

City of Biddeford
Planning Board
October 04, 2017 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**

5.A. A. Consideration of Minutes: September 6, 2017
[September 6, 2017.doc](#)

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

7.A. A. 2017.34 Public Hearing, take comments, and make recommendations to City Council: regarding proposed amendments to the Land Development Regulations (Part III), Article VI (Performance Standards), Section 59 (Signs). The amendments would allow gas stations in any zone, except for the Institutional (IN) Zone, to have Electronic Message Centers (EMCs) to advertise fuel prices no larger than 9 square feet in size in the aggregate.

[EMCs Amendment Draft.docx](#)

7.B. B. 2017.33 Determination of Greatest Practical Extent: for Sara Zipp to raise her home, porch and deck by 3 feet located at 16 Breakwater Ave (Tax Map 54, Map 3) in the CR and LR Shoreland zone.

[2017.33 Zipp GPE SR.docx](#)

7.C. C. 2017.35 Determination of Greatest Practical Extent: for Chris Cronkhite to raise his home by 3 feet located at 13 Sea Breeze Ave (Tax Map 54, Lot 7) in the CR and LR Shoreland zone.

[2017.35 Cronkhite GPE SR.docx](#)

7.D. D. 2017.32 Re-approval of Site Plan: for LHL Holdings, LLC for 181 residential units, 107 seat restaurant, 10,000 sq. ft. gym and 18,000 sq. ft. commercial space located at 17 Lincoln Street (Tax Map 71, lot 5) in the MSRD-3 zone.

[2017.32 LHL Holdings Amendment SR 100417.docx](#)

- 8. OTHER BUSINESS**
- 9. ADJOURN**

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
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Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@biddefordmaine.org

PLANNING BOARD MINUTES

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

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

A. Quorum present: Chair Larry Patoine, Richard Potvin II, William Southwick, Matthew Boutet, Clement Fleurent (alt voting member), Roch Angers (alt non-voting member) entered late.

3. ADJUSTMENTS TO THE AGENDA

Items 2017.26 and 2017.29 have both been removed from the Agenda.

4. PLANNER'S BUSINESS

5. CONSENT AGENDA

A. Consideration of Minutes: August 2, 2017

MOTION:

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

6. UNFINISHED BUSINESS

7. NEW BUSINESS

A. 2017.31 Public Hearing, take comments, and make recommendations to the City Council: regarding a proposed amendment to the Official Zoning Map to rezone 445 Main St., 443 Main St., 441 Main St., 431 Main St., 421 Main St., 415 Main St., 409 Main St., 413 Main St., 401 Main St., 399 Main St., 395 Main St., 375-377 Main St., 373 Main St., 365 Main St., and 361 Main St from R-2 to the B-1 zone (as well as some unidentified railroad ROW).

Greg Tansley, City Planner: Brief statement.

Gary Tremblay of Marcel Tremblay, Inc: This change will help our business. We are in favor of the change.

Discussion between Board, Staff and Applicant.

MOTION:

- Southwick - Motion: to recommend the Zoning Change pass at the City Council.
- Boutet - Second.

- Chair Patoine – Call for Vote - Unanimous Approval (4-0) all in favor.

- B. 2017.30 Conceptual Subdivision: for Lisa Curro who is seeking re-approval to an previously approved Subdivision off of the Sokokis Road (Tax Map 47, Lots 35-46) in the SR-1 zone.
 Greg Tansley, City Planner: Brief statement.
 Paul Gadbois: Spoke briefly.
 Robert Roy, Wildlife Biologist with Stantec: Reviewed everything and found no evidence of turtles on the site. Walked the site and saw no support for habitat for Spotted Turtles.
 Bill Haapa, Twin Island Drive: Timing, changes to the 12 lots, do revisions need to be made later on.
 Lisa Curro, Applicant: Is in no hurry. Wants to make sure her kids are taken care of.
 Discussion Between Board, Staff and Applicant.

MOTION:

- Southwick - Motion: to determine the proposed subdivision is a major subdivision.
- Boutet - Second.
- Chair Patoine – Call for Vote - Unanimous Approval (4-0) all in favor.

