

City of Biddeford
Planning Board
September 06, 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: August 2, 2017

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

7.A. 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).

[2017.31 Main Street Rezoning SR 090617.docx](#)

7.B. B. 2017.30 Conceptual Subdivision: for Lisa Curro who is seeking re-approval to an already approved Subdivision off of the Sokokis Road (Tax Map 47, Lots 35-46) in the SR-1 zone.

[2017.30 Curro Tide Water Estates Concept SR 090617.docx](#)

7.C. 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.

[2017.27 Five Star MOB Concept SR 090617.docx](#)

7.D. D. 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.

[2017.26 Court Sq SR 090617.docx](#)

7.E. 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.

[2017.28 KPort Marina Final SR 090617.docx](#)

7.F. F. 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.

7.G. 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.

[2017.15 Labonte Subdivision Prelim SR 090617.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.



2017.31

CITY OF BIDDEFORD
PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

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

DATE: August 28, 2017

RE: NEW BUSINESS ITEM #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).

MEETING DATE: September 6, 2017 @ 6:00 PM

On August 1, 2017 the Biddeford City Council formally requested that the Planning Board conduct a public hearing and make a recommendation back to it regarding the above described rezoning of parcels on Main Street, as depicted in the aerial photo on the next page. The zoning amendment would include portions of the unidentified rail corridor to create a consistent zone.

1. STAFF RECOMMENDATION

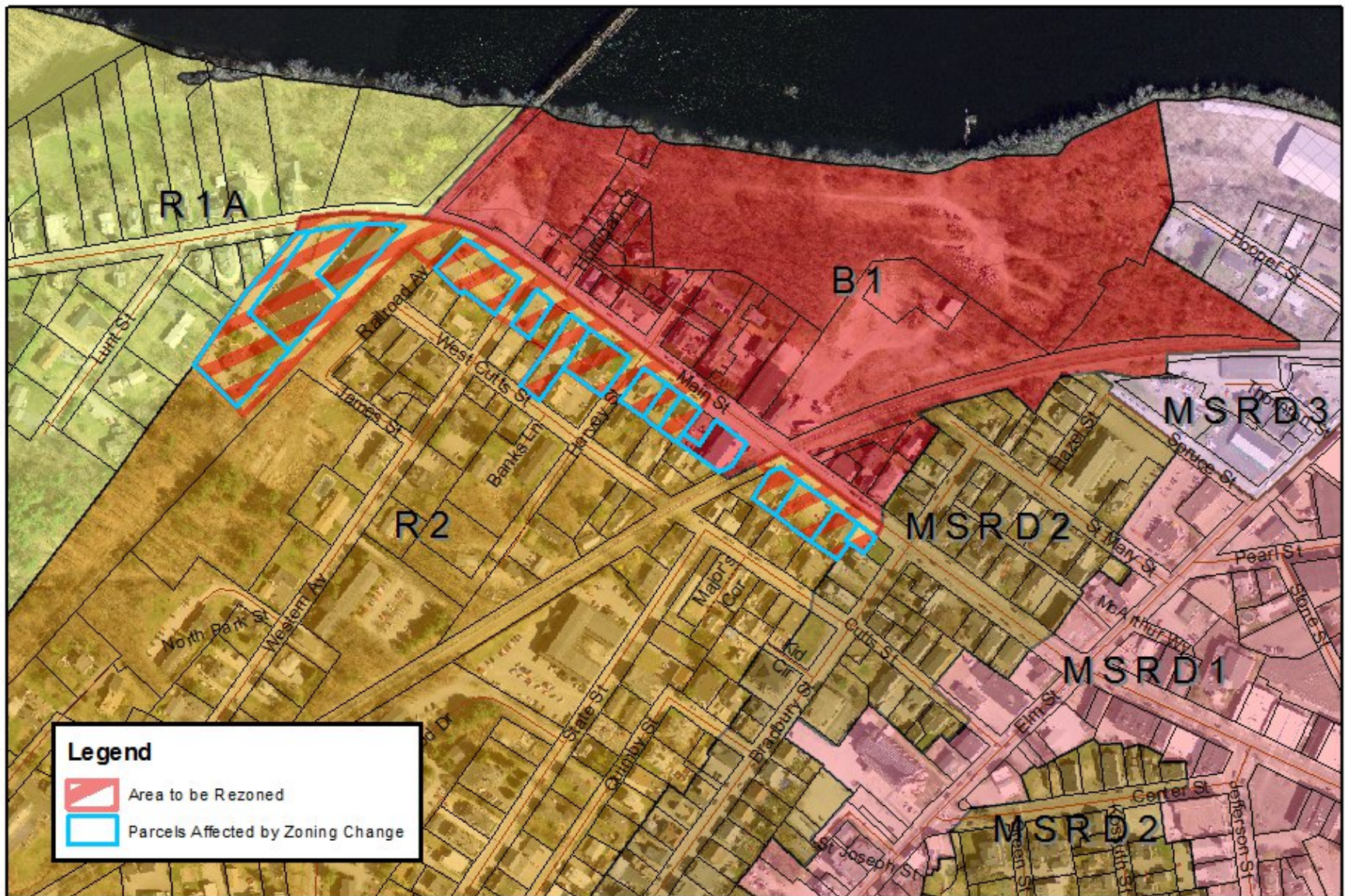
Staff recommends the Board listen to any public comment and make a recommendation back to the City Council for or against the proposed zoning change for these lots.

2. SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

ATTACHMENTS

1. Copies of letters sent to affected property owners and City Council Memo.





CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.30

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 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: August 30, 2017

RE: NEW BUSINESS ITEM #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.

MEETING DATE: September 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes 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.

The applicant would now like to seek re-approval of the project. A new road is proposed with all 12 Lots coming off of it. The subdivision would be on public water with individual on-sept septic systems.

In reviewing the Ordinance nothing appears to have changed since its original approval that would affect this project. That said, however, Maine Department of Inland Fisheries and Wildlife have identified a sighting of a Spotted Turtle (State Threatened Species) on or near the project site as well as a breeding habitat in the area that may not have been identified previously. Under Section 70 of the Performance Standards if a project involves 5 or more acres a Wildlife study is required unless waived by the Board who can only waive the requirement if there are no known wildlife habitats on the property according to IF&W, which appears unlikely since IF&W have now included this in their database and on their maps.

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:	S-R-1
7.	Overlay Zoning:	None (where project is proposed)
8.	Existing Use:	Vacant
9.	Proposed Use:	12-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision
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:	TBD
26.	Soil Study Provided:	To be provided
29.	Ownership of Road:	Sokokis Road is a City Street
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
34.	Waivers Needed:	a.
35.	Waivers Granted:	a.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	TBD
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Concept Fees Only
41.	Planning Board Review History:	
	Conceptual Review:	September 6, 2017 (Posted in City Hall August 24, 2017; Journal Tribune posting August 26, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 - 38 notices sent).
	Preliminary Review:	TBD
	Final Review:	TBD

3. EXISTING CONDITIONS:

The project site is currently vacant aside from an older farmhouse (to be demolished if the project proceeds) and is located off Sokokis Road. The Online GIS system currently shows the lots as separate lots although the subdivision approval itself has expired.



4. PROJECT PROPOSAL:

See attached cover letter, application package and Concept Plan for more information.

5. PUBLIC COMMENT:

Concept Review:

The notice was posted in City Hall on August 24, 2017. It was also posted in the Journal Tribune on August 26, 2017. Mailing notices were also sent out to all abutters within 250' on August 25, 2017 – 38 notices were sent out.

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 S-R-1 Zone.
- b. REVIEW STANDARDS: Subdivision Review.
- c. WAIVERS:

- 1) Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting (in the future).

