

City of Biddeford
Planning Board
August 19, 2020 6:00 PM Zoom Remote Meeting
When: Aug 19, 2020 06:00 PM Eastern Time (US and Canada)
Topic: Planning Board - August 19, 2020

Please click the link below to join the webinar:
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- 1. DECLARATION OF QUORUM/VOTING MEMBERS**
- 2. ADJUSTMENTS TO THE AGENDA**
- 3. PLANNER'S BUSINESS**
- 4. CONSENT AGENDA**

4.A. A. Minutes of August 5, 2020 Planning Board Meeting.
[PB Minutes 080520 DRAFT.pdf](#)

- 5. UNFINISHED BUSINESS**

5.A. 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.
[2020.20 26 Sea Spray GPE SR-signed.pdf](#)
[2020.20 26 Sea Spray GPE FOF.pdf](#)
[CAM2-20200728-26SeaSprayDrive_CoverLetter&Application.pdf](#)
[20200730_26SeaSprayDrive_Revised.pdf](#)

- 6. NEW BUSINESS**

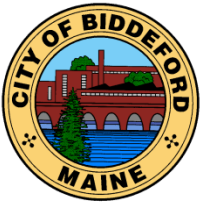
- 7. OTHER BUSINESS**

7.A. A. Workshop/Discussion – South Street Village
[Process Flow Chart.pdf](#)
[SSV Comments Received 081720.pdf](#)
[Article V, Section 11 UNE.pdf](#)
[VMUPanningBoardResponses81820.pdf](#)

- 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 MINUTES (DRAFT)

Date: Wednesday, August 5, 2020
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1 MRSA § 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 5, 2020 Planning Board agenda.

1. Pledge of Allegiance - Dispensed of the Pledge of Allegiance due to COVID-19 Remote Meetings.
2. Declaration of Quorum/Voting Members
 - Quorum Present: Vice-Chair Roch Angers, Bruce Benway, Sean Tarpey, Michael Cantara (Alternate Voting Member).
3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda
 - A. Minutes of July 1, 2020 Planning Board Meeting.

MOTION:

- Benway – Motion: to approve the consent agenda.
- Cantara – Second.
- Chair Angers – Roll Call for vote – Unanimous Approval (3-0) all in favor (Tarpey, Benway, Cantara).

6. Unfinished Business
7. New Business
 - A. 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.
 - City Planner Tansley introduced the project.

- Mr. Jesse Thompson and Ms. Danielle Foisy representing the applicant gave a brief summary of the project.

Mr. Russ La Porte, 19 Sea Spray Drive asked:

- How is the height of the building determined?
- Asked where the 7.4' contour figure come from, was it an estimated elevation or is the HAT line determined by the staining of the rocks

City Planner Tansley addressed his comments:

- Planner Tansley explained the height of building and elevation are not Planning Board issues and referred him to the Code Enforcement Officer Robby Fecteau.

J. Lyons, 27 Sea Spray Drive, sent an electronic message (Zoom Chat) saying his questions were the same as Mr. LaPorte and had no further questions.

MOTIONS:

- 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.*

Chair Angers declared Motion dead without a second.

- B. Cantara- Motion: *Table the item until August 19, 2020 in order to give the public time to weigh in on the project.*
Tarpey – Second.

Chair Angers – Roll Call for vote – Approval 2-1 with Tarpey and Cantara in favor, Benway against. Motion to table passed.

- B. 2019.24 The Final Subdivision Review and Conditional Use Permit for Peter A. Mourmouras to create a 6-lot Cluster Subdivision off River Road (Tax Map 6, Lot 49) in the R-F zone.

- City Planner Tansley described how this was tabled at the last meeting due to Conservation easement issues. The issues have been cleared up. The applicant's attorney (David Jones) submitted the documents to the City for

its Attorney to review. Upon review, the City Attorney had no comments except to note a typographic error.

MOTIONS:

- 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 motion to approve the Final Subdivision and Conditional Use Permit for Eagle River Run Estates off River Road (Tax Map 6, Lot 49) in the RF zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated July 30, 2020.*

Cantara – Second.

Chair Anger – Roll Call for vote – 2-1 Approval (Benway and Cantara in favor, Tarpey against). Motion to approve passed.

- C. 2020.04 The Final Amended Subdivision/Private Way for Dale Wilkinson to create two new lots off a new Private Road off South Street (Tax Map 1, Lot 50) in the R-F zone.

- Rick Hull, attorney for the Applicant, and Andy Morrell of BH2M, represented the applicant. Mr. Hull explained the creation of the original lots and creating new lots of the old plan. Mr. Morrell explained the changes made to the plan and other documents submitted on behalf of the applicant.

There were no public comments

MOTIONS:

- 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 motion to approve the amendment to the Sandybrook Subdivision and Private Road for Dale Wilkinson off South Street (Tax Map 1, Lot 50) and approve the Findings of Fact based on the conditions recommended by Staff in its report dated July 30, 2020.

Cantara – Second.

Chair Anger – Roll Call for vote – Unanimous approval (Benway, Tarpey, Cantara). Motion to approve passed.

9. Other Business

8. Adjourn

A. Benway. Motion: *Motion to adjourn.*

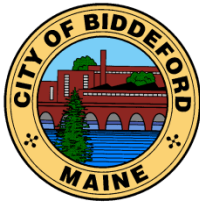
Cantara – Second.

Meeting Adjourned at 7:45 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.



CITY OF BIDDEFORD

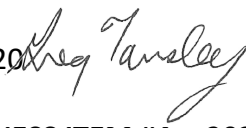
Planning and Development Department

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PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: July 30, 2020 

RE: **NEW BUSINESS ITEM #A** – 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.

MEETING DATE: AUGUST 5, 2020

MEETING LOCATION: REMOTE ACCESS MEETING (1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

Zoom Virtual Meeting:

When: Aug 5, 2020 06:00 PM Eastern Time (US and Canada)

Please click the link below to join the webinar:

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Webinar ID: 952 6566 1354

International numbers available:

<https://biddeford.zoom.us/j/95265661354>

1. INTRODUCTION

The applicant is proposing to tear down and re-build the structure located at 26 Sea Spray Drive. The existing structure is non-conforming due to its proximity to the Atlantic Ocean. The Shoreland Zone off the Atlantic Ocean in this area is a Limited Residential (LR) Zone with a 100 foot setback from Highest Annual Tide determined to be 7.4' NAVD88.

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The Oceanside part of the existing structure is located within the 100' setback. The applicant has provided an application and plans to describe the nature of the lot and that due to setbacks and ledge it would be impractical. As such, the plans proposed represent that if the existing structure were to be picked up and relocated on the lot, there would be nowhere else to put it than right back where it currently is.

The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3 (Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

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

The setback in the CR Zone from Sea Spray Drive is 40'. Based on the survey, the existing structure is at its closest point, approximately 16' from Sea Spray Drive which is consistent, if not more than, some of the other structures on surrounding lots in the area. Any movement of the structure on the lot would also create the need for blasting which given to the predominance of ledge could negatively impact surrounding structures and water lines since the area is served by KKW Water.

Further, based on the need to locate the septic system and leachfield, the leachfield would be located between the new house and the road (see "Proposed Site Plan C-1.2) and the septic system itself would be on the opposite side of the house.



Source: <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=6428>. Accessed date: 02/27/2020.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Jesse Thompson 102 Exchange Street Portland, ME 04101
2.	Owner of Property:	John Campbell and Susanna Peyton 33 Muzzey Street Lexington, MA 02421
3.	Agent:	Jesse Thompson 102 Exchange Street Portland, ME 04101
4.	Surveyor:	Livingston-Hughes Professional Land Surveying Corporation 88 Guinea Road Kennebunkport, ME 04046
5.	Project Location:	26 Sea Spray Drive Biddeford, ME 04005
6.	Project Tax Map #/Lot #:	Tax Map 67, Lot 33
7.	Existing Zoning:	CR
8.	Overlay Zoning:	Limited Residential (LR) Shoreland Zone

9.	Existing Use:	Residential
10.	Proposed Use:	Residential
11.	Approvals Required:	Shoreland Zoning Approval – Greatest Practical Extent
12.	Uses in the Vicinity:	Residential, Single-family
13.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans submitted by Kaplan Thompson Architects entitled “Campbell-Peyton Home”, Sheet C-1.1 signed by the City Planner, considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to the Conditions of Approval approved by the Planning Board.
14.	Lot Size:	N/A
15.	Floodplain Status:	The property in the vicinity of the existing and proposed new structure is an VE Floodzone with Elevation 13.0 NGVD 1929 (Community Panel Number 230145 011 B).
16.	Waivers Needed:	a. None
17.	Waivers Granted:	a. None
18.	Variances Needed for Approval:	None.
19.	Other City Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
20.	Other Permits Obtained:	None.
21.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
22.	LDR Attachment A: Fees Paid:	Yes
23.	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 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 was deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
24.	Planning Board Review History: Greatest Practical Extent Review:	August 5, 2020

3. EXISTING CONDITIONS

The existing lot has a single-family home on it.

4. PROJECT PROPOSAL

Reconstruction (construction) of a new house at 26 Sea Spray Drive.

5. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR Zone.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:
 - Staff have no remaining issues regarding this project.

6. STAFF RECOMMENDATION

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

- 1. **Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.**
- 2. **Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.**
- 3. **Obtain required permits from Maine DEP and the Biddeford Code Enforcement.**
- 4. **This determination of Greatest Practical Extent shall expire one year from the date of approval if a substantial start is not made in construction. If a substantial start is made within one year of the issuance of the determination, the applicant**

shall have one additional year to complete the project, at which time any building permits shall expire.

7. NEXT STEPS/SUGGESTED ACTIONS

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

8. SAMPLE MOTIONS

- A. *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 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 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 July 30, 2020.*
- C. *Motion to deny Determination of Greatest Practical Extent for Campbell and Peyton based upon the following reasons:*
 - a) _____
 - b) _____
- D. *Motion to table the Determination of Greatest Practical Extent for Campbell and Peyton to allow the applicant to address the outstanding issues identified by Staff and the Board.*

ATTACHMENTS

- 1. Applicant's Cover Letter, Application, and Plans
- 2. Draft Findings of Fact.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
SHORELAND ZONING DETERMINATION OF GREATEST PRACTICAL EXTENT**

Pursuant to the provisions of the City of Biddeford Land Development Regulations Article XIV, Shoreland Zoning, the Biddeford Planning Board has considered the application of John Campbell and Susanna Peyton, 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:	Jesse Thompson 102 Exchange Street Portland, ME 04101
2.	Owner of Property:	John Campbell and Susanna Peyton 33 Muzzey Street Lexington, MA 02421
3.	Agent:	Jesse Thompson 102 Exchange Street Portland, ME 04101
4.	Surveyor:	Livingston-Hughes Professional Land Surveying Corporation 88 Guinea Road Kennebunkport, ME 04046
5.	Project Location:	26 Sea Spray Drive Biddeford, ME 04005
6.	Project Tax Map #/Lot #:	Tax Map 67, Lot 33
7.	Existing Zoning:	CR
8.	Overlay Zoning:	Limited Residential (LR) Shoreland Zone
9.	Existing Use:	Residential
10.	Proposed Use:	Residential
11.	Approvals Required:	Shoreland Zoning Approval – Greatest Practical Extent
12.	Uses in the Vicinity:	Residential, Single-family
13.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans submitted by Kaplan Thompson Architects entitled "Campbell-Peyton Home", Sheet C-1.1 signed by the City Planner, considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to

		the Conditions of Approval approved by the Planning Board.
14.	Lot Size:	N/A
15.	Floodplain Status:	The property in the vicinity of the existing and proposed new structure is an VE Floodzone with Elevation 13.0 NGVD 1929 (Community Panel Number 230145 011 B).
16.	Waivers Needed:	a. None
17.	Waivers Granted:	a. None
18.	Variances Needed for Approval:	None.
19.	Other City Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
20.	Other Permits Obtained:	None.
21.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
22.	LDR Attachment A: Fees Paid:	Yes
23.	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 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 was deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
24.	Planning Board Review History: Greatest Practical Extent:	August 5, 2020

Conclusions of Law:

1. The Planning Board has determined that based on the following factors, as outlined in Article XIV (Shoreland Zoning), Section 12.C.2. (Land Use Standards) of the Land Development Regulations, the approved plan for John Campbell and Susanna Peyton demonstrates the limits of the Greatest Practical Extent setback from the resource:
 - a. The size of the lot limits the ability to locate further from the resource;
 - b. The slope of the land limits the ability to locate further from the resource;
 - c. The potential for soil erosion limits the ability to locate further from the resource;
 - d. The location of other structures on the property and on adjacent properties limits the ability to locate further from the resource;

- e. The location of the septic system and other on-site soils suitable for septic systems limits the ability to locate further from the resource; and
- f. The type and amount of vegetation to be removed to accomplish the relocation limits the ability to locate further from the resource.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board grants the determination of the Greatest Practical Extent for John Campbell and Susanna Peyton for the proposed project summarized above, located at Map 67, Lot 33 City of Biddeford Tax Maps, in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

Conditions of Approval:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. Obtain required permits from Maine DEP and the Biddeford Code Enforcement.
4. This determination of Greatest Practical Extent shall expire one year from the date of approval if a substantial start is not made in construction. If a substantial start is made within one year of the issuance of the determination, the applicant shall have one additional year to complete the project, at which time any building permits shall expire.

Planning Board Chairman

Date

July 28th, 2020

City of Biddeford, Planning & Development

205 Main Street
Biddeford, ME 04005

RE: 26 Sea Spray Drive Single Family Home

Shoreland Zoning: Replacement of Nonconforming Structure, Shoreland Ordinance Section 12

The proposed project comprises of the reconstruction-in-place of an existing single family home at 26 Sea Spray Drive. The project is located in the Coastal Residential Zone and the current structure is nonconforming with the required setbacks. The proposed home places the foundation in the same location as the existing house for the majority of the foundation. The existing foundation was evaluated by a structural engineer and was deemed structurally unsound so it will need to be replaced.

The proposed structure does not encroach any closer to the water. We evaluated the possibility of moving the structure up the slope and outside of the 100 ft. setback from the 7.4 NAVD 88 line. Due to front setbacks, substantial ledge in the site that would require blasting to relocate the structure and to prevent disruption to city water lines, every attempt has been made to retain a house in substantially the same location as the existing structure.

The proposed structure does not encroach any closer to the water than the existing structure and increases the side yard setback by 2'-0" on the North side. We are requesting a review from the Planning Board that the replacement structure meets the required setbacks to the greatest practical extent.

All native plantings will be used and invasive species are to be removed.

Enclosed with this cover letter are the following:

1. Application for Shoreland Zoning Permit
2. Project drawings, including:
 - i. Survey
 - ii. Site diagrams showing existing and proposed structures

Please contact with any questions and we thank you for your attention on this project.

Sincerely,



Jesse Thompson, Maine Licensed Architect
Kaplan Thompson Architects

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: Jesse Thompson
Applicant's Mailing Address: 102 Exchange Street Portland, ME 04101
Applicant's Telephone: 207-842-2888

What is Applicant's legal interest in the property?

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

Owner's Name: John Campbell, Susanna Peyton
Owner's Address: 33 Muzzey Street Lexington, MA 02421
Owner's Telephone: 617-496-6448

Agent's Name: Jesse Thompson
Agent's Address: 102 Exchange Street Portland, ME 04101
Telephone: 207-842-2888

Engineer/Surveyor: Livingston-Hughes Professional Land Surveying Corporation
Engineer/Surveyor's Address: 88 Guinea Road Kennebunkport, ME 04046
Telephone: 207-967-9761

Project Location and Lot Information:

Street Address: 26 Sea Spray Drive Biddeford, ME

Tax Map: 230145 Lot: Panel 0011B, Lot 17, Book 17968 Page 213

Current Zoning: _____ Shoreland Zoning: CR - Coastal Residential

Size of lot: 21,241 SF ☐ acres ☒ s.f. Lot Frontage: Shore: +/- 242 ft, refer to survey

Existing Use of Property: Single Family Residential

Property currently serviced by:

☐ City Road	☒ Private Road Association
☐ 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: _____

Replacement-in-place Single Family Residential home. Existing foundation was evaluated by structural engineer and is in need of replacement. The new structure does not encroach any closer to the water than the existing building and meets the height limitations for the 75ft-100ft setback and beyond the 100ft setback. The proposed structure reduces the lot coverage and has 471 SF of green roofing system.