MOTION:

- Southwick - Motion: to waive the full subdivision process and allow a subsequent joint Preliminary and Final review and approval of the project that had previously been approved, the Ordinance has not been changed in the meantime that would change the project, and applicant themselves are not proposing to change the project.
- Boutet - Second.
- Chair Patoine – Call for Vote - Unanimous Approval (4-0) all in favor.

- C. 2017.27 Concept Site Plan Review: For Five Star Holdings, LLC to construct a 6,500 sf commercial building at 457 Alfred Road (Tax Map 17, Lot 7) in the I-3 zone.
 Greg Tansley, City Planner: Brief statement.
 Bill Thompson, BH2M Engineers: Gave a presentation.
 Discussion between Board, Staff and Applicant.

- D. **REMOVED** 2017.26 Minor Subdivision: for Court Square Properties, LLC to convert the 2nd and 3rd floors of the old Journal Building into two apartments on each floor located at 11 Adams Street (Tax Map 38, Lot 339) in the MSRD-1 zone.

- E. 2017.28 Site Plan Review/Change of Use: for Michael Shea, Kennebunkport Marina for a boat storage facility to be located at 540 Elm Street (Tax Map 14, Lot 7) in the B-2 zone.
 Greg Tansley, City Planner: Brief statement.
 Dan Riley, Sebago Technics: Gave a presentation.
 Discussion between Board, Staff and Applicant.

MOTION:

- Southwick - Motion: to approve the Site Plan for Kennebunkport Marina at Tax Map 14, Lot 7, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated August 30, 2017.
- Boutet - Second.
- Chair Patoine – Call for Vote - Unanimous Approval (4-0) all in favor.

F. **REMOVED** 2017.29 Conditional Use Permit: for Southern Maine Affordable Housing to reuse the old St. Andre Church as a church located at 75 Bacon Street (Tax Map 39, Lot 130) in the MSRD-1 zone.

G. 2017.15 Preliminary Subdivision/Conditional Use Permit Review and Amendment to a Previously Approved Subdivision (Lot 1 of Riverview Farms Subdivision): for Jason Labonte who is proposing a 7-lot Residential Cluster Subdivision located at 34 Buzzell Road (Tax Map 6, lot 43) in the RF zone.

Greg Tansley, City Planner: Brief statement.

Andy Morrell, BH2M Engineers: Gave a presentation.

Janey, Buzzell Road: Drainage

Andy Morrell, BH2M Engineers: Addressed the Drainage issue.

Fred Tardif, River Road: Who owns it? Can they do what they want with it?

Open discussion between Fred Tardif, Andy Morrell-BH2M Engineers and Jason Labonte-Applicant.

Discussion between Board, Staff and Applicant.

MOTION:

- Boutet - Motion: to approve the Preliminary Subdivision Plan for Jason Labonte for a proposed 7-lot subdivision off Buzzell Road (Tax map 6, Lot 43) in the R-F zone.
- Potvin - Second.
- Chair Patoine – Call for Vote - Unanimous Approval (4-0) all in favor.

8. OTHER BUSINESS

Greg Tansley, City Planner: I spoke with Councilor Swanton regarding Sea Star Market's sign. Sea Star Market would like to go to an Electric Message Center but it's not allowed in the SR-1 zone. Councilor Swanton is asking for a zoning change to allow for an Electric Message Center at Sea Star Market.

Discussion between Board and Staff. The Planning Board agreed to move an amendment forward to propose this allowance.

9. ADJOURN

MOTION:

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

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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.**

Part III (Land Development Regulations), Article VI (Performance Standards), § 59 (Signs) is amended as follows:

B. General regulations for all districts.

1. Sign permits. No signs, other than exempt signs as listed in Subsection ~~B13 and~~ B14 below, shall be erected, altered, enlarged, or replaced except as provided in this ordinance. No person, firm, corporation, or organization shall erect, enlarge, or replace a sign without a sign permit issued by the Code Enforcement Office in accordance with the provisions of this ordinance. All sign permit applications shall include a drawing showing dimensions, types of materials to be used, and type and intensity of illumination (if applicable). If the applicant for a sign permit is not the owner of the property on which the sign is to be located, the owner's approval must be obtained prior to submission of a permit application.

