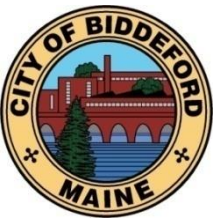


City of Biddeford
Planning Board
August 07, 2019 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Consideration of Minutes: June 5, 2019
[PB Minutes 060519.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. Public Hearing, take comments, and make recommendations to the City Council, regarding a property owner's proposed amendment to the Official Zoning Map to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1, while voluntarily imposing conservation easement in the rear of the property which remains R-F.
[20190227_Proposed_Zone_Change_rev_1.pdf](#)
[2019.04 Van Hertl Memo to PB 080719.pdf](#)
 - 7.B. Public Hearing, take comments, and make recommendations to the City Council, regarding a zoning amendment to allow for a 75' setback (rather than 100' setback) for essential services in the Limited Residential Shoreland Zone.
[Ess Services Setbacks in LR Proposal for PH.docx](#)
[2019.30 Essential Services SZ Memo to PB 080719.docx](#)
 - 7.C. Final Site Plan Review for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue (Tax Map 74, Lot 11) in the I-2 zone.
 - 7.D. Conditional Use Permit for Andrew Stout to expand into the adjacent 10D unit (4,935 SF +/-) to add three additional grow rooms and a storage room at 10C Arctic Circle (Tax Map 14, Lot 4-1) in the B-2 zone.
[2019.28 Kind Acres Expansion SR 080719.docx](#)
[2019.28 Kind Acres Expansion FOF.pdf](#)
 - 7.E. Conceptual Site Plan Review for Eastwoods Development Corp. to construct an 30' x 60' structure (1800 sq. footprint) with access to 2 levels. This will allow for a total of 3600 sq. ft. office space with a total of 18 parking spaces located at 8 Wellspring Road (Tax Map 2, Lot 47-4) in the I-3 zone.
[2019.31 Eastwoods Wellspring Concept SR 080719.docx](#)
- 8. OTHER BUSINESS**
 - 8.A. Workshop – Comprehensive Plan Discussion.
 - 8.B. Workshop – Doggie Daycare.

9. ADJOURN

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



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

Planning Board Minutes

Date: Wednesday, June 5, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

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

MOTION:
Benway- Motion: to approve Consent Agenda.
Angers- Second.
Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.
6. Unfinished Business
7. New Business
 - A. 2019.19 Public Hearing, take comments, and make recommendations to the City Council, regarding a proposed amendment to the Official Zoning Map to rezone the rear portions of 480 and 486 Elm Street (Tax Map 18, Lots 29, 29-1, and 29-2) from R-1-A to B-2.

Greg Tansley, City Planner: Spoke briefly.

Discussion between Board and Staff regarding adding another parcel to the Public Hearing.

Guy Casavant: Supplied the address and Map & Lot.

Chair Southwick – We will add 472 Elm Street (Tax Map 18, Lot 32) to the Public Hearing for comment.

Guy Casavant, Representing West Street Motor Sales: Here to support the change and ask that you consider adding 472 Elm Street (Tax Map 18, Lot 32) which you already did. We support it.

MOTION:

Benway- Motion: to recommend the Zoning Change pass at the City Council and to include 472 Elm Street (Tax Map 18, Lot 32).

Angers- Second.

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

Brief recess to fix the computer system.

- B. 2019.06 Remove from table a proposed amendment to the Zoning Ordinance to allow street-level residential uses in the Downtown Area where non-residential street level uses remain fronting on public streets and public spaces.

MOTION:

Benway- Motion: to remove item for table.

Angers- Second.

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

Julian Schlaver, President of DDC and Resident: Do not think this should pass.

Discussion between Board and Mr. Schlaver.

MOTION:

Benway- Motion: to postpone this amendment indefinitely (kills the item).

Tarpey- Second.

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

- C. 2019.17 Preliminary/Final Subdivision Review for Pine Point Heights, LLC to convert a house lot into three house lots located at 23 Raymond Street (Tax Map 29, Lot 98) in the R-2 zone.

Greg Tansley, City Planner: Spoke briefly.

Matthew Chamberlain, Pine Point Heights, LLC: Spoke briefly and will answer any questions.

Discussion between Board and Staff.

Benway- Move the two conditions to be identified as we consider this item and that is part or the sale conveyance of lot B and any issuance of building permits or driveway permits for lot B. The crushed stone driveway on lot A needs to be removed to a minimum of 5 five of the proposed lot line for lot B. The second being the applicant provide a copy of the recorded division plan to the Planning Department within 15 days of recording.

Chair Southwick- Proposing to add that to the motion? Consensus of the Board is to add it to the motion.

MOTION:

Benway- Motion: to approve the minor subdivision for Pine Point Heights, LLC to create a 3-Lot Subdivision at 23 Raymond Street (Tax Map 29, Lot 98), approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated May 29, 2019.

Angers- Second.

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

- D. 2019.21 Amendment to a Previously Approved Subdivision for Kenneth & Patricia Crepeau to divide their lot into two lots at 2 Glaude Ave (Tax Map 83, Lot 36) in the R-3 zone.

Greg Tansley, City Planner: Spoke briefly.

Kenneth Crepeau, 2 Glaude Ave property owner: here to answer any questions.

MOTION:

Angers- Motion: to approve the amendment to a previously approved subdivision for Kenneth and Patricia Crepeau, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated May 29, 2019.

Benway- Second.

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

- E. 2019.22 Shoreland Zone Permit/Change of Use for Eric & Jill Lubiner to convert the property at 122 Hills Beach Road (Tax Map 54, Lot 76) from a commercial (restaurant) use to a residential (single-family) use in the CR and RP (shoreland) zones.

Greg Tansley, City Planner: Spoke briefly.

Jill Lubiner, Owner of 122 Hills Beach Road: Loves the property and here to answer any questions.

Chris Stone, Realtor: This building is in need of repair and the best thing for it would be to change the use.