Property to be serviced by:

☐ City Road	☒ Private Road Association
☐ 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%):

Existing Lot Coverage: 30.5%

Percent of structure expansion (Max. 30%):

Proposed Lot Coverage: 27.4%

☐ If Subdivision Review, number of lots proposed: _____

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

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

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

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

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact 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):

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: 07/14/2020

Signature of owner of property:



Date: 7/14/20

**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.**

CHECKLIST FOR *SITE PLAN* REQUIREMENTS

YES NO

- | | | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | Be on sheet size of 24 by 36 inches. |
| ☐ | ☐ | The scale of said plan shall be not less than one inch equals 50 feet and shall be indicated on the plat by use of a bar scale. |
| ☐ | ☐ | The plan shall bear the date, title, north point. |
| ☐ | ☐ | The plan shall contain a location or vicinity sketch (suggested scale one inch equals 800 feet). |
| ☐ | ☐ | The plan shall contain the name and address of the developer and applicant. |
| ☐ | ☐ | All appropriate dimensional requirements. |
| ☐ | ☐ | Existing and proposed easements. |
| ☐ | ☐ | Plan of the site showing existing watercourses and water bodies, seasonal wet areas. |
| ☐ | ☐ | Plan of the site showing soil type and location of test borings. |
| ☐ | ☐ | Location of all existing and proposed utilities. |
| ☐ | ☐ | Topographic contours (every five percent for zero to three percent slope; or every two feet for steeper areas). |
| ☐ | ☐ | Plan should include preservation and supplementation of existing dominant vegetation. |
| ☐ | ☐ | Plan shall indicate which features are to be retained and which are to be removed or altered. |
| ☐ | ☐ | Location of stonewalls, graveyards, fences, stands of trees, and other important unique natural areas and site features, including but not limited to floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with description of such features. |
| ☐ | ☐ | Plan view of all buildings with their use, size, location, and first-floor elevation in respect to grade. |
| ☐ | ☐ | Standard elevation view of existing and proposed buildings or structures on-site. |

YES NO

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Outline of any buildings located within 200 feet of such existing or proposed buildings or structures indicating their shape, size, location, heights and volume. |
| ☐ | ☐ | Existing use of abutting properties shall be identified with approximate location of any structures thereon including access roads. |
| ☐ | ☐ | Location, width, curbing, and paving of access ways, egress ways, and streets within the site for both pedestrian and vehicular use. |
| ☐ | ☐ | The location of off-street parking and loading spaces with a layout of the parking indicated. |
| ☐ | ☐ | The size and proposed location of water mains and sanitary sewerage facilities will all necessary engineering data. |
| ☐ | ☐ | The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and locations, indicating whether above or below ground. |
| ☐ | ☐ | The type, nature, and composition of all solid, liquid, and gaseous waste, industrial or otherwise, and the location, type, and design criteria of the storage and disposal facilities dealing with such waste. |
| ☐ | ☐ | A landscape plan and open space areas indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; plus size, location, purpose and type of vegetation. |
| ☐ | ☐ | A drainage plan including location, elevation, layout of catch basins and other surface and subsurface drainage features. |
| ☐ | ☐ | Location, size and design of proposed signs and other advertising or instructional devices. |
| ☐ | ☐ | Existing and proposed contours and finished grade elevations as well as the type, extent, and location of existing and proposed landscaping and open space areas which will be retained. |
| ☐ | ☐ | Location and type of lighting for outdoor facilities. |
| ☐ | ☐ | Lines of existing and proposed abutting streets showing width. |
| ☐ | ☐ | Surveyed property lines showing their bearing and distances and monument locations. |
| ☐ | ☐ | If subdivision is involved, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public or private use. |

YES **NO**

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Provide copies of any covenants or restrictions that are intended to cover all or part of the land area to be developed. |
| ☐ | ☐ | Indicate limits of the wetland areas on the property. |
| ☐ | ☐ | Delineate existing zoning boundaries within 1,000 feet of the site. |
| ☐ | ☐ | Stamp and signature of either a Maine licensed land surveyor, professional engineer, or architect responsible for said plan. |
| ☐ | ☐ | Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for site plan review purposes. |



	C-1.0	SURVEY
ARCHITECTURAL		
	C-1.1	EXISTING & PROPOSED
	C-1.2	PROPOSED SITE PLAN
	C-1.4	EXISTING PHOTOGRAPHS



Campbell-Peyton Home

Project Information

CLIENTS	John Campbell and Susanna Peyton
ARCHITECT	Kaplan Thompson Architects
CONTRACTOR	Bowley Builders
MAP/LOT	Map 230145, Panel 0011B, Lot 17, Book 17968 Page 213
PROJECT ADDRESS	26 Sea Spray Drive Biddeford, Maine

Zoning Information

ZONING	CR - Coastal Residential
MIN. FRONT YARD SETBACK	25'-0"
MIN. REAR YARD SETBACK	25'-0"
MIN. SIDE YARD SETBACK	25'-0"
MAX. BUILDING HEIGHT	25'-0" (75ft -100ft coastal setback) 35'-0" (+100ft coastal setback)
BUILDING CODE	IRC 2015
OCCUPANCY	Single Family Residential

Existing Structure

EXISTING OCCUPANCY:	Single Family
EXISTING BUILDING HEIGHT:	3-Story
EXISTING LOT COVERAGE:	30.5%

Proposed Structure

PROPOSED OCCUPANCY:	Single Family
PROPOSED BUILDING HEIGHT:	3-Story
PROPOSED LOT COVERAGE:	27.4%

**Kaplan
Thompson
Architects**

102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT

Campbell-Peyton Home

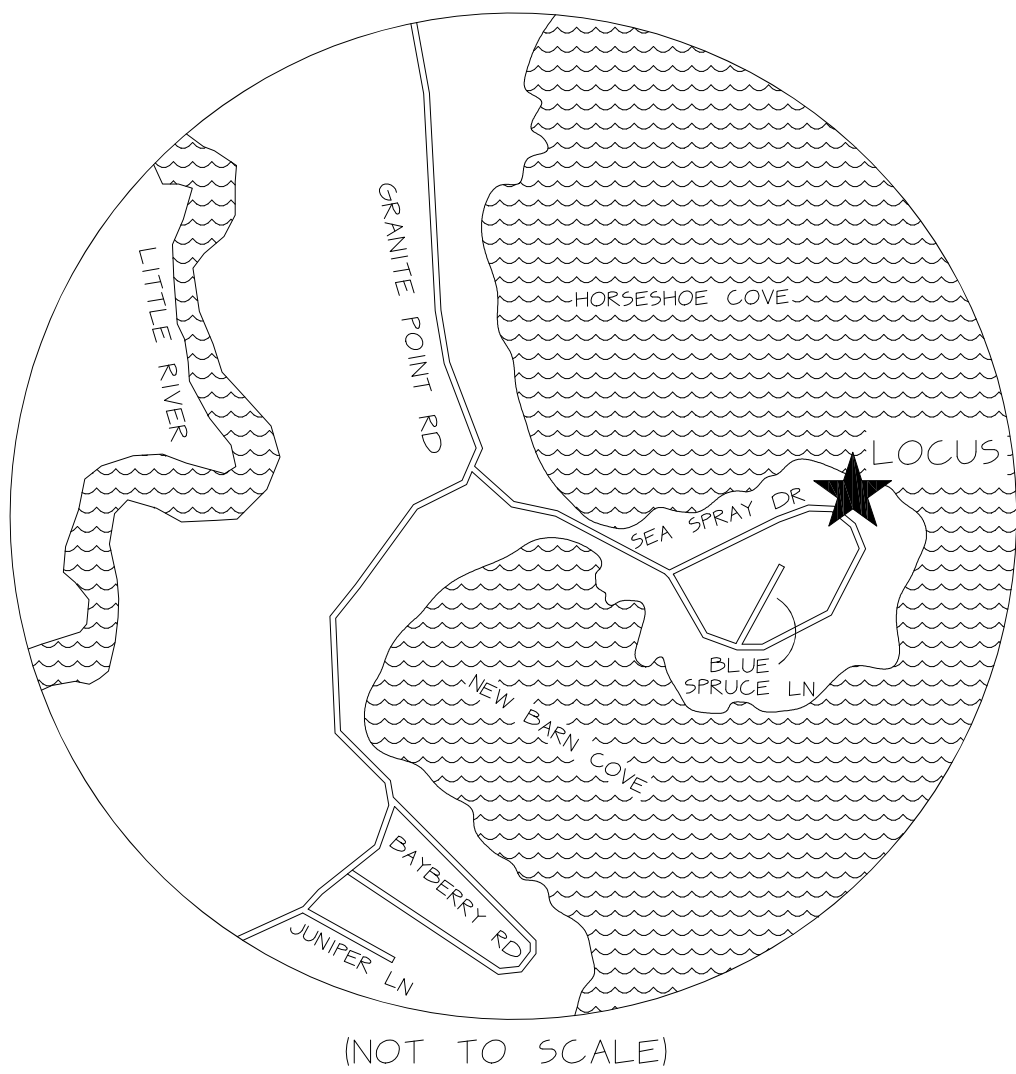
Sea Spray Lane
Biddeford, ME 04005

PLANNING BOARD

PROJECT	CAM2
DATE	07/10/20
REVISED 1	
REVISED 2	
DRAWN BY	DF, RR, GM
PHASE	PLANNING BOARD

COVER SHEET

LOCATION SKETCH



COVERAGE CHART

HOUSE + PATIO	2995 SQ.FT.
DRIVEWAY + WALKWAYS	506 SQ.FT.
STONE WALLS	184 SQ.FT.
TOTAL COVERAGE	3685 SQ.FT.
OVERALL LOT AREA	21241 SQ.FT.
ROCKY COASTLINE AREA (LESS)	8377 SQ.FT.
GROSS LOT AREA	12864 SQ.FT.
NON-VEGETATED AREAS (LESS)	792 SQ.FT.
NET LOT AREA	12072 SQ.FT.
% COVERAGE	30.5%

LOCUS DEED REFERENCE

YORK COUNTY REGISTRY OF DEEDS (YCRD)
BOOK: 17968 PAGE: 213

PLAN REFERENCES

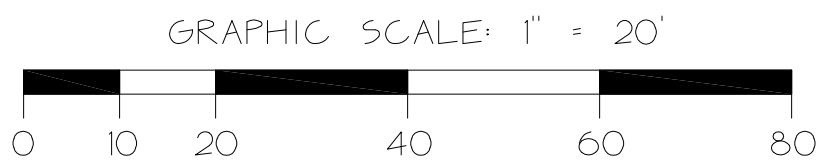
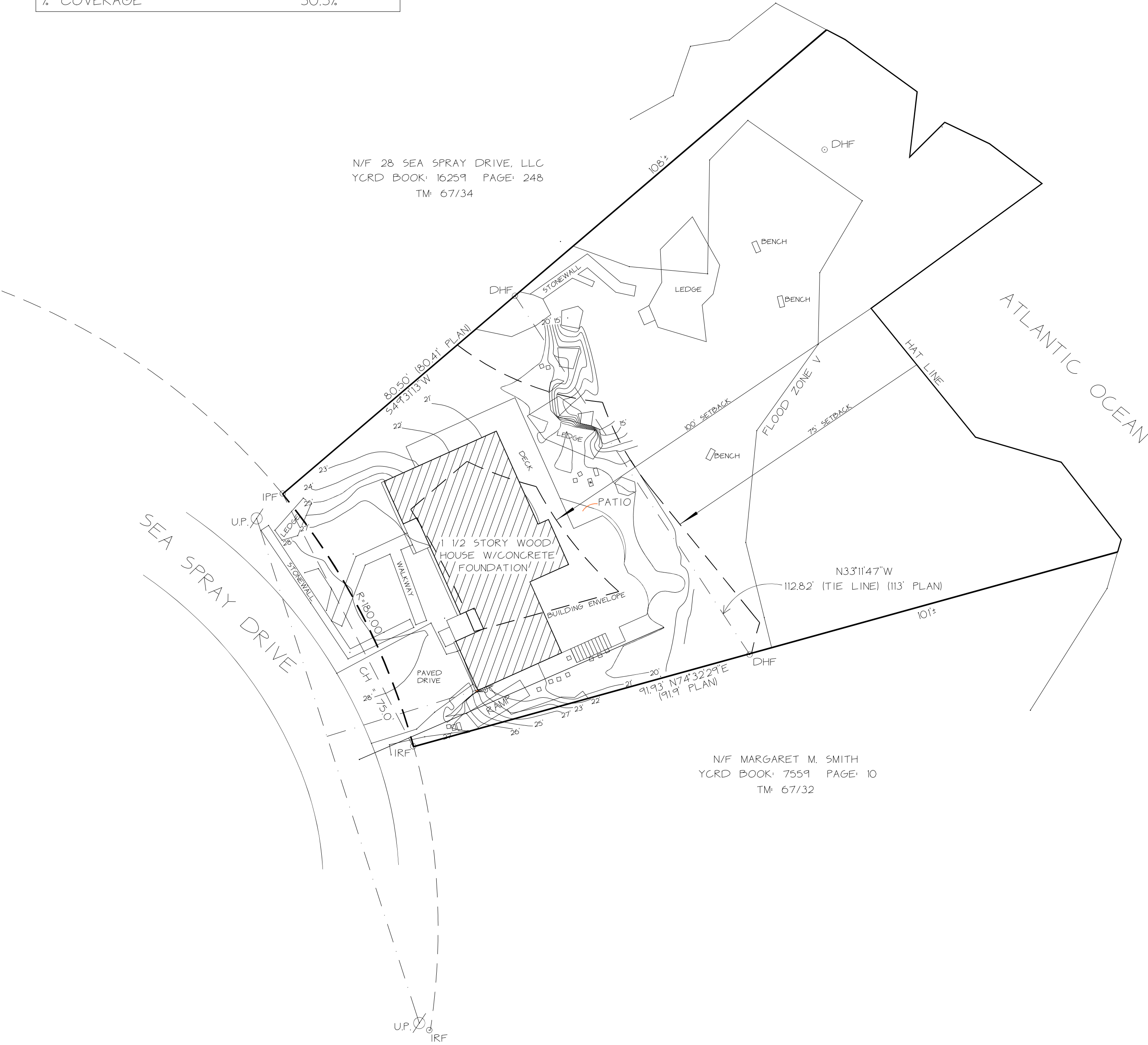
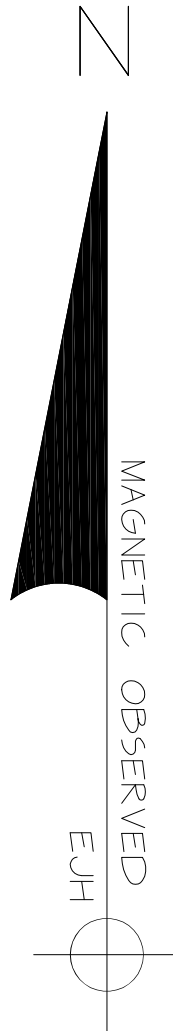
1. PLAN SHOWING A PORTION OF THE PROPERTY OF KIRKLAND S. AND RUTH E. GOURLEY, SECTION NO. 2, GRANITE POINT - BIDDEFORD - MAINE, PERFORMED BY LIBBY + DOW, DATED NOVEMBER 12, 1964, AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 41, PAGE 4.

