

City of Biddeford
Planning Board
October 19, 2016/6:00 PM/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**
 - 5.A. Consideration of the Minutes of September 7, 2016

[September 7, 2016.doc](#)

- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**

- 7.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.

[2015.10 Dube Condo Shed Amendment SR 101916.docx](#)

[2015.10 Dube Condo Amendment FOF.docx](#)

- 7.B. 2016.23 Final Site Plan Review: for UNE to construct a new 7,000 sf. Office Building with additional proposed parking spaces at 588 Pool Street (Tax Map 51, Lot 18) in the IN zone.

[2016.23 UNE Business Office Final SR 101916.docx](#)

[2016.23 UNE Business Office FOF 101916.docx](#)

[Biddeford Gagnon 588 Pool Street HHE-200 and report 16-0533.pdf](#)

- 8. OTHER BUSINESS**
 - 8.A. Discussion/Workshop: Accessory Dwelling Units

- 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. 2016-155

Submitted by: Gregory Tansley

Submitting Department: Planning

Meeting Date: October 19, 2016

SUBJECT

Consideration of the Minutes of September 7, 2016

Recommendation:

ATTACHMENTS

- [September 7, 2016.doc](#)



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 MINUTES

Date: Wednesday, September 7, 2016
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE
2. DECLARATION OF QUORUM/VOTING MEMBERS
 - A. Quorum Present: Chair Susan Deschambault, Richard Potvin II, William Southwick, Matthew Boutet, Jennifer Burke (Alt. Voting member), Clement Fleurent (Alt. Non-Voting member).
3. ADJUSTMENTS TO THE AGENDA
4. PLANNER'S BUSINESS

Greg Tansley, Planner: Two things. The B2 zone change that we sent to the Council passed. The Shoreland Zoning changes passed at the first reading and was tabled at the second reading to further help people to understand the changes. From now till October 16 myself and Roby Fecteau are available if anyone has any questions regarding the changes. We also have all kinds of material on our website. The State would like us to have a confirmed expiration date for the non-conforming structures.
5. CONSENT AGENDA
 - A. Consideration of Minutes August 3, 2016MOTION:
 - o Southwick
 - Motion: to approve Consent Agenda item A.
 - o Potvin
 - Second.
 - o Chair Deschambault – Call for Vote
 - Unanimous Approval (4-0) passed.
6. UNFINISHED BUSINESS
7. NEW BUSINESS
 - A. 2016.17 Final Site Plan Review: for UNE to construct an addition to the Harold Alfond Forum to accommodate the newly formed UNE men's football program and women's NCAA rugby program located at 630 Pool Street (Tax Map 9, Lot 15) in the IN zone.

Greg Tansley, Planner: Brief Report.
Alan Thibeault, UNE: Gave a presentation.
Tom Saucier, Site Design Associates: Talked about the waiver they requested.

MOTION:

- o Southwick
- Motion: to grant the waiver to article 11:2.5. B 1.A to allow the rate of post development runoff to exceed the rate of pre development runoff as per the revised stormwater management report dated 9-7-2016.
- o Burke
- Second.
- o Chair Deschambault – Call for Vote
- Unanimous approval (4-0) passed.

MOTION:

- o Southwick
- Motion: to approve the Site Plan Application for the University of New England Harold Alfond Arena Expansion at Tax Map 9, Lot 15, approve the findings of facts, and sign the mylar based on the conditions recommended by Staff in its report dated May 12, 2016 with the additional condition of approval number ten showing evidence that the DEP has excepted the old runoff amounts.
- o Burke
- Second.
- o Chair Deschambault – Call for Vote
- Unanimous Approval (4-0) passed.
B. 2016.23 Conceptual Site Plan Review: for UNE to construct a new 7,000 sf. Office Building with additional proposed parking spaces, increasing the parking from 24 existing spaces to 40 spaces, at 588 Pool Street (Tax Map 51, Lot 18) in the IN zone.
Greg Tansley, Planner: Brief report.
Alan Thibault, UNE: Gave a presentation.
Discussion between Board, Staff and Applicant.

8. OTHER BUSINESS

9. ADJOURN

MOTION:

- o Potvin
- Motion: to Adjourn.
- o Southwick
- Second.
- o Chair Deschambault – Call for Vote
- Unanimous Approval (4-0) passed.
- Meeting Adjourned at 07:04:22 PM

Planning Board Chair

Date

These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.

