City of Biddeford
Planning Board
November 01, 2017 6:00 PM City Hall
Council Chambers,

1. **PLEDGE OF ALLEGIANCE**
2. **DECLARATION OF QUORUM/VOTING MEMBERS**
3. **ADJUSTMENTS TO THE AGENDA**
4. **PLANNER'S BUSINESS**
5. **CONSENT AGENDA**
   - 5.A. A. Consideration of Minutes: October 4, 2017
     October 4, 2017.doc
6. **UNFINISHED BUSINESS**
7. **NEW BUSINESS**
   - 7.A. A. 2017.38 Determination of Greatest Practical Extent for 4 Ocean Edge Realty Trust (William Duplisea) to replace an existing house and upgrade the septic system at 4 Ocean Edge Lane (Tax Map 55, lot 11) in the CR & LR zones.
     2017.38 Duplisea GPE SR.docx
   - 7.B. B. 2017.39 Amendment to a Previously Approved Subdivision for Donald Dube to create two lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lot 86-3, 86-4, and 86-5) in the I-3 zone.
     2017.39 Dube 2 Lots SR 110117.docx
   - 7.C. C. 2017.40 Conceptual Subdivision/Amendment to a Previously Approved Subdivision for Donald Dube to create three lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lots 86-3, 86-4 and 86-5) in the I-3 zone.
     2017.40 Dube 3 Lots SR 110117.docx
   - 7.D. D. 2017.42 Site Plan Review/Subdivision for North Dam Mill, LLC to convert the top three floors of Building #15 into 51 residential apartments located at 2 Main Street (Tax Map 71, lot 11) in the MSRD-3 zone.
     2017.42 North Dam Mill Bldg 15 SR 110117.docx
   - 7.E. E. 2017.43 Conceptual Subdivision for 15 Bridge Road, LLC to create a 3-lot Subdivision located at 15 Bridge Road (Tax Map 69, Lot 8) in the CR and RP zones.
     2017.43 Bridge Rd LLC Concept SR 110117.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

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
MINUTES

Date: Wednesday October 4, 2017
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

   A. Quorum Present: Chair Larry Patoine, Richard Potvin II, Matthew Boutet, Jennifer Burke, Clement Fleurent (Alt voting member), Roch Angers (

3. ADJUSTMENTS TO THE AGENDA

4. PLANNER'S BUSINESS

5. CONSENT AGENDA

   A. Consideration of Minutes: September 6, 2017
   MOTION:
   - Boutet – Motion: to approve Consent Agenda.
   - Burke – Second.
   - Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

   A. 2017.34 Public Hearing, take comments, and make recommendations to City Council: regarding proposed amendments to the Land Development Regulations (Part III), Article VI (Performance Standards), Section 59 (Signs). The amendments would allow gas stations in any zone, except for the Institutional (IN) Zone, to have Electronic Message Centers (EMCs) to advertise fuel prices no larger than 9 square feet in size in the aggregate.
   Greg Tansley, City Planner: Brief Statement.
   Discussion between Board and Staff.
   Mike Swanton: Spoke on behalf of Sea Star Market.
   Discussion between Board and Staff.

   MOTION:
   - Boutet – Motion: to move to Council with a favorable recommendation.
   - Burke - Second.
   - Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

Draft

B. 2017.33 Determination of Greatest Practical Extent: for Sara Zipp to raise her home, porch and deck by 3 feet located at 16 Breakwater Ave (Tax Map 54, Map 3) in the CR and LR Shoreland zone.
Greg Tansley, City Planner: Brief Statement.
Sara Zipp, 16 Breakwater Ave: Would like to keep her home safe and secure.

