City of Biddeford
Planning Board
November 02, 2016 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 October19, 2016
November 2, 2016.docx

5.B. B 2015.10 The Release/Reduction in the Performance Guarantee for: Gervais Dube Properies, Inc an 18-Unit Condominium Project with (9) 2-Unit Duplexes of Chicopee Ln (Tax Map 7, Lot 14-1) in the R3 zone.
2015.10 Dube Condo Shed Amendment SR 101916.docx

6 UNFINISHED BUSINESS
7 NEW BUSINESS

7.A. A. 2016.29 Determination o Greatest Practical Extent: for James Lowell to move hi home 25' back from an embankment that is failing. The property is located at 499 South Street (Tax Map 2, Lot 14-1) in the SR-1 and RP-1 zone.
2016.29 Lowell GPE FOF 110216.docx

2016.29 Lowell GPE SR 110216.docx

7.B. B. 2015.30 Final Subdivision/Conditional Use Permit/Site Plan Review: for RSN Properties for Rapid Falls Subdivision for an 8-lot residential cluster subdivision on Whitewater Drive (Tax Map 6, Lot 26) in the RF zone.
2015.30 RSN Properties FINAL SR 110216.docx

2015.30 RSN Properties FOF 110216.docx

7.C. C. 2016.26 Public Hearing Zone Amendment: for Five Star Holdings, LLC to rezone two parcels that are at 360 Alfred Street and 4 Summit Street from R1-A zone to B-2 zone (Tax Map 27, Lots 166 and 167).
2016.26 Five Star Holdings Zone Change SR 110216.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.

Planning Board Agenda Item Report

Agenda Item No. 2016-207
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: November 2, 2016

SUBJECT
A. Consideration of Minutes October19, 2016

Recommendation:

ATTACHMENTS
- November 2, 2016.docx

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD
REGULAR AGENDA

Date: Wednesday, November 2, 2016
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE
2. DECLARATION OF QUORUM/VOTING MEMBERS
3. ADJUSTMENTS TO THE AGENDA
4. PLANNER'S BUSINESS
5. CONSENT AGENDA
   A. Consideration of Minutes October 19, 2016
   B. 2015.10 The Release/Reduction in the Performance Guarantee for: Gervais Dube Properties, Inc an 18-Unit Condominium Project with (9) 2-Unit Duplexes off Chicopee Ln (Tax Map 7, Lot 14-1) in the R3 zone.
6. UNFINISHED BUSINESS
7. NEW BUSINESS
   A. 2016.29 Determination of Greatest Practical Extent: for James Lowell to move his home 25' back from an embankment that is failing. The property is located at 499 South Street (Tax Map 2, Lot 82-2) in the SR-1 and RP-1 zone.
   B. 2015.30 Final Subdivision/Conditional Use Plan Review: for RSN Properties for Rapid Falls Subdivision for an 8-lot residential cluster subdivision on Whitewater Drive (Tax Map 6, Lot 26) in the RF zone.
   C. 2016.26 Public Hearing Zone Amendment: for Five Star Holdings, LLC to rezone two parcels that are at 360 Alfred Street and 4 Summit Street from R1-A zone to B-2 zone (Tax Map 27, Lots 166 and 167).
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.

Planning Board Agenda Item Report

Agenda Item No. 2016-208
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: November 2, 2016

SUBJECT
B 2015.10 The Release/Reduction in the Performance Guarantee for: Gervais Dube Properies, Inc an 18-Unit Condominium Project with (9) 2-Unit Duplexes of Chicopee Ln (Tax Map 7, Lot 14-1) in the R3 zone.

Recommendation:

ATTACHMENTS

- 2015.10 Dube Condo Shed Amendment SR 101916.docx

CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P., City Planner
205 Main Street
PO Box 586
Biddeford, ME 04005

PLANNING BOARD REPORT

TO: Sue Deschambeault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: October 12, 2016

RE: NEW BUSINESS ITEM #A - 2015.10 Amendment to a previously approved Subdivision/Conditional Use Permit/Site Plan to allow for a 6'x12' shed in the rear of each duplex building to be shared by two units in an 18-Unit Condominium Project with (9) 2-Unit Duplexes off Chicopee Ln (Tax Map 7, Lot 14-1) in the R3 zone.

MEETING DATE: OCTOBER 19, 2016 @ 6:00 PM

---

1. INTRODUCTION

The applicant was approved for an 18-Unit Condominium Project comprised of 9 buildings with 2-Units per building on August 5, 2015 off Chicopee Ln. Since that time the applicant, Gervais Dube, has recognized a desire/need to install a detached 6'x12' storage shed behind each building for the joint use of the condo unit owners. Since this was approved via a Subdivision, Conditional Use Permit, and Site Plan Review Staff felt it most appropriate for the application for the amendment to allow the sheds to come back before the Planning Board for consideration.

Staff have no issues with the proposed amendment and feel it would also improve aesthetics by providing owners locked, out-of-sight storage for items.