Planning Board Agenda Item Report

Agenda Item No. 2016-156

Submitted by: Gregory Tansley

Submitting Department: Planning

Meeting Date: October 19, 2016

SUBJECT

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.

Recommendation:

ATTACHMENTS

- [2015.10 Dube Condo Shed Amendment SR 101916.docx](#)
- [2015.10 Dube Condo Amendment FOF.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

A handwritten signature in black ink, which appears to read "Greg Tansley", is written over the "FROM:" line.

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

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
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:	15,000 SF for the 1 st 2 Units, 6,000 SF for each additional unit @ 18 units = 111,000 SF.
	Provided:	502,987 SF
15.	Frontage Required:	50 feet (50% of 100 feet as per PUD).
	Provided:	114 feet
16.	Front Setback Required:	40 feet
	Provided:	40 feet
17.	Side Setbacks Required:	25 feet
	Provided:	25 feet
18.	Rear Setback Requires:	10 feet
	Provided:	10 feet
19.	Height Requirements:	Maximum 35 feet.
	Provided:	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

- ZONING: The proposed use (Multi-Family PUD) is a Conditional Use (C) in the R-3 Zone.
- REVIEW STANDARDS: Amendment to a previously approved Subdivision, Conditional Use Permit, and Site Plan.
- WAIVERS: Applicant has been granted a waiver from a traffic study.
- OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO THE AUGUST 5, 2015 MEETING:
 - Does the addition of the 9 sheds require a Stormwater Permit amendment from Maine DEP?
 - Has BH2M verified stormwater capacity for the additional impervious?
 - 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:

- 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.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
 SUBDIVISION/CONDITIONAL USE PERMIT/SITE PLAN**

Pursuant to the provisions of the City of Biddeford Code of Ordinances (Chapter 66) and Land Development Regulations, Articles XI (Site Plan Review) and Article VII (Conditional Uses), the Biddeford Planning Board has considered the application of the University of New England, 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:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
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:	15,000 SF for the 1 st 2 Units, 6,000 SF for each additional unit @ 18 units = 111,000 SF.
	Provided:	502,987 SF
15.	Frontage Required:	50 feet (50% of 100 feet as per PUD).
	Provided:	114 feet
16.	Front Setback Required:	40 feet
	Provided:	40 feet
17.	Side Setbacks Required:	25 feet
	Provided:	25 feet
18.	Rear Setback Requires:	10 feet
	Provided:	10 feet
19.	Height Requirements:	Maximum 35 feet.
	Provided:	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).

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.

General Conclusions related to Site Plan and Conditional Use Permits:

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.
20. The proposed project is in conformance with the University of New England Master Plan 2016-2021.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Site Plan Review application of the University of New England for the proposed project summarized above, located at Map 51, Lot 18 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:

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.

Planning Board Chairman

Date

Planning Board Agenda Item Report

Agenda Item No. 2016-157

Submitted by: Gregory Tansley

Submitting Department: Planning

Meeting Date: October 19, 2016

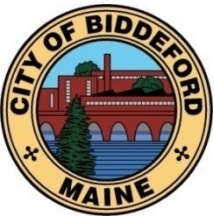
SUBJECT

2016.23 Final Site Plan Review: for UNE to construct a new 7,000 sf. Office Building with additional proposed parking spaces at 588 Pool Street (Tax Map 51, Lot 18) in the IN zone.

Recommendation:

ATTACHMENTS

- [2016.23 UNE Business Office Final SR 101916.docx](#)
- [2016.23 UNE Business Office FOF 101916.docx](#)
- [Biddeford Gagnon 588 Pool Street HHE-200 and report 16-0533.pdf](#)



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 Deschambault, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: October 12, 2016

RE: NEW BUSINESS ITEM #A – 2016.23 Final Site Plan Review: for UNE to construct a new 7,000 sf. Office Building with additional proposed parking spaces, increasing the parking at 588 Pool Street (Tax Map 51, Lot 18) in the IN zone.

MEETING DATE: October 5, 2016 @ 6:00 PM

1. INTRODUCTION

The applicant proposes the construction of a 7,000 square foot, single-story administrative office building along with additional parking at 588 Pool Street (Tax Map 51, Lot 18) in the IN Zone. The Planning Board reviewed the Conceptual Site Plan on September 7, 2016. During the meeting the following issues/concerns were discussed:

- Concerns were expressed regarding the functioning and safety of the shared entrance/exit with Sea Star Market.
- The Board asked that UNE provide updated photos of the buffer areas further into the fall in more leaf-off conditions.
- A question was asked about the structural capacity of the septic system to withstand vehicular traffic.