...

7. On-premises signs. All signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the services available within said premises, except for those exempted in Subsection ~~B13B14~~.

...

16. Electronic message centers (EMCs). Where permitted, electronic message centers are subject to the district regulations in which they are located as well as the following:
 - a. EMCs may change messages no more than once every five minutes. EMCs shall not have scrolling, rolling, blinking, or intermittent lighting. EMCs displaying time and/or temperature are exempt from these requirements.
 - b. EMCs are permitted as any sign type (e.g., freestanding, wall, window, or projecting) except that EMCs may make up no more than 50% of the allowable sign area, and time and temperature displays may make up no more than 50% of the allowable EMC display. In no case shall the EMC portion or element of a sign be larger than 40 square feet.
 - c. Public schools and government facilities may install EMCs in any zoning district in accordance with the regulations herein.
 - d. Gas stations may install EMCs advertising fuel prices in any zoning district except for the Institutional (IN) Zone. Such EMCs readerboards shall in no case total more than 9 square feet in the aggregate. Readerboards consist of only that portion necessary to advertise the fuel price and do not include the encasements that house the readerboards. Gas station pumps may not have EMCs affixed to them.
 - e. Permitted illumination shall conform to the following criteria:

- (1) EMC illumination shall be single-color only except that gas stations advertising fuel prices may have up to 2 colors, each of which advertising a different price of fuel for sale.

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C. District regulations.

1. In the Suburban Residential, R-1-A, C-R, W-1, and W-3 Districts, only the following signs shall be permitted:

...

- f. Electronic message centers are not permitted except that gas stations, public schools and government facilities may install EMCs in accordance with Section B16.
2. In the MSRD-2, R-2, R-3, and OR Districts, the following signs shall be permitted:
 - a. A home occupation may display a sign as permitted under the home occupation standards of this ordinance (Article VI, Section 38).
 - b. In the R-2 and R-3 Districts, permitted nonresidential uses may display one nonilluminated sign not exceeding eight square feet in area nor located on the roof of a building except as provided in C.2.f below. Any sign may be located within the front setback but shall not be closer than 10 feet to the street right-of-way and shall be no closer than 10 feet to either of the side lot lines.
 - c. In the MSRD-2 District, permitted nonresidential uses may display one externally illuminated sign not exceeding eight square feet in area nor located on the roof of a building except as provided in C.2.f below. In the OR District, permitted nonresidential uses may display one externally illuminated sign not exceeding 12 square feet in area nor located on the roof of a building except as provided in C.2.f below. Where an existing principal building is within 15 feet of the street right-of-way, a ground sign may be located within 10 feet of the street right-of-way if it can be demonstrated to the Code Enforcement Office that there is no other location on the lot that could accommodate a sign to meet the ten-foot setback.
 - d. No signs shall be taller than 10 feet in height.
 - e. Permanent project signs identifying a specific housing subdivision or project. These signs shall be limited to:
 - (1) One sign per project or subdivision.
 - (2) Such sign shall be no more than 32 square feet in size.
 - (3) Such sign shall be no more than four feet in height.
 - (4) Such sign shall be located in such a manner as to not interfere with traffic safety or cause a hazard regarding sight distance for automobile traffic.

