

City of Biddeford
Planning Board
September 02, 2020 6:00 PM Zoom
When: Sep 2, 2020 06:00 PM Eastern Time (US and Canada)
Topic: Planning Board September 2, 2020

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/91562526564>

Or iPhone one-tap :

US: +13017158592,,91562526564# or +13126266799,,91562526564#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1
346 248 7799 or +1 669 900 9128

Webinar ID: 915 6252 6564

International numbers available: <https://biddeford.zoom.us/j/asCQ09jnN>

1. **DECLARATION OF QUORUM/VOTING MEMBERS**
2. **ADJUSTMENTS TO THE AGENDA**
3. **PLANNER'S BUSINESS**
4. **CONSENT AGENDA**
 - 4.A. A. Minutes of August 19, 2020 Planning Board Meeting
[PB Minutes 081920-DRAFT.pdf](#)
5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**
 - 6.A. A. 2020.23 Amendment to a Previously Approved Subdivision (Berube Subdivision) to convey 19,470 s.f. of land from Gervais Dube Properties, Inc. off Winding Creek Lane (Tax Map 30, Lot 58) to Joyce Stickles at 2 Berube Circle (Tax Map 29, Lot 178-3) in the R-1-A zone.
[Berube Subdivision Amendment Application.pdf](#)
[2020.23 Berube Subdivision Amendment FOF 090220 DRAFT.pdf](#)
[2020.23 Berube Subdivision Amendment SR 090220-signed.pdf](#)
 - 6.B. B. 2020.24 Amendment to a Previously Approved Subdivision (Harold Avenue Terrace Subdivision) to convey 19,470 s.f. of land to Joyce Stickles at 2 Berube Circle (Tax Map 29, Lot 178-3) from Gervais Dube Properties, Inc. off Winding Creek Lane (Tax Map 30, Lot 58) in the R-1-A zone.
[Harold Ave Subdivision Application.pdf](#)
[2020.24 Harold Ave Subdivision Amendment FOF 090220 DRAFT.pdf](#)
[2020.24 Harold Ave Subdivision Amendment SR 090220-signed.pdf](#)
 - 6.C. C. 2020.21 Conditional Use Permit and Shoreland Zoning Permit

for a Home Occupation for Chris Cronkhite at 13 Seabreeze Avenue (Tax Map 54, Lot 7) in the CR and LR (shoreland) zones.

[2020.19 Cronkhite Application.pdf](#)

[2020.21 Cronkhite Home Occ CUP SZ SR 090220-signed.pdf](#)

[2020.21 Cronkhite Home Occ CUP SZ FOF DRAFT.pdf](#)

[Cronkhite Deed Information.pdf](#)

[Hull Letter.pdf](#)

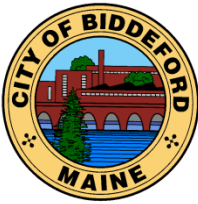
[Jacques Letter.pdf](#)

[Cronkhite Septic.pdf](#)

7. OTHER BUSINESS

8. ADJOURN

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



CITY OF BIDDEFORD

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

Planning Board (DRAFT MINUTES)

Date: August 19, 2020
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

For Information on how to access and participate in the meeting go to <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> and select the August 19, 2020 Planning Board agenda.

1. Declaration of Quorum/Voting Members
 - Quorum Present: Chair William Southwick, Bruce Benway, Roch Angers, Sean Tarpey, Spiros Droggitis, Alexa Plotkin (Alternate Voting Member), Michael Cantara (Alternate Voting Member).
2. Adjustments to the Agenda
3. Planner's Business
4. Consent Agenda
 - A. Minutes of August 5, 2020 Planning Board Meeting.
MOTION:
 - Benway-Motion: to approve consent agenda
 - Tarpey-Second.
 - Chair Southwick-Roll Call for vote-Unanimous Approval (4-0) all in favor (Benway, Angers, Droggitis, Tarpey).
5. Unfinished Business:
 - A. Remove From Table: 2020.20 Shoreland Zone/Determination of Greatest Practical Extent for John Campbell and Susanna Peyton at 26 Sea Spray Drive (Tax Map 67, Lot 33) in the CR and LR (shoreland) zones.
MOTION:
 - A. Angers-Motion: Motion to remove from table: 2020.20 Shoreland Zone/Determination of Greatest Practical Extent for John Campbell and Susanna Peyton at 26 Sea Spray Drive (Tax Map 67, Lot 33) in the CR and LR (shoreland) zones.

Benway-Second

Chair Southwick-Roll Call for vote-Unanimous Approval (4-0) all in favor (Benway, Angers, Tarpey, Droggitis) Motion to remove from table passed

- City Planner Tansley gave brief update of the project
- Mr. Jesse Thompson and Ms. Danielle Foisy representing the applicant gave a brief update of the project.
- Mr. Tarpey mentioned he is concerned the retaining wall may need a DEP permit.
- There were no comments sent to Planning from the public regarding this item, no comments from the public at the meeting either.

MOTION:

- A. Benway-Motion: Motion that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely and further move to approve the Determination of Greatest Practical Extent for John Campbell and Susanna Peyton based on the approved plans for 26 Sea Spray Drive (Tax Map 63, Lot 33), and approve the findings of fact based on the conditions recommended by Staff in its report dated August 13, 2020.

Roch-Second.

Chair Southwick-Roll call for vote- Approval 3-1 (Benway, Droggitis, Angers in Favor, Tarpey against). Motion passed.

6. New Business
7. Other Business
 - A. Workshop/Discussion-South Street Village
8. Adjourn
 - A. Benway-Motion to adjourn

Roch-Second

Meeting Adjourned at 8:39 PM

Planning Board Chair/Vice 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.



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

28 State Street, Gorham, Maine 04038
207 839-2771

WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

August 19, 2020

Greg Tansley
Biddeford City Planner
P.O. Box 586, 205 Main Street
Biddeford, Maine 04005

Re: Joyce Stickles
Amending Berube Subdivision

Dear Greg;

On behalf of the applicant, Joyce Stickles, we are submitting a second amended subdivision plan for the Berube Subdivision. The first amended plan is recorded in the York County Registry of Deeds in Plan Book 211 Page 21, dated January 7, 1993.

This amendment is for a conveyance of a 19,228 s.f. parcel to Joyce Stickles from the abutter Gervais Dube Properties Inc. The parcel to be conveyed will become contiguous to her existing lot that was part of the original Berube Subdivision.

All zoning standards, including Stream Protection Zone shall apply to this parcel being conveyed.

We are submitting 3 copies for you and your staff to review. If you require additional information please let me know.

Sincerely,


William A. Thompson
Project Manager

encl.
cc: J. Stickles

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

APPLICATION FORM

Type of Application:

☐ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☒ Subdivision Amendment ☐ Private Way
☐ Other: _____ **Minor Change**

Applicant Information:

Applicant's Name: _____ Joyce Stickles
Applicant's Mailing Address: _____ 2 Berube Circle Biddeford, Maine 04005
Applicant's Telephone: _____ 207 590-9452

What is Applicant's legal interest in the property?

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

Owner's Name: _____ Same as Applicant
Owner's Address: _____
Owner's Telephone: _____

Agent's Name: _____ William Thompson - BH2M
Agent's Address: _____ 28 State Street Gorham, Maine 04038
Telephone: _____ 207 839-2771

Engineer/Surveyor: _____ Robert C. Libby Jr. PLS #2190 BH2M
Engineer/Surveyor's Address: _____ 28 State Street Gorham, Maine 04038
Telephone: _____ 207 839-2771

Project Location and Lot Information:

Street Address: _____ Berube Circle
Tax Map: _____ 29 _____ Lot: _____ 178-3
Current Zoning: _____ RIA _____ Shoreland Zoning: _____ SP Stream Protection

Size of lot: 19,470 ☐ acres ☒ s.f. Lot Frontage: Rear Lot

Existing Use of Property: Undeveloped

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

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

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

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

Description of proposed use of property:

Project/Proposed Use Description: Undeveloped rear land to be conveyed from abutter.

Parcel is not proposed for any development without further review to identify the Stream Protection Zone and site conditions.

Property to be serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

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

☒ If in a Shoreland Zone:Percent of residential lot coverage (Max. 20%): None ProposedPercent of structure expansion (Max. 30%): None Proposed☐ If Subdivision Review, number of lots proposed: Zero - rear land to abutter☐ If a Private Way is proposed, number of lots served: N/A☐ If Site Plan Review, you must provide the following information:Total new square feet footprint of structures: N/ATotal new square feet paving/parking: N/A

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

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

C. Photographs of site.

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

E. Engineered Plans, as required.

Fees (due at time of application): \$140.00

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

Required Signatures:

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

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

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

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

Signature of applicant:

William A. [Signature]
Agent

Date: 7/30/2020

Signature of owner of property:

Date: _____

IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.

QUITCLAIM DEED
WITHOUT COVENANT

Doc# 2010022062
Bk 15875 Pg 433 - 435
Received York SS
06/07/2010 12:46PM
Debra L. Anderson
Register of Deeds

Ernest W. Stickles, whose mailing address is 2 Berube Circle, Biddeford, Maine, for one dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, releases to Joyce M. Stickles, whose address is 2 Berube Circle, Biddeford, Maine, all that certain parcel of land together with improvements thereon situated in the City of Biddeford, County of York, and State of Maine, bounded and described as follows:

Please see attached Exhibit A.

Meaning and intending to convey the same property conveyed by Warranty Deed from Ronald G. Berube and Marie R. Berube to Ernest W. Stickles and Joyce M. Stickles, dated March 5, 1993 and recorded at the York County Registry of Deeds in Book 6454, Page 001.

Witness my hand and seal this 6 day of MAY, 2010.


Ernest W. Stickles

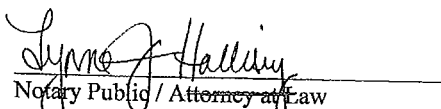
NO R.E. TRANSFER TAX PAID

STATE OF MAINE
York, ss.

May 6, 2010

Then personally appeared the above-named Ernest W. Stickles and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Notary Public / Attorney at Law
Lynne Hallisey

My commission
expires May 3, 2014

Seal

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated in the City of Biddeford in York County, bounded and describes as follows:

Lot #3 as shown on a plan entitled "Berube Subdivision, Harold Avenue, Biddeford, Maine" approved by the Biddeford Planning Board October 7, 1992 and recorded in York County Registry of deeds, Plan Book 209, Page 24 on October 9, 1992.

This plan supersedes the previous plan approved by Biddeford Planning board October 7, 1992 and recorded in York County Registry of Deeds, Plan Book 209, Page 24 on October 9, 1992.

The metes and bounds description of the property is as follows:

Beginning at the Southwesterly corner of property owned by Jennifer R. Gagne, Book 4682, Page 197 and the Northerly side of Harold Avenue;

Thence North $49^{\circ} 35' 26.6''$ East, 150.32 feet to an iron;

Thence South $45^{\circ} 14' 14.62''$ East, 100.07 feet along Gagne property to an iron,

Thence North $49^{\circ} 37' 20.15''$ East, 187.26 feet to an iron along property owned by Osher;

Thence North $12^{\circ} 23' 27.37''$ W, 85.00 feet along property owned by Millette;

Thence North $54^{\circ} 39' 58.37''$ West, 11.23 feet to an iron along property owned by Millette;

Thence South $48^{\circ} 58' 58.09''$ West along Lot #2, 206.40 feet to an iron;

Thence North $45^{\circ} 17' 00''$ West along Lot #2, 5.00 feet to an iron and the right of way of Berube Street;

Thence South $44^{\circ} 43' 00''$ West, 170.00 feet to an iron along Berube Street to Harold Avenue;

Thence South $45^{\circ} 17' 00''$ East, 3.57 feet along Harold Avenue to the point of beginning.

Subject to water and sewer easements shown on Lot #2 for the benefit of Lot #3, as detailed on the plan.

Subject to the Declaration of Covenants and Restrictions of the Berube
Subdivision to be recorded in the York County Registry of Deeds.

Meaning and intending to describe the same premises conveyed by Warranty
Deed from Ronald G. Berube and Marie R. Berube to Earnest W. Stickles and Joyce M.
Stickles, dated March 5, 1993 and recorded at the York County Registry of Deeds in
Book 6454, Page 001, which premises are a portion of the premises conveyed to the said
Ronald G. Berube and Marie R. Berube by Warranty Deed from Annette F. Machado
dated June 14, 1992 and recorded in the York County Registry of Deeds in Book 2365,
Page 246 and Warranty Deed from Roland F. Lantagne and Mary G. Lantagne dated
January 14, 1981 and recorded in said Registry of Deeds in Book 2745, Page 242.

END OF DOCUMENT

3p mittelson
PO 427 Ptd 02112

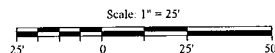
I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

1. NO SURVEYORS REPORT
2. PERIMETER BOUNDARY BY OTHERS, SEE PLAN REF.

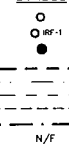


ROBERT C. LIBBY JR. PLS #2190

THIS PLAN SUPERSEDES THE PREVIOUSLY RECORDED PLAN "BERUBE SUBDIVISION, HOWARD AVENUE, RECORDED IN THE YORK COUNTRY REGISTRY OF DEEDS PLAN BOOK 209, PAGE 24. THE ONLY PURPOSE OF THIS AMENDMENT IS TO SHOW A PARCEL TO BE CONVEYED TO AN ABUTTER.

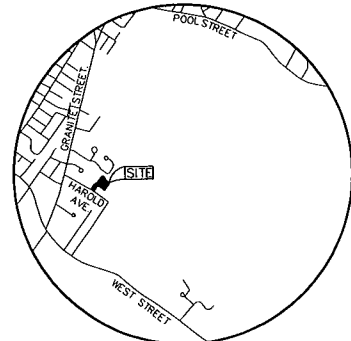


SYMBOL



LEGEND

DESCRIPTION
IRON FOUND PER PLAN REF. A
IRON SET PER PLAN REF. A
5/8" IRON ROD W/ CAP TO BE SET, PLS #2190
PROPERTY LINE
TIE LINE
ABUTTER'S PROPERTY LINE
EDGE OF PAVEMENT
EDGE OF STREAM
NOW OR FORMERLY



LOCUS MAP

SCALE 1" = 2000'

NOTES:

1. OWNER: GERVAIS DUBE 18 PONDEROSA LANE UNIT 101 BIDDEFORD, MAINE
2. APPLICANT: JOYCE STICKLES 2 BERUBE CIRCLE BIDDEFORD, MAINE
3. SURVEYOR: ROBERT C. LIBBY, JR. BH2M 28 STATE STREET GORHAM, MAINE
4. TAX MAP: MAP 29, LOT 178-3
5. ZONING: R1-A
6. PROPOSED USE: PARCEL TO BE CONVEYED TO ABUTTER
7. AREA BEING CONVEYED: 19,228 S.F.
8. ALL ACTIVITIES ON THIS PARCEL SHALL COMPLY WITH ALL STREAM SETBACKS USED ON OTHER SHORELANDS IN THE SUBJECT PARCEL ZONE.
9. PLAN REFERENCE:
 - A. "BERUBE SUBDIVISION, HAROLD AVENUE, BIDDEFORD, MAINE, OWNERS RONALD G & MARIE R BERUBE" DATED 10/7/92 BY HERBERT P. GRAY, PLS # 387 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 209, PAGE 24.
 - B. "3RD AMENDMENT, HAROLD AVENUE TERRACE", LAND OF GERVAIS DUBE PROPERTIES, INC., DATED JAN. 2018 BY BH2M AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS, PLAN BOOK 394, PAGE 23.