This could be considered by the Board based on the rationale that the project 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.

Waiver Note - The following is the standard by which such a waiver may be granted:

(a) A waiver or variation in the strict application of this chapter may be permitted when, in the opinion of the Board, any consideration warrants such variation, provided that public convenience, safety, health and welfare will not be affected adversely; and the Board shall record the reasons for such variation in the minutes of the meeting, and the applicant shall be notified in writing of the Board's decision.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO SEPTEMBER 6, 2017:

None.

e. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A PRELIMINARY OR FINAL APPLICATION PACKAGE:

1. Note 16 – Add “Driveways shall comply with Chapter 66-111 of the Biddeford Code of Ordinances.
2. Is the road intended to be public (see Note 10)?
3. Stormwater Analysis needs to use current rainfall data.
4. Amend all dates on the Plans.
5. Amend Record Owner in the Title Block
6. Delete Note 23.
7. Show location of lighting on plans. Lighting Standards:
“Adequate lighting shall be provided on all streets. The number and location of all streetlights shall be installed according to the following guidelines: in urban areas, the lights shall be located at all intersections and on every other telephone pole, in non-urban areas light shall be located at all intersections and to service three homes. For overhead power, type and size of streetlights to be determined by public works. If underground power is used, the applicant needs to coordinate with the engineering department for City standard light fixtures and poles.”
8. An additional street light will be required at the completion of the construction of the project.
9. Will the access easement to the Saco River be improved in any way?

10. Provide Soil Survey information.
11. Provide net density calculations (Article VI, Section 44) and add as a note on the plan. Note: All lots must have 20,000 SF after subtracting all applicable factors in Article VI, Section 44.
12. Provide Wildlife Study or seek waiver (Article VI, Section 70).
13. Provide HHE-200's (test pits) for all lots.
14. Submit Preliminary Subdivision designs, including utilities, grading and drainage, Plan and Profile, and erosion/sedimentation control.
15. Submit a complete Preliminary Plan Application Package.

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

7. STAFF RECOMMENDATION:

- Determine the application is for a Major Subdivision (proposed roadway, proposed extension of sewer and water, and 5 or more lots/Units).
- Listen to comments from abutters (if any) and provide feedback to the applicant.
- Consider granting the waiver to the process to allow joint Preliminary and Final approval at the same meeting (in the future). The Wildlife Study issue, however, may complicate this consideration. See above.

8. NEXT STEPS/SUGGESTED ACTIONS:

1. Submit complete Preliminary Subdivision Application Package or Final Subdivision Package (depends on the Board's decision in whether or not to waive the process).

9. SAMPLE MOTIONS:

Motion to determine the proposed subdivision is a major subdivision.

Motion to waive the full subdivision process and allow a subsequent joint Preliminary and Final review and approval the project 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.

ATTACHMENTS:

1. Cover Letter, Application, and Previously Approved Subdivision Plan.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.27

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 REPORT

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

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

DATE: August 30, 2017

Re: NEW BUSINESS ITEM #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.

MEETING DATE: September 6, 2017 @ 6:00 PM

1. INTRODUCTION

The applicant proposes the construction of a 6,500 +/- square foot, single-story commercial building at 457 Alfred Street. It is located directly to the east of “Play It Again Sports”.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Five Star Holdings, LLC 452 Alfred Road Biddeford, ME 04005
2.	Owner of Property:	Five Star Holdings, LLC 452 Alfred Road Biddeford, ME 04005
3.	Agent:	BH2M Engineers 28 State Street Gorham, ME 04038 Attn: William Thompson
4.	Engineer/Architect:	BH2M Engineers 28 State Street Gorham, ME 04038