- f. Electronic message centers are not permitted, except that gas stations, public schools and government facilities may install EMCs in accordance with Section B16.
- ...
4. In the Rural-Farm and Limited Rural-Farm Districts, only the following signs shall be permitted:
- f. Electronic message centers are not permitted, except that gas stations, public schools and government facilities may install EMCs in accordance with Subsection B16.
5. In the B-1, MSRD-1, and W-2 Districts, only the following signs shall be permitted:
- No establishment shall have more than two signs.
 - Street level businesses shall not have a sign or signs with a combined aggregate surface area greater than two square feet for each linear foot of building frontage up to a maximum of 100 square feet total nontemporary signage.
 - Businesses above the first floor shall not have a sign greater than 12 square feet.
 - There shall be no freestanding signs or electronic message centers except in the B-1 and MSRD-1 Zones along Elm Street in the following defined area: From the Biddeford City line with Saco (northerly-most point of Elm Street) to the northerly side of Center Street, and except that gas stations, public schools and government facilities may install EMCs in accordance with Subsection B16.
6. Additionally in the MSRD-1, MSRD-2 and MSRD-3 Districts, the following shall apply:
- (1) The Historic Preservation Commission (HPC), or its designee, shall review all sign applications within this district. The Code Enforcement Office shall not issue a sign permit unless the HPC has issued a certificate of appropriateness or one has been issued by the appropriate reviewing authority.
 - (2) It shall be the responsibility of the property owner to remove all business signs within 30 days from the date the accompanying use is discontinued.
 - (3) Businesses above the first floor shall not have a sign greater than 12 square feet.
 - (4) Internally illuminated signs are not permitted except as provided in C.2.C.3, and C.5. All new sign illumination shall be from shielded external sources.
 - (5) Signs shall be made of wood, metal, or stone, except that awnings may be made of fabric or canvas, ~~and~~ window signs may be made of any material, and gas station fuel price EMC's readerboards may be made of any material. Readerboards consist of only that portion necessary to advertise the fuel price and do not include the encasements that house the readerboards.
 - (6) Corporate sponsors/commercial messages are not permitted on any sign except for allowable window signs. The area of corporate sponsors in window signs contributes towards the total allowable sign area. See Subsection B15 of this ordinance.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.33

Greg D. Tansley, AICP
205 Main Street
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Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

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

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

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

DATE: September 27, 2017

RE: NEW BUSINESS ITEM #B – 2017.33 Determination of Greatest Practical Extent: for Sara Zipp to raise her home, porch and deck by 3 feet located at 16 Breakwater Ave (Tax Map 54, Map 3) in the CR and LR Shoreland zone.

MEETING DATE: October 4, 2017

1. INTRODUCTION

The applicant is proposing to elevate her home, porch and deck by 3 feet at 16 Breakwater Avenue. The house, porch, and deck are all non-conforming due to the Limited Residential District off the Saco River/Atlantic Ocean.

The Board is required to determine if the structures to be elevated are located the "Greatest Practical Extent" from the Resource. The existing home, porch, and deck are all within the 100' Limited Residential (LR) District Setback. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.2 (Foundations). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.3):

The Planning Board shall consider:

- o the size of the lot,*
- o the slope of the land,*
- o the potential for soil erosion,*
- o the location of other structures on the property and on adjacent properties,*
- o the location of the septic system and other on-site soils suitable for septic systems, and*
- o the type and amount of vegetation to be removed to accomplish the relocation.*

In reviewing the survey it is evident the lot is quite small and the location of the existing house is very close to the side lot line closest to Hills Beach Road – at the corners of the

house the side lot lines are 5.03' and 4.13'.

Although not shown on the plan, according to the enclosed e-mail from the applicant, the septic system is on the right behind the house which would further prevent the movement of the house. It is apparently located 10' of the fence, 10' behind the house.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Sara Louise Smith Zipp 10 Delane Drive Bedford Hills, NY 10507
2.	Owner of Property:	Sara Louise Smith Zipp 10 Delane Drive Bedford Hills, NY 10507
3.	Agent:	Self
4.	Surveyor:	Dow & Coulombe, Inc 13 Park Street Saco, ME 04072
4.	Project Location:	16 Breakwater Ave. Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 54, Lot 3
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home.
9.	Proposed Use:	Single family home.
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	House, Porch, and deck to be located the Greatest Practical Extent from the resource as located upon its existing footprint elevating the house, porch, and deck by 3' for Sara Zipp considering all factors outlined in Section 12.C.3 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	.11 Acres (4,791 SF +/-)
14.	Floodplain Status:	Appears not to be in a Floodzone.
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.

19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Possibly Required:	Maine DEP NRPA Permit, Saco River Corridor Commission Approval
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	October 4, 2017 (Posted in City Hall September 20, 2017; Journal Tribune posting September 22, 2017; Mail Notices to all abutters within 250' sent September 20, 2017 - 12 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single family home with a front porch and rear deck. The existing home already violates setbacks with the side property line.