Discussion between Board and Applicant.

MOTION:

Benway- Motion: to approve the Change of Use for Eric and Jill Lubiner based on the criteria presented for 122 Hills Beach Road (Tax Map 54, Lot 76), approve the findings of facts, and sign the plans based on the conditions recommended by Staff in its report dated May 29, 2019.

Angers- Second.

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

- F. 2019.23 Shoreland Zone/Determination of Greatest Practical Extent for Tony Covino for the removal and rebuild of a residence at 225 Hills Beach Road (Tax Map 55, Lot 44) in the CR and RP (shoreland) zones.

Greg Tansley, City Planner: Spoke briefly.

Tony Covino, Saco Bay Builders: Here to answer any questions.

Discussion between Board and Mr. Covino.

MOTION:

Benway- Motion: to approve the Determination of Greatest Practical Extent for Krista Evans based on the approved plans for 225 Hills Beach Road (Tax Map 55, Lot 44),

approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated May 29, 2019.

Angers-Second.

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

- G. 2019.01 Revised Concept Site Plan Review for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue (Tax Map 74, Lot 11) in the I-2 zone.

Greg Tansley, City Planner: Spoke briefly.

Bill Thompson, BH2M Engineers: Gave a presentation.

Mark Gagne, 31 Marcel Ave: Does not want any access onto Marcel Ave.

Benway: Is satisfied with the applicant listening to the neighbor's wants/needs.

Tarpey: It is my understanding we have a third party reviewing the stormwater.

Greg Tansley, City Planner: Yes and we have been very pleased with their work.

Angers: Parking Spaces.

Discussion between Board, Staff and Applicant.

Tom Gillis: This is in jeopardy of losing funds if I cannot get some kind of temporary approval.

Discussion between Board and Staff.

MOTION:

Benway- Motion: to recess for 5 minutes.

Angers- Second.

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

Chair Southwick: we have some wording drafted up for a motion.

Discussion between Board and Staff.

MOTION:

Benway- Motion: to grant a Preliminary approval for Lnadmatters, LLC to construct 14 storage units located at 23 Marcel Avenue, conditioned on the following, the Applicant shall submit a final application and plan set no later than July 17th at 2PM and the Planning Board will not grant a final approval unless all remaining Staff and Third-Party review comments are addressed to the satisfaction of the Board, as well as any other issues or concerns raised by the Board through its review of the final plan submission.

Tarpey-Second.

Discussion between Board and Staff.

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

8. Other Business

Greg Tansley, City Planner: Next week on Tuesday, June 11th we are having a joint training session at Saco City Hall.

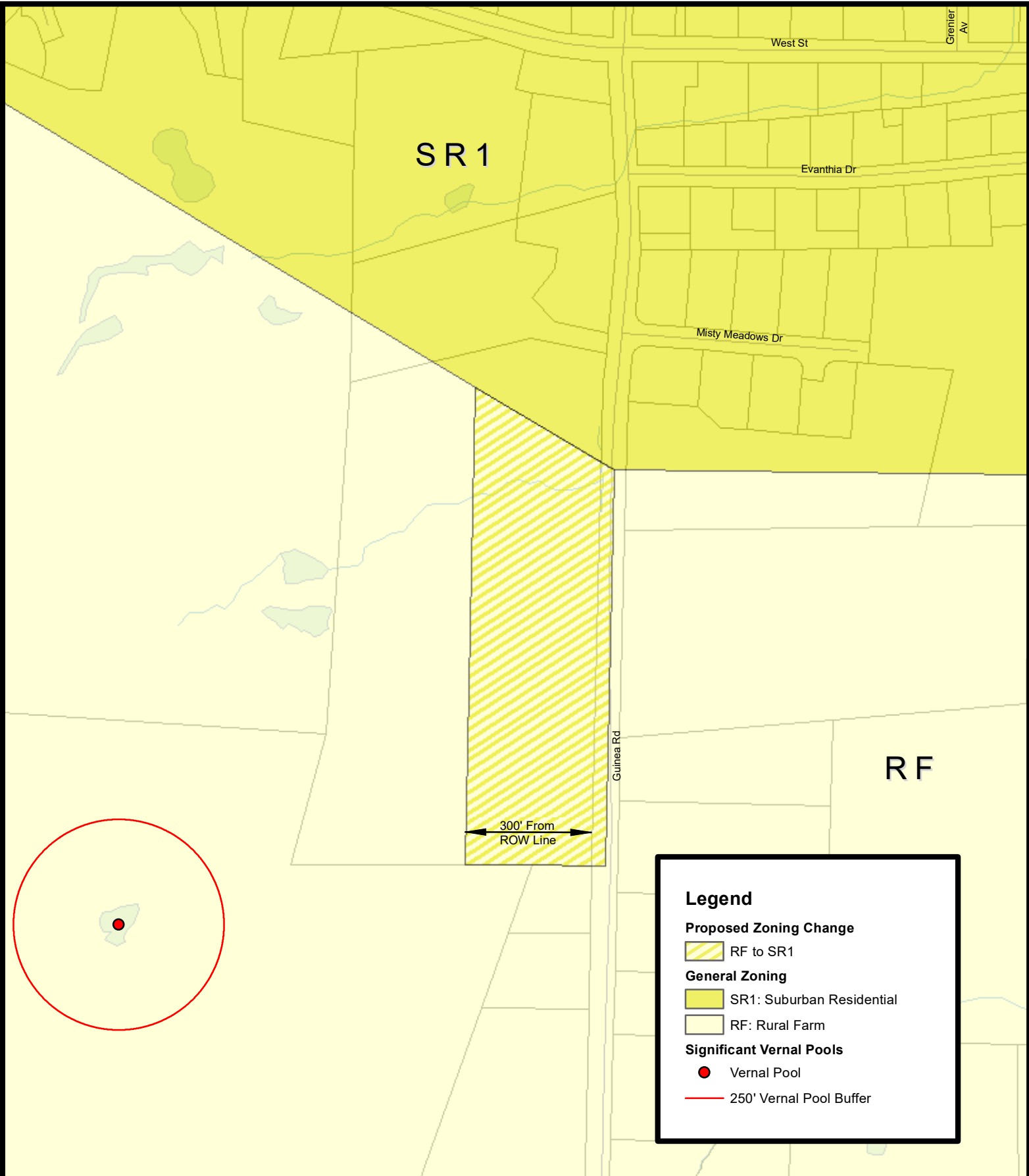
Discussion between Board and Staff regarding Comp Plan.