		Attn: Steve J. Blake, P.E.
4.	Project Location:	457 Alfred Street
5.	Project Tax Map #/Lot #:	Tax Map 17, Lot 7
6.	Existing Zoning:	I-3
7.	Overlay Zoning:	None
8.	Existing Use:	The parcel currently includes the Journal Tribune Building, parking, and an access drive to each of West Cole Road and Alfred Street.
9.	Proposed Use:	A 6,500 SF +/- Commercial Building and associated site improvements
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Retail, Restaurants, Bank, Medical Offices
12.	Parcel Size:	3.48 acres, but proposed development lot is 0.70 acres
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	None 0.70 Acres
15.	Frontage Required: Provided:	50' 94.76'
16.	Front Setback Required: Provided:	40' Greater than 40'
17.	Side Setbacks Required: Provided:	25' Less than 20'
18.	Rear Setback Requires: Provided:	25' Greater than 25'
19.	Height Requirements: Provided:	Maximum 60' Less than 60' in height
20.	Water Supply:	Maine Water (Public)
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
27.	Parking Spaces Required:	19
28.	Parking Spaces Provided (total): # Accessible Spaces:	23 total 3
29.	Ownership of Road:	Alfred Street (Route 111) is a State Road within the Urban Compact.
30.	Impervious Surface Area	Structures: 6,500 SF Paving/Parking: 20,148 SF
31.	Total Disturbed Area:	TBD
32.	Building Footprint Proposed:	6,500 SF
33.	Building Floor Area Proposed:	6,500 SF (+/-)
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 Stormwater?
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
42.	LDR Attachment A: Fess Paid:	No
43.	Planning Board Review History: Conceptual Review: Final Review:	September 6, 2017 Meeting Date (Journal Tribune posting August 26, 2017; City Hall posting August 24, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 – 24 notices sent). TBD

3. EXISTING CONDITIONS

The proposed project is on a vacant part of the Journal Tribune parcel on Alfred Street. It is located in between “Autozone” and “Play It Again Sports”.



4. PROJECT PROPOSAL

See attached cover letter, application package and Concept Plan for more information.

5. PUBLIC COMMENT

Concept Review:

The notice was posted in City Hall on August 24, 2017. It was also posted in the Journal Tribune on August 26, 2017. Mailing notices were also sent out to all abutters within 250' on August 25 – 24 notices were sent out.

As of the time this report was generated no public comments had been received.

6. STAFF REVIEW

- a. ZONING: The proposed use is permitted in the I-3 Zone.
- b. REVIEW STANDARDS: Site Plan Review.
- c. WAIVERS: **None.**
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:
 1. Will this building/parking become its own lot? If so how large? 0.70 acres (# in application) or 54,804 SF (Indicated on Plan), or something else?
 2. Need Impervious surface calculations for resulting lots, including a separate calculation for paving/parking.
 3. Please send a copy of the plans to Deputy Chief Paul LaBrecque at the Biddeford Fire Department.
 4. 25' Side Setback requirement not complied with.
 5. Please run Fire Department truck template from new access to West Cole Road to Journal Tribune Building.
 6. Need confirmation of use to determine parking calculations.
 7. Sign design.
 8. Landscape plan.
 9. Stormwater management plan and stormwater analysis.
 10. Is Maine DEP Stormwater required? Cumulative development?
 11. Sewer Plans.
 12. Erosion and sediment control plan.
 13. Removals plan.
 14. Dumpster location and detail.
 15. Striping detail.
 16. Proposed grades.
 17. Lighting detail cut sheets.
 18. Photometrics plan.
 19. Ability to serve letter from water and sewer.

20. Financial and technical capacity letter.
21. Performance guarantee cost estimate.
22. Will require a salt management plan.
23. Indicate on plan existing and proposed square footage of non-vegetated surface.
24. Entrance on Alfred Street will need approval from the Director of Public Works. Add as a note on the Sheet 1.

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

1. Submit complete Site Plan Application Package.

9. SAMPLE MOTIONS:

N/A

ATTACHMENTS

1. Application Package and Conceptual Site Plan.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.26

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 REPORT

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

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

DATE: August 30, 2017

RE: NEW BUSINESS ITEM #D – 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.