YORK,ss
Received
at _____ h _____ m _____ M., and
Filed in Plan Book _____ Page _____
ATTEST:

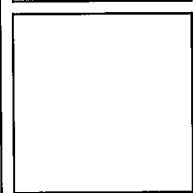
Register

APPROVAL
CITY OF BIDDEFORD
PLANNING BOARD

CITY PLANNER _____ DATE _____
GREG TANSLEY, CITY PLANNER, DULY AUTHORIZED TO SIGN ON BEHALF OF THE BIDDEFORD PLANNING BOARD.

SPECIAL NOTE:
DUE TO THE CORONAVIRUS PANDEMIC AND THE GOVERNOR'S DECLARATION OF A CIVIL STATE OF EMERGENCY AND A STATE WIDE STAY AT HOME ORDER, THE PLANNING BOARD, PURSUANT TO CHAPTER 66-9, AUTHORIZES THE CITY PLANNER TO SIGN THE FINAL PLAN. ONCE SIGNED BY THE CITY PLANNER, IT SHALL BE DEEMED TO HAVE BEEN SIGNED BY INDIVIDUAL MEMBERS OF THE PLANNING BOARD, EVIDENCING APPROVAL OF THE FINAL PLAN.

NO.	DATE	REVISION	DESCRIPTION



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors
Tel. (207) 839-2771
Fax (207) 839-8250
28 State Street
Gorham, Maine 04038

FOR
Joyce Stickles
2 Berube Circle
Biddeford, Maine

AMENDED SUBDIVISION
PLAN
BERUBE SUBDIVISION
BERUBE STREET
BIDDEFORD MAINE

DESIGNED Survey	DATE Aug. 2020
DRAWN T. Mullen	SCALE 1" = 25'
CHECKED R. Libby, Jr.	JOB. NO. 20140

SHEET
1
REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESS WRITTEN CONSENT OF BH2M INC. IS PROHIBITED

FINDINGS OF FACT AND CONCLUSIONS OF LAW SUBDIVISION AMENDMENT

Pursuant to the provisions of the City of Biddeford Code of Ordinances (Chapter 66 – Subdivisions) the Biddeford Planning Board has considered the application of Joyce Stickles, including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Joyce Stickles 2 Berube Circle Biddeford, ME 04005
2.	Owner of Property:	Joyce Stickles 2 Berube Circle Biddeford, ME 04005
3.	Agent:	William Thompson BH2M 28 State Street Gorham, ME 04038
4.	Engineer/Architect/Surveyor:	Robert C. Libby, PLS #2190 BH2M 28 State Street Gorham, ME 04038
4.	Project Location:	2 Berube Circle
5.	Project Tax Map #/Lot #:	Tax Map 29, Lot 178-3
6.	Existing Zoning:	R-1-A
7.	Overlay Zoning:	Stream Protection (SP) Shoreland Zone
8.	Existing Use:	Single-family house lot
9.	Proposed Use:	No change
10.	City Approvals Required:	Subdivision Amendment
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Amount to be conveyed to Stickles – 19,228 SF.
13.	Number of Lots/Units in Subdivision:	None.
14.	Minimum Lot Size Required: Provided:	10,000 Square Feet (with sewer and water) 29,185 SF (existing) + 19,228 SF = 48,413 SF (Stickles)
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:	MaineWater
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Rear portion of conveyance identified as a Floodzone A (unnumbered) per FIRM Panel #2301450004B
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Berube Circle is a City Street
32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely
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: Fees Paid:	Yes
41.	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to

		Chapter 66-9 hereby authorized the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
42.	Planning Board Review History: Amendment Review:	September 2, 2020

Conclusions of Law:

General Review Standards: City of Biddeford Subdivision Ordinance:

- 66-10 The proposed subdivision is in conformance with the City of Biddeford Comprehensive Plan, local codes and regulations and state laws.
- 66-11 The applicant will submit a performance guarantee, which satisfies the requirements of this ordinance.
- 66-16 The subdivision plan reflects the building permit restrictions as required.
- 66-35 All required information has been submitted and reviewed to the satisfaction of the Planning Board, including, but not limited to, surface water drainage, utilities, sanitary sewers, topography, lot lines and dimensions, use of property, proposed public areas, deed or option for purchase, fire lane areas, soil evaluation test pits, well locations, aesthetics, historic, and natural features, sedimentation and erosion control measures, easement documents, financial capability, covenants or deed restrictions, and city staff review.
- 66-38 Additional studies (if requested) have been submitted and reviewed to the satisfaction of the Planning Board.
- 66-39
1. The project will not result in undue water or air pollution.
 2. The project has sufficient water available for the reasonably foreseeable needs of the subdivision;
 3. The project will not cause an unreasonable burden on an existing water supply, if one is utilized;
 4. The project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy, condition may result;
 5. The project will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. The project will provide for adequate sewage waste disposal;
7. The project will not cause unreasonable burden on the ability of the municipality to disposal of solid waste and sewage if municipal services are to be utilized;
8. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent;
9. The project is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan, or land use plan, if any.
10. The subdivider has adequate financial and technical capacity to meet the above stated standards;
11. Whenever situated, in whole or in part, within 250 feet of any lake, pond, river or tidal waters, the project will not adversely affect the quality of that body of water, or unreasonably affect the shoreline of that body of water, as indicated on the City of Biddeford, Official Zoning Map and referenced in the City's Comprehensive Plan;
12. The project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. The project is not in a flood prone area;
14. The project will not unreasonably obstruct abutting properties or structures access to direct sunlight;
15. If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.

State Subdivision Law Review Criteria:

1. The proposed subdivision will not result in undue water or air pollution.
2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be used.
4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition exists.

5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
7. The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized.
8. The proposed subdivision will not have an undue adverse effect on the natural or scenic beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.
10. The subdivider has adequate technical and financial capacity to meet the standards of the municipality.
11. Whenever situated partially or entirely within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood prone area.
14. All wetlands within the proposed subdivision have been identified regardless of the size of the wetlands.
15. Any river, stream or brook within or abutting the proposed subdivision has been identified.
16. The proposed subdivision will provide for adequate stormwater management.

17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio of greater than 5:1.
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

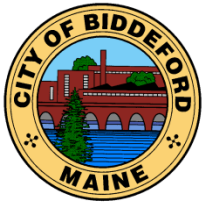
Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Subdivision Amendment for Joyce Stickles and the Berube Subdivision at 2 Berube Circle, based on the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. **This approval is not valid without plan signature and plan recording at the YCRD.**
2. **Prior to any building permits or the sale/conveyance of any land or lots:**
 1. **The applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

Planning Board Chairman

Date



CITY OF BIDDEFORD

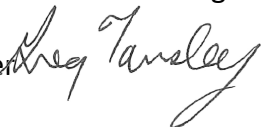
2020.23

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: August 27, 2020

RE: **NEW BUSINESS ITEM #A** – 2020.23 Amendment to a Previously Approved Subdivision (Berube Subdivision) to convey ~~19,470~~ 19,228 s.f. of land from Gervais Dube Properties, Inc. off Winding Creek Lane (Tax Map 30, Lot 58) to Joyce Stickles at 2 Berube Circle (Tax Map 29, Lot 178-3) in the R-1-A zone.

MEETING DATE: September 2, 2020 @ 6:00 PM

1. INTRODUCTION:

The application proposes to transfer 19,228 square feet of land from “remaining land” of Gervais Dube associated with the Harold Ave Terrace Subdivision to Joyce Stickles, and abutter, whose property is a part of the original Berube (Circle) Subdivision.

Note: The abutter notice referred to 19,470 SF to be conveyed based on the application, which has since been clarified/corrected as 19,228 SF. The plans presented are correct.

Since this application effectively amends 2 previously approved subdivisions, each item has been placed separately on the agenda. In order for the transfer to occur, however, both items must be approved by the Planning Board.

Staff has no concerns at this time regarding the proposed amendment.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Joyce Stickles

		2 Berube Circle Biddeford, ME 04005
2.	Owner of Property:	Joyce Stickles 2 Berube Circle Biddeford, ME 04005
3.	Agent:	William Thompson BH2M 28 State Street Gorham, ME 04038
4.	Engineer/Architect/Surveyor:	Robert C. Libby, PLS #2190 BH2M 28 State Street Gorham, ME 04038
4.	Project Location:	2 Berube Circle
5.	Project Tax Map #/Lot #:	Tax Map 29, Lot 178-3
6.	Existing Zoning:	R-1-A
7.	Overlay Zoning:	Stream Protection (SP) Shoreland Zone
8.	Existing Use:	Single-family house lot
9.	Proposed Use:	No change
10.	City Approvals Required:	Subdivision Amendment
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Amount to be conveyed to Stickles – 19,228 SF.
13.	Number of Lots/Units in Subdivision:	None.
14.	Minimum Lot Size Required: Provided:	10,000 Square Feet (with sewer and water) 29,185 SF (existing) + 19,228 SF = 48,413 SF (Stickles)
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:	MaineWater
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Rear portion of conveyance identified as a Floodzone A (unnumbered) per FIRM Panel #2301450004B
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Berube Circle is a City Street

32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely
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: Fees Paid:	Yes
41.	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorized the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
42.	Planning Board Review History: Amendment Review:	September 2, 2020

3. EXISTING CONDITIONS:

The existing lot has a single-family house on it. Below is a representative plan identifying the land to be transferred to Stickles from Dube.



4. PROJECT PROPOSAL:

See attached application package and plan for more information.

5. STAFF REVIEW:

- a. ZONING: There is no new proposed use as part of this application.
- b. REVIEW STANDARDS: Subdivision Review and Dimensional Standards.
- c. WAIVERS: Staff Recommended:

Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of

the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely.

Staff are asking the Board to approve this waiver given that under the COVID-19 situation plans signatures would be difficult if not impossible to obtain and the public's convenience, safety, health and welfare would not be affected adversely by doing so.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. Provide evidence that N/F Gervais Dube Properties, Inc., and N/F Stickles authorize the application.
2. Fee Required: \$140.00 (\$100 Application Fee, \$40 Administration Fee)

6. STAFF RECOMMENDATION

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

1. **This approval is not valid without plan signature and plan recording at the YCRD.**
2. **Prior to any building permits or the sale/conveyance of any land or lots:**
 - a. **The applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

7. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting final approval of the proposed amendment to a previously approved subdivision.

8. SAMPLE MOTIONS

- A. *Motion to approve the amendment to the Berube Circle Subdivision for Joyce Stickles at 2 Berube Circle, Tax Map 29, Lot 178-3, to allow the conveyance of 19,228 square feet land from Gervais Dube Properties, Inc., Tax Map 30, Lot 30-58, approve the Findings of Fact based on the conditions recommended by Staff in its report dated August 27, 2020 and that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.*

B. Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.

C. Motion to deny the Subdivision Amendment based upon the following reasons:

a) _____

b) _____

ATTACHMENTS:

1. Application and Plan
2. Draft Findings of Fact and Conclusions of Law



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

28 State Street, Gorham, Maine 04038
207 839-2771

WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

August 19, 2020

Greg Tansley
Biddeford City Planner
P.O. Box 586, 205 Main Street
Biddeford, Maine 04005

Re: Gervais Dube
Harold Avenue Terrace, 4th Amendment

Dear Greg,

On behalf of the applicant, Gervais Dube, we are submitting an amendment to the existing Harold Avenue Terrace. This plan had the 3rd amendment approved on April 4, 2018 and was recorded in the York County Registry of Deeds in Plan Book 394, Page 23.

This amendment is for a conveyance of 19,228 sf of land to an abutter along the northwesterly boundary line of the existing Harold Avenue Terrace Subdivision. This parcel will be conveyed to Joyce Stickles along her existing rear property line. This proposed parcel is presently part of "Remaining Land" of Gervais Dube.

We are submitting 3 copies for you and staff to review. If you require additional copies or documents please let us know.

Sincerely,

William A. Thompson
Project Manager

encl.
cc: G. Dube

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

APPLICATION FORM

Type of Application:

☐ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☒ Subdivision Amended ☐ Private Way
☐ Other: Minor Change

Applicant Information:

Applicant's Name: Gervais Dube Properties Inc.

Applicant's Mailing Address: 18 Pondarosa Lane Unit 101 Biddeford, Maine

Applicant's Telephone: 207 205-0205

What is Applicant's legal interest in the property?

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

Owner's Name: Same as Applicant

Owner's Address: _____

Owner's Telephone: _____

Agent's Name: William Thompson BH2M Engineers

Agent's Address: 28 State Street Gorham, Maine 04038

Telephone: 839-2771

Engineer/Surveyor: Robert Libby PLS 2190

Engineer/Surveyor's Address: BH2M Engineers 28 State Street Gorham, Maine 04038

Telephone: 839-2771

Project Location and Lot Information:

Street Address: Berube Circle & Harold Avenue

Tax Map: 30 Lot: 30-58

Current Zoning: RIA Shoreland Zoning: SP Stream Protection

Size of lot: 19,470 ☐ acres ☒ s.f. Lot Frontage: Rear Lot

Existing Use of Property: Undeveloped

Property currently serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

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

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

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

Description of proposed use of property:

Project/Proposed Use Description: Undeveloped rear land to be conveyed to abutter. Land is part of
remaining land shown on 3rd amendment Harold Avenue Terrace.

Property to be serviced by:

☒ City Road	☐ Private Road
☒ Public Sewer	☐ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

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

☐ If in a Shoreland Zone:

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

Percent of structure expansion (Max. 30%): _____

☐ If Subdivision Review, number of lots proposed: Zero - rear land to abutter

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

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

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

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

C. Photographs of site.

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

E. Engineered Plans, as required.

Fees (due at time of application): \$140.00

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

Required Signatures:

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

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

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

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

Signature of applicant:

William A. Nye
Agent

Date: 7/30/2020

Signature of owner of property:

Date: _____

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE).
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**

WARRANTY DEED

Biddeford West Family Limited Partnership, a New Hampshire Limited Partnership, with a principal place of business at 282 Middle Street, Portsmouth, New Hampshire, for consideration paid, grants to **Gervais Dube Properties, Inc.**, a Maine Corporation with a mailing address of 30 South Street, Biddeford, Maine 04005, with *Warranty Covenants*, the land and interest in land situated in Biddeford, York County, Maine, described as follows:

A certain lot or parcel of land situated in Biddeford, in the County of York, and State of Maine, on the northerly side of West Street, bounded and described as follows:

Beginning on said street at the easterly corner of land of one Staples;

Thence running northerly in a straight line by land of Staples, Lambert, Fillion, and other land of Alma E. Stackpole, et al., Silver Gabois, Richards and continuing the same general course of land formerly of one Roderique;

Thence turning and running easterly by said Roderique land, land formerly of Hanson, Freeman and Gordon;

Thence turning and running southerly by land of said Gordon and land of one Gage to West Street;

Thence turning and running westerly by said West Street to said Staples land and point of beginning.