2. PROJECT DATA/INFORMATION

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Gervais Dube Properties, Inc. 23 Jefferson Street Biddeford, ME 04005
2.	Owner of Property:	Gervais Dube Properties, Inc. 23 Jefferson Street Biddeford, ME 04005
3.	Agent:	BH2M Engineers, 28 State Street, Gorham, ME 04038 C/o William Thompson
4.	Project Location:	Off Chicopee Lane
5.	Project Tax Map #/Lot #:	Tax Map 7, Lot 14-1
6.	Existing Zoning:	R-3
7.	Overlay Zoning:	None.
8.	Existing Use:	Condominium PUD under construction
9.	Proposed Use:	18 Unit Condominium PUD with 9 Buildings, 2-Units Each.
10.	Approvals Required:	Subdivision/Conditional Use Permit/Site Plan (PUD)
11.	Uses in the Vicinity:	Residential Single-family, Planned Unit Development (24-Units on Chicopee Lane)
13.	Number of Lots/Units in Subdivision:	18 Units
14.	Minimum Lot Size Required: Provided:	15,000 SF for the 1st 2 Units, 6,000 SF for each additional unit @ 18 units = 111,000 SF. 502,987 SF
15.	Frontage Required: Provided:	50 feet (50% of 100 feet as per PUD). 114 feet
16.	Front Setback Required: Provided:	40 feet 40 feet
17.	Side Setbacks Required: Provided:	25 feet 25 feet
18.	Rear Setback Requires: Provided:	10 feet 10 feet
19.	Height Requirements: Provided:	Maximum 35 feet. Maximum 35 feet.
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:	None.
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Chicopee Lane is a City Road
30.	Financial Capacity Letter:	Applicant has provided a letter from Biddeford Savings Bank which demonstrates Financial Capacity.
31.	Waivers Needed:	a. Traffic Study.
32.	Waivers Granted:	a. Traffic Study.
33.	Variances Needed for Approval:	None.
34.	Other Approvals Required:	Sewer Permit.
35.	Other Permits Obtained:	None.
36.	Other Non-City Permits Required:	Maine DEP Stormwater.

37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None.
38.	LDR Attachment A: Fess Paid:	All fees paid.
39.	Planning Board Review History: Amendment Review:	 October 19, 2016 (Posted in City Hall 10/5/2016; Journal Tribune posting 10/7/2016; Mail Notices to all abutters within 250' sent 10/12/2016 – 65 notices sent).

3. EXISTING CONDITIONS

Condominium Project under construction.

4. PROJECT PROPOSAL

To amend a previously approved condominium project to allow for the construction of 9 sheds, each to serve 2-units, in the rear of the 2-unit buildings.

5. PUBLIC COMMENT

As of October 12, 2016, the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- No Public Comments have been received.

6. STAFF REVIEW

a. ZONING: The proposed use (Multi-Family PUD) is a Conditional Use (C) in the R-3 Zone.

b. REVIEW STANDARDS: Amendment to a previously approved Subdivision, Conditional Use Permit, and Site Plan.

c. WAIVERS: Applicant has been granted a waiver from a traffic study.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO THE AUGUST 5, 2015 MEETING:

1. Does the addition of the 9 sheds require a Stormwater Permit amendment from Maine DEP?
2. Has BH2M verified stormwater capacity for the additional impervious?
3. Provide 2 mylars & 2 paper plans of the signature sheet provided to the Planning Department not later than Tuesday, October 18, 2016 by noon.

7. STAFF RECOMMENDATION

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

1. Prior to the issuance of any building permits for the shed:

a. A copy of the recorded signature sheet plan must be provided to the Planning Department.
b. A copy of the registered condominium association documents must be provided to the Planning Department.

2. 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.
3. All previous Conditions of Approval from the August 15, 2015 approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting approval of the amended Subdivision, Conditional Use Permit, and Site Plan.

9. SAMPLE MOTIONS

A. Motion to approve the Amendment to the previously approved Subdivision, Conditional Use Permit, and Site Plan for Stonehill Condominiums for nine (9) 2-Unit Duplexes off Chicopee Lane (Tax Map 7, Lot 14-1) in the R3 zone, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated October 12, 2016.

B. Motion to deny the amendment based upon the following reasons:
*a)*_____
*b)*_____

ATTACHMENTS

1. Applicant's September 13, 2016 Submission Packet from BH2M Engineers.
2. Draft Findings of Fact and Conclusions of Law.

Planning Board Agenda Item Report

Agenda Item No. 2016-209
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: November 2, 2016

SUBJECT
A. 2016.29 Determination o Greatest Practical Extent: for James Lowell to move hi home 25' back from an embankment that is failing. The property is located at 499 South Street (Tax Map 2, Lot 14-1) in the SR-1 and RP-1 zone.