NOTES

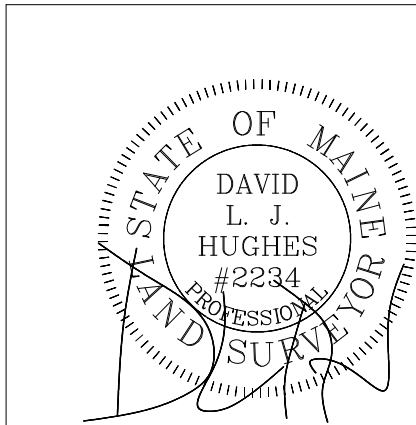
- ELEVATIONS:
GARAGE SLAB - 28.29'
1ST FLOOR - 29.35'
ROOF PEAK - 48.46'
BASEMENT - 20.85'
- THE AREA OF THE LOT IS CALCULATED TO THE EDGE OF THE ROCKY COASTLINE, PER BIDDEFORD GEO.
- THE LOCUS PARCEL IS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 230145, PANEL 0011B, THE LOT IS SUBJECT TO THE VELOCITY FLOOD ZONE, AS DELINEATED HEREIN.
- THE LOT IS WITHIN THE COASTAL RESIDENTIAL ZONE. BUILDING SETBACKS ARE:
FRONT - 25 FEET
SIDE - 25 FEET
REAR - 25 FEET
- THE HAT LINE SHOWN IS 7.4' NAVD88

LEGEND

- N/F - NOW OR FORMERLY
TM - TAX MAP
IPF - IRON PIPE FOUND
IRF - IRON ROD FOUND
DHF - DRILL HOLE FOUND
UP. - UTILITY POLE

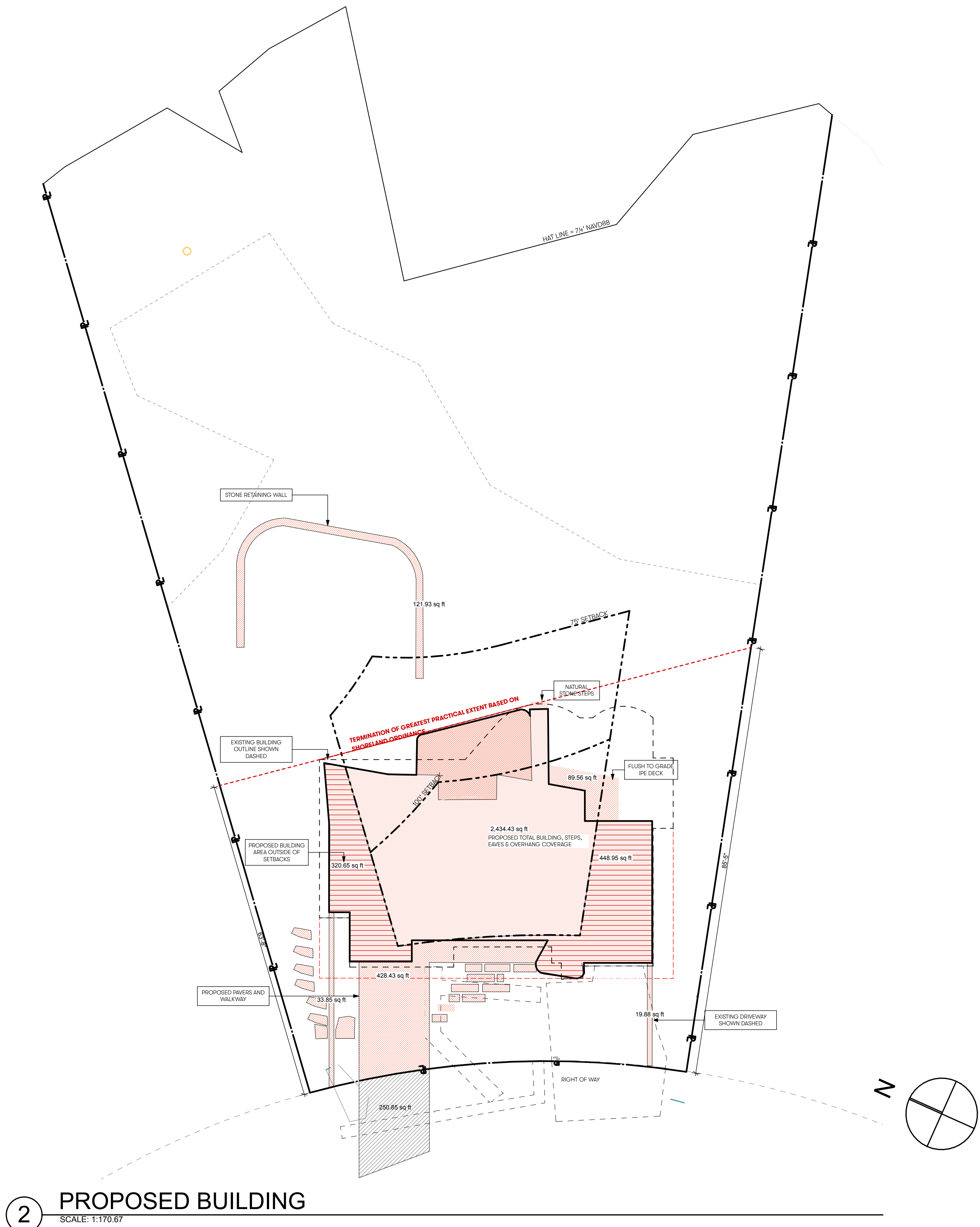
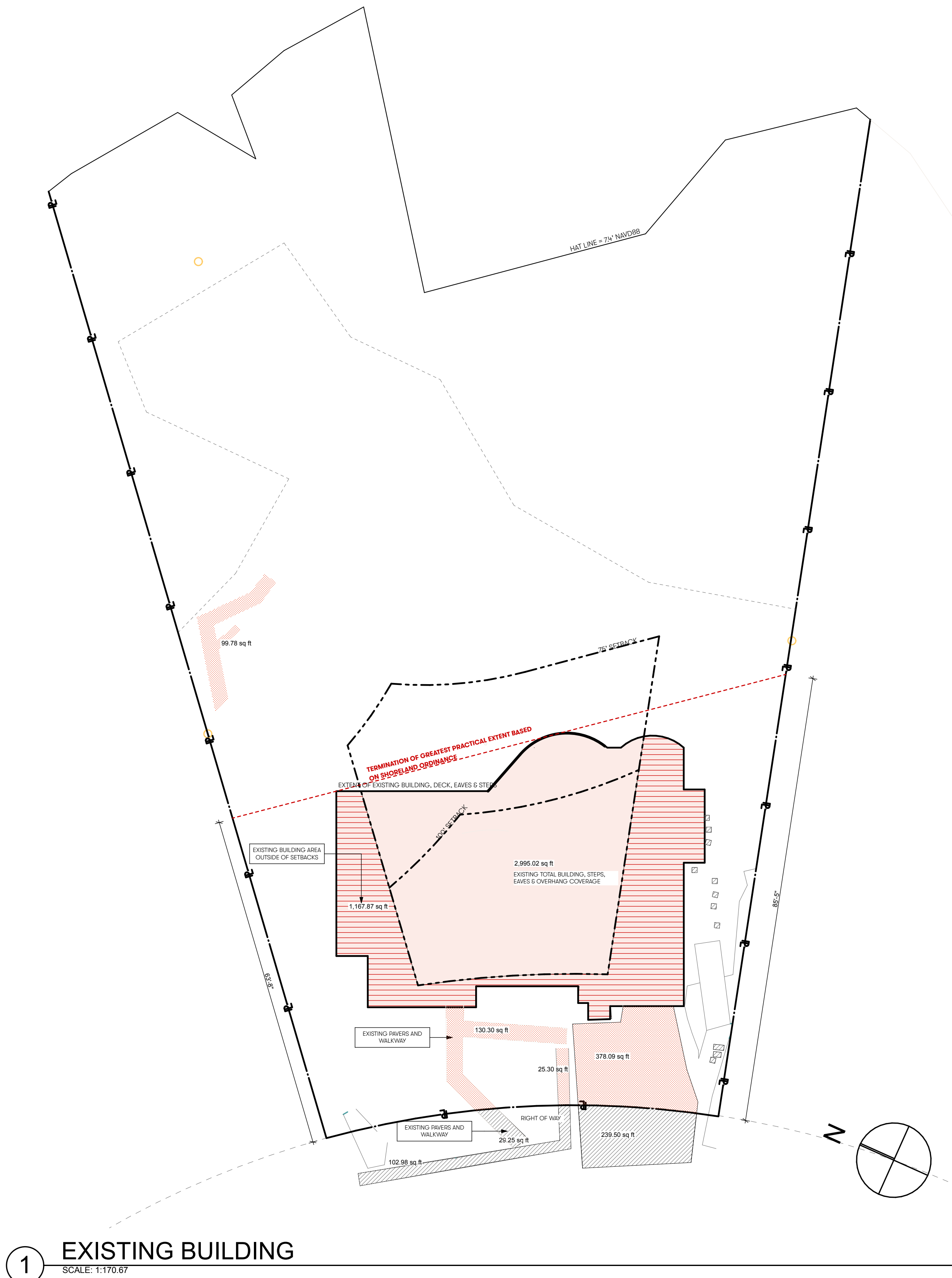


REVISION NO.	DATE	REVISION PURPOSE
1	12-24-19	REVISE SETBACK, CHANGE COVERAGE CHART
2	07-10-20	CHANGE COVERAGE, INCLUDE 75' SETBACK



RETRACEMENT SURVEY
OF LOT 17
"PLAN OF KIRKLAND S. AND RUTH E. GOURLEY
SECTION NO. 2 - GRANITE POINT"
26 SEA SPRAY DRIVE, BIDDEFORD, MAINE
MADE FOR
OWNER OF RECORD
JOHN Y. CAMPBELL AND SUSANNA PEYTON
MAILING ADDRESS: 26 SEA SPRAY DRIVE, BIDDEFORD, MAINE 04005
BY
LIVINGSTON-HUGHES
PROFESSIONAL LAND SURVEYING CORPORATION
88 GUINEA ROAD, KENNEBUNKPORT, MAINE 04046

REVISION NO.	DATE	DRAWN	CHECK	FIELD BOOK	PROJECT
2	08-26-2019	DAVID L.J. HUGHES	FLSH 2234	0335-39	M-043



NOTE: This plan is signed by the City Planner on behalf of the Biddeford Planning Board and shall be deemed to have been signed by the individual members of the Planning Board evidencing approval of the final plan.

CITY PLANNER _____ DATE _____

"Greg Tansley, City Planner, duly authorized to sign on behalf of the Biddeford Planning Board.

Kaplan Thompson Architects

102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT

Campbell-Peyton Home

26 Sea Spray Lane
Biddeford, ME 04005

STRUCTURAL

Albert Putnam Associates
183 Park Row
Brunswick, ME 04011
p: 207-299-2248

LANDSCAPE ARCHITECT

Soren Deniord Design Studio
43 Wellwood Rd
Portland, ME 04103
p: 270-400-2450

GENERAL CONTRACTOR

Bowley Builders
86 York Street
Kennebunk, ME 04043
p: 207-959-3646

SEPTIC DESIGN

Albert Frick Associates
380B Main St
Gorham, ME 04038
p: 207-839-5563

FOR PERMIT

PROJECT	CAM2
DATE	07/10/20
REVISED 1	
REVISED 2	
DRAWN BY	DF, RR, GM
PHASE	PERMIT

EXISTING &
PROPOSED

C-1.1



PROJECT

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FOR PERMIT

PROJECT	CAM2
DATE	07/10/20
REVISED 1	
REVISED 2	
DRAWN BY	DF, RR, GM
PHASE	PERMIT

PROPOSED SITE PLAN

C-1.2



EXISTING DECK/LOWER LEVEL



EXISTING BUILDING - FROM OCEAN



EXISTING REAR DECK



EXISTING NORTH SIDE YARD/DECK



EXISTING BUILDING - STREET SIDE



EXISTING SOUTH SIDE YARD

**Kaplan
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Architects**

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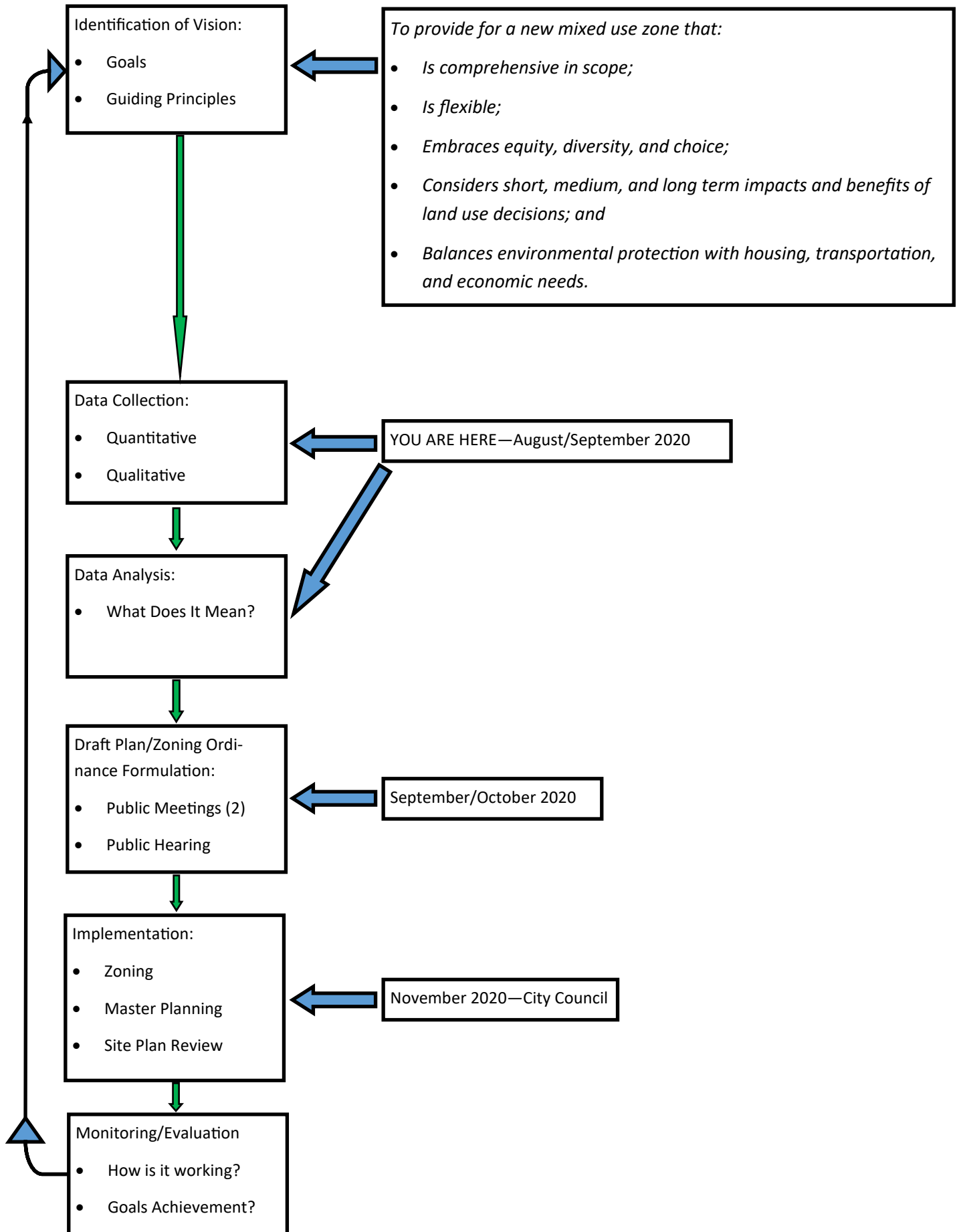
FOR PERMIT

PROJECT	CAM2
DATE	07/10/20
REVISED 1	
REVISED 2	
DRAWN BY	DF, RR, GM
PHASE	PERMIT

EXISTING
PHOTOGRAPHS

C-1.4

Proposed Village Mixed Use Zoning Ordinance—Process



SSV - Issues Identification

8/17/2020

Review Topic	Discussion Points Raised
Land Use - How Land is "Used", not how Land is "Zoned"	- More information about the "village" aspect of this proposal is needed. The case for a new commercial downtown, out of town, has not been made yet, in my opinion. We have a classic, historic downtown on Main Street in Biddeford, along with some side streets, of course. Why do we need another ? Has anyone studied what effects this might have on Biddeford's historic core ?
Urban Form, Urban Design, and Architecture - The "Built" Environment	- Height requirement for the "village" part of the proposal should be considered; should a higher height be allowed ? Lower ? Or use our current height requirement ? - More information about the "village" aspect of this proposal is needed. The case for a new commercial downtown, out of town, has not been made yet, in my opinion. We have a classic, historic downtown on Main Street in Biddeford, along with some side streets, of course. Why do we need another ? Has anyone studied what effects this might have on Biddeford's historic core ?
Wetlands, Wildlife, and Ecology - The "Natural Environment"	- Environmental impacts especially Thatcher Brook - Serious thought should be given to the placement of open space, accessible to the public, in the hands of non-profit land conservation organizations, such as the Audubon Society of Maine, the Nature Conservancy, just as examples. This would enhance the prospect of keeping the land open and undeveloped in perpetuity. Thought should be given to creating a municipal park in this area, for the benefit of all.
Open Space, Parks, Recreation	- Trails and pathways for public use. There should be dedicated paths, lanes and sidewalks for pedestrian traffic (walkers, runners, joggers), as well as bicyclists. Contact should be made with the Eastern Trail folk about having a trail which could eventually connect to the existing Eastern Trail. Also, a pedestrian/bicycle trail leading to South Street, and into the core of our historic downtown, should be included. Sidewalks on both sides of a residential or mixed-use street should be required. - Serious thought should be given to the placement of open space, accessible to the public, in the hands of non-profit land conservation organizations, such as the Audubon Society of Maine, the Nature Conservancy, just as examples. This would enhance the prospect of keeping the land open and undeveloped in perpetuity. Thought should be given to creating a municipal park in this area, for the benefit of all.