9. Adjourn

Meeting adjourned @ 7:34 PM

- | | |
|-----------------------------|-------------|
| <u>Planning Board Chair</u> | <u>Date</u> |
|-----------------------------|-------------|
-
- These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.

DRAFT



Proposed Zoning Change - RF to SR1





CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.04

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley".

DATE: July 31, 2019

RE: NEW BUSINESS ITEM #A - 2019.04 Public Hearing, take comments, and make recommendations to the City Council, regarding a property owner's proposed amendment to the Official Zoning Map to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1, while voluntarily imposing conservation easement in the rear of the property which remains R-F.

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

The owner of the property at 226 Guinea Road *had* requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1), rather than split between Rural Farm (RF) and SR-1. At the April Planning Board, following a Public Hearing, the Planning Board had a negative recommendation to the City Council about your proposal.

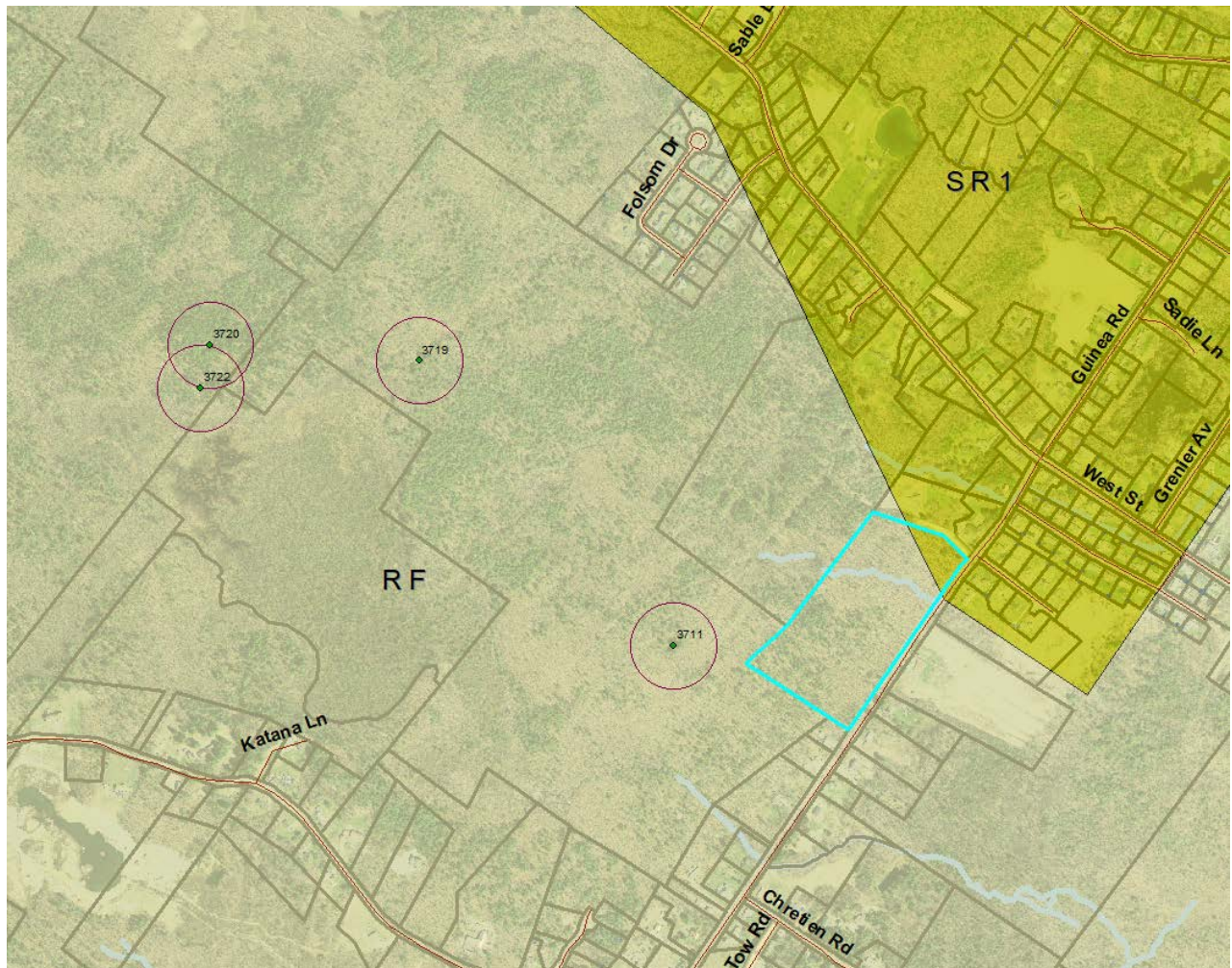
Based on this, the applicant has reformulated the proposal to consist of rezoning only the front 300' of the property along Guinea Road as SR-1. The remainder of the property unchanged by zoning would have a perpetual conservation easement on it if the zoning amendment is approved. This City Council reviewed the revised application in June.

On June 18, 2019, the City Council voted to TABLE the item until the Planning Board could evaluate the amended zoning proposal and made a recommendation back to the City Council.