MEETING DATE: September 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes to convert the upper two floors of the building to 4 apartments, 2 on each floor. The project is located in the old Journal Building across from City Hall on Adams Street.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Court Square Properties, LLC 7 Granite Ridge Rd. Cape Elizabeth, ME 04107
2.	Owner of Property:	Court Square Properties, LLC 7 Granite Ridge Rd. Cape Elizabeth, ME 04107
3.	Agent:	Joseph Stevens 7 Granite Ridge Rd. Cape Elizabeth, ME 04107
4.	Engineer/Architect:	David Graham 59 Mills Road

		Kennebunkport, ME 04046
5.	Project Location:	11 Adams Street
6.	Project Tax Map #/Lot #:	Tax Map 38, Lot 339
7.	Existing Zoning:	MSRD-1
8.	Overlay Zoning:	None
9.	Existing Use:	Space to be converted is currently vacant (most recently offices)
10.	Proposed Use:	4-Unit Multi-family above commercial/restaurant/office space
11.	City Approvals Required:	Site Plan/Subdivision
12.	Uses in the Vicinity:	Residential/Commercial/City/Courthouse
13.	Parcel Size:	.10 acres
14.	Number of Lots/Units in Subdivision:	4-Unit Multi-family (2-Bedrooms)
15.	Minimum Lot Size Required: Provided:	None .10 Acres
16.	Frontage Required:	None
17.	Front Setback Required:	None
18.	Side Setbacks Required:	None
19.	Rear Setback Requires:	None
20.	Height Requirements:	Minimum 2 stories or 26 feet
21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	TBD
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	To be provided
28.	Ownership of Road:	Adams Street is a City Street
29.	Parking:	8 Required, 0 Provided (Note as office space which it could do now the parking requirement would be 30 spaces so this represents a significant decrease in demand for parking so no waiver is required).
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	a. Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval. b. Full Site Plan/Subdivision Review.
33.	Waivers Granted:	a. Full Subdivision Review Process to allow Final Approval of Subdivision/Site Plan

		foregoing Conceptual Review and Preliminary Subdivision Approval. b. Full Site Plan/Subdivision Review.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	Yes
40.	Planning Board Review History: Final Subdivision/Site Plan Review:	September 6, 2017: Posted in City Hall August 24, 2017; Journal Tribune posting August 26, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 - 24 notices sent.

3. EXISTING CONDITIONS:

The project site is currently vacant and is located on the northeast corner of South Street and Elm Street.



4. PROJECT PROPOSAL:

4 residential units on the top 2 floors.

5. PUBLIC COMMENT:

Final Subdivision/Site Plan Review – September 6, 2017:

September 6, 2017: Posted in City Hall August 24, 2017; Journal Tribune posting August 26, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 - 24 notices sent.

At the time of this report no public comment had been received.

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Permitted Use in the MSRD-1 Zone.
- b. REVIEW STANDARDS: Performance Standards for Site Plan/Subdivision and Multi-family Dwellings.
- c. WAIVERS:

- 1) Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Final Approval of Subdivision/Site Plan foregoing Conceptual Subdivision Review and Preliminary Subdivision Approval.

Waiver Note - The following is the standard by which such a waiver may be granted:

(a) A waiver or variation in the strict application of this chapter may be permitted when, in the opinion of the Board, any consideration warrants such variation, provided that public convenience, safety, health and welfare will not be affected adversely; and the Board shall record the reasons for such variation in the minutes of the meeting, and the applicant shall be notified in writing of the Board's decision.

- 2) Full Site Plan/Subdivision Review.

Waiver Note: Granting this waiver acknowledges that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

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

None.