Recommendation:

ATTACHMENTS
- 2016.29 Lowell GPE FOF 110216.docx
- 2016.29 Lowell GPE SR 110216.docx

FINDINGS OF FACT AND CONCLUSIONS OF LAW
SHORELAND ZONING DETERMINATION OF GREATEST PRACTICAL EXTENT

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

Findings of Fact:

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	James Lowell 499 South Street Biddeford, ME 04005
2.	Owner of Property:	James Lowell 499 South Street Biddeford, ME 04005
3.	Agent:	None
4.	Surveyor:	Dow & Coulombe Inc. 13 Park Street Saco, ME 04072
4.	Project Location:	499 South Street
5.	Project Tax Map #/Lot #:	Tax Map 2, Lot 82-2
6.	Existing Zoning:	SR-1
7.	Overlay Zoning:	Resource Protection 1 (RP-1) Shoreland Zone
8.	Existing Use:	Single-family home
9.	Proposed Use:	Single-family home
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Primarily Residential Single-family
12.	Dimensional Requirements:	Residential structure to be relocated the Greatest Practical Extent from the resource as depicted on the approved plans signed by Dow & Coulombe dated October 17, 2016 (last revised October 26, 2016) by entitled "PLAN SHOWING A BOUNDARY SURVEY AND PROPSED HOUSE RELOCATION FOR JAMES R. LOWELL AND THERESE A. LOWELL" considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	43,560 SF +/-
14.	Floodplain Status:	None apparent (to be determined by the Code Enforcement Office)
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.

DRAFT

19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit may be required
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	November 2, 2016 (Posted in City Hall October 21, 2016; Journal Tribune posting October 21, 2016; Mail Notices to all abutters within 250' sent October 24, 2016 - 11 notices sent).

Conclusions of Law:

1. The Planning Board has determined that based on the following factors, as outlined in Article XIV (Shoreland Zoning), Section 12.C.2. (Land Use Standards) of the Land Development Regulations, the approved plan for signed by the Planning Board on December 16, 2015 demonstrates the limits of the Greatest Practical Extent setback from the resource:

    a. The size of the lot limits the ability to locate further from the resource;
    b. The slope of the land limits the ability to locate further from the resource;
    c. The potential for soil erosion limits the ability to locate further from the resource;
    d. The location of other structures on the property and on adjacent properties limits the ability to locate further from the resource;
    e. The location of the septic system and other on-site soils suitable for septic systems limits the ability to locate further from the resource; and
    f. The type and amount of vegetation to be removed to accomplish the relocation limits the ability to locate further from the resource.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board grants the determination of Greatest Practical Extent for the James and Therese Lowell for the proposed project summarized above, located at Map 2, Lot 82-2, City of Biddeford Tax Maps, in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

Conditions of Approval:

Standard Shoreland Zoning Requirements related to Greatest Practical Extent as follows:

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. Prior to any ground disturbance:
    a. Maine DEP NRPA Permit (if required) must be obtained.
    b. Consult the Code Enforcement Office regarding a determination of Floodplain status.

DRAFT

_____
Planning Board Chairman

_____
Date

CITY OF BIDDEFORD
PLANNING DEPARTMENT

2016.29

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
gtansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: Sue Deschambault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: October 26, 2016

RE: NEW BUSINESS ITEM #A – 2016.29 Determination of Greatest Practical Extent for James Lowell to move his home 25' +/- back from an embankment that is failing. The property is located at 499 South Street (Tax Map 2, Lot 82-2) in the SR-1 and RP-1 zone.

MEETING DATE: November 2, 2016

---

1. INTRODUCTION

The applicant is proposing to relocate an existing structure at 499 South Street. It is located adjacent to Swan Pond Brook and is in an RP-1 Shoreland Zone. As such, it is considered non-conforming since residential uses are not permitted in RP-1. The reason for the relocation is due to the slope of the land and a failing foundation and the applicant is fearful he may lose the house if it is not moved further away from Swan Pond Brook.

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The existing house is fully within the 250' Resource Protection (RP) Zone. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.2 (Relocation). The relevant considerations for Greatest Practical Extent are as follows:

The Planning Board shall consider:

- *the size of the lot,*
- *the slope of the land,*
- *the potential for soil erosion,*
- *the location of other structures on the property and on adjacent properties,*
- *the location of the septic system and other on-site soils suitable for septic systems, and*

- *the type and amount of vegetation to be removed to accomplish the relocation.*

The applicant has provided a plan that proposes the structure be relocated approximately 23' +/- back from the bank. The reason that they are proposing it not be placed any further back is due to the nature of the under-the-house garage which faces the driveway, which if it were any further back, would become inaccessible. They are also relocating it on existing pavement minimizing the amount of vegetation disturbance.