Of important note, and not available at the June 18 City Council Meeting, was the mapped locations of the vernal pools on abutting Richard Rhames property. Three vernal pools are now in the State's database. The attached map shows the proposal parcel rezoning and the closest vernal pool to the property. As you can see, the 250' Maine DEP regulated buffer area around the closest vernal pools is a considerable distance from the property as a whole. In fact, measuring from the vernal pool center to the 300' limit of the zone change is approximately

840'. As such, it appears the vernal pools on the adjacent property have little or nothing to do with any development on the Van Hertl parcel proposed for rezoning to SR-1.

A zoom out of the area in ArcGIS shows the following spatial relationship between the newly mapped vernal pools and the subject parcel. The circumference displayed around each mapped vernal pool represents the 250' buffer subject to Maine DEP regulation:



The Biddeford Conservation Commission Chair appears to concur in an email to the City Planner dated 7/23/2019 stating “the significant vernal pools locations have little or no impact on the developer's plans;...” (complete e-mail is attached).

The Council also had previously asked the question about what could be developed on the remaining RF parcel (at the time, assuming it remained without a Conservation Easement). I believe it is safe to assume that with a Conservation Easement in place, nothing could happen (i.e., home construction) unless permitted through the easement.

Staff have asked for sample conservation easement language form the applicant.

SAMPLE MOTIONS:

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

ATTACHMENTS: Applicants Revised Request information
New Zoning Proposal Map – with closest vernal pool shown
Conservation Commission Chair E-mail to/from City Planner - 07/23/19

**Van Hertel Jr.
5 Shady Creek Lane
Scarborough, Maine 04074**

June 7, 2019

**Greg Tansley
Biddeford City Planner
P.O. Box 586
Biddeford, Maine 04005**

**Re: 226 Guinea Road
Rezone Request**

Dear Greg;

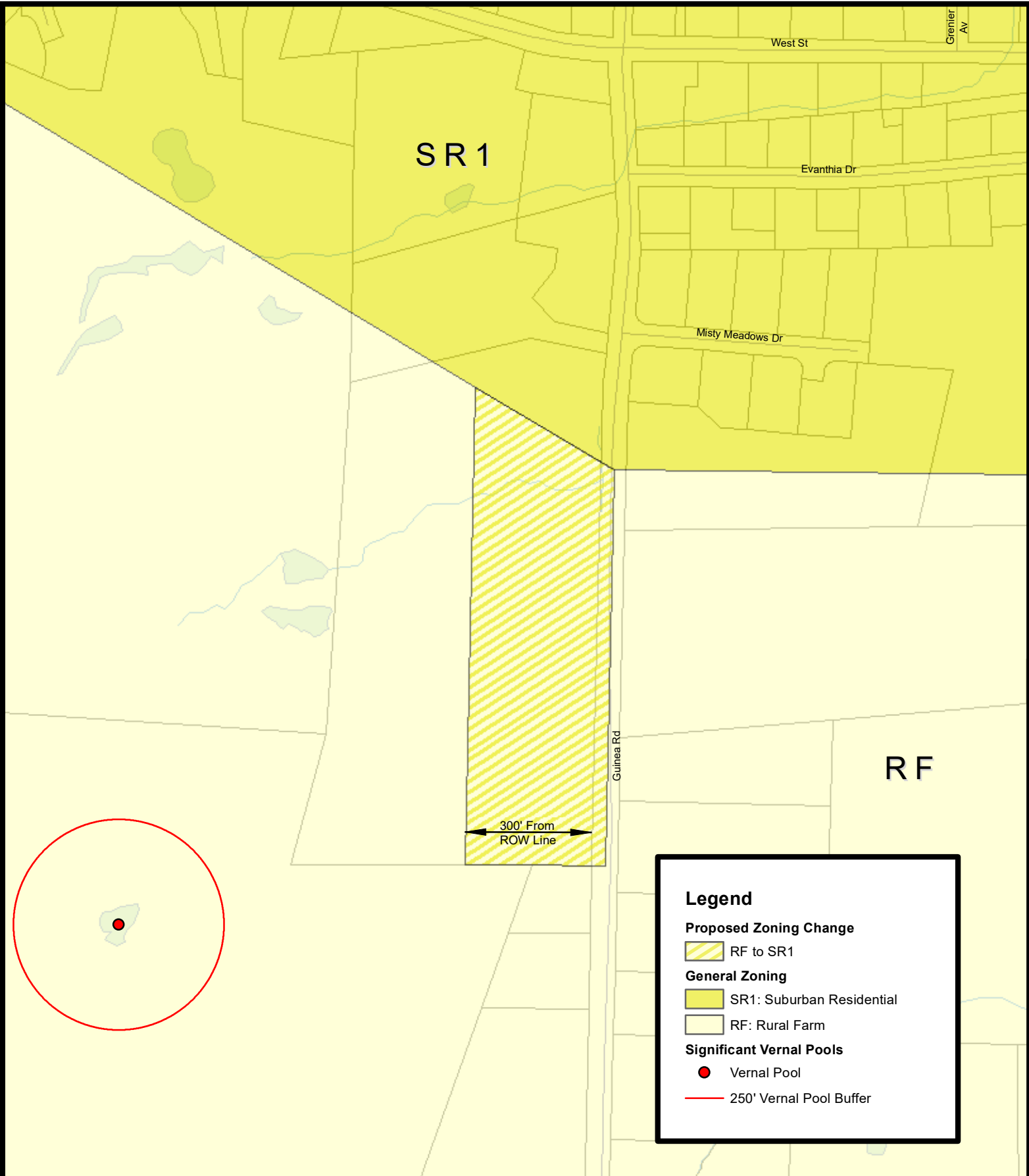
We recently presented a request for rezoning on the above-mentioned property to the City Council and action was tabled until we could give more information about the rear of this parcel that we were not requesting rezoning.

The applicant would like to propose that the rear of this property, that is beyond the 300-foot strip of property, be put into a Conservation Easement. We would work with the City to complete this conservation designation as part of our proposed development of the newly rezoned land along the Guinea Road.

We would appreciate being considered at the next available City Council meeting.

Sincerely,


Van Hertel Jr.



