

**City of Biddeford**  
**Planning Board**  
**October 06, 2021 6:00 PM City Hall**  
**Council Chambers, & via ZOOM**  
**Oct 6, 2021 06:00 PM Eastern Time (US and Canada)**  
**Topic: Planning Board**

**Please click the link below to join the webinar:**

**<https://biddeford.zoom.us/j/95611253245>**

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**US: +16465588656,,95611253245# or +13017158592,,95611253245#**

**Or Telephone:**

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253 215 8782 or +1 346 248 7799**

**Webinar ID: 956 1125 3245**

**International numbers available: <https://biddeford.zoom.us/j/95611253245>**

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER’S BUSINESS**
- 5. CONSENT AGENDA**
  - 5.A. Approval of the Meeting Minutes from September 29, 2021  
[PB Minutes 092921-DRAFT.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
  - 7.A. 2021.40 An amendment to Article VI, Section 77 (Marijuana establishments) that removes marijuana odor management standards from the Zoning Ordinance and creates a new Chapter 34, Article V of the Code of Ordinances to address odor in general (not specific to marijuana establishments) and to reference Chapter 34, Article V in the Zoning Ordinance for “Marijuana establishments”.  
[Odor Control Memo to PB Eddy 080421.pdf](#)  
[Odor Control Amendment For PH 100621.pdf](#)
  - 7.B. 2021.35 An amendment to Article XIV (Shoreland Zoning) to allow the redevelopment of properties within the GD-1 District on public sewer and water within new structures at a density of residential and non-residential units that is consistent with the existing conditions within the district at this time.  
[2021.35 GD-1 Amendment For PH 100621.pdf](#)  
[2021.35 GD-1 Amendment PB Memo for 100621.pdf](#)
  - 7.C. 2021.46 Request for a Conditional Use Permit for 565 Elm Street, LLC - Redstone to

establish a redemption center for recycling processing (CLYNK processing) at 565 Elm Street (Tax Map 31, Lot 43) in the B-2 Zone.

[Board Report- CLYNK 565 Elm Street.pdf](#)

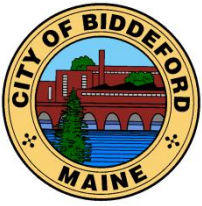
[Draft FOF 565 Elm Street LLC - Redstone.pdf](#)

[210915 CUP Full Application - 565 Elm St.pdf](#)

**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 and Development Department

Greg Tansley, A.I.C.P.  
City Planner  
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### Planning Board Meeting Minutes (DRAFT)

**Date:** September 29, 2021  
**Time:** 6:00 PM  
**Location:** City Hall Council Chambers & REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members  
Quorum Present: Bill Southwick (chair), Roch Angers, Bruce Benway, Sean Tarpey, Spiros Droggitis, Alexa Plotkin (Alternate) Chair Southwick opened the meeting at 6:03 PM
3. Adjustments to the Agenda
4. Planner's Business
  - Planner Tansley introduced the new Assistant Planner, Hannah Bonine.
5. Consent Agenda
  5. A. Approval of Planning Board Meeting Minutes from August 18, 2021 & September 1, 2021  
MOTIONS: 6:06  
Benway-Motion- to approve the Consent Agenda for August 18, 2021 & September 1, 2021.  
Angers-Second  
Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Benway, Angers, Tarpey & Droggitis)
6. Unfinished Business
7. New Business
  7. A. Limited Emergency-Remote Only Meetings
    - Planner Tansley explained the different options for meeting during the temporary Emergency Order.
    - The Board discussed the optionsMOTIONS: 6:12  
Benway-Motion- pursuant to City Council Order 2021.98 the Biddeford Planning Board authorizes remote-only meetings so long as the Emergency Order enacted by the City Council Remains in effect.  
Angers-Second  
Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Benway, Angers Tarpey, & Droggitis)

**7. B. 2018.23 Request for an Extension of a Final Subdivision Approval & Site Plan Approval for 60 Barra Road for SPME Barra LLC (formerly Saxon Partners LLC), tax map 2, lots 43-1 & 42-1, tax map 7, lot 15.**

- Planner Tansley spoke about the project and the fact that it had been sidelined by COVID-19.
- Board discussed the matter.
- No comments from the public.

**MOTIONS: 6:19**

**Benway-Motion-** to concur with Staff's Approval of the extension to November 6, 2023.

**Angers-Second**

**Chair Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Angers, Benway, Tarpey, & Droggitis)**

**7.C. 2021.39 Public Hearing and recommendation to the City Council regarding a zoning amendment which would allow Mobile Food Vendor Courts in the MSRD-1 and MSRD-3 Districts subject to Site Plan Review by the Planning Board.**

- Planner Tansley introduced the proposed amendment.
- The Board discussed the proposed amendment and asked questions of the Planner.
- No comments from the public.

**MOTIONS: 6:30**

**Benway-Motion-**to move the amendment forward with a positive recommendation for approval.

**Tarpey-Second**

**Chairman Southwick-Roll Call for Vote-Motion Passed 3-1 (Benway, Tarpey & Droggitis for; Angers against)**

**7.D. 2021.17 Final Site Plan/Subdivision Review and Public Hearing and make a recommendation to the City Council regarding a proposed Contract Zone for Adam's Point, LP and Southern Maine Affordable Housing at 69 Adam's Street (Tax Map 38, Lot 296) to allow for 39 units of multi-family housing in a structure not to exceed 60 feet in height (5 stories) as measured from grade to the highest roof beams of a flat roof, excluding any parapets for elevators, roof access, or the screening of mechanical equipment, and to provide less than 1 parking spaces per unit. Multi family housing is a permitted use in the underlying zone (MSRD-2).**

- Consulting Planner Chris Di Matteo introduced the project.
- Speaking for the applicant:  
Jack Gagnon-Oak Point Associates (spoke about the changes to the plan since their last appearance before the Planning Board)  
Matt Phillips-Carrol Associates  
Shane Dunn-CHA Architecture  
Guy Gagnon-Southern Maine Affordable Housing
- Speaking from the public:  
Richard Rhames-Ward 3  
Meaghan Daly-Ward 7

- Mr. Benway mentioned he might make a motion to change item 5 to be that all sidewalks shall be bituminous. There was no second; Mr. Benway said he would withdraw it.
- There was a discussion of concrete vs asphalt the differences and preferences.