4. PROJECT PROPOSAL

Elevate the existing house, porch, and deck 3' on the same foundation.

5. PUBLIC COMMENT

October 4, 2017 Review:

Posted in City Hall September 20, 2017; Journal Tribune posting September 22, 2017; Mail Notices to all abutters within 250' sent September 20, 2017 - 12 notices sent.

See the packet for abutter comments and City response's.

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR/LR Zones.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.3).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:

None.

7. STAFF RECOMMENDATION

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

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. The house, porch, and deck shall be elevated in-place (i.e., on the same foundation(s) such that they are not moved any closer to the resource than where they currently exist.
4. Obtain required permits from Code Enforcement.

8. NEXT STEPS/SUGGESTED ACTIONS

Consider making a determination that the proposal meets the criteria for being located to the Greatest Practical Extent away from the resource give the constraints presented.

9. SAMPLE MOTIONS

- A. *Motion to approve the Determination of Greatest Practical Extent for Sara Zipp based on the materials presented for 16 Breakwater Avenue (Tax Map 54, Lot 3) and approve the findings of fact based on the conditions recommended by Staff in its report dated September 27, 2017.*
- B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Applicant's Application Package
2. Draft Findings of Fact
3. E-mails related to the proposal as of September 26, 2017



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.35

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

Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

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

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

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the printed name.

DATE: September 27, 2017

RE: NEW BUSINESS ITEM #C – 2017.35 Determination of Greatest Practical Extent: for Chris Cronkhite to raise his home by 3 feet located at 13 Sea Breeze Ave (Tax Map 54, Lot 7) in the CR and LR Shoreland zone.

MEETING DATE: October 4, 2017

1. INTRODUCTION

The applicant is proposing to elevate a single-family house by 3 feet at 3 Sea Breeze Avenue. The house is non-conforming due to the Limited Residential District off the Saco River/Atlantic Ocean.

The Board is required to determine if the structure to be elevated is the "Greatest Practical Extent" from the Resource. The existing house is within the 100' Limited Residential (LR) District Setback. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.2 (Foundations). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.3):

The Planning Board shall consider:

- o the size of the lot,*
- o the slope of the land,*
- o the potential for soil erosion,*
- o the location of other structures on the property and on adjacent properties,*
- o the location of the septic system and other on-site soils suitable for septic systems, and*
- o the type and amount of vegetation to be removed to accomplish the relocation.*

Given the lot size, configuration, and location of the existing structure Staff recommended the applicant field determine the existing dimensions since a survey is not available. That information should be in your packets illustrating measured dimensions from the side lot

line. As illustrated, the existing house is very close to the side lot line closest to Hills Beach Road – approximately 13.4” (setback requirements are 25’ in the CR Zone).

The proposed septic system would be located as far away from the resource as possible, in front of the house. It will replace an existing cesspool.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Chris Cronkhite 11 Sea Breeze Ave Biddeford, ME 04005
2.	Owner of Property:	Chris Cronkhite 11 Sea Breeze Ave Biddeford, ME 04005
3.	Agent:	Self
4.	Surveyor:	N/A
4.	Project Location:	13 Sea Breeze Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 54, Lot 7
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home
9.	Proposed Use:	Single family home
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	Existing Residential Structure to be elevated on the existing foundation and located the Greatest Practical Extent from the resource for Christopher Cronkhite considering all factors outlined in Section 12.C.3 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	.20 Acres (8,712 SF +/-)
14.	Floodplain Status:	Appears not to be in a Floodzone.
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Possibly Required:	

		Maine DEP NRPA Permit, Saco River Corridor Commission Approval
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	October 4, 2017 (Posted in City Hall September 20, 2017; Journal Tribune posting September 22, 2017; Mail Notices to all abutters within 250' sent September 20, 2017 - 27 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single family home on it. The existing home already violates setbacks with the side property line.





4. PROJECT PROPOSAL

Raise the existing house 3' on the same foundation.

5. PUBLIC COMMENT

October 4, 2017 Review:

Posted in City Hall September 20, 2017; Journal Tribune posting September 22, 2017; Mail Notices to all abutters within 250' sent September 20, 2017 - 27 notices sent.