Proposed Zoning Change - RF to SR1



From: kbuechs@earthlink.net
To: [Tansley, Greg](#)
Subject: RE: Letters from the DEP re: Guinea Road Zoning Change
Date: Tuesday, July 23, 2019 9:22:08 AM

Greg, if I may make some projected conclusions:

the significant vernal pools locations have little or no impact on the developer's plans; but are now registered with the State

the proposed Conservation Easement proposal will continue as an integral part of his proposal

Councilor Lessard's question regarding "how many building lots are included in the proposal" will be addressed at the next PB and Council meetings

Ken

-----Original Message-----

From: "Tansley, Greg"
Sent: Jul 22, 2019 1:43 PM
To: "kbuechs@earthlink.net"
Subject: RE: Letters from the DEP re: Guinea Road Zoning Change

Ken,

Thanks.

Yes I will ask Greg to do that for what goes to the Planning Board. Just wanted to get something to you quick to acknowledge your e-mail and to understand where to VP's are spatially.

Greg

Greg Tansley, AICP
City Planner
PO Box 586
Biddeford, ME 04005
207-284-9115
Greg.Tansley@Biddefordmaine.org

From: kbuechs@earthlink.net <kbuechs@earthlink.net>
Sent: Monday, July 22, 2019 1:38 PM
To: Tansley, Greg <Greg.Tansley@Biddefordmaine.org>
Subject: RE: Letters from the DEP re: Guinea Road Zoning Change

Greg, the Determination letters for the four sites were sent by Mark Bergeron, Bureau of Land Resources.

Can you add the proposed 300' conservation easement line to the drawings please.

Ken

-----Original Message-----

From: "Tansley, Greg"
Sent: Jul 22, 2019 1:21 PM
To: "kbuechs@earthlink.net"
Subject: RE: Letters from the DEP re: Guinea Road Zoning Change

Hi Ken,

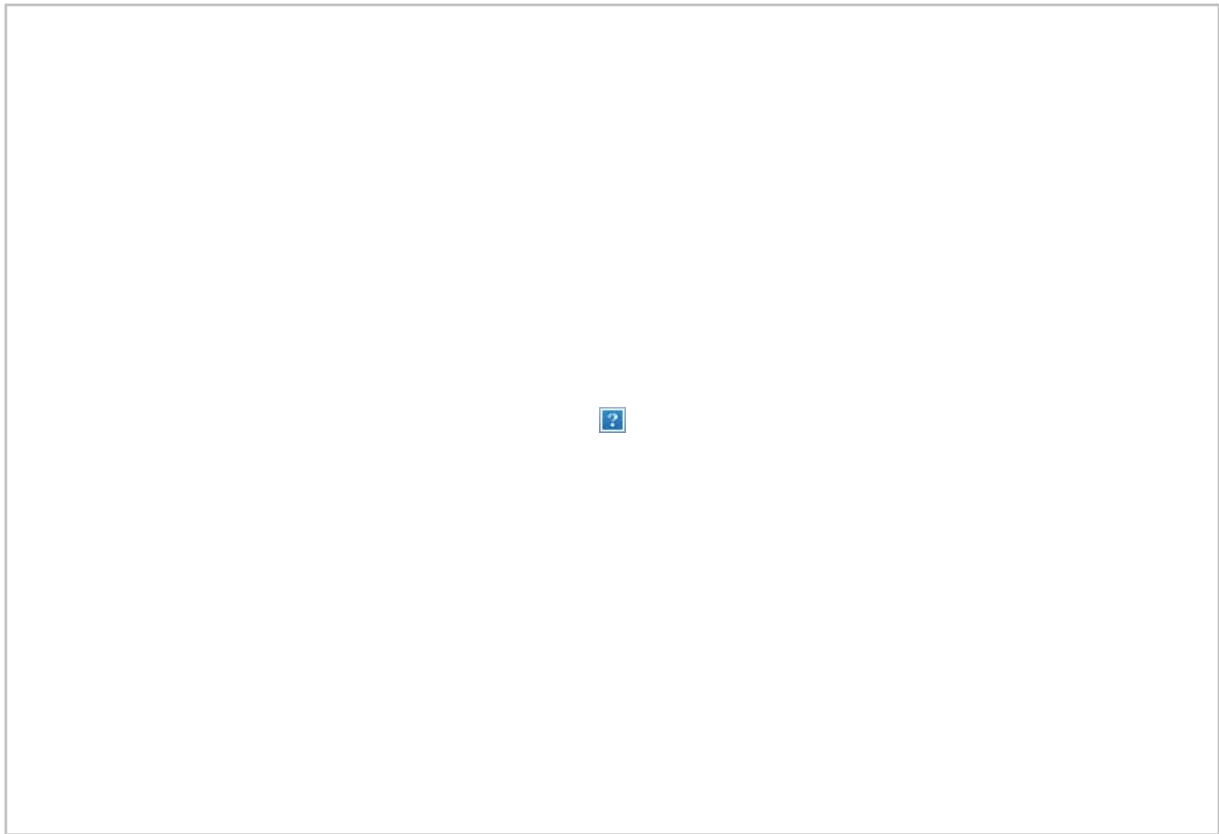
Thanks for forwarding this to us. Can you please provide the contact at Maine DEP who sent them to you?

Also, I had Greg Copeland plot the points and apply a 250' buffer around them. This provides a somewhat crude (but accurate) visual representation of the occurrences.

Something akin to this, along with the Maine DEP sheets, will be provided to the Planning Board for their August 7 review,

Thanks again,

Greg



Greg Tansley, AICP
City Planner
PO Box 586
Biddeford, ME 04005
207-284-9115
Greg.Tansley@Biddefordmaine.org

From: kbuechs@earthlink.net <kbuechs@earthlink.net>
Sent: Friday, July 12, 2019 10:19 AM
To: Tansley, Greg <Greg.Tansley@Biddefordmaine.org>
Subject: Letters from the DEP re: Guinea Road Zoning Change

Greg, attached are the two State of Maine DEP documents recognizing the two significant vernal pools. The Conservation Commission submits them for inclusion in the BP packet when this proposal is reviewed once more.