**MOTIONS: 7:02**

**Benway-Motion-**to grant Final Subdivision and Site Plan Approval for Southern Maine Affordable Housing and Adam's Point, LP for a 39-Unit Multi-family Housing project at 69 Adam's Street and approve the findings of fact based on the conditions recommended by Staff in the Draft Findings of Fact.

**Angers-Second**

**Chairman Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Angers, Benway, Tarpey & Droggitis)**

**Benway-Motion-** The Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.

**Angers-Second**

**Chairman Southwick-Roll Call for Vote-Motion Passed, Unanimous Approval 4-0 (Angers, Benway, Tarpey & Droggitis)**

**Benway-Motion-**to approve the "Findings of Fact and Recommendation of the City of Biddeford Planning Board" and forward the Contract Zone proposal to the City Council with a positive recommendation for approval.

**Angers-Second**

**Chairman Southwick-Roll Call for Vote- Motion Passed, Unanimous Approval 4-0 (Angers, Benway, Tarpey & Droggitis)**

**7.E. 2021.36 Public Hearing and make a recommendation to the City Council regarding an amendment to Article VI, Section 30 of the Zoning Ordinance to allow "extractive industries: to begin operation at 6 AM rather than 7 AM if they can demonstrate they will be in compliance with the noise regulations of the City of Biddeford.**

- Planner Tansley explained the proposed amendment.
- The Board discussed the proposed amendment and the probable surrounding neighbors
- There was no public comment.

**MOTIONS: 7:11**

**Benway-Motion-**to move the amendment forward with a positive recommendation for approval.

**Angers-Second**

**Chairman Southwick-Roll Call for Vote-Motion failed, Unanimous Rejection 4-0 (Angers, Benway, Tarpey & Droggitis)**

**7.F. 2021.42 Site Plan and Subdivision Conceptual Review for South Street Village, LLC to create a 192-lot Manufactured (Mobile) Home Park at 413 South Street (Tax Map 7, Lot 8) in the RF and SR1 Zones and the MHP Overlay Zone.**

- Speaking on behalf of the applicants:

Jeff Amos-Terradyne  
Paul Vose-Applicant  
Chico Potvin-Applicant  
Matthew Chamberlain-Applicant

- Speaking from the public:  
Guy Gagnon-Jordan Drive  
Bob Brodeur-380 South Street  
Linda Brown-418 & 420 South Street  
Meaghan Daly-Ward 7  
Ken Buechs-Conservation Commission  
Steven Gray-6 Old Hollis Road  
Richard Rhames-Ward 3  
Denis Rioux-677 South Street  
Claudette Levesque-Old Hollis Road
- Public Concerns are: traffic, roads, schools, Fire/Police coverage, poor management of the development, predatory fees, wild life, vernal pools
- Recommendation from some members of the public: Not to use IFW's data, independent Wildlife Study, Fiscal Impact Study, Have City Attorney review this portion of the ordinance.

**MOTIONS: 8:50**

**Benway-Motion-Determine this application is a Major Subdivision with more than 5 lots and the construction of roadways.**

**Angers-Second**

**Chairman Southwick-Roll Call for Vote- Motion Passed, Unanimous Approval 4-0 (Benway, Angers Tarpey, & Droggitis)**

**8. Other Business**

- Planner Tansley talked about the upcoming meetings and Public Hearings.

**9. Adjourn**

**MOTIONS: 9:08**

**Benway-Motion-to adjourn**

**Angers-Second**

**Vice Chair Angers-Roll Call for Vote- Motion Passed, Unanimous Approval 4-0 (Benway, Angers Tarpey, & Droggitis)**

**Meeting adjourned at 9:10 PM**

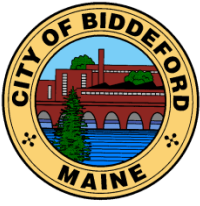
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**Planning Board Chair/Vice Chair**

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**Date**

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



## CITY OF BIDDEFORD

### Planning and Development

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Mathew Eddy  
Director, Planning and Development  
205 Main Street  
Biddeford, ME 04005  
[Mathew.Eddy@biddefordmaine.org](mailto:Mathew.Eddy@biddefordmaine.org)  
207-282-7119

To: Biddeford Planning Board  
From: Mathew Eddy  
  
Date: August 4, 2021  
  
Subject: Modification to Marijuana Odor Ordinances

City Council, as part of creating a new license for Marijuana industries, also asked us to reconsider how we address marijuana odors in our present ordinances. Their desire was to avoid singling out the marijuana industry, addressing odor and odor issues in a more generic way.

Odor is the most difficult sense to address from a performance perspective. While there are in fact quantitative assessments, those assessments are developed using a qualitative base: what most people would think of as bad or intolerable along a variety of scales. We have not proposed that here.

To accomplish Council goals, we removed the odor management plan requirements from Section 77 Performance Standards: Marijuana Establishments Section C, substituting in a reference to a new section in ***Chapter 34 of the Code of Ordinances: Environmental Article V Odor Management***. In Article V, Marijuana references are removed. They are replaced by a new definition for odor, a process for when to address odor issues, and the requirements that must be included in an odor management plan.