MOTION:

- Boutet – Motion: to approve the Determination of Greatest Practical Extent for Sara Zipp based on the materials presented for 16 Breakwater Avenue (Tax Map 54, Lot 3) and approve the findings of fact based on the conditions recommended by Staff in its report dated September 27, 2017.
- Burke – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

C. 2017.35 Determination of Greatest Practical Extent: for Chris Cronkhite to raise his home by 3 feet located at 13 Sea Breeze Ave (Tax Map 54, Lot 7) in the CR and LR Shoreland zone.
Greg Tansley, City Planner: Brief Statement.
Chris Cronkhite, 13 Sea Breeze Ave: Spoke briefly
Discussion between Board, Staff and Applicant.

MOTION:

- Boutet – Motion: to approve the Determination of Greatest Practical Extent for Chris Cronkhite based on the materials presented for 13 Sea Breeze (Tax Map 54, Lot 7) and approve the findings of fact based on the conditions recommended by Staff in its report dated September 27, 2017.
- Burke – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

D. 2017.32 Re-approval of Site Plan: for LHL Holdings, LLC for 181 residential units, 107 seat restaurant, 10,000 sq. ft. gym and 18,000 sq. ft. commercial space located at 17 Lincoln Street (Tax Map 71, lot 5) in the MSRD-3 zone.
Greg Tansley, City Planner: Brief Statement.
Steve Dow, Sebago Technic: Everything on this project is the same.
John Tarbox, Pearl Street: Parking
Denis Angel, Ward 2: In favor of the project.
Discussion between Board, Staff and Applicant.

MOTION:

- Boutet – Motion: to approve the Site Plan for LHL holdings, LLC at Tax Map 71, Lot 5, approve the findings of fact, and sign the mylars based on the conditions recommended by Staff in its report dated September 27, 2017.
- Burke – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

8. OTHER BUSINESS

Greg Tansley, City Planner: let the Board know November is going to be a busy month as well and it look like we'll have a few more Public Hearings too.

9. ADJOURN

Draft

MOTION:

- Boutet – Motion: to Adjourn.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

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

Draft

2017.38

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD REPORT

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

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

DATE: October 25, 2017

RE: NEW BUSINESS ITEM #A – 2017.38 Determination of Greatest Practical Extent for 4 Ocean Edge Realty Trust (William Duplisea) to replace an existing house and upgrading the septic system at 4 Ocean Edge Lane (Tax Map 55, lot 11) in the CR & LR zones.

MEETING DATE: November 1, 2017

---

1. INTRODUCTION

The applicant is proposing a tear down and construction of a new house and septic system at 4 Ocean Edge Lane in Hills Beach. The existing house is non-conforming due to the Limited Residential District off of the Atlantic Ocean.

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The existing house is within the 100' Limited Residential (LR) 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:

- *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 primary case made by the applicant is related to the location of the proposed new septic system and required setbacks from it.

2. PROJECT DATA/INFORMATION

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	William Duplisea 16 Bruce Lane Newton, MA 02458
2.	Owner of Property:	William Duplisea 16 Bruce Lane Newton, MA 02458
3.	Agent:	Walsh Engineering Associates, Inc. 1 Karen Drive, Suite 2A Westbrook, ME 04092
4.	Surveyor:	Walsh Engineering Associates, Inc. 1 Karen Drive, Suite 2A Westbrook, ME 04092
4.	Project Location:	4 Ocean Edge Lane Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 55, Lot 11
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home(s).
9.	Proposed Use:	Single family home(s).
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans by Walsh Engineering Associates, Inc. entitled “Existing Site Conditions” considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	7,733 SF +/-
14.	Floodplain Status:	VE
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
21.	LDR Attachment A: Fess Paid:	Yes

22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	November 1, 2017 (Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 18 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home on it with a shed and a septic system (see attached plan).