2. PROJECT DATA/INFORMATION

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	James Lowell 499 South Street Biddeford, ME 04005
2.	Owner of Property:	James Lowell 499 South Street Biddeford, ME 04005
3.	Agent:	None
4.	Surveyor:	Dow & Coulombe Inc. 13 Park Street Saco, ME 04072
4.	Project Location:	499 South Street
5.	Project Tax Map #/Lot #:	Tax Map 2, Lot 82-2
6.	Existing Zoning:	SR-1
7.	Overlay Zoning:	Resource Protection 1 (RP-1) Shoreland Zone
8.	Existing Use:	Single-family home
9.	Proposed Use:	Single-family home
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Primarily Residential Single-family
12.	Dimensional Requirements:	Residential structure to be relocated the Greatest Practical Extent from the resource as depicted on the approved plans signed by Dow & Coulombe dated October 17, 2016 (last revised October 26, 2016) by entitled "PLAN SHOWING A BOUNDARY SURVEY AND PROPSED HOUSE RELOCATION FOR JAMES R. LOWELL AND THERESE A. LOWELL" considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	43,560 SF +/-
14.	Floodplain Status:	None apparent (to be determined by the Code Enforcement Office)

DRAFT

15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit may be required
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	November 2, 2016 (Posted in City Hall October 21, 2016; Journal Tribune posting October 21, 2016; Mail Notices to all abutters within 250' sent October 24, 2016 - 11 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home on it with a septic system. The closest corner of the house is approximately 40' from the top of the bank of Swan Pond Brook.

4. PROJECT PROPOSAL

Relocation of the existing structure 23' +/- back from Swan Pond Brook.

For the Final Review, the notice was posted in City Hall on October 21, 2016. It was also posted in the Journal Tribune on October 21, 2016. Mailing notices were also sent out to all abutters within 250' on October 24, 2016 – 11 notices were sent out.

As of October 25, 2016 the following Public Comments have been received regarding the public hearing notices regarding the proposed project:

- No Public Comments have been received.

5. STAFF REVIEW

a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the SR-1 Zones. It is not permitted in RP-1 and the existing house is considered non-conforming.

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. Submit 2 Paper Copies of full size plan and one mylar no later than Wednesday, November 2, 2016 at NOON.

6. STAFF RECOMMENDATION

Staff is of the opinion that the plan exhibits a proposal that meets the Greatest Practical extent criteria and the intent of the Ordinance.

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. Prior to any ground disturbance:
    a. Maine DEP NRPA Permit (if required) must be obtained.
    b. Consult the Code Enforcement Office regarding a determination of Floodplain status.

7. NEXT STEPS/SUGGESTED ACTIONS

Consider the criteria above for being located to the Greatest Practical Extent away from the resource give the constraints presented.

8. SAMPLE MOTIONS

A. Motion to approve the Determination of Greatest Practical Extent for James Lowell based on the approved plans for 499 South Street (Tax Map 2, Lot 82-2), approve the

findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated October 26, 2016.

B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*
*a)*_____
*b)*_____

ATTACHMENTS

1. Application form.
2. Plan dated October 17, 2016 plan (last revised October 26, 2016) produced by Dow & Coulombe, Inc.
3. Draft Findings of Fact and Conclusions of Law.

DRAFT

Planning Board Agenda Item Report

Agenda Item No. 2016-210
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: November 2, 2016

SUBJECT
B. 2015.30 Final Subdivision/Conditional Use Permit/Site Plan Review: for RSN Properties for Rapid Falls Subdivision for an 8-lot residential cluster subdivision on Whitewater Drive (Tax Map 6, Lot 26) in the RF zone.

Recommendation:

ATTACHMENTS

- 2015.30 RSN Properties FINAL SR 110216.docx
- 2015.30 RSN Properties FOF 110216.docx

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD REPORT

TO: Sue Deschambeault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: October 26, 2016

RE: NEW BUSINESS ITEM # B. 2015.30 Final Subdivision Plan/Conditional Use Permit Review for RSN Properties for Rapid Falls Subdivision for an 8-lot residential cluster subdivision on Whitewater Drive (Tax Map 6, Lot 26) in the RF zone.

MEETING DATE: August 3, 2016 @ 6:00 PM

---

1. INTRODUCTION

The applicant was before the Planning Board in August 2015 for a conceptual review of a proposed 7-Lot residential cluster subdivision off the end of Whitewater Drive. At that time the Board had little comments regarding the proposal and *approved* the Waiver for a Wildlife Study – Part III (Land Development Regulations), Article VI (Performance Standard), Section 70 (Wildlife Preservation), B. The Board also determined that the proposal constituted a Major Subdivision.

Subsequent to the meeting, the applicant appeared before the City Council requesting 2 waivers from the street standards for public streets since the intent has been to have the street accepted by the City once completed. The City Council granted the 2 waivers, being:

1. To waive the requirements for a sidewalk. Instead the developer will construct a 3-foot paved walkway as indicated on the submitted Planning Board Concept Subdivision Plans. The Council as part of this waiver further states that any future sidewalk construction on Whitewater Drive shall be the sole responsibility of the property owners on Whitewater Drive.
2. To waive the maximum street length of 1,500 feet given the installation of a 10,000 gallon cistern as indicated on the submitted Planning Board Concept Subdivision Plans.

Both of these waivers are reflected on the FINAL Plan submission.