## Marijuana Establishments and Odor Control Amendment

**Public Hearing: October 6, 2021**

### Land Development Regulations (Zoning Ordinance), Article VI (Performance Standards).

#### Section 77

##### Marijuana establishments.

[Added 1-17-2017 by Ord. No. 2016.88; amended 1-19-2021 by Ord. No. 2021.1]

- A. All marijuana establishments shall be located indoors. Any common areas, including, but not limited to, storage areas and building facilities, shared with another marijuana establishment shall be clearly identified as such on the site plan or conditional use application.
- B. Odor management. For all marijuana establishments, the management of odor shall be consistent with the standards outlined in Chapter 34, Article V, Odor Control.~~the odor of marijuana shall not be detectable off premises, meaning not detectable on any property that is not under the control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:~~
  - 1.~~— A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.~~
  - 2.~~— A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.~~
  - 3.~~— For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.~~
    - a.~~— Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.~~
    - b.~~— Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors.~~

Marijuana establishments shall implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art

technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

- ~~c. Noxious gases and fumes. Marijuana establishments shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the establishment. Gases or fumes shall not extend beyond the premises of any establishment, meaning not detectable on any property that is not under the control of the establishment.~~
  - ~~d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment shall be provided at all times.~~
  - ~~e. All marijuana and marijuana by-products intended for disposal shall be stored indoors in a self-contained room that is intended solely for this purpose and in accordance with all applicable federal, state and local laws and regulations. When moving material from the self-contained storage room for disposal, marijuana and marijuana by-products shall be moved only in receptacles with a cover or lid. Security cameras shall be installed to record activities in the area of the storage room as well the areas between the storage room and where said material is loaded onto vehicle(s) for disposal.~~
- C. Separation of Marijuana Establishments. No new marijuana establishment may be located within any building that is located within five-hundred (500) feet of any other building containing a marijuana establishment

## Proposed Amendments to the General Development-1 (GD-1) Shoreland Zone

**Public Hearing Date: October 6, 2021**

*Note: The purpose of the amendment is to allow the redevelopment of properties within the GD-1 District on public sewer and water with new structures at a density of residential and non-residential units that is consistent with the existing conditions within the district at the time of the adoption of this amendment.*

ARTICLE XIV (Shoreland Zoning), Section 15 (Land Use Standards):

|                                                                                      |                                                                                                                                                                                 | Minimum Lot<br>Area<br>(square feet) | Minimum Shore<br>Frontage<br>(square feet) |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------|
| <b>Residential per Dwelling Unit</b>                                                 |                                                                                                                                                                                 |                                      |                                            |
| A.                                                                                   | Within the Shoreland Zone adjacent to tidal areas <u>exclusive of the General Development District 1</u>                                                                        | 30,000                               | 150                                        |
| B.                                                                                   | Within the Shoreland Zone adjacent to non-tidal areas <u>exclusive of the General Development District 1</u>                                                                    | 40,000                               | 200                                        |
| C.                                                                                   | Within the General Development District 1 (within existing structures only)                                                                                                     | None                                 | None                                       |
| <u>D.</u>                                                                            | <u>Within the General Development District 1 (new structures built after {INSERT THE EFFECTIVE DATE OF THIS AMENDMENT})</u>                                                     | <u>1,058</u>                         | <u>None</u>                                |
| <b>Governmental, Institutional, Commercial or Industrial per Principal Structure</b> |                                                                                                                                                                                 |                                      |                                            |
| A.                                                                                   | Within the Shoreland Zone adjacent to tidal areas exclusive of those areas zoned for commercial fisheries and maritime activities <u>and the General Development District 1</u> | 40,000                               | 200                                        |
| B.                                                                                   | Within the Shoreland Zone adjacent to tidal areas zoned for commercial fisheries and maritime activities <u>and the General Development District 1</u>                          | None                                 | None                                       |
| C.                                                                                   | Within the Shoreland Zone adjacent to nontidal areas <u>exclusive of the General Development District 1</u>                                                                     | 60,000                               | 300                                        |
| D.                                                                                   | Within the General Development District 1 (within existing structures only)                                                                                                     | None                                 | None                                       |
| <u>E.</u>                                                                            | <u>Within the General Development District 1 (new structures built after {INSERT THE EFFECTIVE DATE OF THIS AMENDMENT})</u>                                                     | <u>7,233</u>                         | <u>None</u>                                |
| <b>Public and Private Recreational Facilities</b>                                    |                                                                                                                                                                                 |                                      |                                            |
| A.                                                                                   | Within the Shoreland Zone adjacent to tidal and nontidal areas                                                                                                                  | 40,000                               | 200                                        |

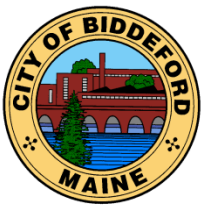
|    |                                           |      |      |
|----|-------------------------------------------|------|------|
| B. | Within the General Development District 1 | None | None |
|----|-------------------------------------------|------|------|

1. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two lots shall not be included toward calculating minimum lot area.

2. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

3. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure, or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use, except as provided in the above Table in the General Development District where the number of residential dwelling units and non-residential units may be combined. For example, in a General Development 1 District a 1 acre (43,560 square feet) parcel can support a combined total of 41 residential and 6 non-residential units.