4. PROJECT PROPOSAL

Demolition of the existing structure and construction of a new single-family home with a new septic system.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on October 23, 2017. It was also posted in the Journal Tribune on October 24, 2017. Mailing notices were also sent out to all abutters within 250' on October 23, 2017 – 18 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/LR Zones.
b.
c. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).

d. WAIVERS: None

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

1. On Walsh Plan C1.0:
    a. Correct General Note #7 "City of Biddeford".
    b. In Zoning Information Table What does Maximum Building Height refer to? For structures located less than 100' and more than 75' from HAT max height is 25' or height of the existing structure, whichever is greater. This will be determined by Code Enforcement so can be removed from plan.
    c. Minimum Street Frontage labelled incorrectly – should be 150'.
    d. Contact Code Enforcement for a determination of allowable Front Setback and Side Setbacks.
    e. Where is existing and proposed septic? HHE-200?
    f. Identify datum on plan.
    g. Will need a Signature Block with Date.
2. Photos in packet incorrectly labelled as "225 Sea Road".
3. Provide a minimum of 2 Paper Walsh Plans for signature by October 31, 2017 @ NOON. Provide additional plans if applicant and/or agent want 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.

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 give the constraints presented.

9. SAMPLE MOTIONS

A. *Motion to approve the Determination of Greatest Practical Extent for William Duplisea based on the approved plans for 4 Ocean Edge Lane (Tax Map 55, Lot 11) approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated October 24, 2017.*

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

ATTACHMENTS

1. Applicant's Application
2. Walsh Engineering Associates, Inc. plan entitled "Existing Site Conditions".
3. Draft Findings of Fact.

2017.39

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

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

DATE: October 25, 2017

RE: NEW BUSINESS ITEM #B – 2017.39 Amendment to a Previously Approved Subdivision for Donald Dube to create two lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lot 86-3, 86-4, and 86-5) in the I-3 zone.

MEETING DATE: November 1, 2017 @ 6:00 PM

---

1. INTRODUCTION:

The applicant proposes an amendment to a previously approved subdivision (being the Alfred Road Business Park) to re-divide a lot that consists of 6, 8, and 10 Pomerleau Street into two lots: 1) 6 Pomerleau Street; and 2) 8 and 10 Pomerleau Street.

2. PROJECT DATA/INFORMATION:

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Donald Dube 23 Meadow Lane Saco, ME 04072
2.	Owner of Property:	Eastern Mechanical Realty, LLC P.O. Box 518 8 Pomerleau Street Biddeford, ME 04005
3.	Agent:	N/A
4.	Surveyor:	Dow & Coulombe C/o Mike Coulombe 13 Park Street

		Saco, ME 04072
5.	Project Location:	6, 8, and 10 Pomerleau Street
6.	Project Tax Map #/Lot #:	Tax Map 2, Lot 86-3, 86-4, and 86-5
7.	Existing Zoning:	I-3
8.	Overlay Zoning:	None
9.	Existing Use:	Industrial/Commercial
10.	Proposed Use:	Divide 1 Lot into 2 Lots
11.	City Approvals Required:	Amendment to a Previously Approved Subdivision
12.	Uses in the Vicinity:	Commercial/Industrial/Retail/Restaurants/Ice Arena
13.	Parcel Size:	3.65 acres
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	None 1.648 Acres (6 Pomerleau Street) and 2.005 Acres (8 and 10 Pomerleau Street)
16.	Frontage Required:	50 feet
17.	Front Setback Required:	40 feet
18.	Side Setbacks Required:	25 feet
19.	Rear Setback Requires:	25 feet
20.	Height Requirements:	Maximum 6 stories or 60 feet
21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	Private
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Ownership of Road:	Route 111 is a State Road (in urban compact) and Pomerleau Street is a City Street
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	None
33.	Waivers Granted:	None
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	Yes

40.	Planning Board Review History: Amendment to a Previously Approved Subdivision Review:	November 1, 2017. Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 8 notices sent.

3. EXISTING CONDITIONS:

The property currently contains 3 buildings and is located between Route 111 and Pomerleau Street in the Alfred Road Business Park.

4. PROJECT PROPOSAL:

Re-divide the lot into 2 lots, one for 6 Pomerleau Street and the other for 8 and 10 Pomerleau Street.