In response, UNE have provided:

- You will notice in the latest revised plans, based on comments from the Biddeford Fire Department, the shared entrance with Sea Star has been closed to UNE and UNE now has a separate entrance/exit onto Pool Street.
- UNE have not provided new photos, but are asked to do so at the October 5, 2016 Planning Board meeting.

- A letter as to the ability for the existing septic system to handle traffic running over it has been provided and is in the Planning Board packets. This is contingent on providing 18" of soil cover.

At a meeting between UNE and its representative agents and City Staff the issue of Fire/EMS access was discussed at length. UNE have been asked to revise the plans to improve access to the building.

This project was identified as "S3" in the recently approved University of New England Master Plan 2016-2021.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	University of New England 11 Hills Beach Rd Biddeford, ME 04005
2.	Owner of Property:	University of New England 11 Hills Beach Rd Biddeford, ME 04005
3.	Agent:	Site Design Associates 23 Whitney Way Topsham, ME 04086 - Attn: Tom Saucier
4.	Engineer/Architect:	Oak Point Associates, 231 Main Street, Biddeford, ME 04005
4.	Project Location:	588 Pool Street
5.	Project Tax Map #/Lot #:	Tax Map 51, Lot 18
6.	Existing Zoning:	IN
7.	Overlay Zoning:	None
8.	Existing Use:	The parcel currently houses UNE Administrative Offices.
9.	Proposed Use:	An additional 7,000 SF of Administrative Office space
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Institutional/Retail/Residential
12.	Parcel Size:	N/A
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	N/A N/A
15.	Frontage Required: Provided:	N/A N/A
16.	Front Setback Required: Provided:	50 feet Greater than 50 feet
17.	Side Setbacks Required: Provided:	50 feet from non-IN Zones 50 feet from non-IN Zones
18.	Rear Setback Requires: Provided:	50 feet from non-IN Zones 50 feet from non-IN Zones
19.	Height Requirements: Provided:	Maximum 50 feet Less than 50 feet in height
20.	Water Supply:	Maine Water (Public)

21.	Sewerage Disposal:	On-site Septic
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:	HHE-200 provided by Al Frick
27.	Parking Spaces Required:	N/A
28.	Parking Spaces Provided (total): # Accessible Spaces:	37 total 3
29.	Ownership of Road:	Pool Street (Route 9) is a State Road within the Urban Compact.
30.	Impervious Surface Area	This area has been identified as a 10% maximum lot coverage area. The area is currently at 7% of that according to the approved UNE Master Plan 2016-2021. This represents that there is currently approximately 25,308.4 SF covered of the 361,548 SF in this area. This leaves approximately 10,846.44 SF available for additional impervious surface. And additional approximately 7,500 square feet (+/-) will not violate the allowable lot coverage since the parking lot is designed to be pervious.
31.	Building Footprint Existing: Proposed: Net Change:	2,000 SF (+/-) 7,000 SF (+/-) 7,000 SF (+/-)
32.	Building Floor Area Existing: Proposed: Net Change:	4,000 SF (+/-) Gross 7,000 SF (+/-) 7,000 SF (+/-)
33.	Estimated Site Development Costs:	TBD
34.	Financial Capacity Letter:	Provided.
35.	Waivers Needed:	None
36.	Waivers Granted:	None
37.	Variances Needed for Approval:	None
38.	Other Permits Obtained:	None
39.	Other Non-City Permits Required:	Maine DEP SLODA Permit Amendment
40.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
41.	LDR Attachment A: Fess Paid:	Yes.
42.	Planning Board Review History: Conceptual Review: Final Review:	9/7/2016 Meeting Date (Journal Tribune posting 8/30/2016; City Hall posting 8/26/2016; Mail Notices to all abutters within 250' sent 8/29/2016 – 7 notices sent). 10/5/2016 Meeting Date (Journal Tribune posting 9/26/2016; City Hall posting 9/22/2016; Mail

		Notices to all abutters within 250' sent 9/22/2016 – 7 notices sent). Note: - This Meeting was postponed to October 19, 2016. 10/19/2016 Meeting Date (Journal Tribune posting 10/7/2016; City Hall posting 10/5/2016; Mail Notices to all abutters within 250' sent 10/11/2016 – 7 notices sent).
	Final Review:	

3. EXISTING CONDITIONS

The proposed area of development is a wooded area behind the existing business/human resources office building.