Multi-modal Transportation	- Housing density and Traffic congestion on South Street over the next decade - I was going to make a comment on a traffic study but I feel this might be too early to bring up. The impact on South Street and Route 111 is going to be major.
Housing	- encourage and even require developers to offer affordable options not currently available in the community. Often times developers are able to partner with organizations, like Biddeford Housing, as a way to help a community fill in the gaps in housing needs. - Housing density and Traffic congestion on South Street over the next decade - affordable ownership tied to any zoning accommodation - Affordable housing. Housing with ownership rights and responsibilities (as opposed to rental units) for low and moderate income residents should be required, at some level, in this proposed re-zoning. I do not mean to prohibit or discount affordable housing on a rental basis for this proposal. On the contrary, some affordable rental units should be part of this proposed mixed-use development. But, in addition to rental units, outright ownership for low and moderate income residents should also be part of the mix. - Perhaps a definition of affordable housing should be included in our recommendations to the City Council; the Maine State Housing Authority, as well as other Maine communities, may have language for such a definition. Further, a new Zone in Biddeford should explicitly call for the creation of some affordable housing when a project of the scale we heard about last evening is presented to the City. I am not suggesting that a fixed number of affordable housing units be identified in a new zoning ordinance, but a clear requirement to provide at least some affordable housing, in a substantial mixed use development, is not asking for much.
Municipal Public Services - Fire/EMS - Police - Schools	
Landscaping, lighting, signs, noise, and scenic views	
Arts and Culture	- percentage for the arts” ordinance. I favor ½ percent for public art and ½ percent to support cultural programs (such as Historical Society, Engine, Heart of Biddeford programs)

	- The City should consider passing a "Percentage for the Arts" ordinance before any zone change in order to begin accumulating a fund to be used for public works of art throughout the City. - Will places of worship be allowed ?
Parking	
Utilities - Water - Sewer - Electricity - Heating/Fuel - Technology	- More detailed information regarding septic systems, the technology for same, is needed, as well as information regarding the cost and feasibility of extending the municipal sewer system into this area.

In its review of projects in the institutional zone, the Planning Board shall be guided by the approved institutional master plan and shall not impose conditions or requirements on an applicant that are in conflict with the approved institutional master plan. In those areas where the master plan addresses issues that are also covered by site plan review, the Planning Board shall be guided by the overall direction provided in the approved institutional master plan and shall limit the scope of its review under the site plan provisions to how the projects contained in the master plan are designed and constructed to conform to the standards of Section B of Article XI. The following chart outlines the respective areas of concern for the review of an institutional master plan and the site plans for individual projects contained in the master plan for those areas covered in both reviews:

Review Topic	Institutional Master Plan Review Focus	Site Plan Review Focus
Buildings, athletic facilities, and supporting structures	The need for the facilities is related to program growth and changes supported in the master plan, and the general sizes and locations are appropriate based upon those needs	The buildings and/or facilities generally conform to the approved master plan and meet the specific zoning and site plan review standards
Road network and traffic	The primary road network providing access to the campus and within the campus will be adequate to handle the anticipated increase in traffic safely and efficiently while minimizing the impact on other users as a result of the identified improvements	Any road or traffic improvements that are identified in the overall traffic management program in the master plan that are needed to support the specific development project will be built and will meet the technical standards set out in the ordinance

Review Topic	Institutional Master Plan Review Focus	Site Plan Review Focus
Parking	The amount of parking and general parking locations will be adequate to accommodate the anticipated increase in parking demand resulting from the growth and changes anticipated in the master plan	Any parking improvements that are identified in the overall parking program in the master plan that are needed to support the specific development project will be built and will meet the technical standards set out in the ordinance
Water and sewer	The water and sewer systems will be adequate to accommodate the anticipated increase in demand resulting from the growth and changes anticipated in the master plan	The location and design of the water and sewer facilities associated with the specific development proposal are consistent with the master plan and meet the technical standards set out in the ordinance
Landscaping, lighting, signs, noise, scenic views	The master plan establishes appropriate standards for the design of these elements and to minimize the impact on surrounding neighborhoods	The location and design of these elements are consistent with the standards set out in the master plan and meet any other applicable technical standards set out in the ordinance
Pedestrian and bicycle facilities	The pedestrian and bicycle facilities will be adequate to accommodate the anticipated increase in demand resulting from the growth and changes anticipated in the master plan and standards are established for the design of these elements	The location and design of these elements are consistent with the master plan, meet the standards set out in the master plan, and any other technical standards set out in ordinance



MEMO

Date: 18 August 2020
From: Mitchell Rasor
To: City of Biddeford Planning Board
Regarding: Responses to Village Mixed Use Zoning 7.22.20 Workshop

Thank you for hosting a productive workshop and for including the Conservation Commission in the dialogue. A wide range of issues were discussed at the workshop. Some of the issues fall within the bounds of zoning and some of the issues were regarding greater socioeconomic and environmental issues that cannot be addressed through zoning alone.

South Street Village, LLC is pleased to provide the Planning Board and the Conservation Commission with responses and clarifications. If an issue is not addressed in Section 2 below that was discussed at the workshop, SSV is willing to provide additional clarifications and responses to the Planning Board.

1. Why is South Street Village, LLC asking for a zone change? What are the specifics?

- A. SSV is requesting additional compatible uses for the VMU Zone.

Table 2 in the Village Mixed Use Overview dated June 8, 2020 (attached), details the specific uses South Street Village, LLC (SSV) is requesting as defined by the Biddeford Land Use Ordinance. Only one use, Solar Fields, is not an existing defined use, and it is SSV's intention to include a solar field in this project.

B. Dimensional Standards.

SSV is not asking the Planning Board to consider lot sizes of 10,000 SF as of right because 10,000 SF lots are only possible with a waiver unless sewer is extended to the site. SSV is asking the Planning Board to consider 10,000 SF lots as a goal for the VMU Zone. 10,000 SF lots are currently allowed with existing RF zoning utilizing the State of Maine Lot Size Reduction Waiver as detailed in Title 12, Statute 4807-B.

SSV is currently allowed to develop lots with 50' of frontage utilizing Cluster Development Standards, however the applicant is asking to have a 50' minimum frontage as of right to reduce road lengths, minimize impacts on the resources, and preserve open space. Currently, a standard subdivision requires 120' of frontage.

Setbacks and Building Height:

	<u>Existing RF</u>	<u>Proposed VMU</u>
Frontage:	120' min.	50' min
Front Setback:	25' min.	0' to 15' Max.
Side Setback:	25'	10'
Rear Setback:	25'	10'
Height:	35'	45'

NOTE:

Section 66-79 Subdivision in the Rural Farm Zone requires a 75' front setback from existing roads. There are no existing roads on this parcel in the RF Zone.

C. Density

SSV is not asking for a density increase above and beyond what is already allowed for the site following the existing method and standards for calculating net residential density per Article VI, Section 44 of the Land Use Ordinance. Please see Tables 1 and 4 for net residential density calculations in the attached June 8, 2020 memo.

2. Responses to Questions and Comments from the July 22, 2020 Planning Board Meeting

1. Issue: Is Thatcher Brook in the RP or SP Overlay District.

Response. Thatcher Brook located SP zone. Any indication of Thatcher Brook being located in the RP Zone in materials submitted by SSV is a typo. SSV is requesting that the existing SP protections remain in place.

2. Issue: Euclidian Zoning is the basis of Biddeford's Zoning. Isn't that the way it should remain?

Response: Euclidian Zoning is the basis for most modern zoning, including Biddeford, and is now an out of date concept that does not reflect best practices for environmental, economic and community planning. At one point in time, the idea of separating uses into separate zones of residential and commercial uses made sense due to the pollution caused by industry. A mix of clean and low impact uses are now understood as healthy for a community just as biodiversity is now accepted as healthy for the environment. Why not have an apartment above a coffee shop or open space trails integrated with a solar fields or an accountant's office above a garage in a neighborhood of single-family homes or a playground next to multi-family building? Why make people get in their car, as Euclidean Zoning requires, when you can have a mix of uses that are walkable and compatible. Why promote sprawl through zoning when you can encourage healthy communities.

3. Issue: Private and Proprietary Septic Systems

Response: The Norweco Inc, Singlair Models 960 and TNT-500 have been approved by the State of Maine Department of Health and Human Services. These systems are already in use in Biddeford. This system with public water allows for parcels to be reduced to 10,000 SF. Please see additional information in the memo below from Septic Preservation Services dated 8.3.20 regarding technical questions posed by the Conservation Commission and the Planning Board.

4. Issue: Waiving the required ecological study for projects over five acres

Response: SSV has not control over the Planning Board review process.

5. Issue: Who will own and manage the open space

Response: Most likely the open space will be owned and maintained by a homeowner's association (or multiple associations), however that is not always the case with large projects. For example, Rasor Landscape Architecture is currently working on a project on Great Bay in New Hampshire and the development partners that will manage and own the open space are The Nature Conservancy and NH Fish and Game. Our office has worked on projects where the municipality has agreed to manage the land as part of a citywide trail network. SSV will develop the project in phases and will look for possible partnerships for each phase, meeting all City and State criteria for review.

6. Issue: Isn't this project just greenwashing and will add to climate change?

Response: SSV can already develop 10,000 SF lots on the site with 50' frontage following state standards and the provisions for Cluster Housing. SSV is not looking for a density increase over what is allowed today. This site is being planned for development for a mix of uses. There is complete transparency of intentions. The solar field may appear as greenwashing, but it is a solid business decision and a low impact use along the Turnpike. Whether there is such a thing as "sustainable growth" is a point of debate among economists. SSV is not trying to answer this academic question, but will develop the site in a manner that overtime reduces local and regional vehicle trips, utilizes the site for the quantity and quality treatment of stormwater, offers a range of housing products, and with the approval of the solar field, generate power for approximately 1000 homes. This might all be a "wash" when someone smarter than SSV runs the numbers, but there is no greenwashing.

7. Issue: The proposal is too much. It is sprawville. We don't need it.

Response: The vision for the VMU is currently allowed following existing City and State standards, except for the proposed additional uses and the proposed as of right 50' minimum lot frontage.

The Biddeford schools have stated that they are under enrolled by over 440 students (K-12) and need more students.

The general rule of thumb in planning is that an area with a typical residential lot size of 2.5 to 10 acres and primarily resource-based uses is considered rural. The existing Rural Farm Zone allows 20,000 SF (and in the Mobile Home Overlay Zone 12,000 SF lots) as of right. The existing allowable uses include many if not all of the residential uses allowed in Biddeford in addition to many uses that are not resource dependent. If this zone were truly envisioned as rural farm zone from its inception, the minimum lot size should be three acres and allowable uses should be limited to resource-based uses (the Mobile Home Overlay should not be located here). Calling this zone RF, with existing dimensional standards and allowable uses, is greenwashing. Village Mixed Use, the proposed name of the zone, is a more accurate description of what is allowed on the parcel today.

8. Issue: Why remove the Mobile Home Parks Overlay District?

Response: SSV is proposing to maintain the overlay district. Manufactured homes (the legal description for mobile homes) could be part of the future mix of housing choices.

9. Issue: 0' setbacks are not good for the environment.

Response: SSV is requesting 0-15' front setbacks as of right. All required setbacks to wetlands and other resources will be maintained. By requiring 0-15' front setbacks, buildings will be closer to the street creating pedestrian-friendly neighborhoods, encouraging social encounters, and cluster housing and businesses closer to proposed streets in order to efficiently develop the land and minimize impacts on resources. Also, by creating a minimum 0' to 15' front setback, parking cannot be located in front of buildings, but to the side or rear.

10. Issue: This project is like the Villages in Florida or New Urbanist developments in the Mid-Atlantic region.

Due to the lack of sewer and the general weakness of the Maine economy, a project like the Villages will never be built on the site or anywhere in Maine. The Villages has a population over twice that of all of Biddeford. The Villages is also age restricted to 55 and children are not allowed (except for children of workers). Any suggestion that SSV is proposing a project the scale and intensity of the Villages is misleading. What is allowed on the site today is basically what is proposed for the site in the future, but in a smarter way.

11. Issue: The City should finish the Comprehensive Plan before allowing any future zone changes.

SSV, LLC has no control over the Comprehensive Planning process.

12. Issue: Affordable housing is a critical issue for Biddeford and York County. How is the Village Mixed Use Zone addressing the issue of affordability?

SSV, LLC will integrate affordability – more specifically workforce housing - into the VMU Zone standards and looks forward to negotiating the specific mechanisms for affordability with the City Council and City Staff. SSV understands that if affordability mechanisms are not included as part of the zone request, this could impact the adoption of the VMU Zone.

The median household income in York County is about \$66,000. MSHA bases their definition to qualify for their mortgage assistance programs on 120% of AMI. Here is a link to the official data: <https://www.mainehousing.org/charts/homebuyer-limits>. Biddeford falls under York

County (excluding HMFA), so the maximum home price eligible for these programs is \$325,000. Here is a link to MSHA's chart on housing prices and affordability for every town in York County: https://www.mainehousing.org/docs/default-source/policy-research/housing-facts/2019/2019-york-county.pdf?sfvrsn=b9618f15_2.

As you can see, Biddeford's current median income is \$52,000, and a household earning that much would only be able to afford a home priced at \$170,000 (income to affordable home price ratio is generally 28%).

Since AMI is calculated at the regional level, let's stick to \$66,000 as the working figure. Here is the range of prices that gives you:

80% AMI: Income = \$52,800, affordable home price = \$188,600
125% AMI: Income = \$82,500, affordable home price = \$294,600

Preliminary research also notes that Biddeford's Affordability Ratio (median income in relationship to median home price) has gone from 1:1 fifteen years ago to 0.6:1 today. In other words, in 2020 the median income can only afford 60% of the median home price because the cost of homes has increased by 40%.

Affordability mechanisms (and some of the mechanisms can work in concert to achieve affordability) to consider as part of the VMU Zone:

1. A percentage of total units set aside as affordable
2. Tax abatements
3. Affordable Investment Fund (impact fee)
4. An Affordable Housing TIF
5. Affordable housing density bonus
6. Allowing all products such as accessory dwelling units, tiny homes, manufactured homes, modular homes as well as single, duplex, and multi-units
7. Donation of lots for development to a Community Affordable Land Trust
8. Partnering with a non-profit on the development of affordable housing
9. Infrastructure grants

13. Issue: There is nothing socially or culturally redeeming about the proposed Village Mixed Use Zone.

SSV, LLC is proposing the development of land in a smarter way than currently allowed. Whether the project is socially or culturally redeeming is almost impossible to quantify. Some people prefer to live in the suburbs. Some people prefer to live in cities. Some people prefer to live in the Unorganized Territories. SSV believes there is a market for transit-oriented new urbanism calibrated for southern Maine.

Biddeford has the youngest median age of any city in Maine. The VMU zone will be attractive to Millennials looking to buy a new home as they are priced out of downtown.

SSV believes that the requested zoning standards and uses are meaningful in terms of creating walkable neighborhoods, open space networks, and a healthy diversity of housing types and economic development opportunities. Any representations beyond this is just marketing.

3. Additional/Summary of VMU Zoning Standards

Purpose of Zone:

The Village Mixed Use Zone allows for a range of uses at a scale and pattern of development fostering walkability, connectivity, neighborhood character, and integrated open space and ecological systems. The Zone is responsive to site specific ecological and cultural resources as well as contextual issues such as transportation, housing, and habitat.

Lot Size and Setbacks:

Minimum lot size with public water and lot size reduction variance: 10,000 SF

Minimum frontage: 50'

Minimum front setback: 0'

Maximum front setback: 15'

Minimum side setback: 10'

Minimum rear setback: 10'

Building Footprint:

Maximum Building Footprint: 30,000 SF

Larger footprints are Conditional with Planning Board Review

Building Height:

Maximum Building Height: 45' (currently 35')

Master Plan and Phasing

A master plan for the zone will be prepared prior to permitting the first phase identifying elements such as street networks, neighborhood development areas, typical lot sizes, the anticipated balance of commercial and residential uses, open space, and the general relationship to adjacent streets and parcels. The purpose of the master plan is to provide guidance for phased development, tracking the purpose of the VMU Zone over time.

Integrated Open Space and Ecological Systems

Open space and ecological systems will be integrated with each phase of development leading to an overall interconnected open space and ecological systems network, neighborhood pocket parks a 10-minute walk or ½ mile maximum distance from each residential unit, and one central active recreation area serving the entire zone. The central recreation area will be completed prior to or by the completion of the 50th residential unit.

Street Design and Network

The VMU Zone will have a hierarchy of three street types: Entrance Street, Village Street, and Neighborhood Street. Sections for these street types are included and should be integrated into the master planning process for the property.

The street network will utilize intersections rather than cul-de-sacs wherever feasible to encourage connectivity, walkability, and neighborhood character.

Stormwater Management and Ecological Functions

Best management green infrastructure stormwater practices will be utilized to minimize closed storage, conveyance, and treatment systems per the latest DEP guidelines and standards for stormwater and site development. Decentralized rain gardens, swales, wetlands, forested buffers, and other measures will be utilized to enhance ecological functions and promote biodiversity.



8/7/20

To: Matt Chamberlain

From: Bob Silva

Re: Singulair System

1. The Norweco model 960 in conjunction with a leach field produces drinking quality water.

This is the model that we are recommending for SSV. The key is that it reduces the nitrogen, but only to an average of 13 ppm. To be drinking water it would have to be under 10 ppm, which is accomplished after the effluent passes through the leach field. Additionally, while the system is capable of chlorination and dechlorination we are not proposing the use of this option, but once again the leach field will remove any active bacteria.