7. STAFF RECOMMENDATION

If the applicant has addressed the outstanding items to the satisfaction of the Board, and Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:

1. Prior to any ground disturbance or issuance of any permits:
 - a. The applicant must submit a recorded copy of the Notice of Decision for the subdivision/site plan approval to the Planning Office.
 - b. Historic Preservation Commission approval is required for any building exterior alterations.
2. Prior to any Occupancy Permits:
 - a. If any roof drains are connected to the sewer system they must be disconnected as part of this approval.
3. Any dumpster must be screened from view by a wooden stockade fence.
4. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting the requested waiver for Full Subdivision/Site Plan Review (Recommended).
- Consider granting final Site plan/Subdivision approval based on the conditions outlined above (Recommended).

9. SAMPLE MOTIONS

- A. *Motion to determine the proposed subdivision is a minor subdivision.*
- B. *Motion to waive the full Subdivision Review process to allow Final Approval of Subdivision/Site Plan given there are no site improvements involved and that the Board determines that such variation will not adversely affect public convenience, safety, health and welfare.*
- C. *Motion to grant the waiver to Full Subdivision/Site Plan Review.*
- D. *Motion to approve the Final Subdivision and Site Plan for Court Square Properties, LLC for 4-units of housing at 11 Adams Street (Tax Map 38, Lot 339) in the MSRD-1 zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated September 30, 2017.*

ATTACHMENTS:

1. Application
2. Draft Findings of Fact



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.28

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 REPORT

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

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

DATE: August 30, 2017

RE: NEW BUSINESS ITEM #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.

MEETING DATE: September 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes a change of use of the former LobsterGram shipping facility to a boat storage facility along with possible marine services, including boat repair, sales, and livery. According to the letter from Sebago Technics dates August 29, 2017, sales would be expected to be limited.

The primary site improvements would include the removal of an existing 2,400 square foot building at the north end of the property with a replacement 7,700 square foot building to be constructed. A fence would also be constructed to secure boat storage at the north and west part of the parcel.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Michael Shea/Kennebunkport Marina PO Box 2734 Kennebunkport, ME 04046
2.	Owner of Property:	KPT Marine, LLC PO Box 2734

		Kennebunkport, ME 04046
3.	Agent:	BH2M Engineers 28 State Street Gorham, ME 04038 Attn: William Thompson
4.	Engineer/Architect:	Sebago Technics 75 John Roberts Road, Suite 1A South Portland, ME 04106
4.	Project Location:	540 Elm Street
5.	Project Tax Map #/Lot #:	Tax Map 14, Lot 7
6.	Existing Zoning:	B-2
7.	Overlay Zoning:	None
8.	Existing Use:	The parcel currently houses an industrial/warehouse facility.
9.	Proposed Use:	Boat Storage and accessory uses including possible, service, sales, and livery
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Various Commercial and Residential
12.	Parcel Size:	1.6 acres
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	10,000 SF 1.6 acres
15.	Frontage Required: Provided:	150' Greater than 50'
16.	Front Setback Required: Provided:	30' No building/structures proposed within front setback
17.	Side Setbacks Required: Provided:	10' No building/structures proposed within side setbacks
18.	Rear Setback Requires: Provided:	10' No building/structures proposed within rear setbacks
19.	Height Requirements: Provided:	Maximum 35' Maximum 35'
20.	Water Supply:	Maine Water (Public)
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
27.	Parking Spaces Required:	Change of Use demands less parking than existing use
28.	Parking Spaces Provided (total): # Accessible Spaces:	31 spaces 2
29.	Ownership of Road:	City Street
30.	Impervious Surface Area	No Change

31.	Total Disturbed Area:	8,000 SF +/-
32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. None
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Fees Paid
41.	Planning Board Review History: Final Review:	September 6, 2017 Meeting Date (Journal Tribune posting August 26, 2017; City Hall posting August 24, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 – 13 notices sent).

3. EXISTING CONDITIONS:

The site is currently developed and mostly impervious. It is the former LobsterGram shipping facility and before that was a recycling facility.



4. PROJECT PROPOSAL:

See attached cover letter, application package and Site Plan package for more information.