See the packet for abutter comments and City response's.

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR/LR Zones.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.3).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:

None.

7. STAFF RECOMMENDATION

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

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. The house shall be elevated in-place (i.e., on the same foundation) such that is not moved any closer to the resource than where it currently exists.
4. Obtain required permits from Code Enforcement.

8. NEXT STEPS/SUGGESTED ACTIONS

Consider making a determination that the proposal meets the criteria for being located to the Greatest Practical Extent away from the resource give the constraints presented.

9. SAMPLE MOTIONS

- A. *Motion to approve the Determination of Greatest Practical Extent for Chris Cronkhite based on the materials presented for 13 Sea Breeze (Tax Map 54, Lot 7) and approve the findings of fact based on the conditions recommended by Staff in its report dated September 27, 2017.*
- B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Applicant's Application Package
2. Draft Findings of Fact
3. E-mail related to the proposal as of September 26, 2017



CITY OF BIDDEFORD
PLANNING DEPARTMENT

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PLANNING BOARD REPORT

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

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

DATE: September 27, 2017

RE: NEW BUSINESS ITEM #D - 2017.32 Re-approval of a Site Plan: for LHL Holdings, LLC for 181 residential units, 107 seat restaurant, 10,000 sq. ft. gym and 18,000 sq. ft. commercial space located at 17 Lincoln Street (Tax Map 71, lot 5) in the MSRD-3 zone.

MEETING DATE: WEDNESDAY, October 4, 2017

1. **INTRODUCTION**

The applicant is looking to re-approve a previously approved (now expired) Site Plan. The Subdivision Approval is still valid. The Building is vacant. The purpose of this application is to obtain re-approval of exactly the same previously approved plan as follows:

Development Program:

- 181 residential units, 107 seat Restaurant, 10,000 sq. ft. Gym and 18,000 sq. ft. Commercial space

Parking:

- The Development Program calls for 443 parking spaces per Ordinance. There are 109 parking spaces on-site and 71 parking spaces leased at 3 Lincoln Street (across from Mulligan's). The remaining 263 parking spaces were waived with the original approval and remain valid as part of the Subdivision Approval.

2. **PROJECT DATA**

	SUBJECT	DATA/INFORMATION
1.	Applicant:	LHL Holdings, LLC 2 Livewell Drive, Suite 201

		Kennebunk, ME 04043
2.	Owner of Property:	LHL Holdings, LLC 2 Livewell Drive, Suite 201 Kennebunk, ME 04043
3.	Agent:	Steve Doe Sebago Technics, Inc. 75 John Roberts Road, Suite 1A South Portland, ME 04106-6963
4.	Project Location:	Lincoln Street/Saco Falls Way
5.	Project Tax Map #/Lot #:	71/5
6.	Existing Zoning:	MSRD-3
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	181 residential units, 107 seat Restaurant, 10,000 sq. ft. Gym and 18,000 sq. ft. Commercial space
10.	Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Residential/Industrial/Commercial
12.	Review Standards:	Site Plan Review
13.	Parcel Size:	N/A
14.	Minimum Lot Size Required: Provided:	None N/A
15.	Frontage Required: Provided:	None N/A
16.	Front Setback Required: Provided:	None N/A
17.	Side Setbacks Required: Provided:	None N/A
18.	Rear Setback Requires: Provided:	None N/A
19.	Height Requirements: Provided:	Minimum 2 Stories or 26 feet N/A
20.	Water Supply:	Maine Water Company
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
27.	Ownership of Road:	Lincoln Street is a City Street. Saco Falls Way is a Private Road
28.	Estimated Site Development Costs:	TBD
29.	Financial Capacity Letter:	To be provided.
30.	Waivers Needed:	a. None

31.	Waivers Granted:	a. None
32.	Variances Needed for Approval:	None.
33.	Other Permits Obtained:	N/A
34.	Other Non-City Permits Required:	None.
35.	Covenants, By-laws, Restrictions Required by the Planning Board/SRC:	None
36.	LDR Attachment A: Fess Paid:	Yes
37.	Planning Board Review History: Planning Board Final Review:	October 4, 2017 (Posted in City Hall September 20, 2017; Posted in Journal Tribune September 22, 2017; Mail Notices to all abutters within 250' sent September 20, 2017 – 28 notices sent)

3. EXISTING CONDITIONS

The Building is vacant. The purpose of this application is to re-approve the expired Site Plan component of the project (the Subdivision Approval is still valid).