2. In the 1950s the federal government published the first guidance documents and intended conventional septic systems to last about 20 years. With an increase in water usage and changes to our social habits as a society the average life of septic systems declined until the mid-1990's when federal guidance documents and state agencies started to take corrective action to increase the life expectancy. If you assume a conventional septic system will last 20 years (on average) that means that roughly 5% of all septic systems installed fail every year. Aerobic wastewater treatment systems treat the wastewater sufficiently such that the system as a whole will never fail. This does assume that the mechanical components are maintained. Keep in mind that modern septic system designs include a 2-compartment septic tank and an effluent filter to get closer to a 20-year life expectancy. The Norweco Singulair is a 3-compartment tank with a very high-end clarifying filter so even with no mechanical components the effluent quality would far exceed that of a conventional septic system. I have been a wastewater treatment plant operator for over 20 years, and I am responsible for the operation of over 3,000 Singulair's. I have never seen a system failure.



3. The Norweco Singlair was originally designed to treat effluent to such a good quality that it could be issued a Federal permit for discharge of wastewater into a receiving waterway. As such the effluent quality leaving the tank meets that of any municipal wastewater treatment facility, but discharges to a leach field which further cleans the effluent as well as returns the effluent to the aquafer.
4. The key to good system life is obviously continued maintenance, which should be ensured through the Deed Notice attached to each Deed and recorded.

Rezoning Overview

Village Mixed Use Zone
City of Biddeford, Maine



Applicant

South Street Village, LLC
8 June 2020

Proposed Village Mixed Use Zone (VMU) Zoning Request

1. Overview

South Street Village, LLC is requesting a zone change for a 330 +/- acre parcel of land noted by the City of Biddeford as Parcel 8 on Tax Map 7. See Figures 1 and 2.

This parcel is identified as the location of a proposed Maine Turnpike spur at Exit 32, which will improve safety exiting southbound as well as improve local/regional connectivity for all modes of travel between South Street and Route 111.

This parcel has been identified as a growth area on the in-progress Future Land Use Map as part of the City of Biddeford Comprehensive Plan Update process.

Biddeford is continuing to see commercial growth at Exit 32 / Biddeford Crossing / Route 111. The applicant envisions this parcel as transitional area, creating a gradient of development from the more regional commercial character to the south and more village scaled neighborhood character to the north and South Street. This contextual approach to zoning and master planning the property is responsive to future opportunities while protecting and enhancing existing neighborhood and environmental resources.

The two primary reasons for the zone change request are:

1. Allow single-family, two-family, and multi-family homes as well as other proposed uses at the State minimum lot size using a lot size reduction variance. Net density will continue to be calculated per the existing standards of Article VI, Section 44. The applicant is not requesting a density increase beyond what is allowed in Article, VI, Section 44.

Manufactured home lots within the MHP Overlay Zone (one third of the site) are currently a minimum of 12,000 SF. The State allows a reduction in minimum lot size from 20,000 SF to 10,000 SF with a lot size reduction variance when the parcel is served by public water and meets the technical standards for on-site wastewater disposal.

2. Expand the range of allowable uses, anticipating a village mixed use neighborhood character that can be developed in logical and efficient phases responsive to environmental / cultural resources and market trends.

VMU Purpose Statement

The Village Mixed Use Zone allows for a range of compatible uses and a scale and pattern of development in keeping with historic Maine towns such as South Berwick, Cornish, Yarmouth, and Blue Hill.

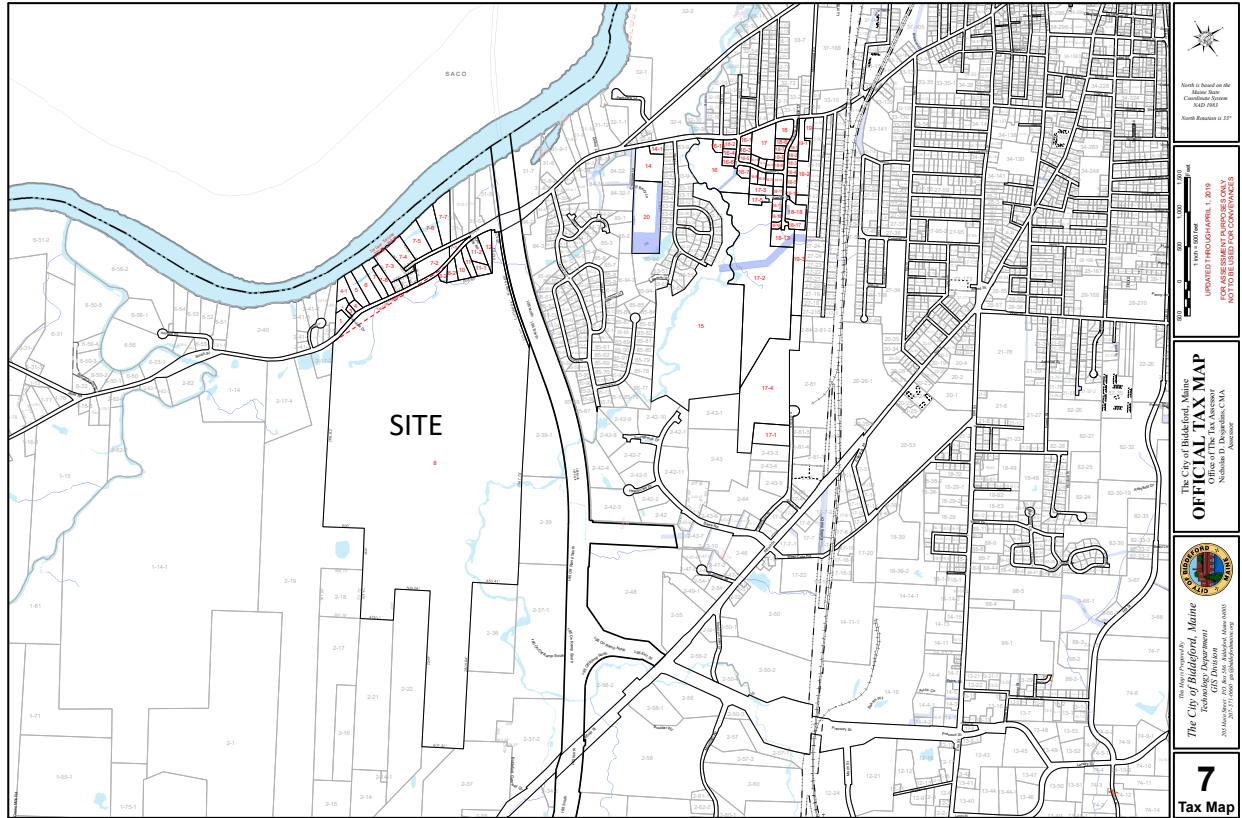


Figure 1: City of Biddeford Tax Map. Parcel 8, Tax Map 7.

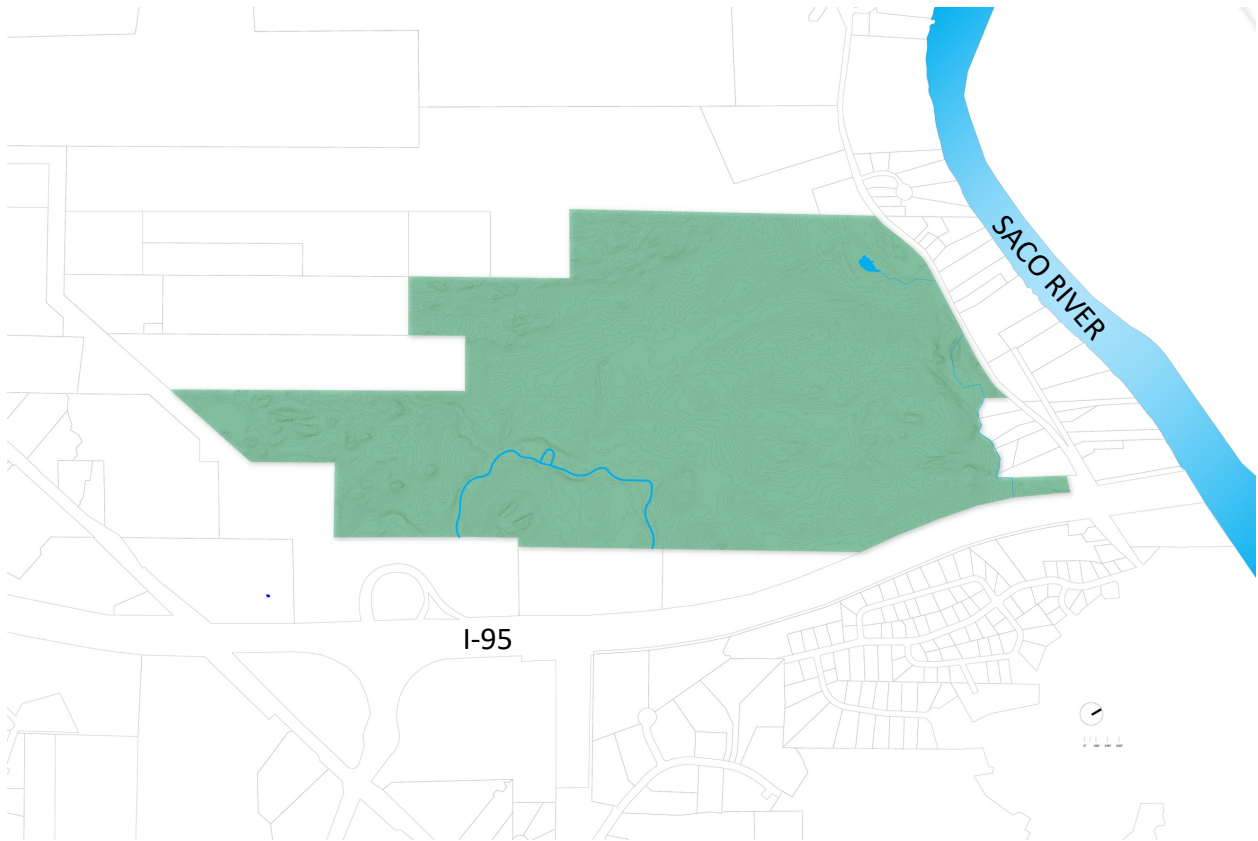


Figure 2: The 330 +/- Acre Parcel owned by South Street Village, LLC

3. Existing Zoning

The parcel is zoned Rural Farm (RF) with a band of Suburban Residential (SR1) running adjacent to South Street. Approximately one third of the site includes a Mobile Home Parks Overlay District (MHP). This district is located over the RF Zone. The site also includes a Stream Protection Overlay Zone (SP) for the portion of Thatcher Brook that crosses the eastern edge of the property. See Figure 3.

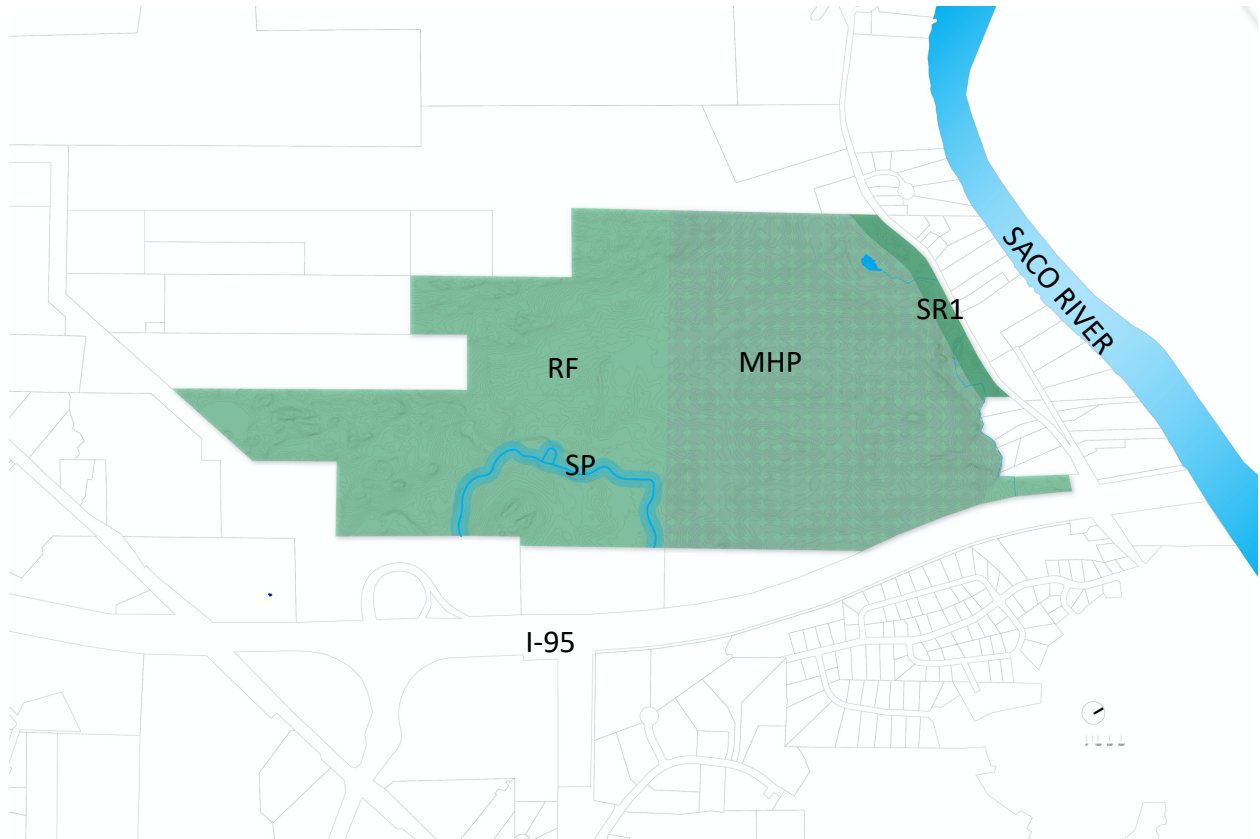


Figure 3: Existing Zoning

4. Existing Infrastructure

The site is served by public water. A single pole CMP line also crosses the site from the east to the west. The CMP line and the approximate location of the public water easement are noted on Figure 4.

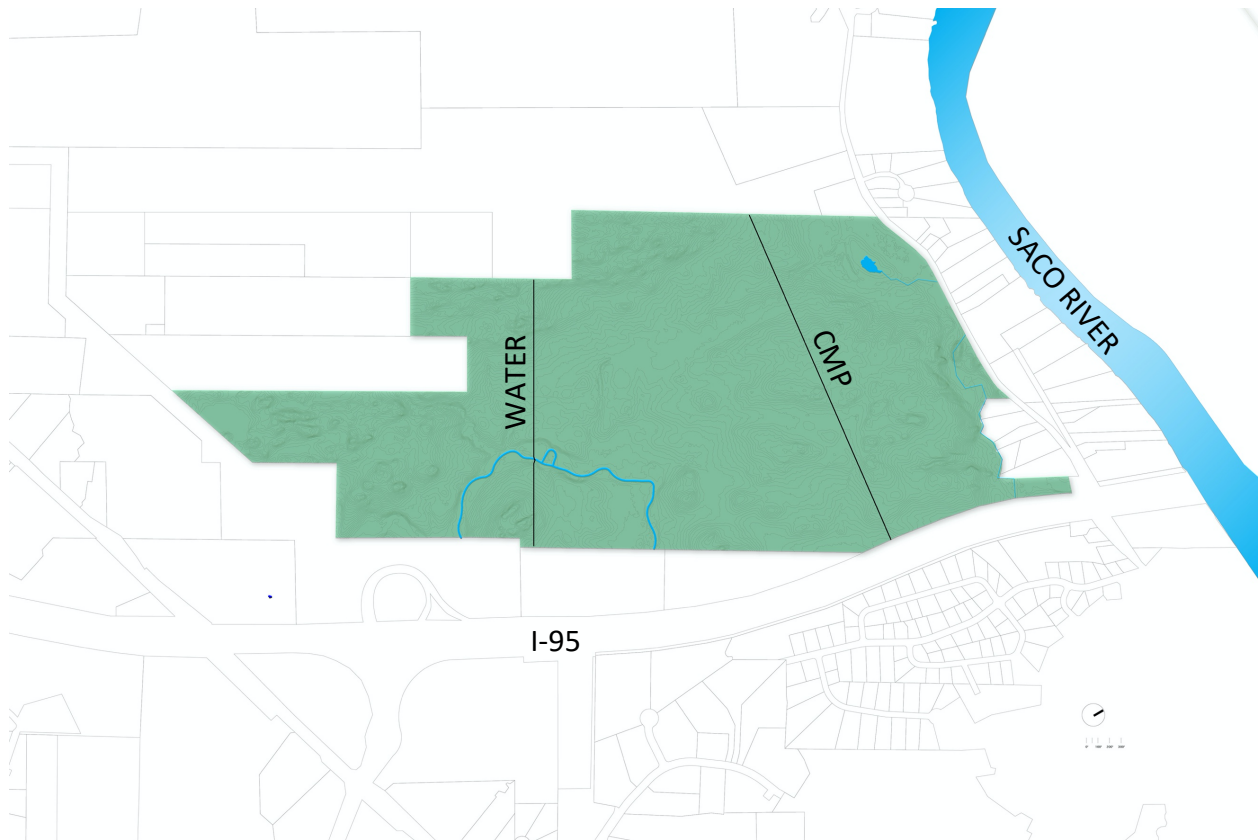


Figure 4: Existing Site Infrastructure Easements

5. Existing Environmental and Cultural Resources

Utilizing available State and City resources, two environmental resources and one cultural resource are noted on the site as depicted in Figure 5. Based on information from Maine Department of Inland Fisheries and Wildlife, there is a swath of deer yard running east to west and a mapped inland wading bird habitat of low value requiring no special permitting in the area of Thatcher Brook. A historic cemetery due south of South Street has been noted for preservation with required setbacks.