5. PUBLIC COMMENT:

Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 8 notices sent.

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

6. STAFF REVIEW:

a. ZONING: N/A

b. REVIEW STANDARDS: Dimensional Requirements.

c. WAIVERS: None

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. None.

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. Applicant shall provide a copy of the recorded division plan and blanket easements within 15 days of recording.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting approval of the amendment to a previously approved subdivision based on the conditions outlined above (Recommended).

9. SAMPLE MOTIONS

A. Motion to approve the amendment to a previously approved subdivision for Donald Dube to re-divide 6, 8, and 10 Pomerleau Street into 2 lots, approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated October 25, 2017.

ATTACHMENTS:

1. Application
2. Division Plan
3. Draft Findings of Fact

2017.40

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

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

DATE: October 25, 2017

RE: NEW BUSINESS ITEM #C – 2017.40 Conceptual Subdivision/Amendment to a Previously Approved Subdivision for Donald Dube for threes lots located at 6, 8 and 10 Pomerleau Street (Tax Map 2, Lots 86-3, 86-4 and 86-5) in the I-3 zone.

MEETING DATE: November 1, 2017 @ 6:00 PM

---

1. INTRODUCTION:

The applicant proposes an amendment to a previously approved subdivision (being the Alfred Road Business Park) to re-divide a lot that consists of 6, 8, and 10 Pomerleau Street into three lots: 1) 6 Pomerleau Street; 2) 8 Pomerleau Street; and 3) 10 Pomerleau Street.

2. PROJECT DATA/INFORMATION:

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Donald Dube 23 Meadow Lane Saco, ME 04072
2.	Owner of Property:	Eastern Mechanical Realty, LLC P.O. Box 518 8 Pomerleau Street Biddeford, ME 04005
3.	Agent:	N/A
4.	Surveyor:	Dow & Coulombe C/o Mike Coulombe

		13 Park Street Saco, ME 04072
5.	Project Location:	6, 8, and 10 Pomerleau Street
6.	Project Tax Map #/Lot #:	Tax Map 2, Lot 86-3, 86-4, and 86-5
7.	Existing Zoning:	I-3
8.	Overlay Zoning:	None
9.	Existing Use:	Industrial/Commercial
10.	Proposed Use:	Divide 1 Lot into 2 Lots
11.	City Approvals Required:	Amendment to a Previously Approved Subdivision
12.	Uses in the Vicinity:	Commercial/Industrial/Retail/Restaurants/Ice Arena
13.	Parcel Size:	3.65 acres
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	None 1.648 Acres (6 Pomerleau Street) and 2.005 Acres (8 and 10 Pomerleau Street)
16.	Frontage Required:	50 feet
17.	Front Setback Required:	40 feet
18.	Side Setbacks Required:	25 feet
19.	Rear Setback Requires:	25 feet
20.	Height Requirements:	Maximum 6 stories or 60 feet
21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	Private
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Ownership of Road:	Route 111 is a State Road (in urban compact) and Pomerleau Street is a City Street
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	a. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval. b. Full Site Plan/Subdivision Review.
33.	Waivers Granted:	a. Full Subdivision Review Process to allow Final Approval of Subdivision/Site Plan

		foregoing Conceptual Review and Preliminary Subdivision Approval. b. Full Site Plan/Subdivision Review.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	Yes
40.	Planning Board Review History: Final Subdivision/Site Plan Review:	November 1, 2017. Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 8 notices sent.

3. EXISTING CONDITIONS:

The property currently contains 3 buildings and is located between Route 111 and Pomerleau Street in the Alfred Road Business Park.

4. PROJECT PROPOSAL:

Re-divide the lot into 3 lots, one for 6 Pomerleau Street, one for 8 Pomerleau, and one for 10 Pomerleau Street. This is a functional subdivision.

5. PUBLIC COMMENT:

November 1, 2017 Meeting Date: Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 8 notices sent.