It should be noted that there is an existing “ACCESS WAY MAINTENANCE AGREEMENT” in place amongst multiple parties, including LHL Holdings, LLC that may need to be amended to reflect the additional usage of Saco Falls Way by LHL Holdings, LLC’s tenants/occupants.

4. PROJECT PROPOSAL

- 181 residential units, 107 seat Restaurant, 10,000 sq. ft. Gym and 18,000 sq. ft. Commercial space

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on September 20, 2017. It was also posted in the Journal Tribune on September 22, 2017. Mailing notices were also sent out to all abutters within 250' on September 20, 2017 – 28 notices were sent out.

As of September 26, 2017 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: N/A
- b. REVIEW STANDARDS: N/A
- c. WAIVERS: None

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

1. Submit remaining fees due of \$40.00.
2. Provide signature plans to the Planning Department by Noon, Wednesday October 4, 2017 – Provide at a minimum:
 - 1 Mylar and 1 Paper Plan Set for signature
 - 1 Mylar and 1 Paper Signature Sheet

7. STAFF RECOMMENDATION

Since nothing has changed in the development program which was approved in March 2016 recommend the Planning Board reapprove the Site Plan for LHL Holdings, LLC.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting final approval of the previously approved Site Plan. Recommended Conditions of Approval are as follows:
 1. Prior to any ground disturbance or issuance of any permits:
 - a. The applicant must submit a recorded copy of the subdivision/site plan to the Planning Department.
 - b. A Salt Management Plan must be provided for review and approval by the Planning Department.
 - c. A pre-construction meeting with the contractor needs to be held with the Planning Department to discuss inspection requirements.
 - d. 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.
 - e. A performance guarantee (acceptable to the Planning Department) in the amount of 150% of the site improvements shall be submitted to the Planning Department.
 - f. The design of the elevator sump drainage must be reviewed and approved of by the Engineering Department.
 - g. Letter of financial capacity to be provided to the Planning Department.
 - h. The applicant shall propose final fencing plans along Lincoln Street to the Planning Department for review and approval. The Planning Department, shall at its discretion, submit the proposed fence plans to the Planning Board for review and approval.
 - i. The applicant shall provide hydrant flow tests to the Planning Department as well as a copy of an executed private maintenance agreement for the hydrants.
 2. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
 3. A Sewer Permit must be completed as well as fees paid. Continued use of floor drains must be approved by the Sewer Department. Roof drains

connected to the sewer system must be disconnected as part of this approval.

4. Prior to the issuance of a Sewer Permit:

a. Provide a copy of the agreement that the applicant has with Doug Sanford relative to the use of the sewer piping.

5. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.

6. Standard Conditions of Approval apply.

7. Prior to issuance of an occupancy permit:

a. The Planning Department shall conduct a compliance inspection and shall determine that all required site improvements related to the public's health, safety, and welfare have been completed, and that the City holds a Performance Guarantee sufficient to cover any remaining site improvements and/or deficiencies.

8. Confirm E-911 addressing with JoAnn Fisk at the Biddeford Police Department.

9. If requested by the Planning Department, copies of maintenance logs for the catch basins shall be provided to the City.

10. 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.

11. 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.

9. SAMPLE MOTIONS

A. *Motion to approve the Site Plan for LHL Holdings, LLC at Tax Map 71, Lot 5, approve the findings of fact, and sign the mylars based on the conditions recommended by Staff in its report dated September 27, 2017.*

B. *Motion to deny the approval to the previously approved Site Plan upon the following reasons:*

- a) _____
b) _____

ATTACHMENTS

1. Applicant's September 11, 2017 Submission packet.
2. Draft Findings of Fact and Conclusions of Law.