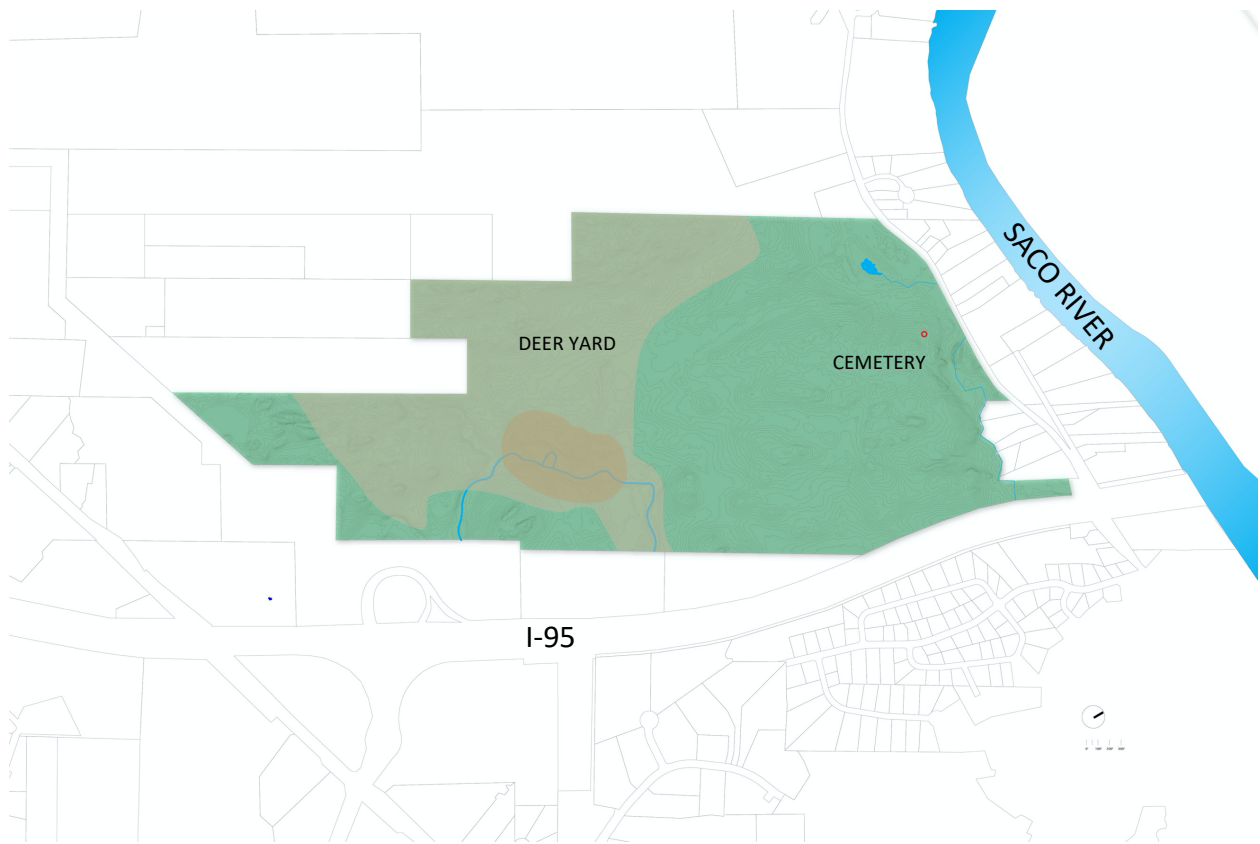


Figure 5: Existing Environmental and Cultural Resources. Credit: Inland Fisheries and Wildlife.

6. Proposed Village Mixed Use Zoning

The proposed Village Mixed Use Zone (VMU) will comprise the entire parcel, however the existing MHP and SP Overlay Zones will remain as noted on Figure 6. The applicant is not asking for a density increase as part of the zone change, but that single-family, two-family, multi-family homes, and other compatible uses be located on more village scaled neighborhood lots at 10,000 SF minimum. Current zoning and public water allow for 12,000 SF lots within the MHP and 20,000 SF lots on the remaining lands.

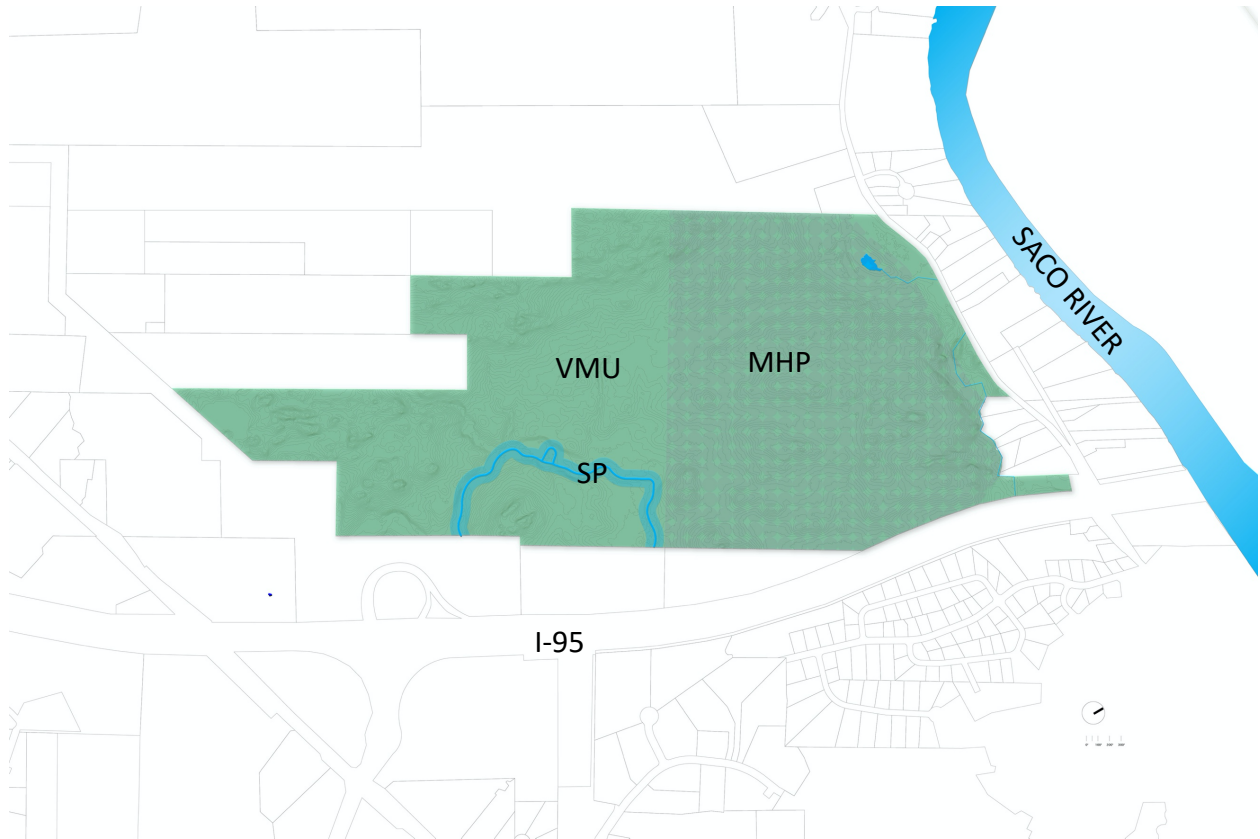


Figure 6: The Proposed Village Mixed-Use Zone with SP and MHP Overlay Zones

7. Existing Zoning Net Residential Density

Net Density was calculated using the standards in Article VI, Section 44. Per this section, the existing NRA for the parcel is 490 units as noted on Table 1.

Existing Net Residential Area Calculation				
	SR-1	MHP	RF	SP
Total Area	345205	7074615	5534153	579056
A.1 Portions of the lot shown to be within the 100 year floodplain as identified by the Federal Flood Boundary & Floodway Maps or FIRM.	0	0	0	See A.6
A.2 Undevelopable Land				
A.2 Somewhat Poorly Drained Soils (50%)	65801	0	0	0
50% of above:	32900.5	0	0	0
A.2 Poorly & Very Poorly Drained	207190	0	1175450	0
A.2 Slopes Greater than 33%	0	0	0	0
A.3 Rights of Ways	17800	0	200000	0
A.4 Surface Waters	0	0	0	
A.5 Soils in the rural farm zone identified by the soils conservation servcie as being of statewide significance, as prime agricultural soils, and/or as unique soils.	0	0	1503689	0
A.6 Land within RP District	0	0	0	579056
A.7 Land within the RF zone within the prescribed setback within the Shoreland Zone.	0	0	0	0
A.8 Unreclaimed Gravel Pits	0	0	0	0
Total Deductions	257890.5	0	2879139	579056
Net Residential Area	87315	7074615	2655014	0
Minimum Land Area Per Dwelling Unit	20000	20000	20000	0
Net Residential Density	4.37	353.73	132.75	0
Total Units	490.85			

Table 1: Existing Net Density Calculations Per Article VI, Section 44.

8. Proposed Zoning Net Residential Density

Proposed net density was calculated using the standards per Article VI, Section 44. The site is proposed to be rezoned from RF to VMU, therefore the density calculation slightly increases from 490 to 566 units. See Table 4.

Proposed Net Residential Area Calculation			
	VMU	MHP	SP
Total Area	5879358	7074615	579056
A.1 Portions of the lot shown to be within the 100 year floodplain as identified by the Federal Flood Boundary & Floodway Maps or FIRM.	0	0	See A.6
A.2 Undevelopable Land			
A.2 Somewhat Poorly Drained Soils (50%)	65801	0	0
50% of above:	32900.5	0	0
A.2 Poorly & Very Poorly Drained	1382640	0	0
A.2 Slopes Greater than 33%	0	0	0
A.3 Rights of Ways	217800	0	0
A.4 Surface Waters	0	0	
A.5 Soils in the rural farm zone identified by the soils conservation servcie as being of statewide significance, as prime agricultural soils, and/or as unique soils.	0	0	0
A.6 Land within RP District	0	0	579056
A.7 Land within the RF zone within the prescribed setback within the Shoreland Zone.	0	0	0
A.8 Unreclaimed Gravel Pits	0	0	0
Total Deductions	1633340.5	0	579056
Net Residential Area	4246018	7074615	0
Minimum Land Area Per Dwelling Unit	20000	20000	0
Net Residential Density	212.30	353.73	0
Total Units	566.03		

Table 4: Proposed Net Density Calculations Per Article VI, Section 44.

9. Existing and Proposed Uses

Uses for the site, specifically in the RF, SR1, and MHP Zones are noted below on Table 2. A column for the proposed uses in the VMU Zone has been added to the right side of existing Table A.

ESTABLISHMENT OF ZONES

V Attachment 1

City of Biddeford

Table A
Table of Land Uses

[Amended 2-2-2010 by Ord. No. 2009.98; 8-3-2010 by Ord. No. 2010.70; 9-21-2010 by Ord. No. 2010.93; 6-21-2011 by Ord. No. 2011.36; 6-21-2011 by Ord. No. 2011.37; 4-3-2012 by Ord. No. 2012.24; 4-16-2013 by Ord. No. 2013.24; 3-18-2014 by Ord. No. 2014.16; 9-6-2016 by Ord. No. 2016.74; 1-17-2017 by Ord. No. 2016.87; 6-20-2017 by Ord. No. 2017.57; 1-16-2018 by Ord. No. 2018.3; 1-16-2018 by Ord. No. 2018.5; 6-5-2018 by Ord. No. 2018.44; 10-2-2018 by Ord. No. 2018.110]

KEY:
* Subject to Article VI, Performance Standards, of this ordinance.
P Permitted use.
Not permitted.
C Conditional use. See Article VII for specific standards.
A Accessory use.

	Article VI Section ^a	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{7,8}	MSRD-2	MSRD-3
Residential uses:																							
Accessory dwelling units* 27	78	P		P	P	P	P						P		P	P				P		P	
Accessory structure*	2	P3	P3	P3	P3	P3	P3	P	P	P	P	P	P	P	P	P			P	P	P	P	P
Boarding, rooming house*	10					C	C														C	C	
Bed-and-breakfast*	9		C			C							C			C				C	P	C	P
Cluster development*	18	C	C	C	C	C	C									C17					C		
Congregate housing*	19					C	C									C				C	P	C	P
Duplex/2-family	24	C				P	P								P	C				P		P	
Home occupation*	38	C	C	C	C	C	C	C						C	C	C				C	C	C	C
Manufactured housing*	See Article VI, Section 45.																						
Mobile home park*	See Article VI, Section 45.																						
Multifamily dwelling*	47					P	P	P						P1	P					C	P	P	P
Planned unit development*	73					C	C													C	C	C	C
Single-family dwelling 11	2	P	P	P	P	P	P						P		P	P				P		P	
Commercial uses:																							
Adult business	3								C17														
Amusement center*	5							C	C												C		C
Art gallery			C												C	C				C	P	C	P
Art studio			C												C	C				C	P	P	P
Auto body shops										C		C											
Automobile graveyard, automobile recycling business, junkyard*	7									C							C						
Automobile repair, sales									P	P		C											C
Boat building, repair, marine services, sales, boat livery, marina, yacht club								P	P			C	P	P	P						C		

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Table 2: Existing and Proposed Uses

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PROPOSED VMU

Table 2: Existing and Proposed Uses

ESTABLISHMENT OF ZONES

	Article VI Section*	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{7,8}	MSRD-2	MSRD-3
Air transportation dependent use*										C	C												
Airport	4									C	C												
Bulk oil terminal*	41									C													
Contractor's storage yard										C	C					C	C						
Demolition disposal*	23																C						
Experimental research and testing laboratory	29								C	C	C	C						C	C19				C
Light manufacturing*	41								C	P	P	P											P
Light trucking dependent industry*	41								C	P	P	C											P
Manufacturing*	41									C	C	C											P
Planned unit developments*	73									C	C	C											C
Resource recovery facility																							
Recycling facilities	76									C	C												
Redemption centers									C	P							P						C
Storage of bulk gaseous fuels*	41									P	P	P											
Transportation facilities										P		C14	P		P								P
Trucking, distribution terminal*									C	P	P	C											
Warehousing and storage*	60								P	P	P	A											C
Self-storage facilities*	60							C16	C25, 26	P		C									C	C	C
Educational, institutional public uses:																							
Addiction treatment facility 22																		C					
Church, synagogue*		C	C	C	C	C	C		C							C		C			C	C	C
Civic, convention centers								C	C			C									C		C
Community centers, clubs						C	C	C	C			C									C	C	C
Day-care center, adult	22	C	C	C	C	C	C	C	P	P	P	P				C		C			C	C	C
Day-care home, adult	22	C	C	C	C	C	C		C					C	C	C	C	C			C	C	C
Day-care home, children's	22	C	C	C	C	C	C		C							C	C	C				C	C
Day-care center, children's	22	C	C	C	C	C	C	C	C	C	C	C				C		C			C	C	C
Essential services	27	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Fire, police station						C	C	P	P			P				C				C19	P	C	
Group homes, hospice	19	C	C	C	C	P	P	P	P							C					C	C	P
Hospital*	39																	P					P
Municipal use	47.1	C	C	C	C	C	C	P	P	P	P	P	P	P	P	C	C	P		C	P	C	P
Museum, library			C					P	P			C				C		P	C19		P	C	P
Nursing home*	39	C				P	P									C		C			C	C	C
Public and private schools*	53			C	C	P	P		C							P		C			C	C	C
Public facility		C	C	C	C	C	C	P	P	C	C	P	C	C		C	C	C	C	C	P	C	P

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	Article VI Section ^a	SR-1	CR	R-1-A	R-1-B	R-2	R-3	B-1	B-2	I-1	I-2	I-3	W-1	W-2	W-3	R-F	LR-F	M	IN ²⁰	OR	MSRD-1 ^{7,8}	MSRD-2	MSRD-3
Rehabilitation facility																		P					C
University/college*		C	C									C				C		C	P		C		P
University uses*		C										C				C		C	P		C		P
Water supply system	27	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Outdoor, resource-based uses:																							
Agriculture*	3, 31															P							
Agricultural products processing and storage*	3, 31									P						P							
Animal breeding or care	42															P							
Campground*	13															C							
Cemetery	14.1	C	C	C	C	C	C									P	C		C19				
Extractive industry*	30								P2	P2						P2	P2						
Farm stands* 13	31															P							
Timber harvesting	64		C													P	P		C19				
Golf course excluding miniature golf		P	P	P	P											P							
Parks and recreation*		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P19		P	P	P

Solar Farms

NOTES:

^a This column has been provided to serve as an aid in finding specific performance standards, but does not address all standards that may apply. Please consult Article VI for subsequent standards that may apply to a particular project.