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

6. STAFF REVIEW:

a. ZONING: N/A

b. REVIEW STANDARDS: Dimensional Requirements.

c. WAIVERS:

1) Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval.

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

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

2) Full Site Plan/Subdivision Review.

Waiver Note: Granting this waiver acknowledges that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

None.

7. STAFF RECOMMENDATION

Provide feedback to the applicant.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting the requested waiver for Full Subdivision Review (Recommended).

9. SAMPLE MOTIONS

A. Motion to determine the proposed subdivision is a minor subdivision.

B. Motion to waive the full Subdivision Review process to allow Preliminary and Final Approval of the Amended Subdivision and Subdivision at a subsequent meeting given there are no site improvements involved and that the Board determines that such variation will not adversely affect public convenience, safety, health and welfare.

ATTACHMENTS:

1. Application
2. Plan

2017.32

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

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

DATE: October 25, 2017

RE: NEW BUSINESS ITEM #D - 2017.42 Site Plan Review/Subdivision for North Dam Mill, LLC to convert the top three floors of Building #15 into 51 residential apartments located at 2 Main Street (Tax Map 71, lot 11) in the MSRD-3 zone.

MEETING DATE: November 1, 2017

---

1. INTRODUCTION

The applicant is seeking approval to construct 51 residential units in the top 3 floors of Building 15 in the North Dam Mill complex. 85 residential units were previously approved for this building as part of the campus master plan.

Parking:

- The Development Program calls for 69 parking spaces per Ordinance. At a .67 ratio (which is the ratio we are finding is reasonable) this would require an allocation of 47 parking spaces. Although the cover letter indicates a need for only 34 parking spaces, the parking plan (CS101) provides for the necessary 47 spaces at the .67 ratio.
- The applicant has demonstrated a current allocation of the 47 spaces as follows:
  - 31 spaces in the parking lots adjacent to Building 10 (North);
  - 15 spaces in the new parking lot which was formerly Building 16; and
  - 1 accessible parking space immediately adjacent to building 15.

2. PROJECT DATA

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	North Dam Mill, LLC 2 Main Street, Suite 17-301-E

		Biddeford, ME 04005
2.	Owner of Property:	North Dam Mill, LLC 2 Main Street, Suite 17-301-E Biddeford, ME 04005
3.	Agent:	Scott Joslin North Dam Mill, LLC 2 Main Street, Suite 17-301-E Biddeford, ME 04005
4.	Project Location:	Building #15, North Dam Mill
5.	Project Tax Map #/Lot #:	71/11
6.	Existing Zoning:	MSRD-3
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Vacant
9.	Proposed Use:	51 Residential Units in Floors 3, 4, and 5
10.	Approvals Required:	Site Plan Review/Subdivision
11.	Uses in the Vicinity:	Residential/Industrial/Commercial
12.	Review Standards:	Site Plan Review
13.	Parcel Size:	N/A
14.	Minimum Lot Size Required: Provided:	None N/A
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 or 26 feet N/A
20.	Water Supply:	Maine Water Company
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
27.	Ownership of Road:	Main Street is a City Street.
28.	Estimated Site Development Costs:	N/A
29.	Financial Capacity Letter:	N/A
30.	Waivers Needed:	a. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan

		foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval. b. Full Site Plan/Subdivision Review.
31.	Waivers Granted:	a. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval. Note: The Planning Board finds that this waiver is warranted and that public convenience, safety, health and welfare will not be affected adversely; b. Full Site Plan/Subdivision Review. Note: The Planning Board finds that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.
32.	Variances Needed for Approval:	None
33.	Other Permits Obtained:	N/A
34.	Other Non-City Permits Required:	None
35.	Covenants, By-laws, Restrictions Required by the Planning Board/SRC:	None
36.	LDR Attachment A: Fess Paid:	No
37.	Planning Board Review History: Planning Board Final Review:	November 1, 2017 Meeting. (Posted in City Hall October 23, 2017; Posted in Journal Tribune October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 – 17 notices sent)

3. EXISTING CONDITIONS

The Building is occupied by vacant. The purpose of this application is to approve 51 Residential Units for Floors 3, 4, and 5.