Together with the right, title and interest, if any, which the grantors have in and to a right-of-way, forty (40) feet in width leading between said premises and Granite Street.

This conveyance is made subject to, and/or there are excepted and reserved from this conveyance, (1) the premises conveyed to Conrad A. Belanger and Adeline M. Belanger by deed recorded in the York County Registry of Deeds in Book 2167, Page 621; (2) the portion of the premises and the streets and ways delineated on the plan of Bowdoin Park, recorded in the York County Registry of Deeds in Book 33, Page 14; (3) the pumping station lot, so-called, near the northeasterly terminus of Harold Avenue, so-called; and (4) the rights and easements for water and sewer facilities and from watercourses within the premises.

Being the same premises conveyed to Biddeford West Family Limited Partnership by deed of Cheney East Corporation dated December 12, 1995 recorded in the York County Registry of Deeds in Book 8060, Page 010; and by confirmatory deed of Biddeford West to Biddeford West Family Limited Partnership of even or recent date and to be duly recorded in the York County Registry of Deeds.

IN WITNESS WHEREOF, the said Biddeford West Family Limited Partnership, has caused this instrument to be signed in its name and behalf by Peter N. Floros, Jr., its Partner thereunto duly authorized this 25th day of June, 2001.

MAINE R.E. TRANSFER TAX PAID

BK 10746PG110

Biddeford West Family Limited Partnership

[Signature]
Witness

By: *[Signature]*
Peter N. Floros, Jr., Its Partner

STATE OF MAINE
County of York, ss

June 25, 2001

Personally appeared the above named Peter N. Floros, Jr., Partner of Biddeford West Family Limited Partnership, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said partnership.

Before me

[Signature]

Notary Public/Maine Attorney at Law

Print name: Berard P. Conley, Jr.

After Recording, Return to:
Gervais Dube Properties, Inc.
30 South Street
Biddeford, Maine 04005

decd/0260-033/ma/z-dfr

RECEIVED YORK S.S.

2001 JUN 27 A 9 28

ATTEST: *[Signature]*
REGISTER OF DEEDS

72pp

NOTES:

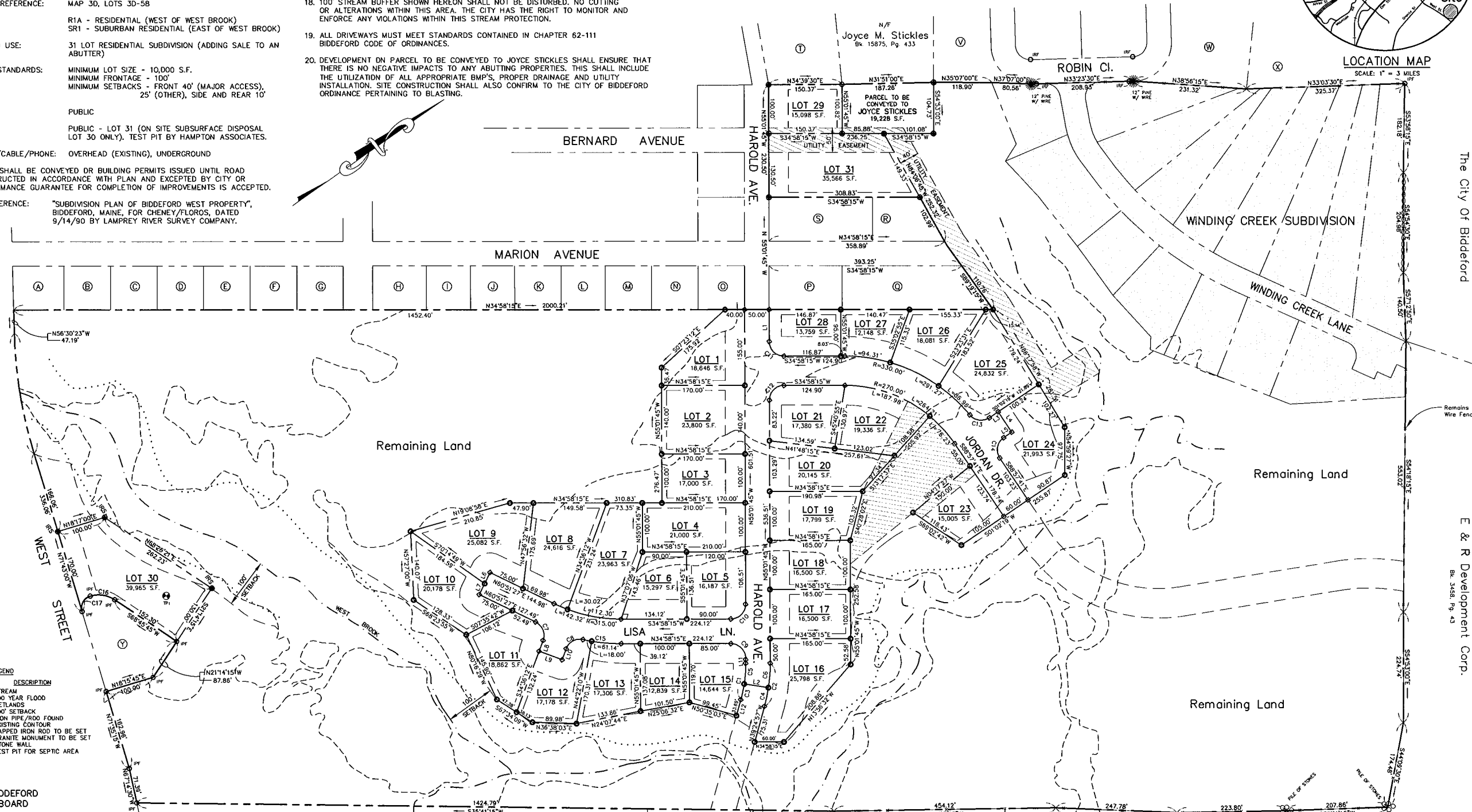
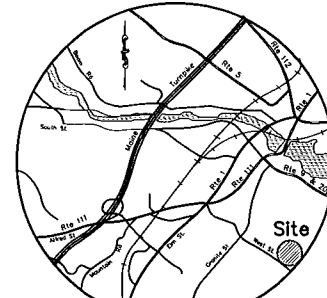
- OWNER/DEVELOPER: GERVAIS DUBE PROPERTIES, INC. 18 PONDEROSA LANE, UNIT 101 BIDDEFORD, MAINE
- ENGINEER: ANDREW MORRELL BH2M 28 STATE STREET GORHAM, MAINE
- SURVEYOR: ROBERT C. LIBBY JR. BH2M
- DEED REFERENCE: BOOK 10746, PAGE 109
- TAX MAP REFERENCE: MAP 30, LOTS 3D-5B
- ZONING: R1A - RESIDENTIAL (WEST OF WEST BROOK) SR1 - SUBURBAN RESIDENTIAL (EAST OF WEST BROOK)
- PROPOSED USE: 31 LOT RESIDENTIAL SUBDIVISION (ADDING SALE TO AN ABUTTER)
- MINIMUM STANDARDS: MINIMUM LOT SIZE - 10,000 S.F. MINIMUM FRONTAGE - 100' MINIMUM SETBACKS - FRONT 40' (MAJOR ACCESS), 25' (OTHER), SIDE AND REAR 10'
- WATER: PUBLIC
- SEWER: PUBLIC - LOT 31 (ON SITE SUBSURFACE DISPOSAL LOT 30 ONLY). TEST PIT BY HAMPTON ASSOCIATES.
- ELECTRIC/CABLE/PHONE: OVERHEAD (EXISTING), UNDERGROUND
- NO LOTS SHALL BE CONVEYED OR BUILDING PERMITS ISSUED UNTIL ROAD IS CONSTRUCTED IN ACCORDANCE WITH PLAN AND EXCEPTED BY CITY OR A PERFORMANCE GUARANTEE FOR COMPLETION OF IMPROVEMENTS IS ACCEPTED.
- PLAN REFERENCE: "SUBDIVISION PLAN OF BIDDEFORD WEST PROPERTY", BIDDEFORD, MAINE, FOR CHENEY/FLORES, DATED 9/14/90 BY LAMPREY RIVER SURVEY COMPANY.

- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION CONTROL AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, LATEST REVISION.
- AREA OF PARCEL BEING DEVELOPED: 19,228 S.F.
- THE DEVELOPER RESERVES EASEMENTS AND RIGHT OF WAYS 10 FEET IN WIDTH ALONG ALL SIDELINES AND REAR LINES AND 20 FEET IN WIDTH ALONG ALL FRONT LINES OF ALL LOTS SHOWN HEREON FOR ALL PURPOSES RELATING TO THE INSTALLATION OF UTILITIES AND/OR FOR THE INSTALLATION OF DRAINAGE STRUCTURES.
- CITY OF BIDDEFORD ENGINEER SHALL BE NOTIFIED FOR INSPECTION OF ROADWAY, UTILITIES AND OTHER IMPROVEMENTS.
- 100' STREAM BUFFER SHOWN HEREON SHALL NOT BE DISTURBED. NO CUTTING OR ALTERATIONS WITHIN THIS AREA. THE CITY HAS THE RIGHT TO MONITOR AND ENFORCE ANY VIOLATIONS WITHIN THIS STREAM PROTECTION.
- ALL DRIVEWAYS MUST MEET STANDARDS CONTAINED IN CHAPTER 62-111 BIDDEFORD CODE OF ORDINANCES.
- DEVELOPMENT ON PARCEL TO BE CONVEYED TO JOYCE STICKLES SHALL ENSURE THAT THERE IS NO NEGATIVE IMPACTS TO ANY ABUTTING PROPERTIES. THIS SHALL INCLUDE THE UTILIZATION OF ALL APPROPRIATE BMP'S, PROPER DRAINAGE AND UTILITY INSTALLATION. SITE CONSTRUCTION SHALL ALSO CONFIRM TO THE CITY OF BIDDEFORD ORDINANCE PERTAINING TO BLASTING.

CURVE/LINE DATA	
C1	R=275.00', L=74.94'
C2	R=325.00', L=88.56'
C3	R=275.00', L=32.63'
C4	R=325.00', L=38.56'
C5	R=275.00', L=42.31'
C6	R=325.00', L=50.00'
C7	R=30.00', L=44.26'
C8	R=30.00', L=44.93'
C9	R=30.00', L=47.12'
C10	R=30.00', L=47.12'
C11	R=30.00', L=47.12'
C12	R=30.00', L=44.25'
C13	R=30.00', L=47.12'
C14	R=30.00', L=47.12'
C15	R=365.00', L=79.14'
C16	R=59.37', L=52.33'
C17	R=25.00', L=39.27'

ABUTTERS LIST	
SYMBOL	NAME
A	JEZAR FAMILY TRUST
B	DEBORAH CHARBON
C	ANDRE J. & PATRICIA J. DRAPEAU
D	MARC P. BERTHAUME
E	ROBERT P. ROSSON
F	RICHARD P. & ELIANE COLLETTE
G	RAYMOND C. & YOLANDE S. LOWELL
H	BRANDON C. BEAULIEU
I	RICHARD R. & MUREL G. GUAY
J	JEANNINE GOULET
K	SAVO MIRANDA
L	RICHARD A. & DORIS M. COOK
M	HENRY R. JR. & PRISCILLA A. PETIT
N	MATTHEW J. & MICHELLE E. WOOD

ABUTTERS LIST	
SYMBOL	NAME
O	ROBERT & LOUISE J. JENSEN
P	ASHLEY W. SEVIGNY-NGUYEN
Q	RONALD L. & DORIS A. CADNON
R	DANNY & CAROL GREEN
S	DAVID J. & LORI J. BERNARD
T	ERIK D. RYDER
V	JEANNINE R. MILLETTE
W	EDGAR A. & MICHELE A. KROEZE
X	CITY OF BIDDEFORD
Y	ANITA R. BELANGER



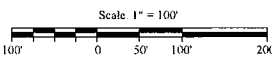
SYMBOL	DESCRIPTION
---	STREAM
----	100 YEAR FLOOD
.....	WETLANDS
---	100' SETBACK
---	IRON PIPE/ROD FOUND
---	EXISTING CONTOUR
---	CAPPED IRON ROD TO BE SET
---	GRANITE MONUMENT TO BE SET
---	STONE WALL
---	TEST PIT FOR SEPTIC AREA

APPROVAL
CITY OF BIDDEFORD
PLANNING BOARD

CITY PLANNER _____ DATE _____
GREG TANSLEY, CITY PLANNER, DULY AUTHORIZED TO SIGN ON BEHALF OF THE BIDDEFORD PLANNING BOARD.

SPECIAL NOTE:
DUE TO THE CORONAVIRUS PANDEMIC AND THE GOVERNOR'S DECLARATION OF A CIVIL STATE OF EMERGENCY AND A STATE WIDE STAY AT HOME ORDER, THE PLANNING BOARD, PURSUANT TO CHAPTER 66-9, AUTHORIZES THE CITY PLANNER TO SIGN THE FINAL PLAN ONCE SIGNED BY THE CITY PLANNER, IT SHALL BE DEEMED TO HAVE BEEN SIGNED BY INDIVIDUAL MEMBERS OF THE PLANNING BOARD, EVIDENCING APPROVAL OF THE FINAL PLAN.

Heffernan Family Living Trust
Bk. 7347, Pg. 73



YORK ss REGISTRY OF DEEDS
RECEIVED _____ 20____
AT _____ M., AND
RECORDED IN BOOK _____ PAGE _____
ATTEST:

REGISTER

THIS PLAN SUPERSEDES THE PREVIOUSLY RECORDED PLAN "3rd AMENDMENT, HAROLD AVENUE TERRACE" RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 394, PAGE 23. THE ONLY PURPOSE OF THIS AMENDMENT IS TO SHOW A PARCEL TO BE CONVEYED TO AN ABUTTER.