When do you foresee this appearing on the agenda?

Respectfully,

Ken Buechs
Chair, BCC

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FOR PUBLIC HEARING: AUGUST 7, 2019

Biddeford Code of Ordinances Part III (Land Development Regulations), Article XIV (Shoreland Zoning):

Section 15. Land Use Standards.

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that:
 - a. In the General Development District the setback from the normal high-water line of the wetland shall be at least 25 feet, horizontal distance;
 - b. In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback;
 - c. The setback for structures associated with Essential Services in the Limited Residential District shall be at least 75 feet, horizontal distance; and
 - d. The setback for structures from the normal high-water line of the wetland shall be at least 75 feet, horizontal distance, in that portion of the Institutional (IN) Zone subject to the Limited Residential District described as follows:

A certain lot or parcel of land situated on the easterly side of Hills Beach Road, in the City of Biddeford, County of York, State of Maine, and being more specifically bounded and described as follows:

BEGINNING at a point marking the intersection of the north westerly extension of the south westerly sideline of the UNE wastewater

treatment plant and the upper edge of the coastal wetland adjacent to the Saco River, thence southerly along a line through the south westerly sideline of the UNE wastewater treatment plant a distance of 310 feet more or less to the intersection of said line with the city of Biddeford Limited Residential (LR) zone boundary;

THENCE: north easterly along said LR zone boundary a distance of 414 feet more or less to a point;

THENCE: northerly 340 feet more or less to a point on the upland edge of the coastal wetland adjacent to the Saco River.

Meaning and intending to encompass a portion of Lot 4, as shown on City of Biddeford Official Tax Map 52.

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.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.30

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: July 30, 2019

RE: NEW BUSINESS ITEM #B - 2019.30 Public Hearing, take comments, and make recommendations to the City Council, regarding a zoning amendment to allow for a 75' setback (rather than 100' setback) for essential services in the Limited Residential Shoreland Zone.

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

Maine Water is planning a new water treatment facility on the south side of South Street. The new facility will replace the existing facility, which is north of South Street along the River. This relocation will allow them to upgrade the facility and remove it from potential damage since it is located in the Saco River Floodplain.

In developing their plans, however, it has become apparent to Maine Water that in order to generate enough draw pressure to get the water from the River to the new treatment facility, a pump station is needed.

City Staff and Maine Water discussed the possibility that the water intake system proposed by Maine Water, inclusive of the pump station, is a functionally water dependent use and therefore not subject to the minimum setback. Since it is unclear that the Maine Water facilities fully meet a functionally water dependent use as it is defined in the ordinance, Maine Water and their engineers met officials of the Maine DEP to seek their input. As a result of that meeting, the preference of both the City and the Maine DEP is to amend the ordinance as presented for the sake of clarity.

The proposed pump station will transfer water from the river uphill to the new water treatment facility. Two functional design alternatives exist for such a pumping station and both alternatives were considered. The first option requires placing the pumps below the river level to provide a gravity flow of water to the pumps. On the Maine Water property, this would require a very deep excavation, either adjacent to the river within the Shoreland Zone setback or, with the use of a deep tunnel, further back from the river. This alternative either violates the minimum setback limit or

becomes financially impractical due to the distance from the river that a pump station could be placed after accommodating the floodplain limit and a CMP easement that crosses the property. The second design option uses a vacuum priming system to lift the river water to the pumps so that the excavation can be minimized, both on land and in the river. This alternative has hydraulic design limitations, however, as there is a limit to the amount of suction lift that can be created. In this location, the pump station cannot be more than 75 feet from the river and function properly. Working with this setback, Maine Water has also addressed the siting challenges of the CMP easement and the floodplain, so the vacuum priming system has been selected by Maine Water as the desired option.

Hence, the Shoreland Zoning Amendment proposal that is before you.

Staff support this amendment. Maine Water is an essential utility in Biddeford and the region. Decreasing the setback in the LR for Essential Services enables the project to happen with no discernable impacts on the River, while maintaining state minimum required setbacks of 75'. Maine DEP have indicated they will approve this amendment should it be approved locally.

Further, staff recommend that when this reaches the City Council, the Council consider ways in which to expedite its approval to move this forward to Maine DEP for their approval in a timely manner.

SAMPLE MOTIONS:

Motion to recommend/not recommend the revised Zoning Change pass at the City Council as expeditiously as possible.



CITY OF BIDDEFORD PLANNING DEPARTMENT

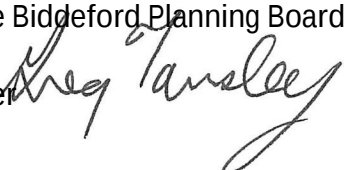
2019.28

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner 

DATE: August 1, 2019

RE: NEW BUSINESS ITEM #D – 2019.28 Conditional Use Permit for Andrew Stout to expand into the adjacent 10D unit (4,935 SF +/-) to add three additional grow rooms and a storage room at 10 Arctic Circle (Tax Map 14, Lot 4-1) in the B-2 zone.

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

1. INTRODUCTION

Medical Marijuana Growing Facilities are a Conditional Use in the Industrial-1 (I-1) Zone. Kind Acres Farms have been located at 10C Arctic Circle for 4-5 years. In discussions with Code Enforcement, we have had no complaints regarding their operation in Unit 10C.

The applicant, as described in their cover letter, is looking to expand to meet demands for their product.