All uses cited above are subject to specific lot and setback, height, and performance requirements, as well as specific notes below:

- Multifamily use shall not exceed 10 units per structure.
- Requires Planning Board approval.
- Accessory structures shall be limited to:
 - Private detached garages for the storage of no more than three automobiles.
 - Private greenhouses less than 200 square feet in floor area.
 - Private swimming pools.
 - Storage sheds, provided that they are uninhabitable and less than 200 square feet in area.
 - Decks, porches, patios, gazebos, summerhouses, and other structures intended for outdoor use, provided they are uninhabitable.
- No closer than 1,000 feet to another similar facility.
- (Reserved)
- (Reserved)
- Drive-through establishments (except as provided in Note 8) and street level residential uses are prohibited in the MSRD-1 Commercial Core District in the following areas:
 - Along both sides of Main Street between the intersection of Elm Street (Route 1) and Main Street through to the Saco City Line north of Water Street;
 - On both sides of Adams Street from Main Street to Jefferson Street;
 - On the north side of Jefferson Street from Main Street to Alfred Street;
 - On both sides of Washington Street from Main Street to Jefferson Street;
 - On both sides of Federal Street between Washington Street and Franklin Street;
 - On both sides of Franklin Street;
- Financial institutions are permitted drive-throughs limited to two lanes, are a conditional review by the Planning Board, and must adhere to the following standards:
 - Located on the side or rear of the building and never between the building and the Main Street.
 - Access drive located to minimize impact on pedestrians:
 - Not between building and the street;

ESTABLISHMENT OF ZONES

- Entrance from a side street where possible;
 - Sidewalk material carried across any driveways.
- (c) Adequate queuing land preferably separate from the parking lot.
- (d) Architectural treatment compatible with main building.
- (e) Controlled lighting that does not glare onto neighboring property.
9. Review by the Board of Appeals required for all truck loading facilities for new buildings and for changes in tenancy.
10. Limited to offices for medical professionals and associated fields.
11. Unless otherwise stated or allowed within the provisions of this ordinance, no more than one dwelling unit shall be allowed per lot.
12. (Reserved)
13. Shall be considered as a home occupation; only products grown on the premises may be sold, unless the stand is recognized as a commercial operation.
14. Transportation facilities here shall be limited to facilities associated with firms or businesses serving passenger transport, such as bus terminals, taxi stations, passenger rail stations, etc.
15. (Reserved)
16. Shall be limited to internal storage in existing buildings that require no external structural changes. No loading bays shall be constructed. Off-street parking shall be available with no fewer than one space per 20 storage units. A copy of the contract that will be offered to prospective tenants shall be submitted for review.
17. Adult businesses are restricted to that portion of the B-2 District between Dartmouth Street and Landry Street. No adult business shall be located on any lot or parcel of land with road frontage on Elm Street.
18. All subdivisions in the Rural Farm Zoning District shall be clustered, and developed in accordance with Article VI, Section 16, Cluster Developments, of this ordinance.
19. This use does not include facilities, activities, or programs conducted by or hosted by a college or university that meet the definition of “university uses.” Such uses shall be considered as university uses and shall be permitted in the institutional zone subject to the requirements of the zone and the additional performance standards for colleges/universities.
20. Within that portion of the Institutional (IN) Zone subject to a Shoreland Zoning District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows: The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.
21. See Article V, Section 7, Main Street Revitalization Districts for land uses.
22. All addiction treatment facilities shall meet all applicable federal, state, and local laws and regulations. No occupancy permits shall be issued until evidence of state certification has been presented to the Code Enforcement Office.
23. All medical marijuana dispensaries and growing facilities shall be governed by and subject to the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, 10-144 CMR Chapter 122 (as amended).
24. (Reserved)
25. Internal storage fully enclosed within buildings only. Loading bays shall be located on the side or rear of buildings and shall be screened from view from public streets and any abutting residential uses.
26. Self- storage facilities in the B-2 Zone shall not be permitted northeast of the Route 1/Dartmouth Street intersection.
27. Accessory dwelling units may also be permitted in nonresidential zones where there exists a nonconforming (as to use) single-family dwelling on a lot that was in existence as of January 1, 2017. See Article VI, Section 78.
28. Minimum lot size waivers shall be granted to uses in the VMU per applicable State of Maine regulations.

10. Existing Zoning Dimensional Standards

Dimensional standards for the site are noted below on Table 3.

ESTABLISHMENT OF ZONES

V Attachment 2

City of Biddeford

Table B

Dimensional Requirements

[Amended 4-16-2013 by Ord. No. 2013.24; 1-16-2018 by Ord. No. 2018.2; 10-2-2018 by Ord. No. 2018.110; 11-8-2018 by Ord. No. 2018.123]

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W	Side	Rear	Stories	Feet
SR-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	200	40	25	10	10	3	35
CR	See Table C below				150	150	150	40	25	25	25	3	35
R-1-A, single-family	10,000	20,000	10,000	20,000	100	100	100	40	25	10	10	3	35
R-1-B, single-family	5,000	20,000	5,000	20,000	50	50	50	25	10	5	5	3	35
R-2	4,500	N/A	N/A	N/A	45	N/A	N/A	25	15	5	5	3	35
R-3, single-family	10,000	20,000	20,000	40,000	100	120	200	40	25	10	10	3	35
R-3, duplex	7,500	30,000	N/A	N/A	120	120	120	40	25	15	15	3	35
R-3, multifamily	15,000 1st 2 units then 6,000/unit D	N/A	N/A	N/A	150	N/A	N/A	40	40	25	25	3	35
R-3, all other	10,000	N/A	N/A	N/A	100	120	200	40	25	10	10	3	35
B-1 O	1,000	N/A	N/A	N/A	None	N/A	N/A	10	10	10	10	6	60
B-2 O	10,000 J	20,000	20,000	40,000	150	150	150	30	25	10	10	3	35
I-1 O	None	None	None	N/A	50	50	N/A	40 S	30 S	25 E, S	25 E,S	6	60

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Table 3: Existing Dimensional Standards Table

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Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W	Side	Rear	Stories	Feet
I-2 O	None	None	None	N/A	50	50	N/A	40 S	30 S	25 E, S	25 E, S	6	60
I-3 O	None	None	None	N/A	50	50	N/A	40 S	30 S	25 E, S	25 E, S	6	60
W-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	100	40	25	25	25	3	35
W-2	7,000	N/A	N/A	N/A	50	50	50	0	0	10	10	3	35
R-F, single-family M	20,000	20,000	20,000	40,000	120	120	200	40 H	25 H	25	25	3	35
R-F, duplex M	20,000	20,000	20,000	40,000	120	120	200	40 H	25 H	25	25	3	35
R-F, all other	40,000	40,000	40,000	40,000	200	200	200	40 H	25 H	25	25	3	35
Medical	10,000	10,000	10,000	10,000	100	100	100	40	40	25	25	6	60 K
LR-F	80,000	80,000	80,000 *N	80,000 *N	100	100	100	40	30	25	25	6	60
Institutional	See Note P				See Note P			See Note P				See Note P	
OR	See Note Q				See Note Q			See Note Q				See Note Q	
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

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Table 3 Continued: Existing Zoning Dimensional Standards Table

ESTABLISHMENT OF ZONES

NOTES for Table B:

N/A: Not allowed.

- * A new structure may be permitted to be built with less than the required setback, provided that the following are met:
 - 1. The setback will be equal to the average front yard setback of the existing houses on the immediately adjacent lots; and
 - 2. The setback shall be at least 15 feet; and
 - 3. These provisions shall apply only along existing residential streets which were developed prior to the enactment of the present front yard setback requirements.
- ** The Building Inspector may allow a lessening of setback requirement for access structures, as necessary, to facilitate reasonable handicapped accessibility. This provision shall apply to existing structures only. Any access structure built under this provision shall be temporary to facilitate the handicapped or disabled occupant and shall be removed when no longer needed.
- + Maximum height is exclusive of chimneys, antennae, and roof-mounted, building-integrated, building-mounted or architectural wind systems when attached to a structure. Chimneys and antennae shall not be higher than 12 feet above the structure. Roof-mounted, building-integrated, building-mounted or architectural wind systems shall not be higher than 15 feet above the maximum allowed building height in the zone.
- A. Minimum land area per dwelling unit.
- B. (Reserved)
- C. Applies only to dwelling units. All other uses shall have a minimum of 10,000 square feet.
- D. (Reserved)
- E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this table.
- F. (Reserved)
- G. (Reserved)
- H. Roadside stands may be 10 feet from the major access road.
- I. This is the density limit for the expansion of existing residential dwelling units.
- J. Applies to all uses.
- K. Hospital height limit shall be 110 feet.
- L. Does not apply to cluster development.
- M. The number of accessory structures shall meet setback requirements; and shall be limited to no more than three per lot; and shall not exceed the height of the primary structure; and any plumbing, if necessary, shall be limited to a utility sink. Structures associated with bona fide working agricultural uses are not subject to these limits.
- N. Any use not serviced by a public water supply must show evidence that it is serviced by a potable water supply meeting minimum state standards for safe drinking water.
- O. Any residential structures in existence prior to December 20, 1990, may be expanded or added to as long as they meet minimum setbacks (from major access, 40 feet; from other streets, 25 feet; from side and rear property lines, 10 feet).

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Table 3 Continued: Existing Zoning Dimensional Standards Table

BIDDEFORD CODE

- P. The location of new or expanded buildings and structures including the replacement of existing buildings in the Institutional Zone shall conform to the approved Institutional Master Plan and the following dimensional standards:
1. *Maximum height.* The maximum height of buildings in the Institutional Zone shall be 35 feet, 50 feet, or 65 feet depending upon in which building height subdistrict the building is located. The building height subdistricts and maximum building heights are shown on the Institutional Zone Subdistrict Map dated September 6, 2001 and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance.

Notwithstanding the maximum building height provision, the tallest point of any building or structure, including appurtenant structures, in the Institutional Zone shall not exceed 115 feet above sea level based upon the national geodetic vertical datum (NGVD), unless a higher elevation is mandated as part of a state or federal environmental approval or permit.
 2. *Minimum building setbacks from public streets.* All buildings in the Institutional Zone shall conform to the following minimum setbacks from public streets:
 - South side of Hills Beach Road from intersection with Old Pool Road east to a point 250 feet west of the zone boundary/property line: 25 feet.
 - South side of Hills Beach Road from a point 250 feet west of the zone boundary/property line east to the zone boundary: 50 feet with a provision that it can be reduced to 25 feet if replacement buildings at the housing park are located further from the wetland.
 - North side of Hills Beach Road from intersection with Old Pool Road east to the zone boundary: 50 feet.
 - Both sides of Hills Beach Road from intersection with Old Pool Road west to the zone boundary at Route 9: 50 feet with a provision that it can be reduced to 25 feet when a Hills Beach bypass is built that conforms to the following standards and is approved as part of the Institutional Master Plan.
 - Both sides of Old Pool Road: 50 feet.
 - Both sides of Pool Road (Route 9): 50 feet.
 - Both sides of Newtown Road: 40 feet.
 - Both sides of the Hills Beach bypass road when built: 50 feet.

The reduced setback along the westerly portion of Hills Beach Road shall be effective only if a Hills Beach bypass road has been constructed that meets the following standards:

 - a. The road shall be designed and located to allow traffic to Hills Beach to travel directly from Route 9 to the approximate vicinity of the intersection of Old Pool Road and Hills Beach Road without using campus roads.
 - b. The intersection with Route 9 will be located at an appropriate location for this use.
 - c. The road shall be designed as a limited access facility with not more than one curb cut on each side providing campus access through internal campus streets. These curb cuts shall be in addition to any intersections with public streets or roads.
 - d. No buildings or parking lots shall have direct access to or from the bypass road.
 - e. A landscaped street buffer shall be established as provided for in Section 43 of Article VI.
 3. *Minimum building setback from the perimeter of the Institutional Zone.* All buildings shall be setback a minimum of 50 feet from the external boundary of the Institutional Zone where such zone boundary abuts a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone. The area along the zone boundary shall be maintained as a landscaped buffer in accordance with the provisions of Article VI, Section 12.
 4. *Maximum lot coverage.* The maximum lot coverage shall be as follows:
 - a. Within the area south of Route 9 and west of the Newtown Road: 10%.

Table 3 Continued: Existing Zoning Dimensional Standards Table

ESTABLISHMENT OF ZONES

- b. Within the area South of Route 9 and east of the Newtown Road: 30%.
- c. Within the area North of Route 9: No maximum except as provided for in 5, Restricted Development Areas.
- 5. *Restricted development areas.* Within the areas identified as “No Build Zones” on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance, the following additional requirements shall apply:
 - a. No new buildings, parking, roads, or access drives shall be constructed except for the construction of a Hills Beach bypass road and connections to the bypass road from existing public streets.
 - b. Existing buildings, parking, roads, and access drives may be maintained and may be improved with Planning Board approval but may not be relocated or expanded except as provided for in a.
 - c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Low-impact is defined as meeting the following standards:
 - The replacement has been approved as part of the institutional master plan.
 - The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.
 - The amount of nonvegetated area after redevelopment shall be not more than the amount of nonvegetated area existing at the time of adoption of this provision.
 - No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
 - The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.
 - The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.
 - The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.
 - d. No new athletic fields or athletic facilities shall be constructed.
 - e. Existing athletic fields may be maintained and improved but may not be expanded. Improvements to the existing fields shall be limited to items such as fencing, buffering, portable grandstands, scoreboards, lighting, temporary rest room facilities, storage sheds with less than 300 square feet of floor area, and similar facilities.
 - f. The areas not currently used for athletic fields, parking or the student housing park shall be maintained as naturally vegetated areas and shall not be converted to lawns or other improved open space. Existing vegetation shall be maintained subject to sound management practices relative to cutting, thinning, pruning, and similar activities.

Table 3 Continued: Existing Zoning Dimensional Standards Table

BIDDEFORD CODE

- Q. Lots in existence prior to the effective date of this ordinance are regarded as existing lots of record. In many cases, minimum lot size, road frontage and setbacks are not consistent with current standards. It is the intent of this section that properties in the OR Zone for which non-residential conversion is proposed shall not be handicapped by the nonconforming nature of such a lot or structure. Therefore, existing lots or structures that are nonconforming under the provisions of, Article IV may be considered for conversion to nonresidential uses allowed in the OR Zone, provided that neither structure nor lot are made more nonconforming as a result of the conversion.
- The following minimum standards shall apply for newly created lots within the OR Zone
- 1. Minimum lot size: 10,000 square feet.
 - 2. Minimum frontage: 75 feet.
 - 3. Minimum setbacks:
 - Front: 10 feet.
 - Side: 10 feet.
 - Rear: 10 feet.
 - From other streets: 15 feet.
 - 4. Maximum setbacks: Front: 25 feet.
 - 5. Maximum height: 35 feet.
- R. The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than 10 feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.

Table 3 Continued: Existing Zoning Dimensional Standards Table

11. Proposed Dimensional Standards

To foster village neighborhood character, protect environmental resources, and promote walkability, the following proposed dimensional standards are requested:

In the Proposed VMU Zone:

VMU Single Family (single-family includes accessory unit):

Minimum lot size with public water and lot size reduction variance: 10,000 SF

Minimum frontage: 50'

Minimum front setback: 0'

Maximum front setback: 15'

Minimum side setback: 10'

Minimum rear setback: 10'

VMU Duplex or Multi-Family:

Minimum lot size with public water and lot size reduction variance: 10,000 SF per dwelling unit

Minimum frontage: 50'

Minimum front setback: 0'

Maximum front setback: 15'

Minimum side setback: 10'

Minimum rear setback: 10'

Other Uses in the VMU Zone (including Mixed-Use Buildings)

Minimum lot size with public water and lot size reduction variance: 10,000 SF

Minimum frontage: 50'

Minimum front setback: 0'

Maximum front setback: 15'

Minimum side setback: 10'

Minimum rear setback: 10'

Note: when a commercial or mixed-use building (not including home occupations) is proposed adjacent to an existing single-family or duplex use (unless part of an approved phase of mixed-use development), a buffer per Article VI, Section 12 is required.

Building Footprint:

Maximum Building Footprint: 30,000 SF

Larger footprints are Conditional with Planning Board Review

Building Height:

Maximum Building Height: 45'

12. Proposed Master Plan Diagram

The Master Plan Diagram is informed by an analysis of zoning, environmental and cultural resources, site infrastructure, connectivity for all modes of travel, and greater contextual patterns of development and use.

