

Biddeford Conservation Commission

Thursday, October 20, 2022

6:09 - pm

Attendees: R. Rhames, D. Rioux, E. Heumiller, M. Lowell, M. Atlas

Absent: C. Gastelum, B. Hadler

Guests: M. Grooms (City Planner; Staff Liaison)

1. Meeting Called to order at 18:09
2. Secretary's Report
3. Adjustments to agenda
 - a. n/a
4. Staff Announcements:
 - a. Shoreland Zone (Saco River Corridor) – no major updates
 - Future powerpoint will be provided when the time comes
 - Anticipated in October
 - Currently in Sketplan review with the planning board
 - R. Rhames concern –
 - b. City is preparing future land use map – **draft will be presented at the Planning Board September meeting**
5. Consent Agenda
 - a. *Motion to accept July and August meeting minutes as submitted - D. Rioux 6:12p*
 - *Second – M. Lowell 6:12*
 - *No discussion*
 - *Unanimous approval*
6. Planning Board Items
 - a. Hidden Hills
 - M. Grooms: Chamberlain reports that they hired a forester but they submitted the incorrect permit
 - M. Grooms: As part of their next report, they are expected to respond to the PB findings and the Mark Ward Report
 - Site walk took place earlier in the month -
 - **Pending request: Vernal Pool Analysis and Rare Plant Analysis @ C. Gastelum**
 - Elements of the report that speak to portions of the parcel that won't be developed need to be removed from the report
 - Mark to update report so that the waypoints that are in the report that speak to parts of the parcel that are not in the development be removed
 - Hidden Hills will resubmit preliminary approval in November to be seen by the Planning Board in December
 - Site law review was triggered in September, estimated completion is 6 months
 - “Having site law review completed prior to the planning board accepting a final application”
 - *Motion to make a primary recommendation to delay approval of any proposals before the DEP Site Law report has been completed. At a minimum, we recommend delaying final approval pending DEP report findings. - E. Heumiller 6:35*

- *Second - M. Atlas 6:35*
- Discussion:
 - M. Lowell question - why can't we get a site walk?
 - Site walk on 11/2 at 4:30p – M. Grooms will setup a meeting so we can all attend if we wish to
 - Access to Thatcher Brook and enhanced protections of the Brook – how can access to the Brook become more open to the public
- *Unanimous approval*
- Attorneys finding – state statute takes precedence on the density question of the site. The current layout is acceptable
- Manufactured housing is a building type, it is not related to “affordability”
- Under this plan, homeowners would own the home and rent the land
- Motion to pay Mark Ward \$646.10 for his current work on the report – D. Rioux 7:09
 - *Second - E. Heumiller 7:09*
 - No discussion
 - *All in favor*
- b. Andrews Road
 - M. Groom Project context:
 - Proposed: 216 residential units
 - Currently undeveloped, a road exists, mostly vegetated
 - Triggers permit needs:
 - Triggers traffic movement permit (Maine DOT will have to issue a permit for this project; likely a signal intersection)
 - DEP Stormwater Permit
 - Site Law Review, but won't be referred to DEP because it's in a priority growth area
 - Property is zoned as a business zone, this means they must pursue a contract zone so the city can set up an independent zone for this site to accommodate housing
 - \$500,000 have been put towards city's Affordable Housing Fund
 - Request has been made to add sidewalks or something to help make the area more accessible (walking or otherwise)
 - “Resort Style living”
 - Dog park, club house, pool etc
 - This has been to the Planning Board on 2 occasions (sketch plan review and initial proposal)
 - BCC Recommendations (needed by December):
 - Water pooling and runoff – look into groundwater contamination
 - What are the plans with the wetland areas? Will there be trails or other means for recreation?
 - HOA – limit the types of salt used in property management, request a “no-mow” buffer
 - Engage Mark Ward – what would you look into on this property?
 - *Motion to approve up to \$400 to solicit the advice of Mark Ward on this development project – E. Heumiller 7:50p*
 - *Second - M. Atlas*
 - No discussion
 - *Unanimous Approval*

c. 81 Guinea Road

■ Plan overview

- 20 acre parcel
- Right of way between 2 single family homes
- Create 4 new buildable lots in suburban residential zone
- Environmental impacts
 - Developer will be constructing a private roadway between the two properties
 - Stream crossing Moors Brook)
 - Wetlands and vernal pools on the property
 - Prime ag soils and soils of statewide significance

■ Questions:

- Non significant vernal pool
- What our requests are for minimal clearing
- Limitations on fertilizers, etc

d. 37 Newtown Road

- Vernal pools, turtles and poor soil
- Road record required
- Well water, individual or communal?

e. Comp Plan update – getting close

- Planning meeting on land use plan has taken place
 - Removing coastal areas from priority growth area and changing to limited growth area
 - Driven by LD 2003; so effectively we are limiting the development of more units along the coast
 - Request from city staff to make sure that housing units are available across all Biddeford needs
 - South Street Connector

f. City's role in DEP Site Law permits

- The email in the agenda packet lists what the restrictions and rules are around local land use being used to analyze Site Law Review – only in projects within Priority Growth Zones
- “Priority Growth Zones” – same as “designated growth area”

g. Pool Road Subdivisions

- They have been working with the saco river group to develop appropriately
- They require frontage on each lot – spaghetti lots (have been disallowed by the state)
- 3-5 lots, developer wants 5 lots
- Easements on the neighboring lot, and lawsuits between neighbors
- City has told developer that they cannot have spaghetti lots, have determined that there is no way to build 5 lots with frontage so they have changed the design
- 2 unbuildable lots will be in the plan and listed as “unbuildable” unless saco river changes their law

h. Thatcher brook

- Brook is too close to the buildings, lots of asphalt lots – trying to slow the runoff
- No more chop and drop (70 acres behind kohls)
- 26 morin street, requires site law review
 - 90 feet with no-mow

- Sterling Rope
 - Waiting for bids
- Barret Outdoor Living
 - Construct and install buffers
 - No Mow signage
 - Biddeford will get invoiced (?)
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7. Other Business:

a. *Motion to approve Mark Ward's proposal for comments on 81 Guinea Road and 37 Newtown Road - 8:17*

■ *Second - 8:18*

■ No discussion

■ *Unanimous*

8. *Motion to adjourn - R. Rhames 9:06*

a. *Unanimous*