2. PROJECT DATA

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Andrew Stout 16 Barra Road Biddeford, ME 04005.
2.	Owner of Property:	David Gould, 26 River's Edge Dr., Kennebunk, ME 04043.
3.	Agent:	N/A
4.	Project Location:	10D Arctic Circle

5.	Project Tax Map #/Lot #:	14/4-1
6.	Existing Zoning:	I-1 – a Medical Marijuana Medical Facility is a Conditional Use
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Industrial
9.	Proposed Use:	Expansion of a Medical Marijuana Growing Facility
10.	Approvals Required:	Conditional Use
11.	Uses in the Vicinity:	Primarily Commercial/Industrial with one Residential on Elm Street
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	None 2.9 acres
14.	Frontage Required: Provided:	50' The site has access off of Baker's Way with a Private Road/Driveway called Arctic Circle. It is an existing accessway.
15.	Front Setback Required: Provided:	40' >40'
16.	Side Setbacks Required: Provided:	25' >25'
17.	Rear Setback Requires: Provided:	25' >25'
18.	Height Requirements: Provided:	60 feet or 6 stories. < 60 feet
19.	Water Supply:	Maine Water Company
20.	Sewerage Disposal:	Private Septic System
21.	Solid Waste Disposal:	Private Hauler
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	A letter has been provided by Albert Frick Associates, Inc., indicates that the existing septic system is in good working order and operating at approximately 33% capacity today.
26.	Parking Spaces Required:	Increase of employees up to 2 more = 2 additional spaces required. 14 +/- Total Employees on site.
27.	Parking Spaces Provided (total): # Handicapped Spaces:	28 Provided on-site. N/A

28.	Ownership of Road:	Arctic Circle is a Private Road
29.	Impervious Surface Area Existing: Proposed: Net Change:	64.7% of lot (based on approved and constructed 2006 Site Plan) 64.7% of lot (no change) 0 SF
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A
36.	Waivers Needed:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
37.	Waivers Granted:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	None.
41.	Covenants, By-laws, Restrictions Required by the Planning Board/SRC:	None
42.	LDR Attachment A: Fess Paid:	Yes
43.	Planning Board Review History: Conditional Use Permit	August 7, 2019

3. EXISTING CONDITIONS

10 Arctic Circle comes off Baker's Way which provides access to FedEx site, off of Precourt Street (the "Connector"). The existing property is more than 2.9 acres in size and is developed with two (2) industrial/commercial buildings. Both buildings are connected to individual septic systems.

4. PROJECT PROPOSAL

To cultivate and process Medical Marijuana in an existing building. No sales on-site are proposed, and no site development is proposed.

5. PUBLIC COMMENT

Final Planning Board Review: August 7, 2019

- As of 7/31/19 No Public Comments have been received.

6. OUTSTANDING ISSUES TO BE ADDRESSED PRIOR TO APPROVAL:

- Staff have no additional requests.

7. STAFF REVIEW

- a. ZONING: A Medical Marijuana Growing Facility is a Conditional Use in the I-1 Zone. With Public Water there is no minimum lot size.
- b. REVIEW STANDARDS: Parking Requirements have been met and a review of the existing septic system by Matthew Logan (see letter dated July 9, 2019) evidences the ability to provide adequate septic disposal on-site. Recommend waiving all other requirements.
- c. WAIVERS REQUIRED: Article XI, Full Site Plan Review.
- d. CONDITIONAL USE STANDARDS: The following are the standards for review under a Conditional Use Permit (standards in *italic*, Staff Comments in regular font):

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

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

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

The site is an existing developed site which has been reviewed previously by the Fire Department. The Fire Department will also be involved in the Code Enforcement Department's consideration of building and occupancy permits.

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

The applicant does not intend to install any additional exterior lighting and the location is in a discreet location with no known existing lighting issues.

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

There is no development proposed by this project and the site is located in a business/industrial area and has been approved “as it is” under previous approvals by the City, most recently in 2006.

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

All activities are proposed within the existing building. The existing medical marijuana growing facility at 10 Arctic Circle is operated by this applicant. The City has received no complaints in the past related to these standards, and there is no reason to believe this will be any different.

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

Staff anticipate no issues with hazards to public safety or traffic congestion. The use itself generates very little traffic.

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

The anticipated additional employee count for the use is 2 employees. Combined, units 10C and 10 D will have up to 4 employees which is still no more than what was in the 10C Unit itself with the previous use before 2014. Further, no outside traffic is expected and there have been no previous concerns from the site in place in this regards.

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

Adjacent parcels are largely industrial/commercial in nature. Given the City's experience with their existing Medical Marijuana Growing Facility and the applicants proposal cover letter, the operation should not change in any way that may impact this standard negatively.

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

All activities will be conducted inside the building. The only residential property within 500' of the building is located on Route 1 and is not visible from the building, nor is the building apparently visible from the residential property.

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

Although the Comprehensive Plan does not specifically address Medical Marijuana Growing Facilities, this type of use is arguable specialized light industrial use which is permitted in the B-2 and I-1 zones which characterize the area, and are identified as such in the Future Land Use Plan of the Comprehensive Plan.

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

There are no modifications to the Site or Building proposed.

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

The property is not located in a flood zone.

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

The applicant has provide a letter from Albert Frick Associates, Inc. (Matthew Logan) dated July 9, 2019 who reviewed the existing septic system indicating that there is adequate capacity in the existing system to accommodate this expansion.

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

There are no site improvements/disturbances proposed.

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

There are no site improvements/disturbances proposed.

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

Maine Water Company serves this site.

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

The applicant has not indicated there will be a presence of hazardous substances, and if there were, State Law must be adhered (Condition of Approval #2).

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

No site alterations are proposed for the site.

- xix. *When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.*

The parcel is not located in a Shoreland Zone.

xx. STAFF RECOMMENDATION

Based on the proposal Staff recommend granting the waiver for “Full Site Plan Review” and approving the project.

xxi. NEXT STEPS/SUGGESTED ACTIONS

Recommend the Planning Board approve the Conditional Use Permit and the Findings of Fact based on the following conditions:

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

3. No exterior evidence of cultivation occurring within the property can be visible from any public right-of-way.
4. No cannabis odors may be detectable from any place outside the structure(s) in which the use occurs. The applicant must submit to the Code Enforcement Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan must include the following:
 - a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
 - b. A description of the specific odor-emitting activity(ies) that will occur.
 - c. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s). Odor control equipment should consist of a building, or if applicable, room ventilation system that collects the air from all potential odor generating activities and direct to a control device such as an activated carbon system. A Professional Engineer and a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors and ensuring adequate indoor air quality consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate outside of the structure(s) and that air quality inside the structure(s) meet acceptable industry standards.

xxii.