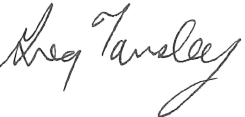
## CITY OF BIDDEFORD

### Planning and Development Department

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#### PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner 

DATE: October 1, 2021

RE: **General Development 1 (GD-1) Shoreland Zoning Amendment**

Staff offer this amendment to reduce density limits for all structures in the GD-1 District, not just for existing structures. With recent redevelopment efforts in the Mill District following the closure of MERC, there is a need to remove these limits to facilitate redevelopment of both the 3 Lincoln Street (MERC) and 1 Gooch Street properties. Staff see redevelopment of these sites as critical to the overall redevelopment plan for the Mill District.

*Chapter 1000: GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES* establishes the minimum requirements for local Shoreland Zoning. Chapter 1000 establishes the basic minimum lot standard per residential unit based on whether the zone is in tidal areas (30,000 square feet/unit) or non-tidal areas (40,000 square feet/unit). There are provisions in Chapter 1000, however, that allow Maine DEP to approve higher densities in General Development (GD) Districts and districts equivalent to GD Districts:

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**NOTE:** In a district equivalent to a General Development District that is served by municipal water and sewer systems the Department may approve a municipal shoreland zoning ordinance that provides for greater residential densities than set forth in Section 15(A)(1) above.

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We have communicated with Maine DEP staff about this proposal and it has been tentatively accepted by Maine DEP Staff as something that would be approvable.

Recently, however, Staff have met with interested developers and they have expressed concern over the proposal and that it may not provide enough density in the Shoreland Zone to make redevelopment financially feasible. Staff may recommend the Board not take action on this amendment on October 6 but are leaving it on the agenda to at least facilitate public comment and Board input.

We will discuss the item more with the Board on October 6, 2021.

PLANNING BOARD  
REPORT

October 1, 2021

Biddeford Planning Board  
Greg Tansley, City Planner  
City of Biddeford  
205 Main Street  
Biddeford, Maine 04005

Application: Redemption Center – Count & Crush, LLC (CLYNK)  
565 Elm Street (Tax Map 13 Lot 43) (565 Elm Street, LLC)

**Conditional Use Permit/Site Plan Review**

Review Status: New Application.

Planning Board members and Mr. Tansley,

The following application information has been provided for review:

1. Application form dated 9/15/2021
2. Cover letter with associated application information, prepared by Joe Engelken, dated 9/15/2021.

With review of the above information and the City's Land Development Regulations, I offer the following comments on compliance with the Town's ordinances.

**PROJECT DESCRIPTION**

The applicant proposes to reoccupy the former Prescott Metal sheet metal fabrication facility (currently vacant), located on Elm Street in the City's Business-2 zone, with a redemption center (CLYNK). The site includes a 28,153± SF building with associated parking, of which 16,000 SF is to be leased. No new site improvements are proposed.

## **COMPLETENESS REVIEW**

The application is before the Planning Board as required by Table of Land Uses, Article V (Establishment of Zones) of the Land Development Regulations where Redemption Center is permitted in the B-2 zone as a Conditional Use, per Article VII and Article VI Performance Standards.

The applicant has prepared and submitted narratives that describe the application's compliance with the above provisions. Right-title-interest in the property should be demonstrated and submitted for review. Other than this, the **application appears to be complete** for Board's consideration.

## **COMPLIANCE WITH THE CITY'S ORDINANCES**

As referenced above the proposed development does not include any site improvements, however, paving of the gravel access to the last (most recent addition) loading bays should be considered. Parking for Warehouse and storage is 1 space per 2,000 SF and 1 space per employee on the maximum working shift. This results in 19 parking spaces being required.  $(8 (16,000/2,000) + 11 \text{ employees})$ . This appears to be supported by the approximately 25 space parking lot (paved area), however, this should be confirmed by the applicant.

The gravel area that was previously used for parking should be revegetated and not used for parking. The gravel area used for vehicular access to the rear loading bays should be paved, at a minimum, certified that the area does not encroach on adjacent wetlands.

If no site improvements are required and thus to regulate, the review focuses on compliance to the Conditional Use Standards (Sec. 6 in Art. VII). The applicant has provided a narrative that addresses these standards and it appears they demonstrate compliance, with the following questions/clarifications:

1. Total area for the proposed redemption center is 16,000 SF. Does this include the out-building?
2. Total number of employees is 11.
3. Only outdoor storage is 2 two empty 30 cubic yard roll-offs for reserved for backup.
4. Are there any previous approvals associated with the green awning and trailer located in the back of the building? Is this needed or can it be removed? It doesn't appear, by the lack of pavement, that this was an approved addition.
5. Does the current gravel/cleared area impact wetlands on the site? Considering the site is within the Thatcher Brook watershed, are there opportunities to remove gravel pavement and return to vegetation? The area to the right of the entrance appears to have been used as parking that would likely not be needed. What is planned internal circulation for the site? Will truck access still be required around the outbuilding? If not can some of this gravel pavement be removed or reduced?

6. If the Board concurs with removing gravel parking and eliminating or reducing existing gravel internal circulation and revegetating these areas, seeding with appropriate conservation mix that includes native herbaceous and woody forbs would be more beneficial than restoring and maintaining grass. New England Wetland Plants, Inc, is one source that provides such seed mixes.
7. A site plan ,using an aerial for a base if there are no surveys available, should be prepared and be used to depict the above clarifications, information and requests for the Board's consideration.

### **WAIVER REQUESTS**

None requested.