The applicant received Preliminary Subdivision approval on August 3, 2016.

2. PROJECT DATA/INFORMATION

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	RSN Properties C/o Jonathon Robertson 8 Whitewater Drive Biddeford, ME 04005
2.	Owner of Property:	RSN Properties C/o Jonathon Robertson 8 Whitewater Drive Biddeford, ME 04005
3.	Agent:	SGC Engineering, LLC C/o Michael R. Roy 501 County Road Westbrook, ME 04092
4.	Project Location:	Off Whitewater Drive
5.	Project Tax Map #/Lot #:	Tax Map 6, Lot 26
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	Limited Residential
8.	Existing Use:	Vacant
9.	Proposed Use:	8-Lot Cluster Subdivision
10.	Approvals Required:	Subdivision Approval
11.	Uses in the Vicinity:	Residential Single-family
13.	Number of Lots in Subdivision:	8 Lots
14.	Minimum Lot Size Required: Provided:	20,000 SF (Net) > 20,000 SF (Net)
15.	Frontage Required: Provided:	100 feet > 100 feet
16.	Front Setback Required: Provided:	25 feet 25 feet
17.	Side Setbacks Required: Provided:	15 feet 15 feet
18.	Rear Setback Requires: Provided:	15 feet 15 feet
19.	Height Requirements: Provided:	Maximum 35 feet. Maximum 35 feet.
20.	Water Supply:	Private Wells
21.	Sewerage Disposal:	Private On-site Septic Systems
22.	Solid Waste Disposal:	City of Biddeford (if road is accepted as a City Street)
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Buildable sites are not in a floodplain.
25.	Wetland/Surface Water Impacts:	Minimal to Lot 7.
26.	Soil Study Provided:	Tom Milligan, P.E., S.E.

29.	Ownership of Road:	Private unless accepted as a City Street.
30.	Open Space Provided:	13.44 Acres +/-
31.	Financial Capacity Letter:	Provided by Gorham Savings Bank.
32.	Waivers Needed:	a. Wildlife Study – Part III (Land Development Regulations), Article VI (Performance Standard), Section 70 (Wildlife Preservation), B. b. Groundwater well location on plans waiver – Chapter 66 (Subdivisions), Section 35.a.17.
33.	Waivers Granted:	a. Wildlife Study – Part III (Land Development Regulations), Article VI (Performance Standard), Section 70 (Wildlife Preservation), B. b. Groundwater well location on plans waiver – Chapter 66 (Subdivisions), Section 35.a.17.
34.	Variances Needed for Approval:	None.
35.	Other Approvals Required:	Saco River Corridor Commission for the septic system to be partially constructed within 500' of the River.
36.	Other Permits Obtained:	Saco River Corridor Commission for the septic system to be partially constructed within 500' of the River.
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	Open space easements, drainage and utility easements, and a trail easement as depicted on the plans. Draina
38.	LDR Attachment A: Fess Paid:	Concept and Preliminary Review Fees Paid. Final Review Fees Not Yet Paid.
39.	Planning Board Review History: Conceptual Review: Preliminary Review and Approval of Subdivision: Final Review and Approval:	 August 5, 2015 (Posted in City Hall July 7/21/15; Journal Tribune posting 7/24/15; Mail Notices to all abutters within 250' sent 7/17/15 – 6 notices sent) August 3, 2016 (Posted in City Hall July 21, 2016; Journal Tribune posting July 25, 2016; Mail Notices to all abutters within 250' sent July 21, 2016 – 6 notices sent) November 2, 2016 (Posted in City Hall October 21, 2016; Journal Tribune posting October 21, 2016; Mail Notices to all abutters within 250' sent October 24, 2016 – 6 notices sent)

3. EXISTING CONDITIONS

The existing land is vacant, has some wetlands scattered throughout the area between the proposed road and the Saco River (although most are identified on the plan as outside the development window other than an isolated wetland on Lot 7). There are some floodplain areas, but they are close to the river and are part of the open space areas.

4. PROJECT PROPOSAL

To extend Whitewater Drive and create 8 new residential house lots in a cluster subdivision.

5. PUBLIC COMMENT

Concept Review:

For the Conceptual Review, the notice was posted in City Hall on July 21, 2015. It was also posted in the Journal Tribune on July 24, 2015. Mailing notices were also sent out to all abutters within 250' on July 17, 2015 – 6 notices were sent out.

As of July 29, 2015 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- The abutter to the west asked about the ability to extend Whitewater Drive onto his property in the future.

Preliminary Review:

For the Preliminary Review, the notice was posted in City Hall on July 21, 2016. It was also posted in the Journal Tribune on July 25, 2016. Mailing notices were also sent out to all abutters within 250' on July 21, 2016 – 6 notices were sent out.

As of July 21, 2016 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- *Notices had not been received by abutters at the time this report was generated.*

Final Review:

For the Final Review the notice was posted in City Hall on October 21, 2016. It was also posted in the Journal Tribune on October 21, 2016. Mailing notices

were also sent out to all abutters within 250' on October 24, 2016 – 6 notices were sent out.

