

City of Biddeford
Planning Board
October 02, 2019 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. Consideration of Minutes: September 4, 2019
[PB Minutes 090419.doc](#)
 - 6. UNFINISHED BUSINESS**
 - 7. NEW BUSINESS**
 - 7.A. 2017.30 Extension of a previously approved subdivision for Lisa Curro for Tide Water Estates (Tax Map 47, Lots 35-46) in the SR-1 zone.
[2017.30 Curro Tide Water Estates Extension SR 100219.pdf](#)
 - 7.B. 2019.36 Conceptual Site Plan Review/Contract Zone for Maine Governmental Facilities Authority for the construction of a courthouse with an approximate 34,545 sf building footprint, two parking lots and construction of a gravel road to connect Elm Street to Hill Street located at 511-515 Elm Street (Tax Maps 88 & 3, Lots 5 & 66-1) in the B2 and R1A zones.
[2019.36 York County JC Concept SR 100219.pdf](#)
[York County JC Concept Plan.pdf](#)
 - 8. OTHER BUSINESS**
 - 8.A. Parking Ordinance Update/Discussion
 - 9. ADJOURN**
- The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.**



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

Planning Board Minutes

Date: Wednesday, September 4, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
 - A. Quorum Present: Chair William Southwick, Roch Angers, Bruce Benway, Sean Tarpey, Spiros Droggitis, Michael Cantara (alt non-voting member).
3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda
 - A. Consideration of Minutes: August 21, 2019

MOTION:
Benway- Motion: to approve Consent Agenda.
Angers- Second.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.
6. Unfinished Business
7. New Business
 - A. 2019.25 Preliminary Subdivision/Site Plan for Draft Room, LLC for the redevelopment and renovation of two existing buildings within the Riverdam Mill complex into mixed use with the upper levels having 71 one-bedroom apartments located at 24 Pearl Street (Tax Map 71, Lot 9) in the MSRD-3 zone.

John Laliberte, Port Properties: Here on behalf of the project and can answer any questions.

Will Savage, Acorn Engineering: Gave a presentation.

Ryan Senatore, Project Architect: Went over the renovations and plans of the buildings.

Greg Tansley, City Planner: Spoke about parking. Handed out a Council order regarding parking that was approved on Tuesday night.

Will Savage, Acorn Engineering: It really does not work for their time frame. There are two options. Option one for non-residential uses they still allow the Planning Board to

waive the parking requirements for a mixed use development, so the non-residential component could get waived and not have to go back to the City Council. Option two would be the phased approach just so we can get the project started and we'll come back to revisit the other waivers.

Discussion between Board and Staff regarding parking.

Will Savage, Acorn Engineering: Yes we will be requesting a waiver for the six parking spaces.

MOTION:

Benway- Motion: to wave six non-residential parking spaces, conditional upon receipt of a written request from the developer and subject to approval by the City Solicitor to allow this project to move forward in a timely manner.

Angers- Second.

Discussion

AMENDED MOTION:

Benway- Motion: to wave six non-residential parking spaces, conditional upon receipt of a written request from the developer and subject to approval by the City Solicitor to allow this project to move forward in a timely manner, we're very close to compliance and it could cause undue hardship for the developer.

Angers- Second.

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

Chair Southwick- Call for Vote on Original Motion- Unanimous Approval (4-0) all in favor.

MOTION:

Benway- Motion: to determine the application is "complete" for review purposes.

Angers- Second.

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

MOTION:

Benway- Motion: to grant Preliminary Subdivision Approval for the proposal located at 24 Pearl Street (Tax Map 71, Lot 9) conditioned on a Final Application and Plan Set shall not be submitted to the Planning Board until, A) The 3rd Party Engineer and City Staff have completed their reviews of the Preliminary Plan Submission package. This includes providing all comments to the Applicant and the applicant responding to Staff satisfactorily. B) A draft Maine DOT Traffic Movement Permit has been obtained from the Maine DOT.

