

City of Biddeford
Conservation Commission
August 18, 2022 6:00 PM City Hall
Council Chambers & Zoom
<https://biddeford.zoom.us/j/95803361374?pwd=QlNnUmZwTEJHU21jZVFiMndOVHBUQT09>
ID #: 95803361374 Passcode: 906558

Status: Conservation Commission, Council Chambers & Zoom, 6:00 PM

- 1. Call to Order, Declaration of Quorum/Voting Members**
- 2. Adjustments to the Agenda**
- 3. Staff Business/Announcements**
 - 3.1. Status of Shoreland Zone Amendment
- 4. Consent Agenda**
 - 4.1. Approval of Meeting Minutes from July 21, 2022
[BCC_Meeting Notes 7.21.22.pdf](#)
- 5. Unfinished Business**
- 6. New Business**
 - 6.1. Winding Creek-Responses to letter & further action
[Letter & Comments regarding Winding Creek.pdf](#)
 - 6.2. South Street Village-Mark Ward Proposal-Approve new proposal from Mark (updated costs)
[Proposal for Rapid Reconnaissance of Proposed South Street Village Parcels by Mark Ward dated 6-1-22.pdf](#)
 - 6.3. Website-Discuss Erik's suggestions
 - 6.4. City Email Addresses
[Email to Jerry Gerlach from Chrystina Gastelum dated 8-15-22.pdf](#)
- 7. Other Business**
- 8. Adjourn**

Biddeford Conservation Commission

Thursday, July 21, 2022

6:07 - 7:45 pm

Attendees: R. Rhames, M. Lowell, D. Rioux, B. Hadler

Virtually Present: M. Atlas

Absent: T. Craven, C. Gastelum, E. Heumiller

Guests: M. Grooms (City Planner; Staff Liaison)

1. R. Rhames reads through updated agenda
2. Meeting called to order at 6:07 pm
3. Meeting Minutes motion to approve of May and June 6:08pm by Dennis Rioux
 - a. Second by M. Lowell
 - b. *No discussion*
4. Update on the riverfront development for the Saco River Corridor Act (Saco River Corridor Commission)
 - a. There will be a public notice for the proposed changes
 - b. From SRCC standpoint, the standards will remain in place but the city and residents need to determine what they want
 - c. Three separate applications (Gooch St., Pearl St., Diamond Match property)
 - All have gone through sketch review
 - Matt Grooms is willing to provide a full presentation
 - City met with SRCC yesterday; SRCC became aware of proposed changes in Mid-July
 - SRCC commissioners represents the river, not the communities with which the river comes into contact (this is a unique structure)
 - Questions about setbacks on the Diamond Match property
 - R. Rhames is concerned about the shoreline
 - Preliminary concept sketch has been received, but there has not yet been an environmental review
 - The planning board has seen the concept sketches but SRCC has not yet been involved
 - Question from the public:
 - Meaghan Daly: How much does the proposed 25 ft setback diverge from the agreement with the SRCC?
 - Meaghan Daly doesn't remember it being explicitly stated that there would be a zoning change request and is wondering if there can be clarification as to whether the Planning Board was explicitly aware of the the existing sketch plan
 - Can the Diamond Match project be separated out from the Gooch Street and Pearl Street properties so that they don't have to be treated the same as far as zoning changes?
 - M. Grooms responds that because they will be sharing some development resources, it makes it challenging to fully separate them.
 - M. Grooms – Sketch plan has not been approved, the sketch plan is just an initial request for feedback. He believes that there is a good chance there would not need to be a zoning change.
 - Shoreline development limits the amount of new housing, which is another reason why the zoning may need to change.