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF REGISTRATION FOR LAND SURVEYORS STANDARD BOUNDARY SURVEY, CATEGORY I, CONDITION 1, WITH THE FOLLOWING EXCEPTIONS: 1) NO SURVEYORS REPORT, 2) INTERIOR LOT LINES ONLY

ROBERT C. LIBBY JR.
PLS #2190

NO.	DATE	REVISION	DESCRIPTION

BH2M
Betty Huff, McDonald Milligan Inc.
Engineers, Surveyors
Tel: (207) 839-2771
Fax: (207) 839-8250
28 State Street
Portland, Maine 04108

18 Ponderosa Lane, Unit 101
Biddeford, Maine
Gervais Dube Properties Inc.

4th AMENDMENT
HAROLD AVENUE TERRACE
LAND OF:
GERVAIS DUBE PROPERTIES INC.
HAROLD AVENUE
BIDDEFORD, MAINE

DESIGNED R. Libby, Jr.	DATE Jan. 2018
DRAWN R. Libby, Jr.	SCALE As Noted
CHECKED W. Thompson	JOB. NO. 20089

SHEET 1
REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESS WRITTEN CONSENT OF BH2M INC. IS PROHIBITED

FINDINGS OF FACT AND CONCLUSIONS OF LAW SUBDIVISION AMENDMENT

Pursuant to the provisions of the City of Biddeford Code of Ordinances (Chapter 66 – Subdivisions) the Biddeford Planning Board has considered the application of Gervais Dube Properties, Inc., including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff’s review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Gervais Dube Properties, Inc. 18 Ponderosa Lane, Unit 101 Biddeford, ME 04005
2.	Owner of Property:	Gervais Dube Properties, Inc. 18 Ponderosa Lane, Unit 101 Biddeford, ME 04005
3.	Agent:	William Thompson BH2M 28 State Street Gorham, ME 04038
4.	Engineer/Architect/Surveyor:	Robert C. Libby, PLS #2190 BH2M 28 State Street Gorham, ME 04038
4.	Project Location:	Harold Avenue Terrace (Remaining Land)
5.	Project Tax Map #/Lot #:	Tax Map 30, Lot 30-58
6.	Existing Zoning:	R-1-A
7.	Overlay Zoning:	Stream Protection (SP) Shoreland Zone
8.	Existing Use:	Vacant
9.	Proposed Use:	No change
10.	City Approvals Required:	Subdivision Amendment
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Amount to be conveyed from Dube to Stickles – 19,228 SF.
13.	Number of Lots/Units in Subdivision:	None.
14.	Minimum Lot Size Required: Provided:	10,000 Square Feet (with sewer and water) 50.35 Acres - 19,228 SF = 50 Acres +/- (Remaining Land)
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:	MaineWater
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Rear portion of conveyance identified as a Floodzone A (unnumbered) per FIRM Panel #2301450004B
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Berube Circle and Harold Ave are City Streets
32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely
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: Fees Paid:	Yes
41.	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to

		Chapter 66-9 hereby authorized the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
42.	Planning Board Review History: Amendment Review:	September 2, 2020

Conclusions of Law:

General Review Standards: City of Biddeford Subdivision Ordinance:

- 66-10 The proposed subdivision is in conformance with the City of Biddeford Comprehensive Plan, local codes and regulations and state laws.
- 66-11 The applicant will submit a performance guarantee, which satisfies the requirements of this ordinance.
- 66-16 The subdivision plan reflects the building permit restrictions as required.
- 66-35 All required information has been submitted and reviewed to the satisfaction of the Planning Board, including, but not limited to, surface water drainage, utilities, sanitary sewers, topography, lot lines and dimensions, use of property, proposed public areas, deed or option for purchase, fire lane areas, soil evaluation test pits, well locations, aesthetics, historic, and natural features, sedimentation and erosion control measures, easement documents, financial capability, covenants or deed restrictions, and city staff review.
- 66-38 Additional studies (if requested) have been submitted and reviewed to the satisfaction of the Planning Board.
- 66-39
1. The project will not result in undue water or air pollution.
 2. The project has sufficient water available for the reasonably foreseeable needs of the subdivision;
 3. The project will not cause an unreasonable burden on an existing water supply, if one is utilized;
 4. The project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy, condition may result;
 5. The project will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. The project will provide for adequate sewage waste disposal;
7. The project will not cause unreasonable burden on the ability of the municipality to disposal of solid waste and sewage if municipal services are to be utilized;
8. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent;
9. The project is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan, or land use plan, if any.
10. The subdivider has adequate financial and technical capacity to meet the above stated standards;
11. Whenever situated, in whole or in part, within 250 feet of any lake, pond, river or tidal waters, the project will not adversely affect the quality of that body of water, or unreasonably affect the shoreline of that body of water, as indicated on the City of Biddeford, Official Zoning Map and referenced in the City's Comprehensive Plan;
12. The project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. The project is not in a flood prone area;
14. The project will not unreasonably obstruct abutting properties or structures access to direct sunlight;
15. If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.

State Subdivision Law Review Criteria:

1. The proposed subdivision will not result in undue water or air pollution.
2. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.
3. The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be used.
4. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition exists.

5. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
6. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
7. The proposed subdivision will not cause an unreasonable burden on the Town’s ability to dispose of solid waste, if municipal services are to be utilized.
8. The proposed subdivision will not have an undue adverse effect on the natural or scenic beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
9. The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.
10. The subdivider has adequate technical and financial capacity to meet the standards of the municipality.
11. Whenever situated partially or entirely within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
12. The proposed subdivision will not alone, or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. Based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood prone area.
14. All wetlands within the proposed subdivision have been identified regardless of the size of the wetlands.
15. Any river, stream or brook within or abutting the proposed subdivision has been identified.
16. The proposed subdivision will provide for adequate stormwater management.

17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio of greater than 5:1.
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

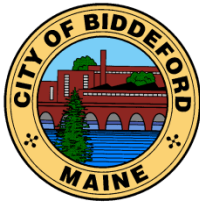
Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Subdivision Amendment for Gervais Dube Properties, Inc., at Harold Ave Terrace, based on the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. **This approval is not valid without plan signature and plan recording at the YCRD.**
2. **Prior to any building permits or the sale/conveyance of any land or lots:**
 1. **The applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

Planning Board Chairman

Date



CITY OF BIDDEFORD

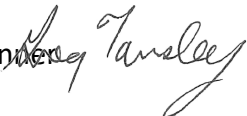
2020.24

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: August 27, 2020

RE: **NEW BUSINESS ITEM #B** – 2020.24 Amendment to a Previously Approved Subdivision (Harold Avenue Terrace Subdivision) to convey ~~19,470~~ 19,228 s.f. of land to Joyce Stickles at 2 Berube Circle (Tax Map 29, Lot 178-3) from Gervais Dube Properties, Inc. off Winding Creek Lane (Tax Map 30, Lot 58) in the R-1-A zone.

MEETING DATE: September 2, 2020 @ 6:00 PM

1. INTRODUCTION:

The application proposes to transfer 19,228 square feet of land from “remaining land” of Gervais Dube associated with the Harold Ave Terrace Subdivision to Joyce Stickles, and abutter, whose property is a part of the original Berube (Circle) Subdivision.

Note: The abutter notice referred to 19,470 SF to be conveyed based on the application, which has since been clarified/corrected as 19,228 SF. The plans presented are correct.

Since this application effectively amends 2 previously approved subdivisions, each item has been placed separately on the agenda. In order for the transfer to occur, however, both items must be approved by the Planning Board.

Staff has no concerns at this time regarding the proposed amendment.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
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1.	Applicant:	Gervais Dube Properties, Inc. 18 Ponderosa Lane, Unit 101 Biddeford, ME 04005
2.	Owner of Property:	Gervais Dube Properties, Inc. 18 Ponderosa Lane, Unit 101 Biddeford, ME 04005
3.	Agent:	William Thompson BH2M 28 State Street Gorham, ME 04038
4.	Engineer/Architect/Surveyor:	Robert C. Libby, PLS #2190 BH2M 28 State Street Gorham, ME 04038
4.	Project Location:	Harold Avenue Terrace (Remaining Land)
5.	Project Tax Map #/Lot #:	Tax Map 30, Lot 30-58
6.	Existing Zoning:	R-1-A
7.	Overlay Zoning:	Stream Protection (SP) Shoreland Zone
8.	Existing Use:	Vacant
9.	Proposed Use:	No change
10.	City Approvals Required:	Subdivision Amendment
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Amount to be conveyed from Dube to Stickles – 19,228 SF.
13.	Number of Lots/Units in Subdivision:	None.
14.	Minimum Lot Size Required: Provided:	10,000 Square Feet (with sewer and water) 50.35 Acres - 19,228 SF = 50 Acres +/- (Remaining Land)
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:	MaineWater
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	Rear portion of conveyance identified as a Floodzone A (unnumbered) per FIRM Panel #2301450004B
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A

29.	Ownership of Road:	Berube Circle and Harold Ave are City Streets
32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely
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: Fees Paid:	Yes
41.	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorized the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
42.	Planning Board Review History: Amendment Review:	September 2, 2020

3. EXISTING CONDITIONS:

The Stickles lot has a single-family house on it. The "Remaining " of Harold Ave Terrace is vacant. Below is a representative plan identifying the land to be transferred to from Dube to Stickles.



4. PROJECT PROPOSAL:

See attached application package and plan for more information.

5. STAFF REVIEW:

- a. ZONING: There is no new proposed use as part of this application.
- b. REVIEW STANDARDS: Subdivision Review and Dimensional Standards.
- c. WAIVERS: Staff Recommended:

Due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of

the Planning Board evidencing approval of the final plan given that public convenience, safety, health and welfare will not be affected adversely.

Staff are asking the Board to approve this waiver given that under the COVID-19 situation plans signatures would be difficult if not impossible to obtain and the public's convenience, safety, health and welfare would not be affected adversely by doing so.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. Provide evidence that N/F Gervais Dube Properties, Inc., and N/F Stickles authorize the application.
2. Fee Required: \$140.00 (\$100 Application Fee, \$40 Administration Fee)

6. STAFF RECOMMENDATION

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

1. **This approval is not valid without plan signature and plan recording at the YCRD.**
2. **Prior to any building permits or the sale/conveyance of any land or lots:**
 - a. **The applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

7. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting final approval of the proposed amendment to a previously approved subdivision.

8. SAMPLE MOTIONS

- A. *Motion to approve the amendment to the Harold Avenue Terrace Subdivision for Gervais Dube Properties, Inc., Tax Map 30, Lot 30-58 to convey 19,228 square feet land to Joyce Stickles at 2 Berube Circle, Tax Map 29, Lot 178-3, to approve the Findings of Fact based on the conditions recommended by Staff in its report dated August 27, 2020, and that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.*

B. Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.

C. Motion to deny the Subdivision Amendment based upon the following reasons:

a) _____

b) _____

ATTACHMENTS:

1. Application and Plan
2. Draft Findings of Fact and Conclusions of Law

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

APPLICATION FORM

Type of Application:

- | | | |
|--|---|--------------------------------------|
| ☐ Shoreland Zoning Permit | ☐ Site Plan Review | ☐ Extraction |
| ☒ Conditional Use Permit | ☐ Subdivision | ☐ Private Way |
| ☐ Other: _____ | | |

Applicant Information:

Applicant's Name:

Chris Cronkwhite

Applicant's Mailing Address:

11 Sea Breeze Ave. Biddeford 04005

Applicant's Telephone:

207 - 284 - 8000

What is Applicant's legal interest in the property?

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

Owner's Name:

Owner's Address:

Owner's Telephone:

SAME

Agent's Name:

Agent's Address:

Telephone:

N/A

Engineer/Surveyor:

Engineer/Surveyor's Address:

Telephone:

N/A

Project Location and Lot Information:

Street Address:

13 Sea Breeze Ave. Biddeford 04005

Tax Map:

54

Lot:

7

Current Zoning: OCN + MDL-01

Shoreland Zoning:

yes

Size of lot: .2 ☒ acres ☐ s.f. Lot Frontage: 100'

Existing Use of Property: house

Property currently serviced by:

☒ City Road

☐ Private Road

☐ Public Sewer

☒ Septic System

☒ Public Water

☐ Private Well

☐ Public Trash

☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

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

Are there any wetlands or waterbodies on the site? ☐ Yes ☒ No

If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No

If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: Move ~~se~~ Real Estate Sign from 11 Seabreeze to 13 Sea Breeze Home office. Very minimal traffic. I think I've had 3 or 4 people into home over last 11 years, mainly need to sign up for presence.

Property to be serviced by:

☒ City Road

☐ Private Road

☐ Public Sewer

☒ Septic System

☒ Public Water

☐ Private Well

☐ Public Trash

☐ Private Hauler

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

☐ If in a Shoreland Zone:

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

N 20%

Percent of structure expansion (Max. 30%):

N/A

☐ If Subdivision Review, number of lots proposed:

N/A

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

N/A

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

Total new square feet footprint of structures:

existing

Total new square feet paving/parking:

existing 40x24

Waiver Requests (attach details):

1. _____

2. _____

3. _____

4. _____

5. _____

Attachments:

A. Letters of Approval

☐ Fire Department - Contact - 282-9986

(reached out a few times, waiting to hear back)

☒ Ability to Serve – Maine Water - 282-1543

☐ Ability to Serve - Engineering Department (Sewer) - Contact - 284-9118

☐ Police Department - E-911 Road Name Designation - Contact - 282-5127

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

C. Photographs of site.

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

E. Engineered Plans, as required.

Fees (due at time of application):

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

Required Signatures:

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

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

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

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

Signature of applicant:



Date:

7-14-20

Signature of owner of property:

Date:



July 7th, 2020

Sea Breeze Real Estate
Chris Cronkhite
11 Sea Breeze Avenue
Biddeford, ME 04005

Re: Ability to Serve Determination – 13 Sea Breeze Avenue – Office Relocation

Dear Mr. Cronkhite,

The Maine Water Company (MWC) has received your request for an Ability to Serve Determination for the relocation of the existing office from 11 Sea Breeze to 13 Sea Breeze Ave in Biddeford, Maine for the above referenced project. The request indicates that no additional water will be used in the relocation of the office. The static pressure in the area is approximately **80psi**. Based on the criteria of a small office building, domestic services are available and MWC does have sufficient capacity in the area from the existing 2.25-inch cast iron main on Sea Breeze Ave to serve this project. Additional infrastructure improvements may be required at the expense of the developer to meet the overall needs of this project.

Conditions of Service

- MWC understands this project as an existing home/building that is undergoing renovations for a new office that already has an existing service line.
- Additional changes to this location would require further review from MWC.

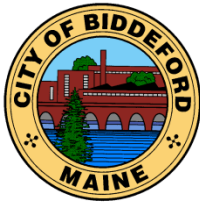
Should a Customer Agreement for service not be executed within one year of the date of this letter, MWC reserves the right to reevaluate its ability to serve this project.

In the event any new services would be required, all work must be completed in accordance with Maine Water Company material and installation specifications. All appropriate paperwork must be completed and the deposit paid prior to the start of construction. Please forward all design plan revisions as the project develops to prevent construction delays.

Water service will be provided in accordance with our standard terms and conditions as well as Maine Public Utilities Commission rules. If you have any additional questions, please do not hesitate to contact our office at 1-800-287-1643 or by email at Marcus.Knipp@mainewater.com.

Sincerely,
The Maine Water Company

Marcus Knipp, E.I.T.
Engineer



CITY OF BIDDEFORD

2020.21

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner 

DATE: August 27, 2020

RE: **NEW BUSINESS ITEM #C** – 2020.21 Conditional Use Permit and Shoreland Zoning Permit for a Home Occupation for Chris Cronkhite at 13 Seabreeze Avenue (Tax Map 54, Lot 7) in the CR and LR (shoreland) zones.

MEETING DATE: SEPTEMBER 2, 2020 @ 6:00 PM

1. INTRODUCTION

The applicant, Christopher Cronkhite, wishes to operate a Home Occupation (Real Estate Office) at 13 Seabreeze Avenue. He had operated it out of 11 Seabreeze and now wishes to move it one house down. Home Occupations require a Conditional Use Permit, and in this location being a Limited Residential (LR) Shoreland Zone, also require a Shoreland Zoning Permit from the Planning Board.