As of October 26, 2016 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- *Notices had likely not been received by abutters at the time this report was generated.*

6. STAFF REVIEW

a. ZONING: The proposed use which is a cluster subdivision is a Conditional Use (C) in the R-F Zone.

b. REVIEW STANDARDS: Final Subdivision Review.

c. WAIVERS:

1) Wildlife Study – Part III (Land Development Regulations), Article VI (Performance Standard), Section 70 (Wildlife Preservation), B. – GRANTED
2) Groundwater well location on plans waiver – Chapter 66 (Subdivisions), Section 35.a.17. – NOT YET GRANTED

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. The outstanding fee of $3,040.00 ($40.00 Admin + $500.00 Final Review Fee +$2,500.00 Engineering Inspection Fee) is required prior to the November 2, 2016 Meeting. Total $3,540.00.
2. Relocate existing street sign (and new stop sign) to west side of intersection – Add note to plan.
3. Provide plan set - 1 mylar set & 1 paper set, as well as an additional mylar and paper of the signature sheet provided to the Planning Department not later than Tuesday, November 1, 2016 by NOON.

7. STAFF RECOMMENDATION

Since final septic locations are to be determined, actual well locations due to the proximity to the septic systems cannot be determined. Recommend granting the waiver.

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

1. Prior to any ground disturbance/site work the following must be completed:
   a. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements.

b. Erosion Control/Site Stabilization Bond of $87,995.00 must be submitted to the Planning Department.
c. The applicant must submit a recorded copy of the subdivision plan to the Planning Department.
d. Best management practices shall be adhered to during all ground disturbance operations.
e. Existing CMP culverts must be inspected and approved prior to being extended.

2. Prior to the sale or conveyance of a lot/unit or issuance of any building permits:
   a. A performance guarantee (acceptable to the Engineering Office) in the amount of 150% of the remaining improvements shall be submitted to the Planning Department. The total Performance Guarantee that would be required with no site improvements completed would be $383,401.20
   b. If the street is still private at the time a building permit is requested the driveway location needs to be approved of by the Planning Department to ensure compliance with the plan and City requirements prior to issuance of any permits.
   c. If the street is still private at the time a building permit is requested a copy of the registered homeowner's association documents must be provided to the Planning Department.
3. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
4. Prior to City acceptance of the road:
   a. The Homeowner's Association for Phase 2 shall be responsible for the handling of trash collection and disposal (private curbside or private dumpster) for both Phase 1 and 2 of Whitewater Drive subdivision(s) until such time as the City has accepted Whitewater Drive as a Public Street. No trash is permitted to be hauled to the intersection of River Road and Whitewater Drive for City collection. Alternatively, the residents/lot owners of Whitewater Drive may petition the Public Works Department for curbside trash collection on a private road.
   b. Existing CMP culvert not proposed to be extended must be inspected before accepted. Inspection shall include video inspection by the applicant/applicant's contractor.
   c. Existing street sign and new stop sign to be relocated to west side of Whitewater Drive.
   d. All Monuments shall be Granite.
5. 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.
6. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting final Subdivision approval and the Conditional Use Permit.

9. SAMPLE MOTIONS

A. *Motion to grant the waiver to providing well locations on the plan.*

B. *Motion to approve the Final Subdivision and Conditional Use Permit for RSN Properties for an 8-Lot Cluster Subdivision off the existing Whitewater Drive (Tax Map 6, Lot 26) in the RF zone, approve the findings of fact, and sign the mylars based on the conditions recommended by Staff in its report dated October 26, 2016.*

C. *Motion to deny Final Subdivision Approval/Conditional Use Permit based upon the following reasons:*
*a)*_____
*b)*_____

ATTACHMENTS

1. Applicant's October 2016 Submission Packet from SGC Engineers
2. Final Subdivision Plans prepared by SGC Engineers with latest Revision Date of 10/11/16
3. Draft Findings of Fact and Conclusions of Law

FINDINGS OF FACT AND CONCLUSIONS OF LAW
SUBDIVISION AND CONDITIONAL USE PERMIT REVIEW

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

Findings of Fact:

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	RSN Properties C/o Jonathon Robertson 8 Whitewater Drive Biddeford, ME 04005
2.	Owner of Property:	RSN Properties C/o Jonathon Robertson 8 Whitewater Drive Biddeford, ME 04005
3.	Agent:	SGC Engineering, LLC C/o Michael R. Roy 501 County Road Westbrook, ME 04092
4.	Project Location:	Off Whitewater Drive
5.	Project Tax Map #/Lot #:	Tax Map 6, Lot 26
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	Limited Residential
8.	Existing Use:	Vacant
9.	Proposed Use:	8-Lot Cluster Subdivision
10.	Approvals Required:	Subdivision Approval
11.	Uses in the Vicinity:	Residential Single-family
13.	Number of Lots in Subdivision:	8 Lots
14.	Minimum Lot Size Required: Provided:	20,000 SF (Net) > 20,000 SF (Net)
15.	Frontage Required: Provided:	100 feet > 100 feet
16.	Front Setback Required: Provided:	25 feet 25 feet
17.	Side Setbacks Required: Provided:	15 feet 15 feet
18.	Rear Setback Requires: Provided:	15 feet 15 feet
19.	Height Requirements: Provided:	Maximum 35 feet. Maximum 35 feet.
20.	Water Supply:	Private Wells
21.	Sewerage Disposal:	Private On-site Septic Systems
22.	Solid Waste Disposal:	City of Biddeford (if road is accepted as a City