4. PROJECT PROPOSAL

See attached cover letter, application package and complete set of plans for more information.

5. PUBLIC COMMENT

Concept Review:

The notice was posted in City Hall on August 26, 2016. It was also posted in the Journal Tribune on August 30, 2016. Mailing notices were also sent out to all abutters within 250' on August 29 – 7 notices were sent out.

As of August 30, 2016, the following Public Comments had been received regarding the public hearing notice regarding the proposed project:

- The only comments that were received were provided to the Planning Board which were comments from Pat Boston, Hills Beach Association President, regarding buffering requirements.

Final Review (Note: This meeting was postponed to October 19, 2016):

The notice was posted in City Hall on September 22, 2016. It was also posted in the Journal Tribune on August 30, 2016. Mailing notices were also sent out to all abutters within 250' on September 22, 2016 – 7 notices were sent out.

As of September 28, 2016, the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- No Public Comments have been received.

Final Review:

The notice was posted in City Hall on October 5, 2016. It was also posted in the Journal Tribune on October 7, 2016. Mailing notices were also sent out to all abutters within 250' on October 11, 2016 – 7 notices were sent out.

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 is permitted in the IN Zone and has been approved in the UNE Master Plan 2016-2021.
- b. REVIEW STANDARDS: Site Plan Review, IN Zone Specific Standards.
- c. WAIVERS: None.
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. The Engineering Department is currently reviewing the revised plans, including stormwater. Comments will follow.

2. Upon receipt of the Engineering Departments final comments, provide complete Mylar Set and Paper set no later than October 19, 2016 @ 2:00 PM amended based on comments.

7. STAFF RECOMMENDATION

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

1. Prior to any ground disturbance or issuance of any permits:
 - a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - b. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the Planning Department and/or Engineering Department of \$XXX,XXX shall be submitted to the Planning Department.
 - c. A copy of all Maine DEP and permitting approvals required must be provided to the Planning Department.
 - d. The Biddeford Fire Department shall review and approve the location of a new Fire Hydrant at Pool Street unless it is determined not having a hydrant at Pool Street is acceptable to the Biddeford Fire Department.
2. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the Engineering Department.
3. A street opening permit is required from the Department of Public Works.
4. Best management practices shall be adhered to during all ground disturbance operations.
5. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
6. 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.
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.
8. Once completed, as-built drawings of the site shall be provided to the Planning Department.

9. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.

10. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Listen to any public comment and consider granting final approval of the Site Plan for the new UNE Business Office.

9. SAMPLE MOTIONS

A. *Motion to approve the Site Plan Application for the University of New England new Business Office at Tax Map 51, Lot 18, 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 table to allow the applicant to address the outstanding issues identified by Staff and the Board.*

C. *Motion to deny the Site Plan Application of the University of New England based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS

1. Application Package and Revised Plans
2. Letter from Al Frick dated July 22, 2016 Re: Driving over septic leachfield
3. Draft Findings of Fact and Conclusions of Law