2. PROJECT DATA

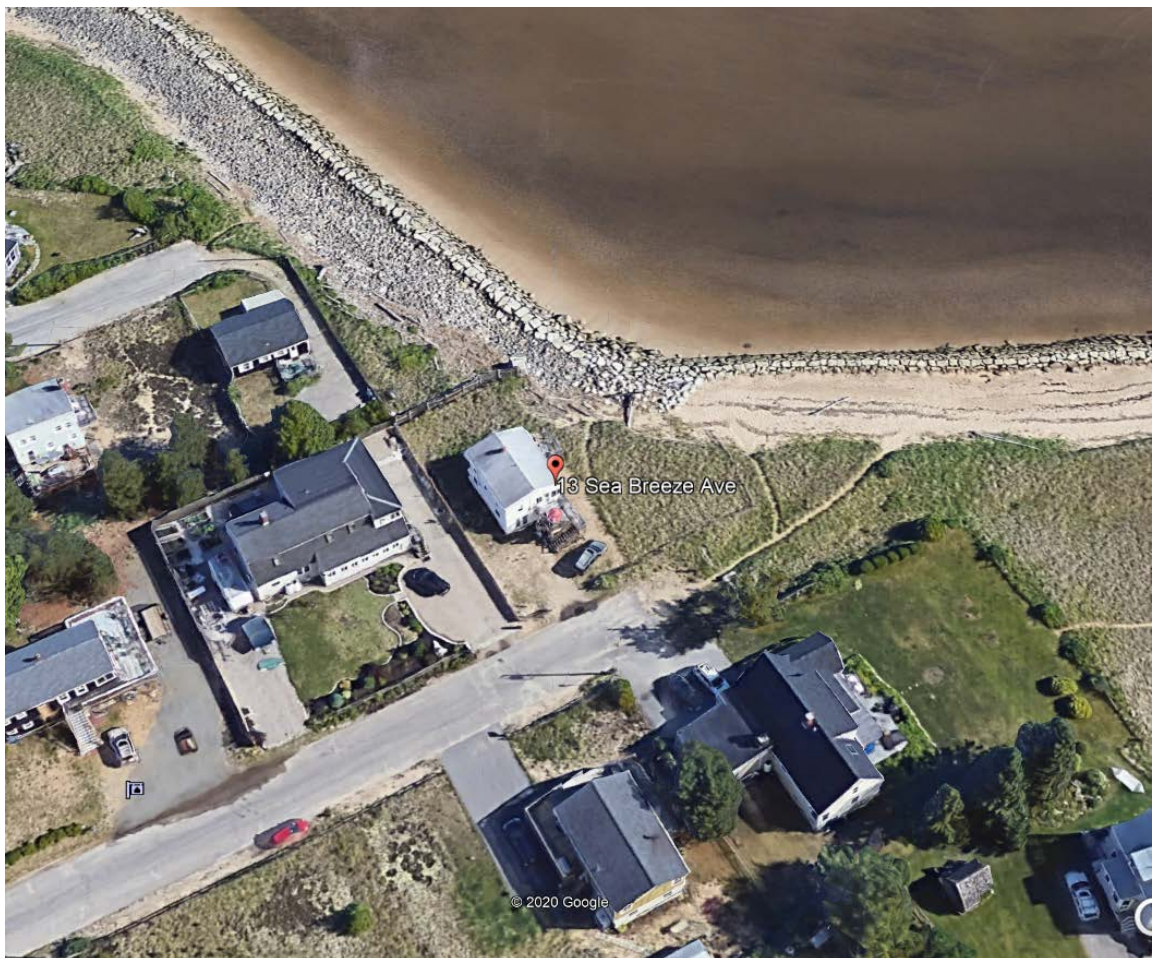
	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Chris Cronkhite 11 Sea Breeze Avenue Biddeford, ME 04005
2.	Owner of Property:	Chris Cronkhite 11 Sea Breeze Avenue Biddeford, ME 04005
3.	Agent:	N/A
4.	Project Location:	13 Seabreeze Avenue
5.	Project Tax Map #/Lot #:	54/7
6.	Existing Zoning:	Coastal Residential (CR)
7.	Overlay Zoning:	Limited Residential

8.	Existing Use:	Residential
9.	Proposed Use:	Real Estate Home Office (Home Occupation)
10.	Approvals Required:	Conditional Use Permit Shoreland Zoning Permit
11.	Uses in the Vicinity:	Residential
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	Varies (N/A - Existing Lot of Record) .20 Acres (from Tax Card) = 8,712 SF +/-
14.	Frontage Required: Provided:	150' (N/A – Existing Lot of Record) N/A – No Change
15.	Front Setback Required: Provided:	40' (N/A - Existing Lot of Record) N/A – No Change
16.	Side Setbacks Required: Provided:	25' (N/A - Existing Lot of Record) N/A – No Change
17.	Rear Setback Requires: Provided:	25' (N/A - Existing Lot of Record) N/A – No Change
18.	Height Requirements: Provided:	35 feet or 3 stories. N/A – No Change
19.	Water Supply:	Maine Water (Ability to Serve Letter Provided)
20.	Sewerage Disposal:	Private Septic System
21.	Solid Waste Disposal:	City of Biddeford
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	According to FIRM Panel #230145 0005 B The property is partially located in an AE Flood Zone (EL 12) and a VE Flood Zone (EL 13), but no proposed development is part of this application.
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	N/A
26.	Parking Spaces Required:	Single Family Home – 2 spaces
27.	Parking Spaces Provided (total): # Handicapped Spaces:	2+ Available N/A
28.	Ownership of Road:	Seabreeze Avenue is a Public Street
29.	Impervious Surface Area:	0 SF Change
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
32.	Financial Capacity Letter:	N/A – Internal Construction Only
33.	Waivers Requested/Needed:	None
34.	Waivers Granted:	None
35.	Variances Needed for Approval:	None.

36.	Other Permits Obtained:	N/A
37.	Other Non-City Permits Required:	None.
38.	Covenants, By-laws, Restrictions Required:	None
39.	LDR Attachment A: Fees Paid:	Yes
40.	Planning Board Review History: Conditional Use Permit and Shoreland Zoning Permit:	September 2, 2020

3. EXISTING CONDITIONS

13 Seabreeze is a beachfront lot at the end of Seabreeze Avenue. The existing property is .2 acres in size and is developed with a residential house on it.



Source: "13 Seabreeze Avenue, Biddeford, Maine." **Google Earth.** 43°27'34.78" N 70°22'34.24" W. Accessed Date: 8/27/2020.

4. PROJECT PROPOSAL

To operate a home real estate office at 13 Seabreeze Avenue. No site development is proposed.

An issue was raised by an abutter regarding existing restrictive covenants on the property that may prohibit the operation of a business at this location. Staff requested a legal opinion from the applicant's attorney regarding this issue as it relates to the Planning Board's review of a home occupation permit.

The City Attorney reviewed the materials provided by the applicant's attorney and has advised that the enforcement of said private covenants are a civil matter and not something that would prevent the City from permitting the application through its own zoning regulations. As such, the application is now before the Planning Board.

Information related to this topic is attached.

5. STAFF REVIEW

- a. ZONING: A Home Occupation requires a Conditional Use Permit and, in this case, a Shoreland Zoning Permit.

- b. REVIEW STANDARDS:

ARTICLE XIV Shoreland Zoning Ordinance, Section 16.D:

The following are the standards for review under a Shoreland Zoning Permit (standards in *italic*, Staff Comments in regular font):

- 1. *Will maintain safe and healthful conditions;*

No site alterations are proposed.

- 2. *Will not result in water pollution, erosion, or sedimentation to surface waters;*

No site alterations are proposed.

- 3. *Will adequately provide for the disposal of all wastewater;*

The site is served by an on-site septic system that was recently installed. See attached information.

4. *Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*

No site alterations are proposed.

5. *Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*

No site alterations are proposed.

6. *Will protect archaeological and historic resources as designated in the comprehensive plan;*

No site alterations are proposed.

7. *Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;*

No site alterations are proposed.

8. *Will avoid problems associated with floodplain development and use; and*

No site alterations are proposed.

9. *Is in conformance with the provisions of Section 15, Land Use Standards.*

There are no specific standards in Section 15 regarding Home Occupations and no site development is proposed under this application.

CONDITIONAL USE STANDARDS: The following are the standards for review under a Conditional Use Permit (standards in *italic*, Staff Comments in regular font):

- i. *The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;*

Condition of Approval #2 (if approved) requires the applicant to obtain all applicable state and federal permits.

- ii. *The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;*

This is an existing site that is already developed on a public street.

- iii. *The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;*

The applicant does not intend to install any additional exterior lighting for the Home Occupation.

- iv. *The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;*

There is no development proposed by this project.

- v. *The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;*

All activities are proposed within the existing building. The applicant requests permission to conduct a home occupation at this location (real estate office).

- vi. *The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;*

Off-street parking is available on-site for 2-3 vehicles.

- vii. *The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;*

The applicant expects few visitors, if any, for this location, according to the application.

- viii. *The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;*

Adjacent parcels are residential. The applicant proposes to run a small real estate office here and the principal use remains residential.

ix. *The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;*

Adjacent parcels are residential. The applicant proposes to run a small real estate office here and the principal use remains residential.

x. *The proposed use would be in compliance with Biddeford's Comprehensive Plan;*

Adjacent parcels are residential. The applicant proposes to run a small real estate office here. The zoning permits this with Planning Board approval and the zoning is consistent with the existing Biddeford Comprehensive Plan.

xi. *The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;*

There are no modifications to the Site or the building's exterior proposed.

xii. *The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;*

The property is partially located in an AE Flood Zone (EL 12) and a VE Flood Zone (EL 13) but no proposed development is part of this application.

xiii. *Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;*

The applicant recently installed a new subsurface (septic) system on the property. Information is attached.

xiv. *Adequate provision has been made to control erosion or sedimentation;*

There are no site improvements/disturbances proposed.

xv. *Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;*

There are no site improvements/disturbances proposed.

xvi. *The proposed water supply would meet the demands of the proposed use for fire protection purposes;*

Maine Water Company serves this site and has provided an Ability to Serve letter.

xvii. *Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;*

The application does not include an indicator that hazardous materials would be involved in the Home Occupation (real estate office).

xviii. *The proposed use would not have an adverse impact on scenic vistas or on significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;*

No site alterations are proposed for the site.

c. WAIVERS REQUIRED:

None

d. OUTSTANDING ISSUES TO BE ADDRESSED PRIOR TO APPROVAL:

None.

10. STAFF RECOMMENDATION

Recommend that is the Planning Board approves the Conditional Use Permit and the Shoreland Zoning Permit suc approval be based on the following conditions:

- 1. Standard Conditions of Approval apply.**
- 2. The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**

11. SAMPLE MOTIONS:

- I. Motion to approve the Conditional Use Permit and Shoreland Zoning Permit for Chris Cronkhite at 13 Seabreeze Avenue (Tax Map 54, Lot 7) and approve the findings of fact based on the conditions as provided in Staff's Report dated August 27, 2020.*

II. *Motion to deny the application based upon the following reasons:*

- a) _____
- b) _____

ATTACHMENTS

1. Application Package
2. Property Deeds
3. Legal Review – Applicants Attorney, Rick Hull
4. Legal Review – City Attorney, Keith Jacques
5. Septic Design Information
6. Draft Findings of Fact and Conclusions of Law

FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT AND SHORELAND ZONING

Pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations (LDR, Article VII Conditional Use Permits and LDR, Article XIV Shoreland Zoning) the Biddeford Planning Board has considered the application of Biddeford Chris Cronkhite, including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Chris Cronkhite 11 Sea Breeze Avenue Biddeford, ME 04005
2.	Owner of Property:	Chris Cronkhite 11 Sea Breeze Avenue Biddeford, ME 04005
3.	Agent:	N/A
4.	Project Location:	13 Seabreeze Avenue
5.	Project Tax Map #/Lot #:	54/7
6.	Existing Zoning:	Coastal Residential (CR)
7.	Overlay Zoning:	Limited Residential
8.	Existing Use:	Residential
9.	Proposed Use:	Real Estate Home Office (Home Occupation)
10.	Approvals Required:	Conditional Use Permit Shoreland Zoning Permit
11.	Uses in the Vicinity:	Residential
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	Varies (N/A - Existing Lot of Record) .20 Acres (from Tax Card) = 8,712 SF +/-
14.	Frontage Required: Provided:	150' (N/A – Existing Lot of Record) N/A – No Change
15.	Front Setback Required: Provided:	40' (N/A - Existing Lot of Record) N/A – No Change
16.	Side Setbacks Required: Provided:	25' (N/A - Existing Lot of Record) N/A – No Change
17.	Rear Setback Requires: Provided:	25' (N/A - Existing Lot of Record) N/A – No Change
18.	Height Requirements: Provided:	35 feet or 3 stories. N/A – No Change

19.	Water Supply:	Maine Water (Ability to Serve Letter Provided)
20.	Sewerage Disposal:	Private Septic System
21.	Solid Waste Disposal:	City of Biddeford
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	According to FIRM Panel #230145 0005 B The property is partially located in an AE Flood Zone (EL 12) and a VE Flood Zone (EL 13), but no proposed development is part of this application.
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	N/A
26.	Parking Spaces Required:	Single Family Home – 2 spaces
27.	Parking Spaces Provided (total): # Handicapped Spaces:	2+ Available N/A
28.	Ownership of Road:	Seabreeze Avenue is a Public Street
29.	Impervious Surface Area:	0 SF Change
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
32.	Financial Capacity Letter:	N/A – Internal Construction Only
33.	Waivers Requested/Needed:	None
34.	Waivers Granted:	None
35.	Variances Needed for Approval:	None.
36.	Other Permits Obtained:	N/A
37.	Other Non-City Permits Required:	None.
38.	Covenants, By-laws, Restrictions Required:	None
39.	LDR Attachment A: Fees Paid:	Yes
40.	Planning Board Review History: Conditional Use Permit and Shoreland Zoning Permit:	September 2, 2020

Conclusions of Law:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;

3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties, which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal.
10. The proposed use would be in compliance with Biddeford's comprehensive plan;
11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;
12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;

15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)
17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas, historic sites, archeological resources, or on significant wildlife habitat or wetland areas and water bodies, which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance, specifically the following:
 - i. *Will maintain safe and healthful conditions;*
 - ii. *Will not result in water pollution, erosion, or sedimentation to surface waters;*
 - iii. *Will adequately provide for the disposal of all wastewater;*
 - iv. *Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*
 - v. *Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*
 - vi. *Will protect archaeological and historic resources as designated in the comprehensive plan;*
 - vii. *Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;*
 - viii. *Will avoid problems associated with floodplain development and use; and*
 - ix. *Is in conformance with the provisions of Section 15, Land Use Standards.*

Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Conditional Use Permit and Shoreland Zoning Permit for Christopher Cronkhite for the proposed project summarized above, located at Map 54, Lot 7, City of Biddeford Tax Maps, in accordance with the submitted application, supporting data, representations made, other related materials on file, with the following Conditions of Approval:

1. **Standard Conditions of Approval apply.**
2. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**

Planning Board Chairman

Date

DRAFT

Know All Men By These Presents.

That We, Robert Chretien and Priscilla M. Chretien both of Biddeford in the County of York and State of Maine

in consideration of One Dollar and other valuable considerations

paid by Richard Stearns Bunting and Anna Delaney Bunting, both of Rye Beach in the State of New Hampshire

the receipt whereof we do hereby acknowledge, do hereby give, grant,

bargain, sell and convey unto the said Richard Stearns Bunting and Anna Delaney Bunting

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, a certain lot or parcel of land situated at Hill's Beach, so-called, in Biddeford, in the County of York and State of Maine, being numbered forty (40) as designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow, Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page 26, to which reference may be had for a more particular description.