- B. 2019.33 Conceptual Site Plan/Conditional Use Permit/Shoreland Zone Permit for The Maine Water Company to replace the existing facility with a new water intake and pump station at 466 South Street (Tax Map 2, Lot 40) in the SR-1 and LR zone and construct a new treatment facility located at 437-469 South Street (Tax Map 1, Lots 14, 14-1, 40), (Tax Map 2, Lots 17-4, 18, 19) in the RF and SR-1 zones.

Greg Tansley, City Planner: Last night at Council they passed the second reading of the 75' setback for the Shoreland for this project.

Rick Nolton, Maine Water: Announced the team members and gave an overview of the project.

Bill Walsh, Walsh Engineers: Gave a detailed presentation.

Anthony Chicco, 3 Fox Hollow Drive: What and when will something happen to the old treatment plant?

Matthew Chamberlain, South Street Village, LLC: Support of the project.

Discussion between Board, Staff and Applicant.

8. Other Business

A. Workshop – Doggie Daycare.

Discussion between Board, Staff and Mr. Dutton.

B. Workshop – Maine Judicial Courts Consolidation

Greg Tansley, City Planner: York County Judicial Court is moving forward. The one thing that is a concern is the height zone in that corridor and we recommend they go for a contract zone.

Discussion between Board and Staff.

Discussion between Board and Staff regarding Parking and the next Comp Plan meeting.

9. Adjourn

MOTION:

Benway- Motion: to Adjourn.

Angers- Second.

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

o _____
o **Planning Board Chair**

_____ **Date**

o

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



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.30

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Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

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

DATE: September 26, 2019

RE: **NEW BUSINESS ITEM #A** – 2017.30 Extension of a previously approved subdivision for Lisa Curro for Tide Water Estates (Tax Map 47, Lots 35-46) in the SR-1 zone.

MEETING DATE: October 2, 2019 @ 6:00 PM

1. INTRODUCTION:

In December 2017 the applicant received a new approval for a 12-Lot Subdivision off Sokokis Road in the S-R-1 zone. This subdivision was previously approved in 2002 and with an approval extension in 2004. The approval expired in 2006. In 2017 the applicant presented a new subdivision plan that then went through the Planning Board review process as if it were a new project. It was approved as such.

The applicant would now like to seek an 2-year extension to the 2017 approval of the project. Based on staff's review, nothing has changed in the Ordinances that would affect this subdivision plan. A new road is proposed to access all 12 Lots. The subdivision would be on public water with individual on-sept septic systems.

Further, during the September 2017 Planning Board Meeting the applicant satisfied a need to examine the property for rare/endangered turtles – there are none and the habitat does not support them.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Lisa Curro, Trustee 26 Twin Island Drive

		Biddeford, ME 04005
2.	Owner of Property:	Bartolucci Living Trust C/ Lisa Curro, Trustee 26 Twin Island Drive Biddeford, ME 04005
3.	Agent:	Paul Gadbois, PE PO Box 327 Saco, ME 04072
4.	Engineer/Architect:	Paul Gadbois, PE PO Box 327 Saco, ME 04072
4.	Project Location:	Off Sokokis Road @ Tide Water Estates
5.	Project Tax Map #/Lot #:	Tax Map 47, Lot 35-46
6.	Existing Zoning:	SR-1
7.	Overlay Zoning:	None (where project is proposed)
8.	Existing Use:	Vacant
9.	Proposed Use:	12-lot Subdivision and "Remaining Land Bartolucci"
10.	City Approvals Required:	Subdivision Approval – Extension of Approval to December 6, 2021
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Combined the 12 Lots equal 309,374 SF (7.1 Acres). Road ROW is approximately 1.2 Acres.
13.	Number of Lots/Units in Subdivision:	12 Residential Lots
14.	Minimum Lot Size Required: Provided:	20,000 SF Minimum 20,000 SF (Net)
15.	Frontage Required:	100'
16.	Front Setback Required:	40'
17.	Side Setbacks Required:	10'
18.	Rear Setback Requires:	10'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Public Water
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford (if the road is accepted as public)
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	Negligible (2,410 SF +/-)
26.	Soil Study Provided:	HHE-200's provided.