FINDINGS OF FACT AND CONCLUSIONS OF LAW SITE PLAN

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Articles XI (Site Plan Review), the Biddeford Planning Board has considered the application of the University of New England, 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:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	University of New England 11 Hills Beach Rd Biddeford, ME 04005
2.	Owner of Property:	University of New England 11 Hills Beach Rd Biddeford, ME 04005
3.	Agent:	Site Design Associates 23 Whitney Way Topsham, ME 04086 - Attn: Tom Saucier
4.	Engineer/Architect:	Oak Point Associates, 231 Main Street, Biddeford, ME 04005
4.	Project Location:	588 Pool Street
5.	Project Tax Map #/Lot #:	Tax Map 51, Lot 18
6.	Existing Zoning:	IN
7.	Overlay Zoning:	None
8.	Existing Use:	The parcel currently houses UNE Administrative Offices.
9.	Proposed Use:	An additional 7,000 SF of Administrative Office space
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Institutional/Retail/Residential
12.	Parcel Size:	N/A
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	N/A N/A
15.	Frontage Required: Provided:	N/A N/A
16.	Front Setback Required: Provided:	50 feet Greater than 50 feet
17.	Side Setbacks Required: Provided:	50 feet from non-IN Zones 50 feet from non-IN Zones
18.	Rear Setback Requires: Provided:	50 feet from non-IN Zones 50 feet from non-IN Zones
19.	Height Requirements: Provided:	Maximum 50 feet Less than 50 feet in height
20.	Water Supply:	Maine Water (Public)
21.	Sewerage Disposal:	On-site Septic
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:	HHE-200 provided by Al Frick
27.	Parking Spaces Required:	N/A
28.	Parking Spaces Provided (total): # Accessible Spaces:	37 total 3
29.	Ownership of Road:	Pool Street (Route 9) is a State Road within the Urban Compact.
30.	Impervious Surface Area	This area has been identified as a 10% maximum lot coverage area. The area is currently at 7% of that according to the approved UNE Master Plan 2016-2021. This represents that there is currently approximately 25,308.4 SF covered of the 361,548 SF in this area. This leaves approximately 10,846.44 SF available for additional impervious surface. And additional approximately 7,500 square feet (+/-) will not violate the allowable lot coverage since the parking lot is designed to be pervious.
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33.	Estimated Site Development Costs:	TBD
34.	Financial Capacity Letter:	Provided.
35.	Waivers Needed:	None
36.	Waivers Granted:	None
37.	Variances Needed for Approval:	None
38.	Other Permits Obtained:	None
39.	Other Non-City Permits Required:	Maine DEP SLODA Permit Amendment
40.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
41.	LDR Attachment A: Fess Paid:	Yes.
42.	Planning Board Review History: Conceptual Review: Final Review:	9/7/2016 Meeting Date (Journal Tribune posting 8/30/2016; City Hall posting 8/26/2016; Mail Notices to all abutters within 250' sent 8/29/2016 – 7 notices sent). 10/5/2016 Meeting Date (Journal Tribune posting 9/26/2016; City Hall posting 9/22/2016; Mail Notices to all abutters within 250' sent 9/22/2016 – 7 notices sent). Note: - This Meeting was postponed to October 19, 2016.

	Final Review:	10/19/2016 Meeting Date (Journal Tribune posting 10/7/2016; City Hall posting 10/5/2016; Mail Notices to all abutters within 250' sent 10/11/2016 – 7 notices sent).
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Conclusions of Law:

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.
20. The proposed project is in conformance with the University of New England Master Plan 2016-2021.

Determination:

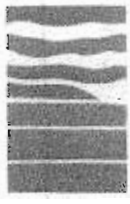
Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Site Plan Review application of the University of New England for the proposed project summarized above, located at Map 51, Lot 18 City of Biddeford Tax Maps, in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. Prior to any ground disturbance or issuance of any permits:
 - a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - b. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the Planning Department and/or Engineering Department of \$XXX,XXX shall be submitted to the Planning Department.
 - c. A copy of all Maine DEP and permitting approvals required must be provided to the Planning Department.

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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.
8. Once completed, as-built drawings of the site shall be provided to the Planning Department.
9. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
10. Standard Conditions of Approval apply.

Planning Board Chairman

Date



Albert Frick Associates, Inc

Environmental Consultants

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Albert Frick, CSS, SE
Chris Coppi, CWS, SE
Brady Frick, SE
Bryan Jordan, SE
Matthew Logan, SE
Jamie Latorre, Office Manager

July 22, 2016

Jacques Gagnon
Oak Point Associates
231 Main Street, Ste. 201
Biddeford, Maine 04005

Re: University of New England Finance Office, 588 Pool Street, Biddeford

Dear Mr. Gagnon:

We met at the above referenced property on July 7, 2016. The purpose of our site visit was to determine the potential for onsite wastewater disposal for a new Finance office being proposed for the University. We were also asked to evaluate the existing wastewater disposal system and comment on the potential for constructing a new driveway over a portion of the existing disposal field. Attached is our proposed septic design (HHE-200 Form)

The existing disposal system, which was designed in 2005, was found to be properly functioning at the time of our inspection. I would recommend having the septic tank pumped out fairly soon in order to protect the integrity of the existing disposal field. During the servicing of the tank, the outlet baffle should be inspected and replaced, if necessary. The existing disposal field is constructed with plastic chambers, which could be utilized under the driveway provided that a minimum of 18" of soil can be placed over the chambers (an additional 6").

Please contact me if you have any questions or additional matters for discussion regarding the proposed application and current conditions.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Logan".

Matthew Logan
Licensed Site Evaluator
Certified Septic System Inspector

ML/ml
Enc. HHE-200 Form

Planning Board Agenda Item Report

Agenda Item No. 2016-158

Submitted by: Gregory Tansley

Submitting Department: Planning

Meeting Date: October 19, 2016

SUBJECT

Discussion/Workshop: Accessory Dwelling Units

Recommendation:

ATTACHMENTS

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