5. PUBLIC COMMENT:

FINAL REVIEW:

The notice was posted in City Hall on September 24, 2017. It was also posted in the Journal Tribune on September 26, 2017. Mailing notices were also sent out to all abutters within 250' on September 25, 2017 – 13 notices were sent out.

As of the time this report no public comment had been received.

6. STAFF REVIEW:

- a. ZONING: The proposed use is permitted in the I-3 Zone.
- b. REVIEW STANDARDS: Site Plan Review and Conditional Uses.
- c. WAIVERS: None.
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:
 - 1. Add signature block to sheet 3.
 - 2. Are fluids drained from boats that are stored? If not, what fluids remain?
 - 3. A knox box on the gate is required. Please indicated on plans and indicate to be approved by the Fire Department.
 - 4. Backing in and out of Elm Street will not be permitted.
 - 5. What is proposed for resurfacing and striping of pavement? It is pretty rough...
 - 6. Please run drainage calcs/analysis for new building, drip edges, and new dry well.
 - 7. Provide fence detail.
 - 8. For buffering, fence along residential properties as well as gated area should be 6' stockade and provide full screening.
 - 9. Provide complete Mylar Set and Paper set no later than September 6, 2017 @ 2:00 PM amended based on comments.

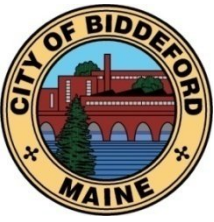
7. STAFF RECOMMENDATION:

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

1. Prior to the issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 2. Backing in and out of Elm Street is not permitted.
 3. Best management practices shall be adhered to during all ground disturbance operations.
 4. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
 5. 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.
 6. 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.
 7. Standard Conditions of Approval apply.
8. NEXT STEPS/SUGGESTED ACTIONS:
- Listen to any public comment and consider granting final approval of the Site Plan for Kennebunkport Marina.
9. SAMPLE MOTIONS:
- A. *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.*
- B. *Motion to deny the Site Plan based upon the following reasons:*
- a) _____
- b) _____

ATTACHMENTS:

1. Cover Letter, Application, and Final Site Plan Package.
2. Draft Findings of Fact



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.15

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 REPORT

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

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

DATE: August 30, 2017

RE: NEW BUSINESS ITEM #D – 2017.15 Preliminary Subdivision Plan Review: 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.

MEETING DATE: September 6, 2017 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes and 7 Lot Subdivision of Buzzell Road in the RF zone. A new road is proposed with all 7 lots coming off of it and with the open space to the rear of the lots.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Jason Labonte 57 Smutty Ln. Saco, ME 04072
2.	Owner of Property:	Home Innovations, LLC 57 Smutty Ln. Saco, ME 04072
3.	Agent:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Engineer/Architect:	Andrew Morrell, P.E. BH2M Engineers

		28 State Street Gorham, ME 0403
4.	Project Location:	34 Buzzell Road
5.	Project Tax Map #/Lot #:	Tax Map 6, Lot 43
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	7-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential, Agricultural, Woodlands
12.	Parcel Size:	12.2 acres
13.	Number of Lots/Units in Subdivision:	7 Residential Lots and one "Open Space" lot
14.	Minimum Lot Size Required: Provided:	20,000 SF
15.	Frontage Required:	100'
16.	Front Setback Required:	25'
17.	Side Setbacks Required:	15'
18.	Rear Setback Requires:	15'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Drilled Private Wells
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	To be provided
29.	Ownership of Road:	Buzzell Road is a City Street
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
34.	Waivers Needed:	a.
35.	Waivers Granted:	a.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Concept and Preliminary Fees Paid

41.	Planning Board Review History: Conceptual Review: Preliminary Review: Final Review:	April 5, 2017 (Posted in City Hall March 21, 2017; Journal Tribune posting March 23, 2017; Mail Notices to all abutters within 250' sent March 21, 2017 - 6 notices sent). September 6, 2017 (Posted in City Hall August 24, 2017; Journal Tribune posting August 26, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 - 6 notices sent). TBD
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3. EXISTING CONDITIONS:

The project site is currently vacant and is located south of West Street.