29.	Ownership of Road:	Sokokis Road is a City Street
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	To be submitted prior to project commencement.
34.	Waivers Needed:	None
35.	Waivers Granted:	N/A
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	Saco River Corridor Commission/Maine DEP (if applicable)
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Yes
41.	Planning Board Review History: Extension Review:	October 2, 2019. Posted in City Hall September 24, 2019; Mail Notices to all abutters within 250' sent September 24, 2019 - 28 notices sent).

3. EXISTING CONDITIONS:

The project site is currently vacant and is located off Sokokis Road. Since the lots are currently in existence and the approval has not yet expired, the GIS system displays the lots as approved:



4. PROJECT PROPOSAL:

See attached Plan(s) for more information. Although Plan Sheets 2 and 3 are not included in the Board's packets, they were previously approved and Staff recommend reapproving those sheets as part of the extension. These sheets contain construction details and notes related to the project.

5. PUBLIC COMMENT:

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

6. STAFF REVIEW:

a. ZONING: Single-family homes are allowed in the SR-1 Zone.

b. REVIEW STANDARDS: Subdivision Review.

c. WAIVERS **GRANTED**: N/A

d. **OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO OCTOBER 2, 2019:**

1. **Submit 2 Mylars and 2 Paper copies of the Plan Set.**

7. STAFF RECOMMENDATION

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

1. Included in this approval are sheets 2 and 3 from the previous subdivision approval being "AMENDED SUBDIVISION PLAN TIDE WATER ESTATES APPROVED BY THE CITY OF BIDDEFORD PLANNING BOARD ON JANUARY 7, 2004".
2. Prior to any ground disturbance/site work the following must be completed:
 - a. Submit a Financial Capacity to complete the project letter from a qualified financial institution.
 - b. Provide evidence that MaineWater has approved the water system design as per comments received by MaineWater on November 22, 2017 and provided in the Staff Report dated November 29, 2017.
 - c. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements.
 - d. Erosion Control/Site Stabilization Bond in an amount to be determined by the Planning Department must be submitted to the Planning Department.
 - e. The applicant must submit a recorded copy of the subdivision plan to the Planning Department.
 - f. Best management practices shall be adhered to during all ground disturbance operations.
3. Prior to the sale or conveyance of a lot/unit or issuance of any building permits:
 - a. A performance guarantee (acceptable to the Planning Department) in the amount of 150% of the remaining improvements shall be submitted to the Planning Department.
 - b. If the street is still private at the time a building permit is requested the driveway location needs to be approved of by the Planning Department to ensure compliance with the plan and City requirements prior to issuance of any permits.
 - c. If the street is still private at the time a building permit is requested a copy of the registered homeowner's association documents must be provided to the Planning Department.
 - d. All easements must be recorded and copies provided to the Planning Department.
4. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
5. Prior to City acceptance of the road:
 - a. The Homeowner's Association shall be responsible for the handling of trash collection and disposal (private curbside or private dumpster) until such time as the City has accepted it as a Public Street. No trash is permitted to be hauled to the intersection of Sokokis Road for City collection.
 - b. All Monuments shall be Granite.

6. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.

7. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting a 2-year extension to the Subdivision approval to 12/6/2021.