		Street)
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Buildable sites are not in a floodplain.
25.	Wetland/Surface Water Impacts:	Minimal to Lot 7.
26.	Soil Study Provided:	Tom Milligan, P.E., S.E.
29.	Ownership of Road:	Private unless accepted as a City Street.
30.	Open Space Provided:	13.44 Acres +/-
31.	Financial Capacity Letter:	Provided by Gorham Savings Bank.
32.	Waivers Needed:	a. Wildlife Study – Part III (Land Development Regulations), Article VI (Performance Standard), Section 70 (Wildlife Preservation), B. b. Groundwater well location on plans waiver – Chapter 66 (Subdivisions), Section 35.a.17.
33.	Waivers Granted:	a. Wildlife Study – Part III (Land Development Regulations), Article VI (Performance Standard), Section 70 (Wildlife Preservation), B. b. Groundwater well location on plans waiver – Chapter 66 (Subdivisions), Section 35.a.17.
34.	Variances Needed for Approval:	None.
35.	Other Approvals Required:	Saco River Corridor Commission for the septic system to be partially constructed within 500' of the River.
36.	Other Permits Obtained:	Saco River Corridor Commission for the septic system to be partially constructed within 500' of the River.
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	Open space easements, drainage and utility easements, and a trail easement as depicted on the plans. Draina
38.	LDR Attachment A: Fess Paid:	Concept and Preliminary Review Fees Paid. Final Review Fees Paid.
39.	Planning Board Review History: Conceptual Review: Preliminary Review and Approval of Subdivision: Final Review and Approval:	 August 5, 2015 (Posted in City Hall July 7/21/15; Journal Tribune posting 7/24/15; Mail Notices to all abutters within 250' sent 7/17/15 – 6 notices sent) August 3, 2016 (Posted in City Hall July 21, 2016; Journal Tribune posting July 25, 2016; Mail Notices to all abutters within 250' sent July 21, 2016 – 6 notices sent) November 2, 2016 (Posted in City Hall October 21, 2016; Journal Tribune posting October 21, 2016; Mail Notices to all abutters within 250' sent October 24, 2016 – 6 notices sent)

Conclusions of Law:

General Review Standards: City of Biddeford Subdivision Ordinance:

66-10 The proposed subdivision is in conformance with the City of Biddeford Comprehensive Plan, local codes and regulations and state laws

66-11 The applicant will submit a performance guarantee, which satisfies the requirements of this ordinance

66-16 The subdivision plan reflects the building permit restrictions

66-35 All required information has been submitted and reviewed to the satisfaction of the Planning Board, including, but not limited to, surface water drainage, utilities, sanitary sewers, topography, lot lines and dimensions, use of property, proposed public areas, deed or option for purchase, fire lane areas, soil evaluation test pits, well locations, aesthetics, historic, and natural features, sedimentation and erosion control measures, easement documents, financial capability, covenants or deed restrictions, and city staff review.

66-38 Additional studies have been submitted and reviewed to the satisfaction of the Planning Board

66-70 A report on grades, drains, sewers, road surfacing has been submitted and reviewed to the satisfaction of the Planning Board

66-73 The Planning Board has approved of plans before construction of improvements

66-74 The subdivision plan indicates that lots have access to streets and have the required street frontage

66-76 The subdivision plan shows respect for natural features according to the Planning Board

66-77 The subdivision plan indicates trees, esplanades, open spaces and other landscaping as may be required

State Subdivision Law Review Criteria:

1. The proposed subdivision will not result in undue water or air pollution.

2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

3. The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be used.

4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition exists.

5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

6. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

7. The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized.

8. The proposed subdivision will not have an undue adverse effect on the natural or scenic beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

9. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.

10. The subdivider has adequate technical and financial capacity to meet the standards of the municipality.

11. Whenever situated partially or entirely within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

12. The proposed subdivision will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

13. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood prone area.

14. All wetlands within the proposed subdivision have been identified regardless of the size of the wetlands.

15. Any river, stream or brook within or abutting the proposed subdivision has been identified.

16. The proposed subdivision will provide for adequate stormwater management.

17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio of greater than 5:1.

18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

Conditional Use Permit Criteria:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;

3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;

4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;

5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;

6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;

7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;

8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties, which could be avoided by reasonable modification of the proposal;

9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal.