Said premises are conveyed subject to any and all assessments for improvements and betterments which are in any manner directly or indirectly a lien or encumbrance upon the property herein described.

Being the same premises conveyed to us by Thomas S. Sullivan, Jr., Trustee by deed dated June 25, 1964 and recorded in York County Registry of Deeds, Book 1793, Page 711.

This conveyance is made subject to the rights of Central Maine Power Company and New England Telephone and Telegraph Company, if any, under an easement given by James F. Graham, Trustee, to said Central Maine Power Company and New England Telephone and Telegraph Company dated June 20, 1955 and recorded in York County Registry of Deeds, Book 1317, Page 114.

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Richard Stearns Bunting and Anna Delaney Bunting

as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, to them and their use and behoof forever.

And we do **COVENANT** with the said Grantees, as aforesaid, that we are lawfully seized in fee of the premises, that they are free of all incumbrances,

that we have good right to sell and convey the same to the said Grantees to hold as aforesaid, and that we and our heirs shall and will **Warrant and Defend** the same to the said Grantees, their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said Robert Chretien and Priscilla M. Chretien, husband and wife

joining in this deed as Grantors, and relinquishing and conveying all right by descent and all other rights in the above described premises, have hereunto set our hands and seals this third day of October in the year of our Lord one thousand nine hundred and sixty-nine.

Signed, Sealed and Delivered
in presence of

John A. Stearns Jr. to both

Robert Chretien
Priscilla M. Chretien

State of Maine, York } ss.

October 3, 19 69.

Personally appeared the above named

Robert Chretien and Priscilla M. Chretien

the foregoing instrument to be their free act and deed. and acknowledged

York, ss.

Received OCT 7 1969 at 9 53 AM
and recorded from the original.

Before me,

John A. Stearns Jr.
Justice of the Peace

Priscilla M. Chretien
Notary Public

BK 11482 PG 174

017367

We, Richard Stearns Bunting and Anna Delaney Bunting, being husband and wife, of 20 Willowbrook Ave., Town of Rye, Rockingham County, State of New Hampshire (~~County of Rockingham~~), for consideration paid, grant to Sandra A. Werkelin of the Town of Rye, County of Rockingham and State of New Hampshire and Alan R. Bunting of the Town

of North Hampton, Rockingham County, New Hampshire with quit claim covenant the land in the Town of Biddeford, York County, State of Maine. as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them,

a certain lot or parcel of land situated at Hill's Beach, so-called, in Biddeford, in the County of York and State of Maine, being numbered forty (40) as designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow, Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page 26, to which reference may be had for a mor particular description.

Said premises are conveyed subject to any and all assessments for improvements and betterments which are in any manner directly or indirectly a lien or encumbrance upon the property herein described.

Being the same premises conveyed to Richard Stearns Bunting and Anna Delancy Bunting by deed of Robert Chretien and Priscilla M. Chretien, dated October 3, 1969 and recorded in the York County Registry of Deeds Book 1855, Page 540.

This conveyance is made subject to the rights of Central Maine Power Company and New England Telephone and Telegraph Company, if any, under an easement given by James F. Graham, Trustee, to said Central Maine Power Company and New England Telephone and Telegraph Company dated June 20, 1955 and recorded in York County Registry of Deeds, Book 1317, Page 114.

NO R.E. TRANSFER TAX PAID

RECEIVED YORK S.S.
2002 MAR 22 AM 11:53

ATTEST: *Glen E. Graper*
REGISTER OF DEEDS

joins as grantor and releases all rights by descent and all other rights. wife of said grantor,

Witness hand and seal this 19th day of March 19 2002

Glen E. Graper
To Both
Richard Stearns Bunting
Richard Stearns Bunting
Anna Delaney Bunting
Anna Delaney Bunting

The State of ~~Maine~~ New Hampshire

Rockingham ss. March 19 19 2002

Then personally appeared the above named Richard Stearns Bunting and Anna Delaney Bunting

and acknowledged the foregoing instrument to be their free act and deed.

Before me, *Glen E. Graper*
Justice of the Peace - Attorney at Law - Notary Public
GLEN E. GRAPER

1204 S QUITCLAIM DEED WITH COVENANT

© 1997 Glen Graper, 591 Middle St Portsmouth NH 03801

We, Richard S. Bunting and Anna D. Bunting, being husband and wife,
of 20 Willowbrook Ave., Town of Rye, Rockingham County, State of New Hampshire
(~~being conveyed~~), for consideration paid, grant to Sandra A. Werkelin of the Town of Rye,
County of Rockingham, State of New Hampshire and Alan R. Bunting of the Town

of North Hampton, Rockingham County, New Hampshire with quit claim covenant
the land in Biddeford, York County, State of Maine. as joint tenants
and not as tenants in common, and their heirs and assigns, and the survivor of them,
a certain lot or parcel of land, ^{with buildings thereon,} situated at Hill's Beach, so-called, in Biddeford,
in the County of York and State of Maine, being numbered forty-one (41), as
designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow,
Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page
26, to which reference may be had for a more particular description.

Said premises are conveyed subject to any and all assessments for improvements and
betterments which are in any manner directly or indirectly a lien or encumbrance
upon the property herein described, and also subject to the following restrictions
imposed thereon for the benefit of the remaining land of said Grantor, and of any
premises heretofore conveyed by said Grantor, and which restrictions shall be
binding upon the said Grantees, their heirs and assigns, to wit:

1. That no building or buildings shall be erected thereon, excepting a private or
a one-dwelling house, erected and finished in good, substantial and workmanlike
manner, and at a cost of not less than Three Thousand Dollars (\$3,000.00), at
least, exclusive of any garage; and no building erected thereon shall, at any time,
be used for the purpose of any trade, manufacture or business of any description.
2. That the front wall of any house or building to be erected on said premises,
shall not be nearer than fifteen (15) feet distance from the said reserved street,
and parallel therewith, excepting that by windows, verandas, porches, porticoes,
and other projections appurtenant thereto may be erected on any portion of said
premises, which lie between the building line and the reserved street marked on
said plan;
3. That no sand or gravel shall, at any time, be excavated or dug out of said
premises, except for the purpose of laying the foundation of the building to be
erected thereon, or for use in erecting such building and improving the gardens
or grounds thereof.

Said premises are conveyed subject to a stone breakwater and pier easement which
is maintained by the U.S. Government, and as shown on the aforementioned plan by
Libby & Dow, Engineers.

Being the same premises conveyed to Richard S. Bunting and Anna D. Bunting by deed
of Thomas S. Sullivan, Jr., Trustee, dated July 30, 1974 and recorded in the
York County Registry of Deeds, Book 2048, Pages 242 and 243.

joins as grantor and releases all rights by descent and all other rights.

wife of said grantor,

Witness hand and seal this 19th day of March 19 2002

[Signature]
To Balth
[Signature]
Richard S. Bunting
Anna D. Bunting

RECEIVED YORK S.S.
2002 MAR 22 AM 11:53

The State of ~~Maine~~ New Hampshire
Rockingham ss.

March 19, 19 2002

Then personally appeared the above named Richard S. Bunting and Anna D. Bunting,

and acknowledged the foregoing instrument to be their free act and deed,

Before me,

[Signature]
Justice of the Peace - Attorney at Law - Notary Public

GLEN E. GRAPER

1204 S QUITCLAIM DEED WITH COVENANT

NO R.E. TRANSFER TAX PAID

ATTEST: *[Signature]*
REGISTER OF DEEDS

© 1997 Glen Graper 591 Middle St. Portsmouth NH 03801



Bk 17447 PG 8
Instr # 20170012437
04/04/2017 09:12:56 AM
Pages 3
Receipt # 1711221

DEBRA L. ANDERSON, REGISTER OF DEEDS

(space above reserved for recording information)

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That ALAN R. BUNTING, having a mailing address of 37 Belgian Drive, Seabrook, NH 03874, for consideration paid, grant to CHRISTOPHER CRONKHITE, having a mailing address of 11 Seabreeze Avenue, Biddeford, ME 04005, with **WARRANTY COVENANTS**, my one-half interest in the land in Biddeford, in the County of York and State of Maine, described as follows:

PARCEL ONE:

A certain lot or parcel of land, together with the buildings thereon, situated at Hill's Beach, so-called, in Biddeford, in the County of York and State of Maine, being numbered Forty (40) as designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow, Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page 26, to which reference made be had for a more particular description.

Said premises are conveyed subject to any and all assessments for improvements and betterments which are in any manner directly or indirectly a lien or encumbrance upon the property herein described.

This conveyance is made subject to the rights of Central Maine Power Company and New England Telephone and Telegraph Company, if any, under an easement given by James F. Graham, Trustee to said Central Maine Power Company and New England Telephone and Telegraph Company dated June 20, 1955 and recorded in the York County Registry of Deeds in Book 1317, Page 114.

PARCEL TWO:

A certain lot or parcel of land, together with the buildings thereon, situated at Hill's Beach, so-called, in Biddeford, in the County of York and State of Maine, being numbered Forty-One (41), as designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow, Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page 26, to which reference made be had for a more particular description.

Said premises are conveyed subject to any and all assessments for improvements and betterments which are in any manner directly or indirectly a lien or encumbrance upon the property herein described, and also subject to the following restrictions imposed thereon for the benefit of

OK
my

the remaining land of said Grantor, and of any premises heretofore conveyed by said Grantor, and which restrictions shall be binding upon said Grantees, their heirs and assigns, to wit:

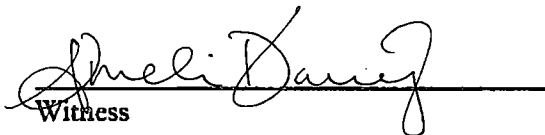
1. That no building or buildings shall be erected thereon, excepting a private or a one-dwelling house, erected and finished in good, substantial and workmanlike manner, and a cost of not less than Three Thousand Dollars (\$3,000.00), at least, exclusive of any garage; and no building erected thereon shall, at any time, be used for the purpose of any trade, manufacture or business of any description.
2. That the front wall of any house or building to be erected on said premises, shall not be nearer than fifteen (15) feet distance from the said reserved street, and parallel therewith, excepting that by windows, verandas, porches, porticoes, and other projections appurtenant thereto may be erected on any portion of said premises, which lie between the building line and the reserved street marked on said plan;
3. That no sand or gravel shall, at any time, be excavated or dug out of said premises, except for the purpose of laying the foundation of the building to be erected thereon, or for use in erecting such building and improving the gardens or grounds thereof.

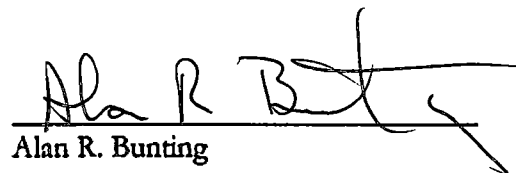
Said premises are conveyed subject to a stone breakwater and pier easement which is maintained by the U.S. Government and as shown on the aforementioned plan by Libby & Dow, Engineers.

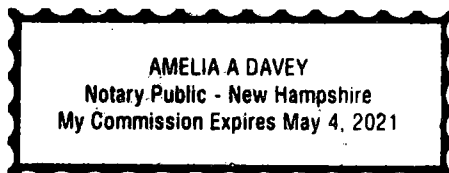
Being the same premises as described in deed of Richard Stearns Bunting and Anna Delaney Bunting to Sandra A. Werkelin and Alan R. Bunting being dated March 19, 2002 and recorded in the York County Registry of Deeds in Book 11482, Page 174 and deed of Richard S. Bunting and Anna D. Bunting to Sandra A. Werkelin and Alan R. Bunting being dated March 19, 2002 and recorded in the York County Registry of Deeds in Book 11482, Page 175.

WITNESS my hand this 29 day of March, 2017.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:


Witness


Alan R. Bunting

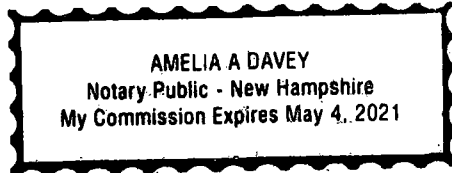


STATE OF NEW HAMPSHIRE
County of Rockingham ss.

march 29, 2017

Personally appeared the above named **ALAN R. BUNTING** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Amelia Davey
Notary Public/Maine Attorney-At-Law
Print Name: Amelia Davey

My Commission Expires: May 4, 2021

AFTER RECORDING RETURN TO:

Christopher Cronkhite
11 Seabreeze Avenue
Biddeford, ME 04005

K-3p

Deed-alan/6964-002/l drive/tg



Bk 17447 PG 11
Instr # 20170012438
04/04/2017 09:12:56 AM
Pages 3
Receipt # 1711221
DEBRA L. ANDERSON, REGISTER OF DEEDS

(space above reserved for recording information)

WARRANTY DEED

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That **SANDRA A. WERKELIN**, having a mailing address of 2234 Eaton Lake Court, Lehigh Acres, FL 33973, for consideration paid, grant to **CHRISTOPHER CRONKHITE**, having a mailing address of 11 Seabreeze Avenue, Biddeford, ME 04005, with **WARRANTY COVENANTS**, my one-half interest in the land in Biddeford, in the County of York and State of Maine, described as follows:

PARCEL ONE:

A certain lot or parcel of land, together with the buildings thereon, situated at Hill's Beach, so-called, in Biddeford, in the County of York and State of Maine, being numbered Forty (40) as designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow, Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page 26, to which reference made be had for a more particular description.

Said premises are conveyed subject to any and all assessments for improvements and betterments which are in any manner directly or indirectly a lien or encumbrance upon the property herein described.

This conveyance is made subject to the rights of Central Maine Power Company and New England Telephone and Telegraph Company, if any, under an easement given by James F. Graham, Trustee to said Central Maine Power Company and New England Telephone and Telegraph Company dated June 20, 1955 and recorded in the York County Registry of Deeds in Book 1317, Page 114.

PARCEL TWO:

A certain lot or parcel of land, together with the buildings thereon, situated at Hill's Beach, so-called, in Biddeford, in the County of York and State of Maine, being numbered Forty-One (41), as designated on Plan of Biddeford Shores, dated August 23, 1954, made by Libby & Dow, Engineers, and recorded in the York County Registry of Deeds in Plan Book 24, Page 26, to which reference made be had for a more particular description.

Said premises are conveyed subject to any and all assessments for improvements and betterments which are in any manner directly or indirectly a lien or encumbrance upon the property herein described, and also subject to the following restrictions imposed thereon for the benefit of

the remaining land of said Grantor, and of any premises heretofore conveyed by said Grantor, and which restrictions shall be binding upon said Grantees, their heirs and assigns, to wit:

1. That no building or buildings shall be erected thereon, excepting a private or a one-dwelling house, erected and finished in good, substantial and workmanlike manner, and a cost of not less than Three Thousand Dollars (\$3,000.00), at least, exclusive of any garage; and no building erected thereon shall, at any time, be used for the purpose of any trade, manufacture or business of any description.
2. That the front wall of any house or building to be erected on said premises, shall not be nearer than fifteen (15) feet distance from the said reserved street, and parallel therewith, excepting that by windows, verandas, porches, porticoes, and other projections appurtenant thereto may be erected on any portion of said premises, which lie between the building line and the reserved street marked on said plan;
3. That no sand or gravel shall, at any time, be excavated or dug out of said premises, except for the purpose of laying the foundation of the building to be erected thereon, or for use in erecting such building and improving the gardens or grounds thereof.