9. SAMPLE MOTIONS

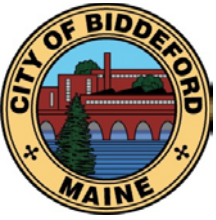
A. *Motion to approve a 2-Year extension for the subdivision approval to December 6, 2021 for Tide Water Estates for a 12-Lot Subdivision off Sokokis Road (Tax Map 47, Lots 35-46) in the SR-1 zone, approve the findings of fact, and sign the mylars based on the conditions recommended by Staff in its report dated September 26, 2019.*

B. *Motion to deny the extension of the subdivision approval based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS:

1. Notice of Decision Dated December 11, 2017
2. Draft Findings of Fact.



CITY OF BIDDEFORD
PLANNING DEPARTMENT

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PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

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

DATE: September 26, 2019

RE: NEW BUSINESS ITEM #B – 2019.36 Conceptual Site Plan Review/Contract Zone for Maine Governmental Facilities Authority for the construction of a courthouse with an approximate 34,545 sf building footprint, two parking lots and construction of a gravel road to connect Elm Street to Hill Street located at 511-515 Elm Street (Tax Maps 88 & 3, Lots 5 & 66-1) in the B2 and R1A zones.

MEETING DATE: October 2, 2019 @ 6:00 PM

1. **INTRODUCTION**

In March 2017 the City of Biddeford conveyed three parcels of land to the Maine Governmental Facilities Authority to facilitate plans for the consolidation of the York County District and Superior Courts into one judicial facility off Elm Street (Route 1). The location is south of Mardens on the east side of Route 1 on property that has been locally referred to as the 'Pate' property, although the total property under consideration includes land continuing on to Hill Street.

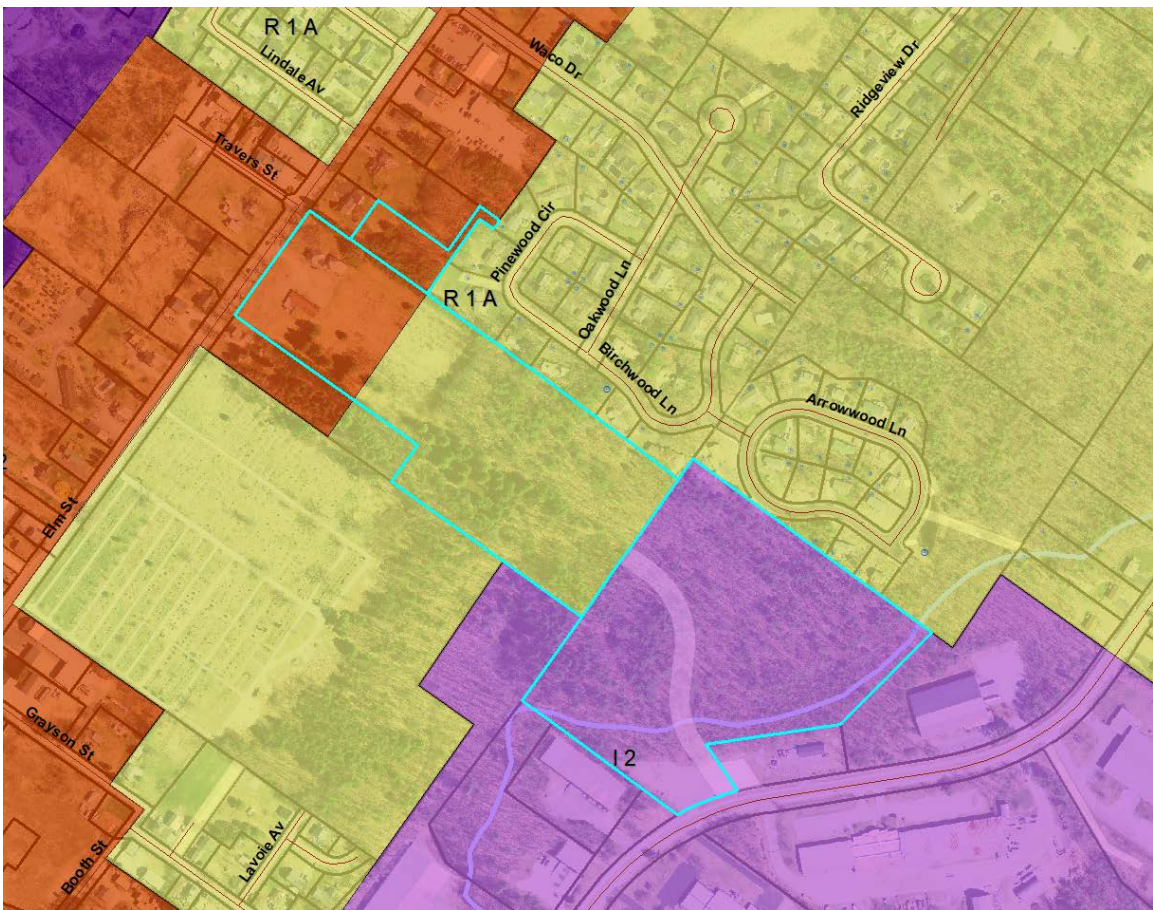
As described below, the project needs a Contract Zone to accommodate the 70' (+/-) height of the structure in an otherwise 35' zone (B-2). On September 17, 2019 the City Council endorsed the concept of a Contract Zone.