There are no Site Improvements proposed.

4. PROJECT PROPOSAL

- 51 residential units comprising of 33 1-Bedroom/Studio apartments and 18 2-Bedroom apartments.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on October 23, 2017. It was also posted in the Journal Tribune on October 24, 2017. Mailing notices were also sent out to all abutters within 250' on October 23, 2017 – 17 notices were sent out.

As of the date of this report the following comments have been received:

- No Public Comments have been received.

6. STAFF REVIEW

a. ZONING: N/A

b. REVIEW STANDARDS: N/A

c. WAIVERS:

i. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval.

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

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

ii. Full Site Plan/Subdivision Review.

Waiver Note: Granting this waiver acknowledges that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

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

1. Need one additional ADA space in close proximity to entrance, perhaps at end of diagonal spaces across from loading dock.
2. Submit remaining fees due of $240.00 (Basic Application Fee of $200, Administrative Fee of $40).

7. STAFF RECOMMENDATION

Staff are of the opinion that the waivers are warranted and that the project should be approved based on the Conditions provided in this report.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting final approval of the previously approved Site Plan. Recommended Conditions of Approval are as follows:

    1. Prior to any ground disturbance or issuance of any permits:
        a. The applicant must submit a recorded copy of the Notice of Decision to the Planning Department.
        b. A Sewer Permit must be completed as well as fees paid. 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.
    2. Prior to an occupancy Permit the applicant shall provide one (1) additional ADA parking space in close proximity to the entrance, location to be approved of by the City Planner.
    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. Standard Conditions of Approval apply.
    5. Confirm E-911 addressing with JoAnn Fisk at the Biddeford Police Department.
    6. If requested by the Planning Department, copies of maintenance logs for the catch basins shall be provided to the City.
    7. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc prior to commencing business, unless authority issuing said permit allows for such actions.

9. SAMPLE MOTIONS

A. Motion to determine the proposed subdivision is a major subdivision.

B. Motion to waive the full Subdivision Review process to allow Final Approval of Subdivision/Site Plan given there is no site disturbance involved and that the Board determines that such variation will not adversely affect public convenience, safety, health and welfare.

C. Motion to grant the waiver to Full Subdivision/Site Plan Review upon a determination that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

D. *Motion to approve the Final Subdivision and Site Plan for North Dam Mill, LLC for 51-units of housing at 2 Main Street, Building #15 (Tax Map 71, Lot 11) in the MSRD-3 zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated October 25, 2017.*

E. *Motion to deny the Site Plan/Subdivision approval upon the following reasons:*
*a)*_____
*b)*_____

ATTACHMENTS

1. Applicant's October 10, 2017 Submission packet.
2. Draft Findings of Fact and Conclusions of Law.

2017.43

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

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

DATE: October 25, 2017

RE: NEW BUSINESS ITEM #E – 2017.43 Conceptual Subdivision for 15 Bridge Road, LLC to create a 3-lot Subdivision located at 15 Bridge Road (Tax Map 69, Lot 8) in the CR and RP zones.

MEETING DATE: November 1, 2017 @ 6:00 PM

---

1. INTRODUCTION:

The applicant proposes and 3-Lot Subdivision off Bridge Road in the CR Zone. The back part of the property (off Biddeford Pool) is Resource Protection Shoreland Zone. A new road is proposed to serve two new lots, with the existing house continuing to have access off Bridge Road.