5. Comprehensive Plan // M. Grooms update
 - a. Some sections still need to be written
 - b. He is hopeful that it will be complete to submit by the end of the year. Requires many layers of approval.
 - c. Climate issues will be very prominent in the plan. The Climate Action Committee also submitted feedback. “It’s loud and clear through all levels of city leadership that Climate Action is an important topic”. These were submitted within the last 3 weeks.
6. City Email Accounts
 - a. Richard and Denis are still having a hard time logging in – they will try again this month
7. Site Visit of Hidden Hills
 - a. Richard asked Matt Grooms to reach out to the property owners to re-request a site walk. A response has not been received
 - b. Mark Ward has asked for three possible dates so we have options, so that we are more likely to find a time
8. Agenda item regarding Mark Ward invoice tabled until we can clarify what specifically is pending approval.
 - a. R. Rhames will follow up with Mark to confirm if there are any outstanding payments.
9. Mark Ward Clifford Park update (via R. Rhames)
 - a. No new updates, he has been very busy and unable to follow up
10. M. Lowell Thatcher Brook Update
 - a. Some new additions are proposed, some pools, some modifications behind Kohls
 - b. There are multiple breeding grounds for wild brook trout
 - How do we get them to be able to run through the whole brook
 - Would we naturally stock the brook with trout?
 - c. Consider future building – we need greater setbacks along the brook
 - d. For context: Thatcher Brook was labeled an “Impaired stream” to now an “urban impaired stream”
 - e. We’ve been working on a setback review, but were told it required a comprehensive plan review
11. Review Winding Creek Letter to the Council
 - a. Wants to clarify that he’s not sure if the message states that there are species that are only present in Clifford Park – that is a challengeable fact
12. M. Atlas makes a motion to approve the letter to the council and planning board contingent upon one final review over email. 7:38pm
 - a. Second D. Rioux 7:38p
 - Discussion: Word choice of “Community” at the end of the first paragraph
 - Brian votes to amend of word “community” to “local residents and public” at 7:40
 - Second by D. Rioux
 - Unanimous 7:40
 - b. Unanimous 7:42
13. Mike Lowell Motion to adjourn 7:45p
 - a. Second Brian Hadler 7:45p

Re: Winding Creek - Request & Recommendation from BCC

Mills, Bobby <Bobby.Mills@Biddefordmaine.org>

Mon 7/25/2022 4:26 PM

To: Chrystina Gastelum <Chrystina.Gastelum@biddefordmaine.org>

I truly appreciate your email. I've been repeatedly told that that if we as a Council reopen this proposed development it will lead to legal ramifications. Unfortunately, I wasn't on the council when this happened. Had I been I would have tried to ensure more public involvement and notifications were done.

Bob Mills

Ward 4

Sent from my iPhone

On Jul 25, 2022, at 2:59 PM, Chrystina Gastelum
<Chrystina.Gastelum@biddefordmaine.org> wrote:

Dear Council, Planning Board, Mayor, City Manager,

[The letter below was approved by the Biddeford Conservation Commission during a meeting on 7/21/2022 in City Hall. I have copied the "contact all councilors" email address as well as Mr. Bennett, Mr. Southwick, Mr. Grooms, and Ms. Whitten. Please distribute to full Planning Board. If that email doesn't work for councilors, could someone please also distribute this to them? Thanks - Chrystina Gastelum]

During a recent city council meeting (June 7), it became clear that the Letter of Intent between the city and Mr. Eon regarding the land swap in Clifford Park is not finalized. Biddeford has remarkable natural resources that are often overlooked, especially with the tremendous growth recently in property values and social cache--but we are in a position to preserve them and to employ smart growth strategies as we balance the needs of both our local residents, public, and wildlife to ensure our ecosystem thrives.

Upon further review, the October 20, 2020 city council meeting (and same-day Finance Committee meeting) where this was agreed, makes it clear that this major decision to acquire ~100 acres in exchange for ~4.5 acres seemed uncontroversial and was therefore very easily passed. However, the discussion did not include any analysis of the potential negative impact of developing those particular 4.5 acres.

When asked if there was any downside -- both in the finance meeting and the full council meeting -- none was indicated by staff. However, as we now know, when a trained planner (Chris DiMatteo) looked at this parcel as part of an application to the Planning Board, his analysis clearly indicated that this was an important part of the habitat in the Biddeford/Kennebunkport Vernal Pool Complex (BKVPC), and that development here would effectively cut Clifford (which has had recently documented egg masses, indicating amphibious life) off from related territory in Blandings preserve. While the word "corridor" suggests a narrow passage, for it to be useful to wildlife, it must be wide enough to find a safe passage with the right kind of terrain and vegetation. This parcel is a critical part of that passage. While the development plan currently proposed for Winding Creek includes what it

refers to as a corridor, the winding path following the river (which is simply part of the legal setback -- and doesn't prevent fencing etc) is not adequate for safe passage of these threatened, endangered, and "special concern" animals.