The application submitted indicates a proposal that includes a new building with a footprint of approximately 34,545 SF. The facility would be four (4) stories in height, the top story being a utility penthouse.

The Concept Plan before the Board includes an overall conceptual site layout including the building, access ways, and parking. As proposed, a controlled vehicle access to Hill Street would be constructed for emergency access.

The proposed use (Public Facility) is a Permitted (P) Use in the B-2 Zone and is a Conditional (C) Use in the R1-A and I-2 Zones. The judicial center building itself is proposed entirely within the parcel of land zoned B-2. Due to the proposed height of the structure (approximately 70 feet), the project requires a zoning adjustment since the maximum height in the B-2 (and R1-A) Zone where the building would be located is only 35'. Staff have recommended the consideration of a Contract Zone in order to accommodate this height difference, as well as any other zoning adjustments that may not yet be known, but are necessary to facilitate the project.

The three parcels involved are highlighted as follows:



2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Maine Governmental Facilities Authority 127 Community Drive

		P.O. Box 2268 Augusta, ME 04338-2268 207-622-9386
2.	Owner of Property:	Maine Governmental Facilities Authority 127 Community Drive P.O. Box 2268 Augusta, ME 04338-2268 207-622-9386
3.	Agent:	James T. Glessner State Court Administrator 125 Presumpscot Street P.O. Box 4820 Portland, ME 04112-4820 207-822-0781
4.	Engineer:	Gorrill-Palmer 707 Sable Oaks Drive, Suite 30 South Portland, ME 04106 207-772-2515
5.	Surveyor:	Titcomb Associates 133 Gray Road Falmouth, ME 04105
6.	Project Location:	511-515 Elm Street and 384 Hill Street
7.	Project Tax Map #/Lot #:	Tax Maps 88 & 3, Lots 5 & 66-1
8.	Existing Zoning:	B-2 and R1-A. I-2 on the Hill Street side.
9.	Overlay Zoning:	None
10.	Existing Use:	Vacant, Cell Tower (by lease)
11.	Proposed Use:	York County Consolidated Judicial Center
12.	City Approvals Required:	Site Plan Review/Conditional Use Permit, Contract Zone
13.	Uses in the Vicinity:	Industrial, Commercial, Residential
14.	Parcel Size:	28.5 Acres Total
15.	Number of Lots/Units in Subdivision:	N/A
16.	Minimum Lot Size Required:	N/A (20,000 SF if in either the B-2 or R1-A Zone)
	Provided:	28.5 Acres Total
17.	Frontage Required:	150 feet
	Provided:	More than 150 feet (approximately 397')
18.	Front Setback Required:	30 feet
	Provided:	Approximately 80 feet
19.	Side Setbacks Required:	10 feet
	Provided:	10 feet
20.	Rear Setback Requires:	10 feet
	Provided:	10 feet

