay the required traffic impact fee assessed through the Maine DOT Traffic Movement Permit process, or if not through that process, as assessed by the City of Biddeford representing \$1,082 per trips (based on the Mill District Traffic Impact Study completed June 2015). The estimated total impact fee is estimated for this project to be \$95,216 (88 peak hour trips after applying a credit for Dirigo Brewery.). This impact fee may be offset by any off-site traffic capital-related improvements implemented by the developer relating to the Traffic Movement Permit (i.e., reduced based on actual monies spent).
10. Confirm E-911 addressing with JoAnn Fisk at the Biddeford Police Department.
11. If requested by the Planning Department, copies of maintenance logs for the catch basins shall be provided to the City.
12. 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.
13. 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 approval.

8. NEXT STEPS/SUGGESTED BOARD ACTIONS

- Consider granting final Site Plan/Subdivision/Conditional Use/Shoreland Zoning approval based on the conditions outlined above.

9. SAMPLE MOTIONS

- A. *Motion to grant the waivers identified in the Staff Report dated October 31 regarding parking and lighting/photometrics..*
- B. *Motion to approve the Final Subdivision and Site Plan, including necessary conditional use permits and shoreland zoning permits, for DRAFT ROOM, LLC for a mixed-use development project, including 71 residential units, at 24 Pearl Street (Tax Map 71, Lot 9) in the MSRD-3 zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated October 30, 2019.*
- C. *Motion to deny the project based upon the following reasons:*

a) _____
b) _____

ATTACHMENTS:

1. Application and supporting materials.
2. Draft Findings of Fact