10. The proposed use would be in compliance with Biddeford's comprehensive plan;

11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;

12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;

13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;

14. Adequate provision has been made to control erosion or sedimentation;

15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;

16. The proposed water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)

17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;

18. The proposed use would not have an adverse impact on scenic vistas, historic sites, archeological resources, or on significant wildlife habitat or wetland areas and water bodies, which could be avoided by reasonable modification of the proposal;

19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.

Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Subdivision application of RSN Properties for the proposed project summarized above, located at Map 6, Lot 26 City of Biddeford Tax Maps, in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

Conditions of Approval:

1. Prior to any ground disturbance/site work the following must be completed:
   a. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements.
   b. Erosion Control/Site Stabilization Bond of $87,995.00 must be submitted to the Planning Department.
   c. The applicant must submit a recorded copy of the subdivision plan to the Planning Department.
   d. Best management practices shall be adhered to during all ground disturbance operations.
   e. Existing CMP culverts must be inspected and approved prior to being extended.
2. Prior to the sale or conveyance of a lot/unit or issuance of any building permits:
   a. A performance guarantee (acceptable to the Engineering Office) in the amount of 150% of the remaining improvements shall be submitted to the Planning Department. The total Performance Guarantee that would be required with no site improvements completed would be $383,401.20
   b. If the street is still private at the time a building permit is requested the driveway location needs to be approved of by the Planning Department to ensure compliance with the plan and City requirements prior to issuance of any permits.
   c. If the street is still private at the time a building permit is requested a copy of the registered homeowner's association documents must be provided to the Planning Department.
3. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.

4. Prior to City acceptance of the road:
   a. The Homeowner's Association for Phase 2 shall be responsible for the handling of trash collection and disposal (private curbside or private dumpster) for both Phase 1 and 2 of Whitewater Drive subdivision(s) until such time as the City has accepted Whitewater Drive as a Public Street. No trash is permitted to be hauled to the intersection of River Road and Whitewater Drive for City collection. Alternatively, the residents/lot owners of Whitewater Drive may petition the Public Works Department for curbside trash collection on a private road.
   b. Existing CMP culvert not proposed to be extended must be inspected before accepted. Inspection shall include video inspection by the applicant/applicant's contractor.
   c. Existing street sign and new stop sign to be relocated to west side of Whitewater Drive.
   d. All Monuments shall be Granite.
5. 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.
6. Standard Conditions of Approval apply.

_____
Planning Board Chairman

_____
Date

Planning Board Agenda Item Report

Agenda Item No. 2016-211
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: November 2, 2016

SUBJECT
C. 2016.26 Public Hearing Zone Amendment: for Five Star Holdings, LLC to rezone two parcels that are at 360 Alfred Street and 4 Summit Street from R1-A zone to B-2 zone (Tax Map 27, Lots 166 and 167).

Recommendation:

ATTACHMENTS

- 2016.26 Five Star Holdings Zone Change SR 110216.docx

2015.26

CITY OF BIDDEFORD
PLANNING DEPARTMENT

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
gtansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: Sue Deschambault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: October 26, 2016

RE: NEW BUSINESS ITEM #C - 2016.26 Public Hearing Zone Amendment: for Five Star Holdings, LLC to rezone two parcels that are at 360 Alfred Street and 4 Summit Street from R1-A zone to B-2 zone (Tax Map 27, Lots 166 and 167).

MEETING DATE: November 2, 2016 @ 6:00 PM

---

1. INTRODUCTION

The applicant (Five Star Holdings, LLC) has submitted a Zone Change Amendment request to rezone 360 Alfred Street and 4 Summit Street from R1-A to B-2. Their intent in doing so is to facilitate the development of a drive-through coffee shop (Starbuck's) and a possible financial establishment these properties and the former D'Angelos lot.

2. PUBLIC COMMENT

The Public Hearing notice was posted in City Hall on October 11, 2016 and again on October 21, 2016. It was also posted in the Journal Tribune on October 13, 2016 and again on October 21, 2016. Mailing notices were also sent out to all abutters within 1,000' on October 11, 2016 – 153 notices were sent out.

As of October 25, 2015, the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- Oner person read the paper and felt this was an inappropriate place for a Starbucks due to traffic.

The applicant also held a neighborhood meeting on October 20,2016. 17 members of the public attended.

If the zone change is approved by the City Council, it would still require Site Plan Review approval from the Planning Board, as well as a Maine DOT Traffic Movement Permit.

3. STAFF RECOMMENDATION

Staff recommends the Board conduct the Public Hearing, and make a recommendation either for or against the zone change to the City Council.

4. SAMPLE MOTIONS

Motion to send the above-presented Zoning Amendment to the City Council with a positive recommendation.

Motion to send the above-presented Zoning Amendment to the City Council with a negative recommendation for the following reasons:

_____
_____

Other:

ATTACHMENTS

1. Applicant's Zoning Change request
2. Rezoning Location Plan

DRAFT