21.	Height Requirements: Provided:	N/A – To be established by Contract Zone See Contract Zone
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	None
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	TBD
30.	Parking Spaces Provided (total): # Handicapped Spaces:	TBD TBD
31.	Ownership of Road:	Elm Street (Route 1) is a State Road within an urban compact area where the City is responsible for the maintenance of the roadway. Hill Street is a City Street.
32.	Impervious Surface Area:	The proposal includes 34,545 SF of building footprint and 159,501 SF of paving/parking.
33.	Total Disturbed Area:	TBD
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	a.
37.	Waivers Granted:	a.
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	None
40.	Other Non-City Permits Required:	Maine DEP Site Location of Development Act (SLODA), Maine DOT Traffic Movement Permit (TMP), Maine DEP Stormwater
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	See Contract Zone.
40.	LDR Attachment A: Fess Paid:	No
41.	Planning Board Review History: Conceptual Review:	October 2, 2019 Meeting Date. Posted in City Hall September 24, 2019. Mail Notices to all abutters within 250' sent September 24, 2019 - 220 notices sent).

3. EXISTING CONDITIONS

The subject property is vacant aside from a cellular tower located on the Hill Street side. Combined the subject site is 28.5 Acres in size.

4. PROJECT PROPOSAL

See attached application package and Concept Plan for more information.

5. PUBLIC COMMENT

Concept Review:

As of the date of this report there have been several inquiries regarding the project. These inquiries have been the result of an applicant initiated abutter notice regarding the Maine DOT Traffic Movement Permit (TMP) process.

Aside from these few inquiries, no public comments have been received about this project.

6. STAFF REVIEW

- A. ZONING: The proposed use (Public Facility) is a Permitted (P) Use in the B-2 Zone. It is a Conditional (C) Use in the R1-A and I-2 Zones, although the building itself, as proposed, is entirely within the B-2 Zone.

A Contract Zone is under consideration due to the requested height of the structure (70' (+/-)) and for other situations that may arise thorough the review process.

- B. REVIEW STANDARDS: Site Plan Review (Article XI), Conditional Uses (Article VII), Performance Standards (Article VI).

- C. WAIVERS: **None.**

- D. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO OCTOBER 2, 2019:

o None.

- E. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

1. Full Site Plan Review Application package, including Stormwater Analysis and all requirements in Article XII (Site Plan Review) and Article VI (Performance Standards). Any waiver requests (if applicable and if something that can be granted by the Planning Board) must also be presented in writing with an explanation as to why such a request is being made.
2. Submit all remaining Fees Due.
3. Provide a Draft Contract Zone Agreement and Draft Findings of Fact for the Contract Zone (examples are available from the Planning Department).

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

7. **STAFF RECOMMENDATION**

Staff recommends the Board provide feedback to the applicant and listen to any public comment there may be.