The master plan envisions a New England type Village Center as mixed-use village-scale resource for the site and the greater community. The Village Center will be a welcoming “front porch” and interface with the community. Required minimum and maximum front setbacks will ensure that on-site parking is placed to the rear of buildings, ideally located over individual or shared septic fields. Sidewalks, on-street parking, and the placement of buildings addressing street will create a safe and inviting pedestrian environment.

Beyond the Village Center are a series of proposed residential neighborhoods responsive to environmental and cultural resources. It is envisioned that the duplexes and multi-family units will be located in proximity to the Village Center adding to the vitality, with single-family homes located further from the Village Center.

In anticipation of the proposed spur and improved site access, a commercial neighborhood is envisioned deeper in the parcel, furthest from South Street.

This overall pattern of development as depicted on Figure 7 creates a gradient of development responsive to the more commercial nature of development at Biddeford Crossing to the South and the more village and residential scale and character of development to the north along South Street.

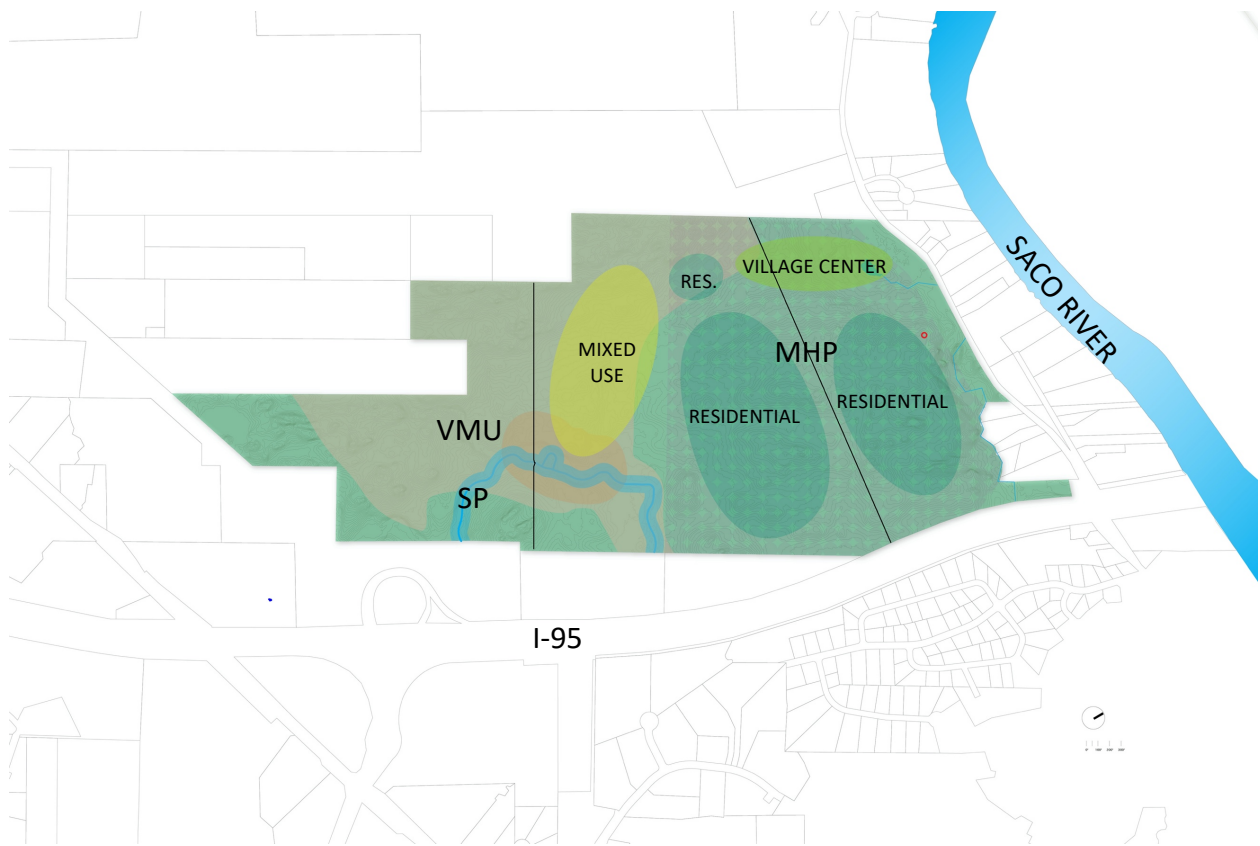


Figure 7: Proposed Zoning with Neighborhood Areas Diagram

13. Proposed Infrastructure, Streets, and Connectivity

The proposed VMU Zone will be served by public water and on-site or shared wastewater disposal systems. By utilizing lot size reduction variances, lots may be reduced from 20,000 SF to 10,000 SF. This will enable more village like neighborhoods responsive to environmental resources and served by more efficient site infrastructures.

The proposed VMU Zone is to be served by a hierarchy of street types, including the proposed spur, the primary access off of South Street serving Maine Water, and interior streets with a high degree of connectivity encouraging all modes of travel as well as improved accessibility for fire and rescue. To calm traffic and minimize pervious surface, on-street parking and narrower travel lanes will be utilized in the village center and residential neighborhoods with approval from the Planning Board, Staff, and Fire and Rescue. Due to the nature of the environmental and cultural resources and existing utility easements, open space and trail networks will be inherently integral to the phased development of the parcel. See Figure 8 below.

Street designs, stormwater management, and the overall subdivision of the parcel into lots will be approved following City and DEP review procedures in a phased manner responsive to opportunities such as the proposed spur and in the intended character of neighborhoods, be they residential, mixed-use, or commercial.

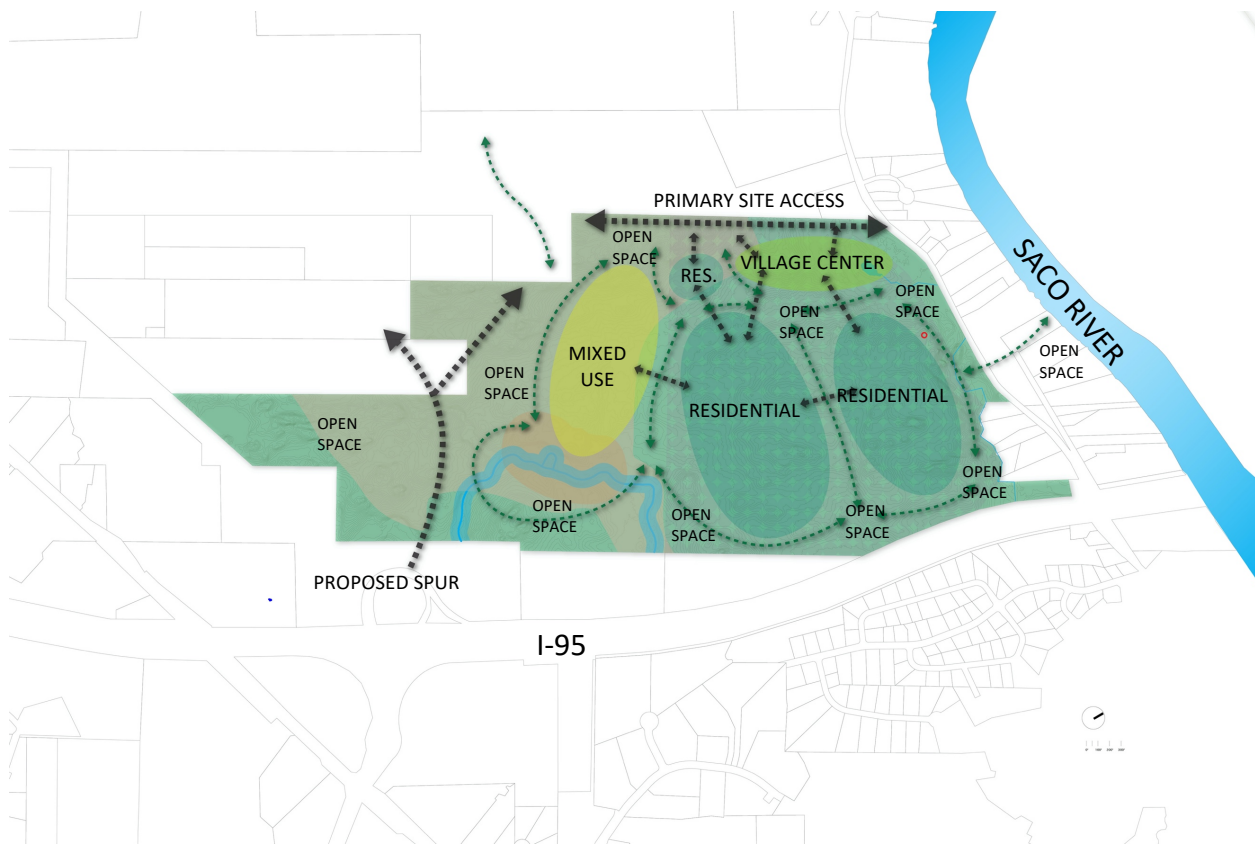


Figure 8: Master Plan Connectivity and Open Space Diagram for the Proposed Village Mixed Use Zone

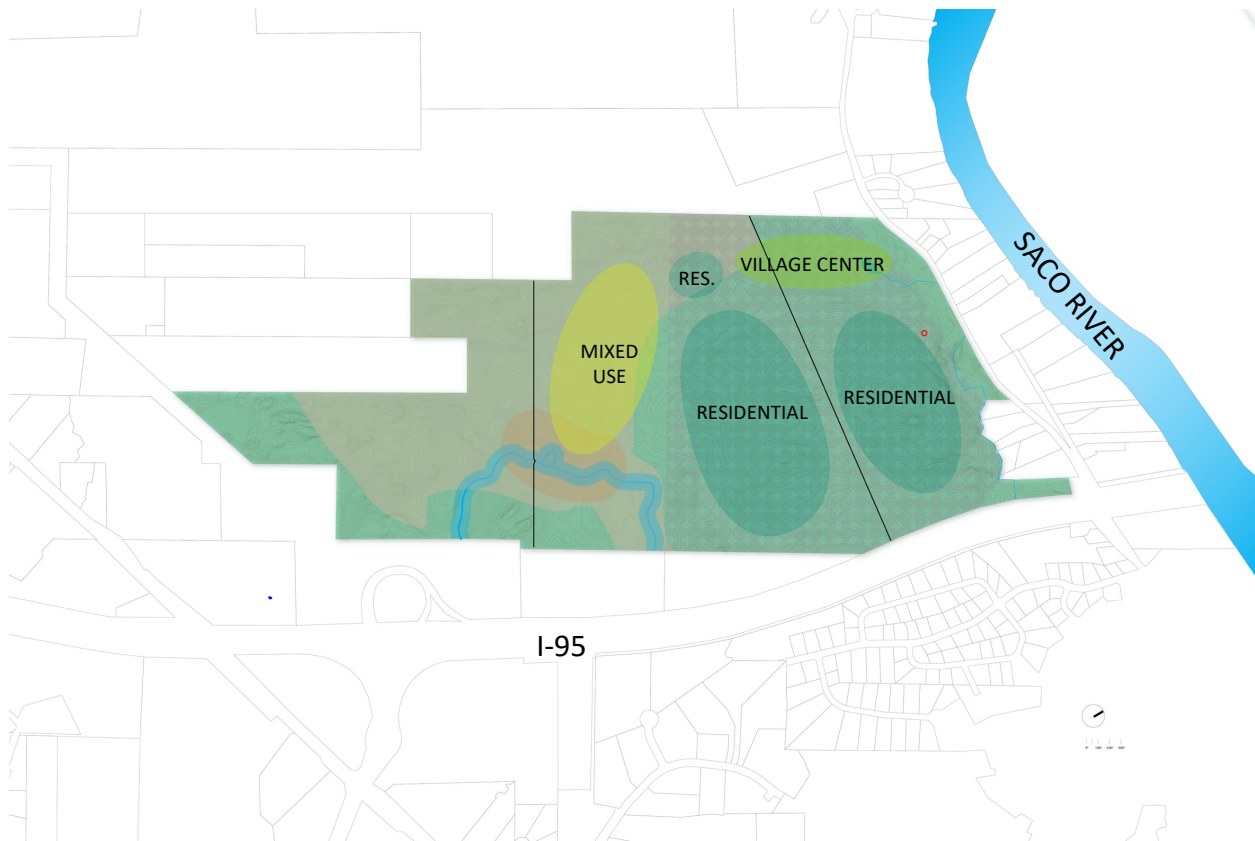


Figure 9: Proposed Zoning with Neighborhood Areas Diagram, Environmental and Cultural Resources, and Existing Infrastructure

14. Relationship to Comprehensive Plan and Open Space

The requested zone change is consistent with the Comprehensive Planning process and assists with implementing the work in progress Future Land Use Map.

The VMU Zone is envisioned as the western edge of the future growth area as noted on Figure 10 below. Trailheads with small parking areas serving both South Street Village and the open space to the west will be located off of Andrews Road and the primary access street off of South Street.

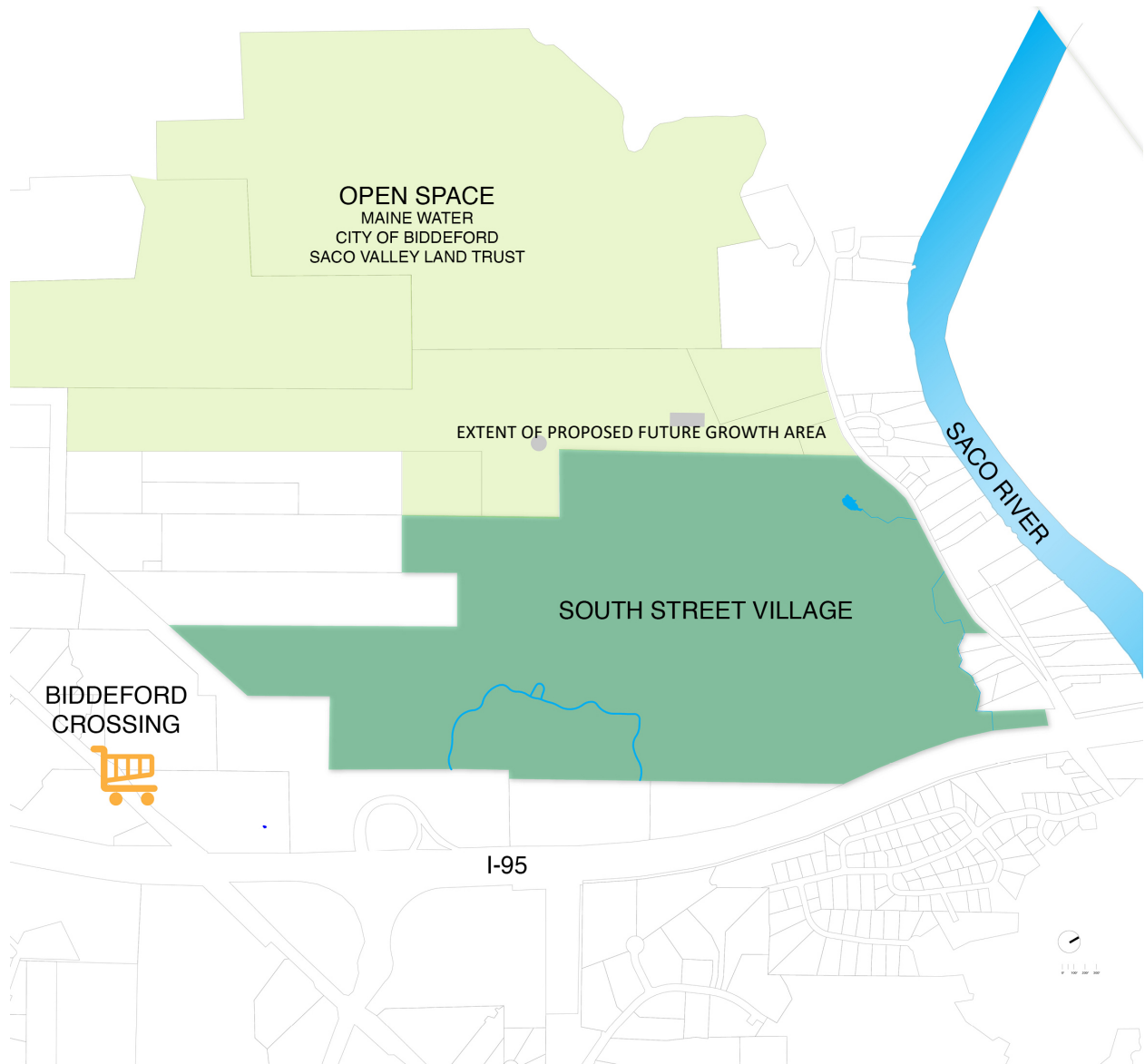


Figure 10: South Street Village Open Space and Context Plan