Said premises are conveyed subject to a stone breakwater and pier easement which is maintained by the U.S. Government and as shown on the aforementioned plan by Libby & Dow, Engineers.

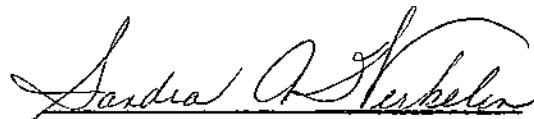
Being the same premises as described in deed of Richard Stearns Bunting and Anna Delaney Bunting to Sandra A. Werkelin and Alan R. Bunting being dated March 19, 2002 and recorded in the York County Registry of Deeds in Book 11482, Page 174 and deed of Richard S. Bunting and Anna D. Bunting to Sandra A. Werkelin and Alan R. Bunting being dated March 19, 2002 and recorded in the York County Registry of Deeds in Book 11482, Page 175.

WITNESS my hand this 29th day of March, 2017.

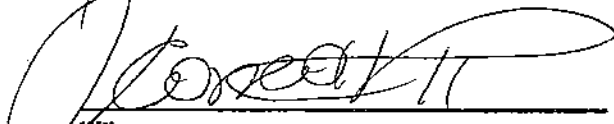
SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:



Witness



Sandra A. Werkelin



Witness

STATE OF FLORIDA
County of LEE, ss.

MARCH 29th, 2017

Personally appeared the above named **SANDRA A. WERKELIN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Roxana Castaneda
Notary Public
State of Florida

MY COMMISSION # FF 899394
Expires: July 13, 2019
Bonded through CNA Surety



Handwritten signature of Roxana Castaneda.

Notary Public/Maine Attorney-At-Law

Print Name: ROXANA CASTANEDA

My Commission Expires: July 13, 2019

AFTER RECORDING RETURN TO:

Christopher Cronkrite
11 Seabreeze Avenue
Biddeford, ME 04005

Deed-sandra/6964-002/ldave/tp

HULL LAW OFFICE, LLC
409 ALFRED STREET
BIDDEFORD, ME 04005

RICHARD A. HULL, III

TELEPHONE: 207-282-7100
FACSIMILE: 207-282-4310
WWW.HULLLAWOFFICES.COM

July 27, 2020

Christopher Cronkhite
13 Seabreeze Avenue
Biddeford, ME 04005

RE: 13 Seabreeze Avenue
Biddeford

Dear Chris:

You have asked me to review the provisions of a deed to certain real estate situated at 13 Seabreeze Avenue in Biddeford which you own. It is your intention to move your real estate sign to that property and conduct your professional business out of that location. Evidently, a neighbor has objected on the grounds that conducting such a business out of that location would violate a private deed restriction which prohibits the use of the property for "the purpose of any trade, manufacture or business of any description". These restrictions are contained in the deeds to lots in "Biddeford Shores" so-called.

It is my assumption that your intended use of the property is either permitted or is a conditional use under local zoning and I have done no research with respect to Biddeford's land use ordinances. I will concentrate on the enforceability of these deed restrictions and the ability of the City of Biddeford to deny any required permits based solely on the existence of these restrictions.

I have attached the two deeds under which you acquired title to the property. The restriction recited above appears in each deed. The deeds contain the recitation that the restrictions were imposed for the benefit of remaining land of the original developer and "any premises heretofor conveyed by" the original developer. In my opinion, this gives other lot owners on the Biddeford Shores plan the right to enforce those restrictions subject to facts and circumstances which prevent the enforcement by private individuals. Examples recited by court decisions are changed circumstances caused by the passage of time which



would make the enforcement inequitable or widespread violations of the restrictions by other properties in the neighborhood.

In this case, we are not dealing with the enforcement of restrictions by private individuals but, rather, the failure of a municipality to issue a permit for a use which is otherwise permitted but may be violative of private deed restrictions.

It has always been a foundational principle of Maine law that there is a difference between land use regulation by municipalities and private deed restrictions. Municipalities are given the power to legislate which particular uses are to be permitted in a certain location based on a comprehensive plan. Private deed restrictions are a creature of contract between landowners. Like any contract, they may be enforced or modified by the individuals having the burdens and benefits of the restrictions. This principle is called privity of contract. It means that only the individuals or entities whose property is subject to the restrictions can enforce them. In this particular case the restrictions were created by the original developer long before Biddeford had enacted a zoning ordinance of any type. There is nothing in the deed language would could be construed as any grant of authority to enforce these restrictions by the City.

The principle that these private enforcement rights are to be enforced by individuals to the exclusion of the municipality, is well observed by the Biddeford Planning Board. For instance, if a neighbor to a project indicates that the property line shown on a proposed plan is in error and the developer's surveyor indicates that the neighbor is wrong and that he or she has placed the line in the correct place, I have heard the planning board say words to this effect:

"This is a civil matter and a surveyor has indicated the line is where it is shown. We can't be in the position of deciding boundary lines. That is a matter for the Courts."

The exact same principle applies here. The City is not in privity with the landowner and can't enforce the restrictions. Similarly, it can't be in the position of arbitrating private disputes. The objecting landowner has a remedy which would involve a court action to enforce the restriction if it is being violated. He or she shouldn't be able to rely on the City to block an otherwise permitted use.

Sincerely,

Richard A. Hull, III

l.trchris/1/6964-1X02



WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN
THOMAS DANYLIK
RALPH W. AUSTIN
JAMES B. SMITH
KEITH R. JACQUES
HARRY B. CENTER II
SANDRA L. GUAY
AMY McNALLY
JOY S. NAIFEH

234 MAIN STREET
P.O. BOX 468
BIDDEFORD, ME 04005-0468
TELEPHONE: 207-284-4581
FAX: 207-284-2078
E-MAIL: krj@woodedlaw.com

Retired
PETER L. EDMANDS
MICHAEL J. O'TOOLE

August 25, 2020

VIA E-MAIL – greg.tansley@biddefordmaine.org

Greg Tansley, AICP
City Planner
City of Biddeford
P.O. Box 586
Biddeford, ME 04005

RE: 13 Seabreeze Avenue

Dear Greg:

I have reviewed the cases that Attorney Rick Hull provided to you, conducted independent research, and consulted with other municipal lawyers. Based upon my review, it is my opinion that it is well established that it is not the role of a municipality to enforce, interpret or apply covenants in deeds. A restrictive covenant is a contract arising out of an agreement between private parties enforceable by those parties benefitting from the covenants. In contrast, a zoning ordinance is a manifestation of a municipality's powers to control development within its borders. The Maine Law Court in its prior decisions repeatedly has held that the application/interpretation of a zoning ordinance is divorced from any applicable restrictive covenants that might apply to the property: "The law is well established that restrictive covenants in a deed as to the use of property are distinct and separate from the provisions of a zoning law and have no influence or part in the administration of a zoning law." *Whiting v. Seavey*, 159 ME 61, 68 (1963). In short, municipalities should apply its zoning ordinances without consideration of any restrictive covenants which may apply to the property.

It is my opinion, therefore, that assuming the applicant can show right, title and interest (which is not impacted by any covenants in the underlying deed), the Planning Board should consider the Applicant's request under the applicable provisions of the City's Zoning Ordinance. Since a zoning ordinance cannot abrogate applicable restrictive covenants, an aggrieved adjoining property owner benefitted by the restrictive covenants could then seek to enforce the restrictive covenants in a separate judicial proceeding between the Applicant and the aggrieved private party.

Greg Tansley, AICP
August 25, 2020
Page | 2

Please give me a call if you would like to discuss my findings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith R. Jacques', written in a cursive style.

Keith R. Jacques

KRJ/cem



PAUL R. LEPAGE
GOVERNOR

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011

BETHANY L. HAMM
ACTING COMMISSIONER

October 10, 2018

Town of Biddeford
Meghan Fenton
205 Main Street
PO Box 586
Biddeford, Maine 04005

Subject: Approval, Replacement System Variance Request, Chris Cronkhite Property, 13 Sea Breeze Ave., Biddeford, Maine, 04005. Mailing Address Of: Owner/Applicant: 11 Sea Breeze Ave., Biddeford, Maine..

Meghan;

We have completed our review of an HHE-200 Form dated 08-16-2018 for the property at 13 Sea Breeze Ave., Biddeford, Maine. The design is a complete non-engineered replacement system with a 1000 gallon septic tank for a 3 bedroom dwelling.

The variance requested which is not within the LPI's authority is from the disposal field to a no full foundation of 2 feet.

The variances requested that is within the LPI's authority is from the disposal field to a major water course of 85 feet, to a full basement of 19 feet, to a property line of 5 feet and from the septic tank to a full basement of 5 feet.

The variance request has been submitted because topography and existing development limit the potential of the system location and the system design prepared by James Logan, SE # 237 on 9-23-2018 is otherwise found to be in compliance with the Maine Subsurface Wastewater Disposal Rules.

We approve the local requested variance with the following requirements:

1. A permit for system installation is to be obtained from the Local Plumbing Inspector in advance of the start of system construction.
2. The system is to be installed in accordance with the submitted and approved system design. Should alterations to the design be required at the time of construction, the site evaluator is to be notified prior to making any changes.
3. The contractor is to scarify the soils under the fill extensions to create a transitional zone more compatible with the disposal field area.

By accepting this approval and the associated plumbing permit, the owner agrees to comply fully with the conditions of approval and the Subsurface Wastewater Rules.

Because installation and owner maintenance has a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of the system.

Should you or others have any questions, please feel free to contact me at 592-7376.

Sincerely,


Brent Lawson, State Plumbing Inspector
Subsurface Wastewater Program
Division of Environmental Health
e-mail: brent.lawson@maine.gov

/BML

xc: File

Chris Cronkhite, Owner/Applicant.

James Logan, SE



Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-2070
Fax: (207) 287-4172; TTY: 1-800-606-0215

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

GENERAL INFORMATION		Town of <u>BIDDEFORD</u>
Property Owner's Name: <u>CHRIS CRONKHITE</u>	Tel. No.: <u>207-730-8528</u>	
System's Location: <u>13 SEA BREEZE AVENUE</u>		
Property Owner's Address: <u>11 SEA BREEZE AVENUE, BIDDEFORD, ME</u> Zip Code <u>04005</u>		
e-mail address: _____		

The subsurface wastewater disposal system design for the subject property requires a ☒ replacement system variance ☐ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☐ local approval ☒ local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)	SECTION OF RULE
1. <u>PLEASE SEE ATTACHED</u>	_____
2. _____	_____
3. _____	_____

SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

I, JAMES LOGAN, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

James Logan
SIGNATURE OF SITE EVALUATOR

8/16/18
DATE

PROPERTY OWNER	
I, <u>Chris Cronkhite</u> , am the ☒ owner ☐ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.	
<u>Chris Cronkhite</u> SIGNATURE OF OWNER ☐ AGENT FOR THE OWNER	<u>9-28-18</u> DATE

LOCAL PLUMBING INSPECTOR - Approval at local level

The local plumbing inspector shall review all variance requests prior to rendering a decision.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) approve the requested variance. I (☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

LPI Signature_____
Date**LOCAL PLUMBING INSPECTOR - Referral to the Department**

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

I, Meghan Fenton, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☒ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☒ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

LPI Signature_____
Date**FOR USE BY THE DEPARTMENT ONLY**

The Department has reviewed the variance(s) and (☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

SIGNATURE OF THE DEPARTMENT_____
DATE

Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT
WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
TOTAL POINT ASSESSMENT:		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65

Table 8A

Setback Distances for Replacement System, Limits of LPI Authority

VARIANCE CATEGORY	LIMIT OF LPI'S APPROVAL AUTHORITY						VARIANCE REQUESTED TO:	
SOILS								
Soil Profile	Ground Water Table						inches	
Soil Condition	Restrictive Layer						inches	
from HHE-200	Bedrock						inches	
Site Features vs. disposal system components of various sizes	Disposal Fields (total design flow)			Septic Tanks and Holding Tanks (total design flow)			Dispos al Fields	Septic Tanks
	Less than 1000 gpd	1000 to 2000 gpd	Over 2000 gpd	Less than 1000 gpd	1000 to 2000 gpd	Over 2000 gpd	To	To
Wells with water usage of 2000 or more gpd or public water supply wells	300 ft	300 ft	300 ft	150 ft	150 ft	150 ft		
Potable Supply Well	100 down to 60 ft	200 down to 100 ft	300 down to 150 ft	50 down to 25 ft [a]	100 down to 50 ft [a]	100 down to 50 ft		
Water supply line	10 ft	20 ft	25 ft	10 ft	10 ft	10 ft		
Water course, major [c]	100 down to 50 ft	200 down to 120 ft	300 down to 180 ft	100 down to 25 ft [a]	100 down to 50 ft	100 down to 50 ft	85'	
Water course, minor [c]	50 down to 25 ft	100 down to 50 ft	150 down to 75 ft	50 down to 25 ft	50 down to 25 ft	50 down to 25 ft		
Drainage ditches	25 down to 12 ft	50 down to 25 ft	75 down to 35 ft	25 down to 12 ft	25 down to 12 ft	25 down to 12 ft		
Slopes greater than 3:1	10 ft	18 ft	25 ft	N/A	N/A	N/A		
No full basement [e.g. slab, columns, posts]	15 down to 7 ft	30 down to 15 ft	40 down to 20 ft	8 down to 5 ft	14 down to 7 ft	20 down to 10 ft	2'	
Full basement [below grade foundation, frost wall]	20 down to 10 ft	30 down to 15 ft	40 down to 20 ft	8 down to 5 ft	14 down to 7 ft	20 down to 10 ft	19'	5'
Property lines	10 down to 5 ft [b]	18 down to 9 ft [b]	20 down to 10 ft [b]	10 down to 4 ft [b]	15 down to 7 ft [b]	20 down to 10 ft [b]	5'	
Burial sites or graveyards boundaries, measured from the down toe of the fill extension	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft		
Stormwater infiltration systems	100 down to 60 feet	200 down to 120 feet	300 down to 180 feet	100 down to 50 feet	100 down to 50 feet	100 down to 50 feet		
Wetponds, retention ponds, and detention basins (excavated below grade); Soil filters underdrained swales, underdrained outlets, and similar structures	50 down to 25 feet [d]	100 down to 50 feet [d]	150 down to 75 feet [d]	50 down to 25 feet [d]	50 down to 25 feet [d]	50 down to 25 feet [d]		
Stormwater detention basins (basin bottom at, or above, predevelopment grade)	25 down to 12 feet	50 down to 25 feet [d]	75 down to 35 feet [d]	25 down to 12 feet	25 down to 12 feet	25 down to 12 feet		
OTHER								
1.								
3.								

Notes:

[a] This distance may be reduced to 25 feet, if the septic or holding tank is tested in the LPI's presence and shown to be watertight pursuant to water tightness standards found in Section 6(H)(8) or of monolithic construction.