8. **NEXT STEPS/SUGGESTED ACTIONS**

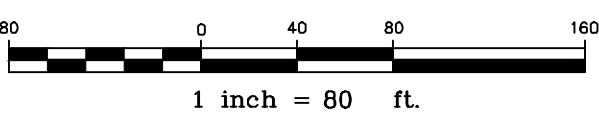
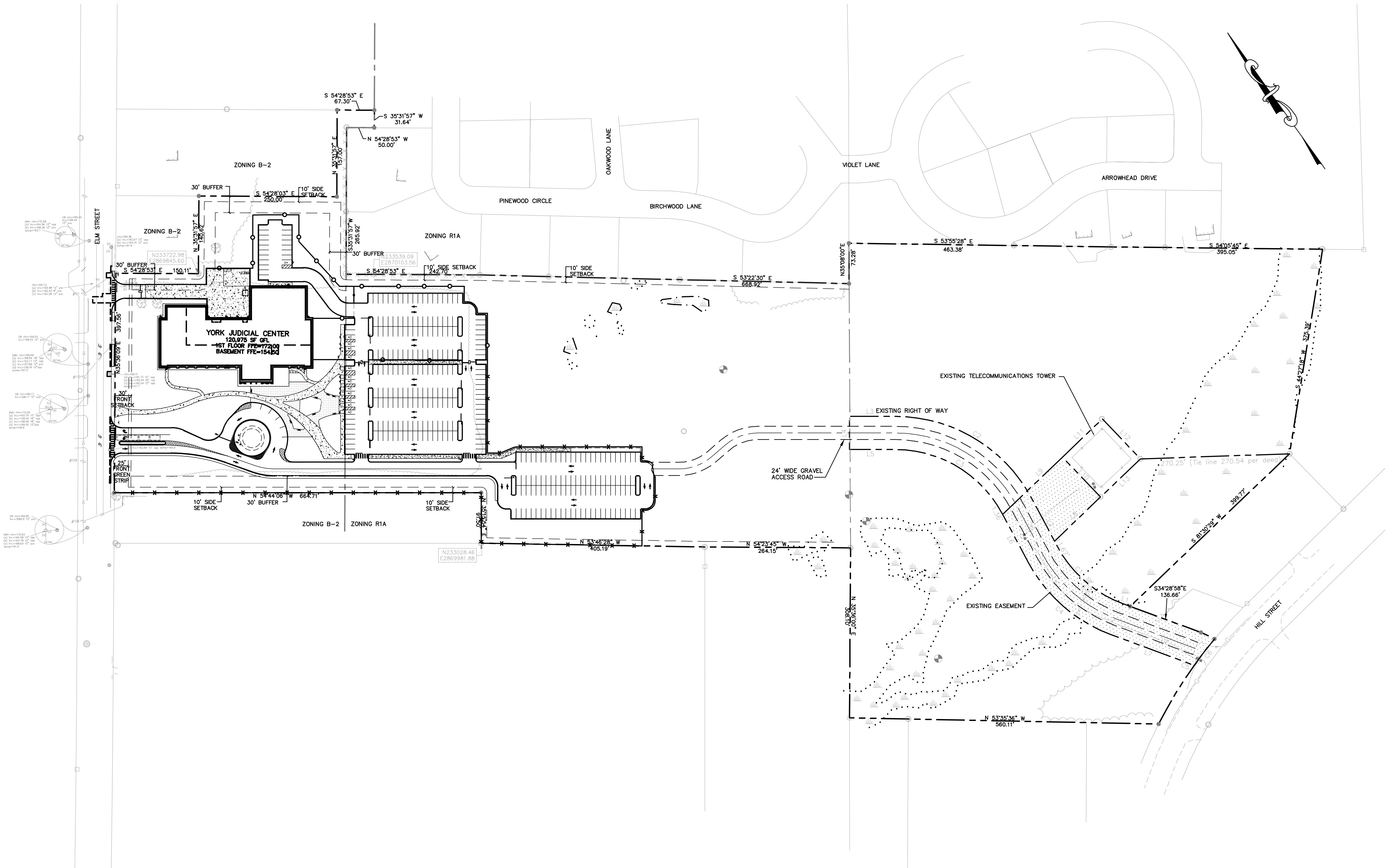
- A. Provide feedback to the Applicant based on the review of the Conceptual Plan Design and abutter's comments.
- B. Applicant to submit a complete Application Package for further review.

9. **SAMPLE MOTIONS:**

N/A

ATTACHMENTS

- 1. Application and Conceptual Site Plan.



KEY PLAN:

SEAL:

Preliminary
Not For
Construction

DRAWING HISTORY:

NO.	DATE	DESCRIPTION

PROJECT INFORMATION:

511 Elm St.
Biddeford, ME 04005
PROJECT #: 44517.00
ISSUE DATE: 8/21/2019
PROJECT STATUS: 50% Design Development
DRAWN BY: CEH
CHECKED BY: AMP

SHEET NAME:

Overall Site Plan

Finegold Alexander Architects

Project Architect

Finegold Alexander Architects Inc.

77 North Washington Street, Boston, MA 02114
(617) 227-9272
faainc.com

SHEET #:

C100