### **CONCLUSION**

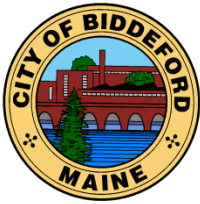
The submitted application for a Conditional Use Permit to allow the use of a portion of the former Prescott Metal facility to be used as a CLYNK redemption center appears to be in order considering the above comments. If the Board is inclined to approve the application a suggested motion and conditions is provided for its consideration. **For suggested motions see Planning Board Packet Summary and Draft Findings of Fact for suggested conditions of approval.**

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo  
Contract Planner for the City of Biddeford  
cdimatteo@longmeadowpla.com  
207.604.4245



## CITY OF BIDDEFORD

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### Planning and Development Department

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT

Pursuant to the provisions of the City of Biddeford Land Development Regulations Article VII, Conditional Uses and other applicable provisions, the Biddeford Planning Board has considered the application of 565 Elm Street, LLC/Redstone, 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:**

|     |                                |                                                                                        |
|-----|--------------------------------|----------------------------------------------------------------------------------------|
| 1.  | Applicant:                     | Redstone<br>C/o Joe Engelken<br>PO Box 790<br>Burlington, VT 05402                     |
| 2.  | Owner of Property:             | 565 Elm Street, LLC<br>c/o Joe Engelken, Redstone<br>P.O. Box 790, Burlington VT 05402 |
| 3.  | Agent:                         | None                                                                                   |
| 4.  | Project Location:              | 565 Elm Street<br>(Former Prescott Metal facility)                                     |
| 5.  | Project Tax Map #/Lot #:       | Tax Map 13, Lot 43                                                                     |
| 6.  | Lot Size:                      | 7.17 AC +/-                                                                            |
| 7.  | Existing Zoning:               | Business-2                                                                             |
| 8.  | Overlay Zoning:                | none                                                                                   |
| 9.  | Designations:                  | none                                                                                   |
| 10. | Existing Use:                  | Vacant (former commercial/fabrication)                                                 |
| 11. | Proposed Use:                  | Redemption Center (CLYNK) (16,000 SF)                                                  |
| 12. | Floodplain Status:             | YES (not on development site)                                                          |
| 13. | Approvals Required:            | Conditional Use Permit                                                                 |
| 14. | Uses in the Vicinity:          | Commercial/Retail                                                                      |
| 15. | Dimensional Requirements:      |                                                                                        |
|     | Min. Setback from R.O.W: 30 FT | Minimum Rear Setback: 10 FT                                                            |
|     | Minimum Side Setback: 10 FT    | Maximum Height: 3 stories / 35 FT                                                      |
| 16. | Waivers Needed:                | a. None                                                                                |
| 17. | Waivers Granted:               | a. None                                                                                |
| 18. | Variances Needed for Approval: | None.                                                                                  |
| 19. | Other Approvals Required:      | Building Permits from the Biddeford Code Enforcement Office.                           |

|     |                                                                                                                                                                                |                 |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 20. | Other Permits Obtained:                                                                                                                                                        | None.           |
| 22. | LDR Attachment A: Fees Paid:                                                                                                                                                   | Yes             |
| 23. | Application Materials Submitted:<br>1. Application form dated 9/15/2021<br>2. Cover letter with associated application information, prepared by Joe Engelken, dated 9/15/2021. |                 |
| 24. | Planning Board Review History:                                                                                                                                                 |                 |
|     | Conditional Use review and approval:                                                                                                                                           | October 6, 2021 |

**Conclusions of Law:**

The Planning Board concludes the following:

1. The proposed use meets specific requirements set forth in this ordinance, including provisions of the Land Development Regulations, Article VI Performance Standards (Sec. 77) and Article VI Conditional Use and would be in compliance with applicable state or federal laws;
2. The proposed use, with review by the Fire Department, State Fire Marshall and the issuance of a building permit 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. No new exterior lighting is proposed and the existing lighting appears 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 existing site includes 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, located within an existing commercial building/property, 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 existing parking lot is adequate in size to include 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, adjacent to other commercial and business/retail uses, 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. With no significant site improvements proposed, 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. With the existing site serviced by public water and sewer, and waste management services, 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. The existing site appears to allow for adequate provision 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 existing water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)
  17. With consideration of the submitted waste disposal plan and other state and local requirements, 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;

**Determination:**

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the application with the following conditions:

**Conditions of Approval:**

1. **Standard Conditions of Approval apply.**
2. **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.**
3. **Prior to Occupancy Permit:**
  - a. **The applicant shall address all remaining comment in the Board Report dated October 1, 2021 from Long Meadow Planning and Landscape Architecture, LLC as well as any items raised by the Planning Board through its review of the project.**
  - b. **The Applicant shall complete the improvements identified on the plan submitted by XXXXXXXX dated XXXXXX.**

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Planning Board Chairman

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Date

# Redstone

100 Bank Street | Suite 200  
Burlington, VT 05401

September 15, 2021

Carmen J. Morris, City Clerk  
City of Biddeford  
205 Main Street  
Biddeford, ME 04005

Re: Conditional Use Permit Request for 565 Elm Street

Dear Carmen,

Please accept this letter as a formal request for a Conditional Use Permit for Count & Crush, LLC ("Clynk" or the "Tenant") to use 565 Elm Street (the "Property") as a recycling material processing center, defined as a "Redemption Center" per the City of Biddeford's definition of land uses. The Property was recently acquired by 565 Elm Street LLC from Prescott Metal on February 16<sup>th</sup>, 2021. Prior to this transaction the Property was purchased by Prescott Metal on January 4<sup>th</sup>, 1977 and operated as a sheet metal fabrication facility until Prescott's relocation to 18 Morin Street in 2019. The Property has sat vacant since.

The existing physical improvements on site include a 28,153 SF manufacturing/warehouse building, 1,847 SF detached storage garage, and an 800 SF Quonset hut. The Tenant will be occupying approximately 16,000 SF of warehouse space on the East/Southeast side of the building, furthest away from Elm Street. Given the characteristics of the improvements we believe a redemption center use is appropriate for the Property. Under the current B-2 zoning this use is conditionally permitted.