2. PROJECT DATA/INFORMATION:

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	15 Bridge Road, LLC 16 Carriage Drive Exeter, NH 03833 617-645-2496
2.	Owner of Property:	15 Bridge Road, LLC 16 Carriage Drive Exeter, NH 03833 617-645-2496

3.	Agent:	DM Roma Consulting Engineers C/o Jayson Haskell, P.E. 59 Harvest Hill Road Windham, ME 04062 207-229-3295
4.	Surveyor:	Survey, Inc. 79 Albion Road Windham, ME 04062
4.	Project Location:	15 Bridge Road
5.	Project Tax Map #/Lot #:	Tax Map 69, Lot 8
6.	Existing Zoning:	CR
7.	Overlay Zoning:	RP (outside of development area)
8.	Existing Use:	Single-family home
9.	Proposed Use:	3-lot Subdivision (2 new house lots)
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	3.88 acres
13.	Number of Lots/Units in Subdivision:	3 Residential Lots (2 new houses)
14.	Minimum Lot Size Required: Provided:	TBD Based on Soil Profiles
15.	Frontage Required:	150’
16.	Front Setback Required:	40’
17.	Side Setbacks Required:	25’
18.	Rear Setback Requires:	25’
19.	Height Requirements:	Maximum 35’
20.	Water Supply:	Public (KKW)
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:	None
26.	Soil Study Provided:	To be provided
29.	Ownership of Road:	Bridge Road is a City Street and this project proposes a private road off of Bridge Road.
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
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 Fees Only
41.	Planning Board Review History: Conceptual Review: Preliminary Review: Final Review:	 November 1, 2017 (Posted in City Hall October 23, 2017; Journal Tribune posting October 24, 2017; Mail Notices to all abutters within 250' sent October 23, 2017 - 14 notices sent). TBD TBD

3. EXISTING CONDITIONS:

The project site currently has a house on it close to Bridge Road (to remain) and is predominantly grassed.

View from Bridge Road (via Google Earth)

4. PROJECT PROPOSAL:

See attached cover letter, application package and Concept Plan for more information.

5. PUBLIC COMMENT:

Concept Review:

The notice was posted in City Hall on October 23, 2017. It was also posted in the Journal Tribune on October 24, 2017. Mailing notices were also sent out to all abutters within 250' on October 23, 2017 – 14 notices were sent out.

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

6. STAFF REVIEW:

a. ZONING: The proposed use is a Permitted Use in the CR Zone.

b. REVIEW STANDARDS: Subdivision Review.

c. WAIVERS: None.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO November 1, 2017:

1. None

e. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A PRELIMINARY APPLICATION PACKAGE:

1. Provide HHE-200's (test pits) for the proposed lots.
2. "Dug Well" is shown on plan in ROW. What is the plan for this "Dug Well"?
3. Show Driveway locations on plan.
4. Only needs a 40' paved apron. It appears plan sshows nearly a 80' paved apron. Why so large?
5. Show intersection radius on plan.
6. Remove existing driveway to ROW line (at a minimum).
7. Provide Draft Maintenance Agreement.
8. "Bridge Pool" should be "Biddeford Pool".
9. *"MAJOR RIGHT-OF-WAY, PRIVATE*
   The private right-of-way which provides access to a lot or parcel of land.

   Where two or more private rights-of-way provide or have the potential of providing access, the major right-of-way shall be the one on which the greater number of vehicles generally travel or have the potential of traveling. Where a public and a private right-of-way have the potential for providing access, the major right-of-way shall be the public right-of-way."

   In this case the major right-of-way is the proposed new private road. As such, 40' setback applies to the private road.
10. Submit a complete Preliminary Plan Application Package.

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

7. STAFF RECOMMENDATION:

- Determine the application is for a Major Subdivision (proposed roadway and proposed extension of water).

8. NEXT STEPS/SUGGESTED ACTIONS:

1. Submit complete Preliminary Subdivision Application Package.

9. SAMPLE MOTIONS:

Motion to determine the proposed subdivision is a major subdivision.

ATTACHMENTS:

1. Cover Letter, Application Package, and Conceptual Subdivision Plan.