[b] Additional setbacks may be needed to prevent fill material extensions from encroaching onto abutting property.

[c] All ground disturbance or clearing of woody vegetation necessary for the installation of a subsurface wastewater disposal system that occurs within 100 feet of the normal high water mark of a major or minor water body/course must comply with these Rules pertaining to work adjacent to or within wetlands and water bodies (for more details, see Section 12).

[d] The reduced setback distance may be further reduced down to 12 feet if the stormwater structure has an impervious liner and the fill extensions do not encroach onto the stormwater structure.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Div of Environmental Health, 11 SHS
(207) 287-5672 Fax: (207) 287-4172

PROPERTY LOCATION

>> CAUTION: LPI APPROVAL REQUIRED <<

City, Town, or Plantation **BIDDEFORD**

Town/City

Permit #

Street or Road **13 SEA BREEZE AVENUE**Date Permit Issued 1/1Biddeford Permit # **7167** City Copy

Charged

Subdivision, Lot #

Local Plumbing Inspector

Date 10/10/18 Fee \$ 290-

State

LPI 1225 Sig. Nathan Jerton

OWNER/APPLICANT INFORMATION

Name (last, first, MI) **CRONKHITE CHRIS** Owner
ApplicantMailing Address of Owner/Applicant **11 SEA BREEZE AVENUE
BIDDEFORD, ME 04005**Daytime Tel. # **207-730-8528**

The Subsurface Wastewater

Permit is issued by the Local

authorize the owner or installer to install the disposal system in accordance
with this application and the Maine Subsurface Wastewater Disposal Rules.Municipal Tax Map # **54** Lot # **7**

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of
my knowledge and understand that any falsification is reason for the Department and/or
Local Plumbing Inspector to deny a Permit.

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance
with the Subsurface Wastewater Disposal Rules Application.

(1st) date approved

Signature of Owner or Applicant Date

Local Plumbing Inspector Signature (2nd) date approved

PERMIT INFORMATION

TYPE OF APPLICATION

1. First Time System

2. Replacement System

Type replaced: **CESSPOOL**Year installed: **PRE-1974**

3. Expanded System

a. <25% Expansion

b. >25% Expansion

4. Experimental System

5. Seasonal Conversion

THIS APPLICATION REQUIRES

1. No Rule Variance

2. First Time System Variance

a. Local Plumbing Inspector Approval

b. State & Local Plumbing Inspector Approval

3. Replacement System Variance

a. Local Plumbing Inspector Approval

b. State & Local Plumbing Inspector Approval

4. Minimum Lot Size Variance

5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS

1. Complete Non-engineered System

2. Primitive System (graywater & alt. toilet)

3. Alternative Toilet, specify:

4. Non-engineered Treatment Tank (only)

5. Holding Tank, _____ gallons.

6. Non-engineered Disposal Field (only)

7. Separated Laundry System

8. Complete Engineered System (2000 gpd or more)

9. Engineered Treatment Tank (only)

10. Engineered Disposal Field (only)

11. Pre-treatment, specify:

12. Miscellaneous Components

TYPE OF WATER SUPPLY

1. Drilled Well 2. Dug Well 3. Private

4. Public 5. Other **REROUTE WATER LINE 10' MIN. TO DISPOSAL FIELD**

SIZE OF PROPERTY

0.22+/- SQ. FT.
ACRES

DISPOSAL SYSTEM TO SERVE

1. Single Family Dwelling Unit, No. of Bedrooms: **3**

2. Multiple Family Dwelling, No. of Units: _____

3. Other: _____

(specify)

Current Use **Seasonal** Year Round Undeveloped

SHORELAND ZONING

Yes No

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANKS

1. Concrete

a. Regular **H-20**b. Low Profile **RATED**

2. Plastic

3. Other: _____

CAPACITY: **1000** GAL.

DISPOSAL FIELD TYPE & SIZE

1. Stone Bed 2. Stone Trench

3. Proprietary Device

a. cluster array c. Linear

b. regular load d. H-20 load

4. Other: _____

SIZE: **768** sq. ft. lin. ft.

12 H-20 RATED CONCRETE CHAMBERS

GARBAGE DISPOSAL UNIT

1. No 2. Yes 3. Maybe

If Yes or Maybe, specify one below:

a. multi-compartment tank

b. _____ tanks in series

c. increase in tank capacity

d. Filter on Tank Outlet

DESIGN FLOW

270 gallons per day

BASED ON:

1. Table 4A (dwelling unit(s))

2. Table 4C (other facilities)

SHOW CALCULATIONS for other facilities

-SINGLE FAMILY DWELLING-**EXISTING 2 BEDROOM EXPANDED****TO 3 BEDROOMS AT 90 GPD EACH**

SOIL DATA & DESIGN CLASS

PROFILE CONDITION

11/ Bat Observation Hole # **TP A**

Depth _____"

of Most Limiting Soil Factor

DISPOSAL FIELD SIZING

1. Medium—2.6 sq. ft. / gpd

2. Medium—Large 3.3 sq. ft. / gpd

3. Large—4.1 sq. ft. / gpd

4. Extra Large—5.0 sq. ft. / gpd

EFFLUENT/EJECTOR PUMP

1. Not Required

2. May Be Required

3. Required

SEE NOTE

ON PAGE 3

Specify only for engineered systems.

DOSE: _____ gallons

SITE EVALUATOR STATEMENT

I certify that on **6/15/18** (date) I completed a site evaluation on this property and state that the data reported are accurate and
that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Site Evaluator Signature

237

SE #

Date

JAMES LOGAN

Site Evaluator Name Printed

207-693-8799

Telephone Number

longviewpartners213@gmail.com

E-mail Address

Note : Changes to or deviations from the design should be confirmed with the Site Evaluator.

Page 1 of 3

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SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation
BIDDEFORD

Street, Road, Subdivision
13 SEA BREEZE AVENUE

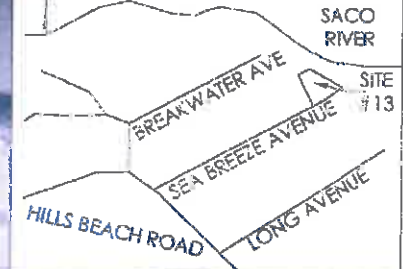
Owner's Name
CHRIS CRONKHITE

SITE PLAN

Scale 1" = **60** ft. or as shown



SITE LOCATION PLAN (map from Maine Atlas recommended)



SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole **TP A** ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0			
10			
20	FINE SAND	FRIABLE	OLIVE BROWN
30			NONE EVIDENT
40			
50			

LIMIT OF EXCAVATION @ 48"

Soil Classification	Slope	Limiting Factor	☐ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth
11 B	0-1 %		
Profile Condition			

Observation Hole ☐ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0			
10			
20			
30			
40			
50			

Soil Classification	Slope	Limiting Factor	☐ Ground Water ☐ Restrictive Layer ☐ Bedrock ☐ Pit Depth
	%		
Profile Condition			

James Fagan
Site Evaluator Signature

237
SE #

8/16/18
Date

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HHE-200 Rev. 8/01

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
Division of Health Engineering
(207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation
BIDDEFORD

Street, Road, Subdivision
13 SEA BREEZE AVENUE

Owner's Name
CHRIS CRONKHITE

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = **30** FT.

NEW H-20 RATED CONCRETE SEPTIC TANK,
LOCATE 8' MIN. FROM DWELLING (AND NO
CLOSER THAN 2' TO PROPERTY LINE) & SET
TANK AT HIGH ENOUGH ELEVATION TO ASSURE
GRAVITY FLOW (OR INSTALL PUMP STATION).
INSTALL RISERS & COVERS TO GRADE OVER
OUTLET & CLEANOUT. INSTALL OUTLET FILTER

EXISTING
DWELLING

APPROX. PROPOSED
ADDITION ON POSTS
(UPSTAIRS ONLY) POSTS TO
BE 5' MIN. TO DISPOSAL FIELD

PROPOSED DISPOSAL FIELD
(3 ROWS OF 4 H-20 RATED
CONCRETE CHAMBERS)

4" DIA. SDR-35
SOLID PVC
DISTRIBUTION BOX INSULATED
PER CODE REQUIREMENTS
BOTTOM FEED IF PUMPING

EXISTING GRADE
AT CORNER

ERP: NAIL 37" ABOVE
BASE OF FLAGGED
FENCEPOST
REFERENCE ELEV. 00'

FILL REQUIREMENTS

Depth of Fill (Upslope) **0"**
Depth of Fill (Downslope) **0"**

CONSTRUCTION ELEVATIONS

Finished Grade Elevation **-39"**
Top of Distribution Pipe or Proprietary Device **-51"**
Bottom of Disposal Area **-70"**

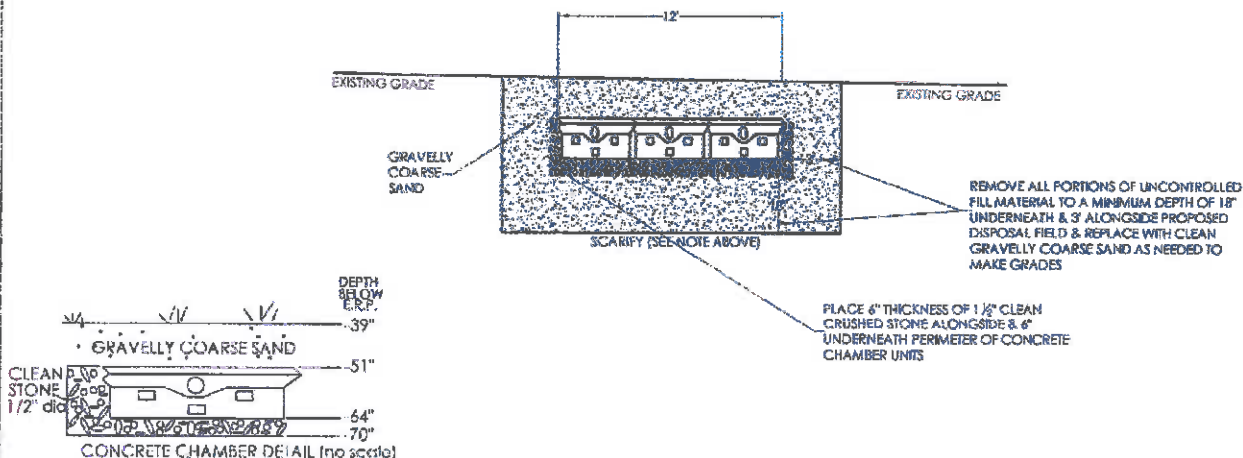
ELEVATION REFERENCE POINT

Location & Description:
NAIL 37" ABOVE BASE OF FLAGGED FENCEPOST
Reference Elevation: **00"**

DISPOSAL AREA CROSS SECTION

Scale

Horizontal 1" = **10** ft.
Vertical 1" = **5** ft.



Site Evaluator Signature

237

SE #

8/16/18

Date

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DISPOSAL SYSTEM INSTALLATION NOTES

1. The State of Maine *Subsurface Wastewater Disposal Rules (10-144 Chapter 241 the Rules)* are incorporated by reference and made a part of this application. These shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system installer shall contact Longview Partners, LLC (207-693-8799) if there are any questions concerning materials, procedures or the design. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the *Rules* and with all State and municipal laws and ordinances pertaining to the permitting, construction, and inspection of subsurface wastewater disposal systems.
2. This application is intended to represent facts pertinent to the *Rules* only. It shall be the responsibility of the owner/applicant, system installer and/or building contractor to determine compliance with and to obtain other permits under all applicable local, State and/or Federal laws and regulations before installing the system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations, should wet areas exist. Prior to commencement of construction/installation, the Local Plumbing Inspector or Code Enforcement Officer shall inform the owner/applicant and Longview Partners, LLC or any local ordinances which are more restrictive than the *Rules* in order that the design may be amended. All designs are subject to review by local, State and/or Federal authorities. Longview Partners, LLC's liability shall be limited to revisions required by regulatory agencies and based on laws or regulations in effect at the time of preparation of this application.
3. All information shown on this application relating to property lines, well locations, subsurface structures, and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based upon information provided by the owner/applicant and has been relied upon by Longview Partners, LLC in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties not readily visible above-grade (such as well points) should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.
4. Installation of a garbage (grinder) disposal is **not recommended**. If one is installed, an additional 1,000 gallon septic tank shall be connected in series to the proposed septic tank or a septic tank outlet filter shall be installed in the tank outlet. Risers and covers should be installed over the septic tank cleanout and outlet per the *Rules* for easy maintenance of the filter.
5. The septic tank should be pumped within 2 years of installation and subsequently as recommended by the pump service. **In no event should the septic tank be pumped less often than every 3 years.** The system use shall avoid introducing kitchen grease or fats into the system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment units) and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life or performance.
6. All septic tanks, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration. Risers and covers should be properly installed to provide access while preventing surface water intrusion within 6" of a finished ground surface. Vehicular traffic over disposal system is prohibited unless specifically designed with H-20 rated components.

Longview Partners, LLC
Longviewpartners213@gmail.com

DISPOSAL SYSTEM INSTALLATION NOTES

7. The daily wastewater flow, number of bedrooms, or use of structure shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed.
8. The general minimum setbacks between a well (public or private) and septic system serving a single family residence are 100-300 feet, unless the local municipality has a more stringent requirement or a liner seal is installed in the well. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design.
9. When a gravity flow is anticipated, **before construction/installation begins**, the system installer or building contractor shall review the elevation of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum pipe pitch requirements.
10. When an effluent pump is required, pump stations should be sized per manufacturer's specifications to meet lift requirements and friction/head loss. Provisions shall be made to make certain that surface and ground water does not enter the septic tank or pump station, by sealing/grouting all seams and connections, and by placement of a riser and cover at or above grade. An alarm device warning of a pump failure shall be installed. Bottom-feed distribution box is specified to prevent freezing. Insulate distribution boxes per the *Rules*.
11. On all systems, remove the vegetation, organic duff and roots, and old fill material from under the disposal area and any fill extension. Additional fill beyond indicated on the plan may be necessary to replace organic matter and/or stumps. On sites where the proposed disposal area is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling or scarifying with teeth of backhoe to a depth of at least 8 inches over the entire disposal field and fill extension are to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper than 8 inches and compact before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage or differential settling). Do not use wheeled equipment on the scarified soil until after 12 inches of fill is in place. Keep equipment off of proprietary leaching devices. Divert surface water away from the disposal area by ditching or shallow landscape swales.
12. Unless noted otherwise, fill shall be gravelly coarse sand, which contains no more than 5% fines (silt and clay). Crushed stone shall be clean and free of any rock dust from the crushing process. Refer to the *Rules* for more specific information regarding fill and stone.
13. Seed all filled and disturbed surfaces with perennial grass seed, with 4 inches minimum soil or soil amendment mix suitable for growing, then mulch with hay or equivalent material to prevent erosion. Alternatively, bark or permanent landscape mulch may be used to cover the system. Woody trees or shrubs are not permitted on the disposal field or fill extensions.
14. If an advanced wastewater treatment unit is part of this design, the system shall be operated and maintained per manufacturer's specifications.

Longview Partners, LLC
Longviewpartners213@gmail.com