Clynk uses a state-of-the-art can and bottle processing system to sort and prepare glass, aluminum, and plastic for shipment to recycling facilities. They opened a similar facility 15 months ago in Oakland, ME. Further information about Clynk's Processing Center Operations has been provided as an attachment to this letter. At this time we are not requesting any waivers or proposing any improvements to the site.

We look forward to working with the Planning Board and the City Council on our application. Please let us know if we can provide any other information that would be helpful throughout the process.

Thank you in advance for your consideration,

Joe Engelken



cc: Mathew Eddy, Planning and Development Director

### **Clynk Q&A – Previously Identified Areas of Concern**

- **Sound/noise impacts on the neighborhood** - Can you provide a brief description of the noise generated by Clynk?
  - The sound levels inside the facility in Oakland are consistently below 75db, well below the 90db OSHA threshold for 8 hour exposure. Hence, no hearing protection is required, and it is possible to carry on a conversation in the facility without raising your voice. There have been no noise complaints in the 15 months since opening the facility. The nearest houses are 99 feet, 170 feet and 195 feet from the nearest outside wall.
- **Vehicular activity** – Can you provide a description of projected vehicle activity on the site?
  - We will have 4-5 of our 26' box trucks operating out of the location. They will be parked near the rear of the building by the loading docks. Typically, they will all leave at around 8am, do a pickup run, return around noon, unload customer bags, leave again for a second run, and return in the late afternoon in the 4-6pm timeframe. We rarely have second shift trucking activity, but it is possible during peak summer months.
  - We will have 1-2 tractor trailer pickups per week (bales of Aluminum and PET). This will be done during typical daytime business hours (8am - 5pm).
- **Exterior storage** – Can you identify what exterior storage, if any, will be on site?
  - We plan to store 3-4 30yd roll-offs on the concrete pad by the docks where we will collect broken glass from the sorting process. Experience says we will be hauling 7-8 roll-offs per week (the roll-off company will drop an empty and take away a full unit). This will be done during typical daytime business hours (7am - 5pm).
- **Hours of Operation** – What will Clynk's hours of operation be and how many employees do you anticipate working on site?
  - We expect to have 6-7 employees working in the facility, plus 5-6 drivers. There will be one shift per day (6:30am – 3:30pm) from October-May. Between June-Sept. a 2<sup>nd</sup> shift will be added to the schedule and will take place Friday to Monday between 4:00pm-12:00am. A maximum of 15 cars will be parked on-site during the day, with fewer expected during the summer 2<sup>nd</sup> shift. We do not plan to have retail customer drop-offs and subsequently anticipate minimal visitor traffic.

CLYNK Processing Center Operations  
9/15/21

Overview:

CLYNK is a high-volume bottle redemption operation currently operating out of South Portland, Oakland and Albany NY. We seek to open an additional processing facility in southern Maine in order to better serve our growing business in the area. The plant will operate 362 days/year, and will have a second shift during the summer season (June-Sept). We expect that there will be 6-7 workers in the facility at any one time, and 3-4 drivers who will be on the road picking up customer containers at our retail locations.

Process Overview

The business involves sending 26' box trucks out to retail pickup locations (Hannaford stores). The full trucks return to the processing facility with customer bags, which are unloaded into large rolling carts. Customer containers are run through our counting machines and sorted by material type onto separate collection conveyors. These collection conveyors transport the materials to either glass breakers, or to balers which create 800 lb bales of plastic and 2000 lb bales of aluminum.

The broken glass is typically transported by forktruck outside and dumped into 30 yard rollofs – one for green, one for brown and one for clear. We will usually have 1-2 empty rollofs outside as backup.

We plan to store the plastic and aluminum bales inside until enough bales are accumulated to fill a 40,000 lb truck. Thus, we could have up to 40,000-50,000 lb of both aluminum and plastic at one time. Plastic bales are generally stacked 3 high (8 ft) and will occupy roughly 500 sf of floorspace. Aluminum bales weigh roughly 2000 lb and are not stacked. They will also occupy roughly 500 sf.

In addition, we expect to have 40-50 rolling carts filled with customer bags inside. Each cart holds roughly 2000 containers. The total floorspace occupied by these carts should be less than 1200 sf.

Our average material breakdown is as follows:

|            | <u>By Container volume</u> | <u>By weight</u> |
|------------|----------------------------|------------------|
| - aluminum | 40%                        | 9%               |
| - plastic  | 40%                        | 20%              |
| - glass    | 20%                        | 71%              |

We expect to install 4 counting/sorting lines at this facility.

We currently plan to lease roughly 16,000 sf in the Elm Street facility. There will be bathrooms, 2 small offices, a small room for IT equipment, and a small break room.

There will typically be 3-4 26 ft box trucks parked in the lot overnight.

We will have a number of cameras installed so we can remote-monitor the facility.

**CITY OF BIDDEFORD, MAINE**  
**PLANNING BOARD**  
**P.O. Box 586, 205 Main Street Biddeford, Maine 04005**  
**207-284-9115**

**APPLICATION FORM**

**Type of Application:**

- |                                                            |                                           |                                      |
|------------------------------------------------------------|-------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Shoreland Zoning Permit           | <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Extraction  |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision      | <input type="checkbox"/> Private Way |
| <input type="checkbox"/> Other: _____                      |                                           |                                      |

**Applicant Information:**

Applicant's Name: Joe Engelken

Applicant's Mailing Address: P.O. Box 790, Burlington, VT 05402

Applicant's Telephone: 802-578-5139

What is Applicant's legal interest in the property?