Learn more about the BKVPC state focus area here:

https://www.maine.gov/dacf/mnap/focusarea/biddeford_kennebunk_vernal_pool_focus_area.pdf

Biddeford/Kennebunkport Vernal Pool Complex

In brief, this report includes the fact that *"Further fragmentation of the large forested blocks that make up this site will gradually lead to a decline in habitat suitability for certain area-sensitive species, and will increase road mortality for rare turtles."* Fragmentation will happen if this corridor between Clifford and Blandings is developed.

During the June 7 meeting, where several people from the public expressed concern and the mayor invited Mr. Bennet to respond, Mr. Bennet indicated that changing course on this land swap could be "painful" during the most recent city council meeting. He didn't indicate any specifics about that pain.

As you have seen from vocal members of our community, this issue is very concerning for a broad part of this city -- not just abutters. We ask that you re-consider this land swap and fully understand the negative impacts it could cause before finalizing any agreements. We ask that a more complete understanding of the "pain" that changing course will cause. We also ask that any discussion of this topic receive more robust coverage and a more direct invitation to the public for comment. This is Public land that is being traded and people have a right to know about it. It's not enough just to put it in a city council agenda.

While the commission generally supports protecting more land from development, we do understand the need for growth -- but we recommend a more strategic approach with full consideration of the non-human and environmental impacts, especially when it requires us to give up critical habitat that we know will have an impact on our local ecosystem.

Sincerely,
The Biddeford Conservation Commission

Chrystina Gastelum, Chair
Richard Rhames, Vice Chair
Maya Atlas, Secretary
Bryan Hadler
Erik Heumiller
Mike Lowell
Denis Rioux

**Proposal for Rapid Reconnaissance of Proposed South Street Village Parcels
in Western Biddeford**

Submitted
June 1, 2022
by
Mark Ward
Ecological Consultant
28 Poor Farm Road
Bristol, ME 04539
207-350-6537
akamward@gmail.com

Back in 2007, I made a series of six visits to conduct surveys of the area located west of the I-95 corridor, north of Rte. 111, northeast of Andrews Road and southeast of Swan Pond Brook for the Biddeford Conservation Commission. I provided the Commission with a copy of the results of those field visits in 2007, and re-summarized them in 2020.

In October 2020, I revisited most of these properties and reported on the current condition of the parcels to the Commission in November 2020. At that time, I did not have permission to visit the parcels proposed as the South Street Village (Map 7, Lot 8 and Map 2 Lot 38).

I propose to visit these two parcels, conduct a rapid reconnaissance, and report on their current condition as it compares to what was observed in 2007. I anticipate spending about 4-5 hours on the parcels with the goal of photo documenting any noteworthy changes that are observed. I am prepared to conduct the survey work whenever I receive notification from the Commission of an agreed upon date.

Proposed Budget

Preparation for field work: 2 hrs X \$42.5 = \$85

Travel and Field work: 7 hrs X \$42.5 = \$297.50

Reporting: 4 hrs x \$42.5 = \$170

Travel RT from Bristol: 1 trip @ 160 miles x .585/mile = \$93.60

Total Estimated Budget \$646.10

BCC Mailing List

Chrystina Gastelum <Chrystina.Gastelum@biddefordmaine.org>

Mon 8/15/2022 3:40 PM

To: Gerlach, Jerry <Jerry.Gerlach@Biddefordmaine.org>

Cc: Bryan Hadler <Bryan.Hadler@biddefordmaine.org>; Denis Rioux <Denis.Rioux@biddefordmaine.org>; Erik Heumiller <Erik.Heumiller@biddefordmaine.org>; Maya Atlas <maya.atlas@biddefordmaine.org>; Michael Lowell <Michael.Lowell@biddefordmaine.org>; Richard Rhames <Richard.Rhames2@biddefordmaine.org>

Hi Jerry,

The BCC Mailing list (conservation@biddefordmaine.org) still goes to all of our personal email addresses. Can you please update this so it goes to our city addresses?

I have copied them all on this email.

Also, as you may know, Richard and Denis have been having trouble getting into their accounts. Maya was too, but I believe her issue has been resolved.

Cheers,
Chrystina