4. PROJECT PROPOSAL:

See attached cover letter, application package and Preliminary Plan for more information.

5. PUBLIC COMMENT:

Concept Review:

The notice was posted in City Hall on March 21, 2017. It was also posted in the Journal Tribune on March 23, 2017. Mailing notices were also sent out to all abutters within 250' on March 21, 2017 – 6 notices were sent out.

No Comments were received.

Preliminary Review:

The notice was posted in City Hall on August 24, 2017. It was also posted in the Journal Tribune on August 26, 2017. Mailing notices were also sent out to all abutters within 250' on August 25, 2017 – 6 notices were sent out.

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

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Conditional Use permitted in the R-F.
- b. REVIEW STANDARDS: Performance Standards for Cluster Subdivisions and Subdivision Review.
- c. WAIVERS: **None.**
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH OR PRIOR TO FINAL SUBMISSION PACKAGE:
 1. Entire perimeter of the subdivision needs a 20' vegetated buffer. Is there a way to relocate road and adjust lots so hammerhead does not penetrate buffer?
 2. Guardrail required at ends of hammerhead.
 3. Need a landscape plan with trees for areas of the buffers without trees.
 4. Show building locations and orientation on plans.
 5. Show location of lighting on plans. Lighting Standards:
"Adequate lighting shall be provided on all streets. The number and location of all streetlights shall be installed according to the following guidelines: in urban areas, the lights shall be located at all intersections and on every other telephone pole, in non-urban areas light shall be located at all intersections and to service three homes. For overhead power, type and size of streetlights to be determined by public works. If underground power is used, the applicant needs to coordinate with the engineering department for City standard light fixtures and poles."
 6. Add note on the plan that buildings shall be no less than 30' apart.
 7. What will happen with the Open Space? Land Trust? Homeowner's Association?
 8. No culvert is proposed at Buzzell. Please confirm.
 9. Add note to Plans that all Driveways must meet standards contained in Chapter 62-111 Biddeford Code of Ordinances.

10. Lot 2 – Drainage Easement appears needed. Other drainage easements? City will not be responsible for maintenance of areas within drainage easements. Provide easement language for review.
11. Examine/define drainage better for lots 5 and 6.
12. Home Owners Association is required if lots are conveyed prior to road acceptance.
13. Provide Soil Survey information.
14. Provide net density calculations (Article VI, Section 44) and add as a note on the plan. Note: All lots must have 20,000 SF after subtracting all applicable factors in Article VI, Section 44.
15. Provide Wildlife Study or seek waiver (Article VI, Section 70).
16. Provide HHE-200's (test pits) for all lots.
17. Show proposed well locations. Note: New septic systems must be located 100' from wells.
18. Provide draft deed for lots including provisions for open space and easements.
19. Has "Crickett Lane" been accepted by E-911 as an acceptable road name?
20. 10,000 gallon fire water tank required at intersection of Crickett Lane and Buzzell Road. Recommend on east side of Crickett Lane. Must be an easement/deeded to the City. Consult Deputy Fire Chief Paul LaBrecque for standards.
21. Provide financial capacity letter from a financial institution indicating ability to complete the project.
22. Submit a complete Final Plan Application Package.
23. Request an applicant/Staff meeting upon or prior to Final Submittal to review plans.

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

7. STAFF RECOMMENDATION

- Listen to comments from abutters (if any) and provide feedback to the applicant.

8. NEXT STEPS/SUGGESTED ACTIONS FOR THE APPLICANT

- Submit a Final Subdivision Plan Package for further review and address the above mentioned comments.

9. SAMPLE MOTIONS

- A. *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.*

ATTACHMENTS

1. Preliminary Subdivision Plan package.