- ☒ Owner    ☐ Potential Buyer with Contract    ☐ Lease/Rental Agreement

Owner's Name: 565 Elm Street LLC

Owner's Address: P.O. Box 790, Burlington, VT 05402

Owner's Telephone: 802-658-7400

Agent's Name: Peter J. Van Hemel

Agent's Address: P.O. Box 9729, Portland, ME 04104

Telephone: 207-228-7114

Engineer/Surveyor: N/A

Engineer/Surveyor's Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Project Location and Lot Information:**

Street Address: 565 Elm Street, Biddeford, ME 04005

Tax Map: 13 Lot: 43

Current Zoning: B2 Shoreland Zoning: \_\_\_\_\_

Size of lot: 7.17 ☒ acres ☐ s.f. Lot Frontage: 340 feet

Existing Use of Property: Light Manufacturing/Warehouse

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Property currently serviced by:

|                                                  |                                         |
|--------------------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> City Road    | <input type="checkbox"/> Private Road   |
| <input checked="" type="checkbox"/> Public Sewer | <input type="checkbox"/> Septic System  |
| <input checked="" type="checkbox"/> Public Water | <input type="checkbox"/> Private Well   |
| <input type="checkbox"/> Public Trash            | <input type="checkbox"/> Private Hauler |

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☒ Yes ☐ No If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

**Description of proposed use of property:**

Project/Proposed Use Description: Count & Crush, LLC (dba "Clynk") would like to establish a recycling  
material processing center at the subject location. Per the City of Biddeford this use is in line with the definition  
of a redemption center and is a conditionally permitted use in a B-2 zone.

---

Property to be serviced by:

|                                                  |                                         |
|--------------------------------------------------|-----------------------------------------|
| <input checked="" type="checkbox"/> City Road    | <input type="checkbox"/> Private Road   |
| <input checked="" type="checkbox"/> Public Sewer | <input type="checkbox"/> Septic System  |
| <input checked="" type="checkbox"/> Public Water | <input type="checkbox"/> Private Well   |
| <input type="checkbox"/> Public Trash            | <input type="checkbox"/> Private Hauler |

Is this project part of a larger project? ☐ Yes ☒ No

☐ If in a Shoreland Zone:

Percent of residential lot coverage (Max. 20%): \_\_\_\_\_

Percent of structure expansion (Max. 30%): \_\_\_\_\_

☐ If Subdivision Review, number of lots proposed: \_\_\_\_\_

☐ If a Private Way is proposed, number of lots served: \_\_\_\_\_

☐ **If Site Plan Review, you must provide the following information:**

Total new square feet footprint of structures: \_\_\_\_\_

Total new square feet paving/parking: \_\_\_\_\_

Waiver Requests (attach details):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Attachments:**

A. Letters of Approval

- ☐ Fire Department - Contact - 282-9986
- ☐ Ability to Serve – Maine Water - 282-1543
- ☐ Ability to Serve - Engineering Department (Sewer) - Contact - 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

**Fees (due at time of application):**

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

**Required Signatures:**

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

**-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

**Signature of applicant:**

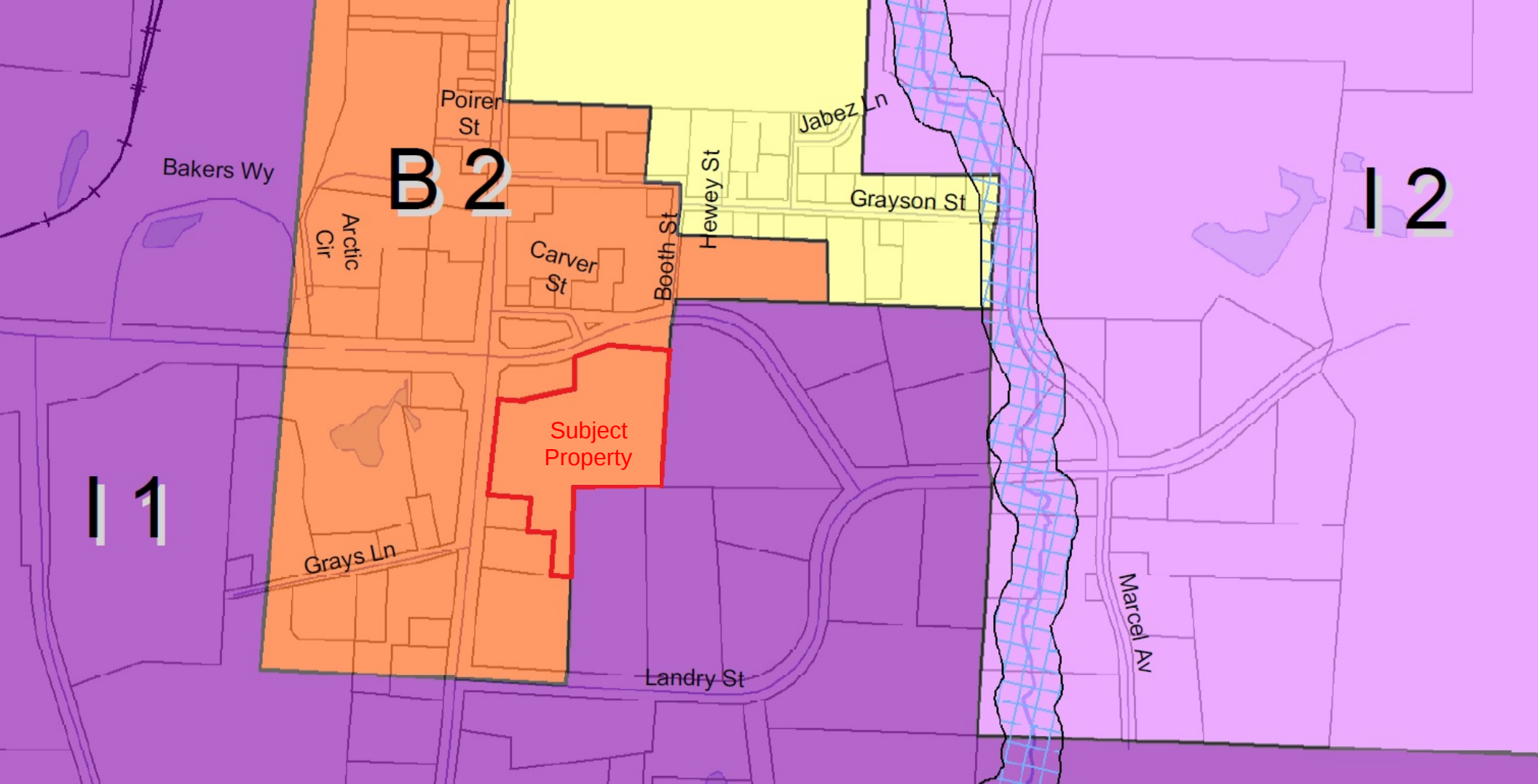


Date: 9/15/21

**Signature of owner of property:**



Date: 9/15/21



B 2

I 2

I 1

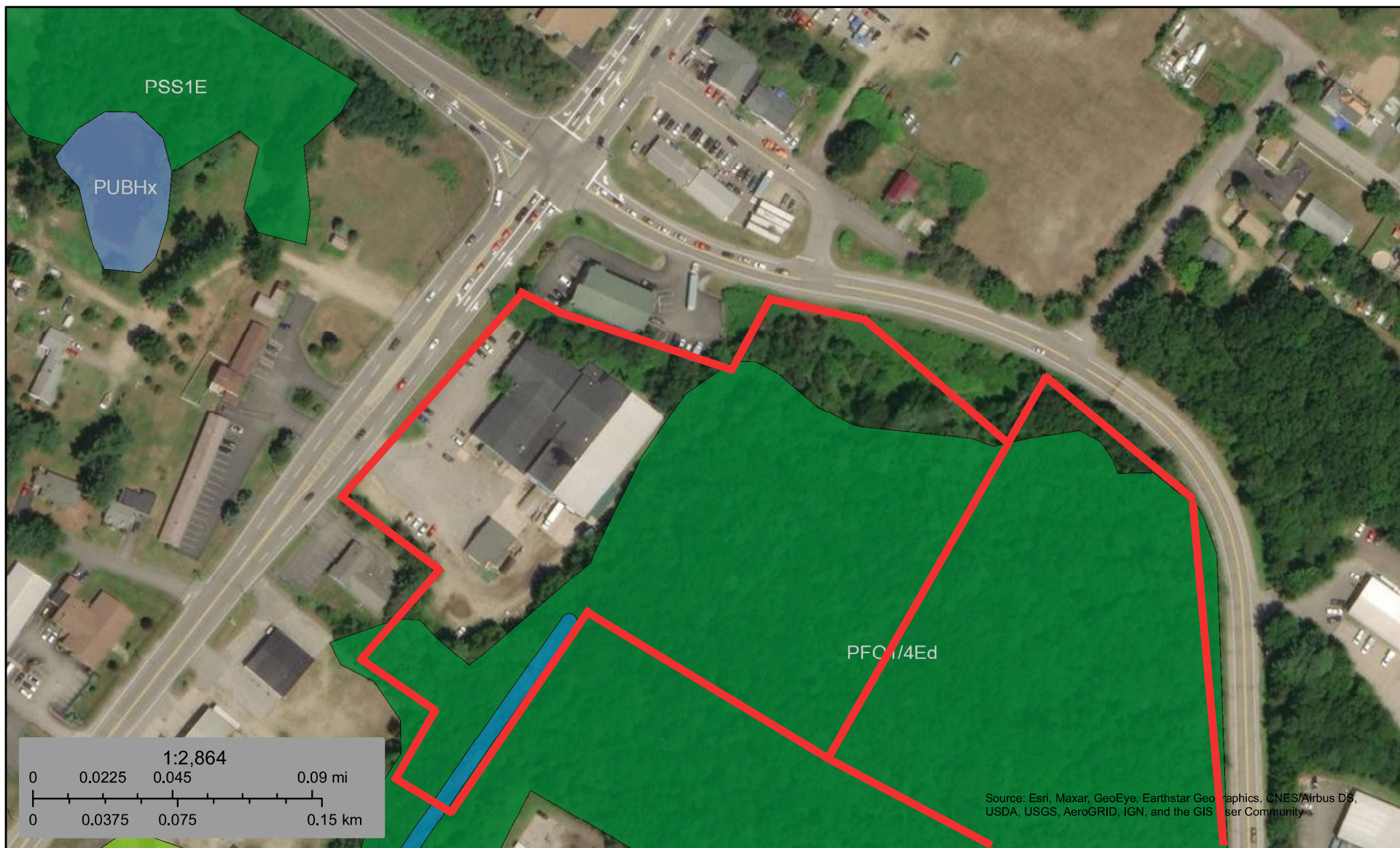
Subject  
Property



U.S. Fish and Wildlife Service

# National Wetlands Inventory

565 Elm St, Wetland



January 15, 2021

## Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## 565 Elm Street – Property Photos



View of building from Elm Street



Loading docks and Quonset hut

## 565 Elm Street – Property Photos



Loading dock area



Warehouse

## 565 Elm Street – Property Photos



Warehouse

Clynk - Projected Equipment Layout