SAMPLE MOTIONS:

- I. *Motion to waive Article XI, Full Site Plan Review.*
- II. *Motion to approve the Conditional Use Permit for Andrew Stout for a Medical Marijuana Growing Facility at 10D Arctic Circle (Tax Map 14, Lot 4-1) and approve the findings of fact based on the conditions as provided in Staff's Report dated August 1, 2019.*
- III. *Motion to deny the application based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Conditional Use Permit Application Form and attachments.
2. Draft Findings of Fact and Conclusions of Law

FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT/SITE PLAN REVIEW

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article VI (Conditional Uses) and Article XI (Site Plan Review), the Biddeford Planning Board has considered the application of Andrew Stout of Kind Acres Farms to expand their medical marijuana grow operation into the adjacent unit (10D). Based on its review, including supportive data, public hearing testimony and related materials contained in the record, 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:	Andrew Stout 16 Barra Road Biddeford, ME 04005.
2.	Owner of Property:	David Gould, 26 River's Edge Dr., Kennebunk, ME 04043.
3.	Agent:	N/A
4.	Project Location:	10D Arctic Circle
5.	Project Tax Map #/Lot #:	14/4-1
6.	Existing Zoning:	I-1 – a Medical Marijuana Medical Facility is a Conditional Use
7.	Overlay Zoning:	None
8.	Existing Use:	Commercial/Industrial
9.	Proposed Use:	Expansion of a Medical Marijuana Growing Facility
10.	Approvals Required:	Conditional Use
11.	Uses in the Vicinity:	Primarily Commercial/Industrial with one Residential on Elm Street
12.	Number of Lots/Units in Subdivision:	N/A
13.	Minimum Lot Size Required: Provided:	None 2.9 acres
14.	Frontage Required: Provided:	50' The site has access off of Baker's Way with a Private Road/Driveway called Arctic Circle. It is an existing accessway.
15.	Front Setback Required: Provided:	40' >40'
16.	Side Setbacks Required: Provided:	25' >25'

17.	Rear Setback Requires: Provided:	25' >25'
18.	Height Requirements: Provided:	60 feet or 6 stories. < 60 feet
19.	Water Supply:	Maine Water Company
20.	Sewerage Disposal:	Private Septic System
21.	Solid Waste Disposal:	Private Hauler
22.	Fire Protection:	City of Biddeford
23.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone
24.	Wetland/Surface Water Impacts:	None
25.	Soil Study Provided:	A letter has been provided by Albert Frick Associates, Inc., indicates that the existing septic system is in good working order and operating at approximately 33% capacity today.
26.	Parking Spaces Required:	Increase of employees up to 2 more = 2 additional spaces required. 14 +/- Total Employees on site.
27.	Parking Spaces Provided (total): # Handicapped Spaces:	28 Provided on-site. N/A
28.	Ownership of Road:	Arctic Circle is a Private Road
29.	Impervious Surface Area Existing: Proposed: Net Change:	64.7% of lot (based on approved and constructed 2006 Site Plan) 64.7% of lot (no change) 0 SF
30.	Total Disturbed Area:	0 SF
31.	Estimated Site Development Costs:	N/A
35.	Financial Capacity Letter:	N/A
36.	Waivers Needed:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
37.	Waivers Granted:	a. Article XI, Full Site Plan Review as per Article XI, Section 9.B.2.
38.	Variances Needed for Approval:	None.
39.	Other Permits Obtained:	N/A
40.	Other Non-City Permits Required:	None.
41.	Covenants, By-laws, Restrictions Required by the Planning Board/SRC:	None
42.	LDR Attachment A: Fess Paid:	Yes

43.	Planning Board Review History: Conditional Use Permit	August 7, 2019
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Conclusions of Law:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties, which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal.
10. The proposed use would be in compliance with Biddeford's comprehensive plan;

11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;
12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;
15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)
17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas, historic sites, archeological resources, or on significant wildlife habitat or wetland areas and water bodies, which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.

Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Conditional Use Permit and Site Plan Review the proposed project summarized above, located at 10D Arctic Circle (Tax Map 14, Lot 4-1) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

- 1. Standard Conditions of Approval apply.**

2. The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.
3. No exterior evidence of cultivation occurring within the property can be visible from any public right-of-way.
4. No cannabis odors may be detectable from any place outside the structure(s) in which the use occurs. The applicant must submit to the Code Enforcement Department for review and approval an Odor Abatement Plan. The Odor Abatement Plan must be reviewed and approved by the City prior to permit issuance. The Odor Abatement Plan must be implemented prior to the issuance of an occupancy permit. The Odor Abatement Plan must include the following:
 - a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
 - b. A description of the specific odor-emitting activity(ies) that will occur.
 - c. A description of all equipment and methods to be used for reducing odors and ensuring that odors do not migrate outside of the structure(s). Odor control equipment should consist of a building, or if applicable, room ventilation system that collects the air from all potential odor generating activities and direct to a control device such as an activated carbon system. A Professional Engineer and a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors and ensuring adequate indoor air quality consistent with accepted and available industry-specific best control technologies and methods designed to ensure that odors from the use do not migrate outside of the structure(s) and that air quality inside the structure(s) meet acceptable industry standards.

Planning Board Chairperson

Date



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.31

Greg D. Tansley, A.I.C.P.
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Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: August 1, 2019

RE: 2019.31 Conceptual Site Plan Review for Eastwoods Development Corp. to construct an 30' x 60' structure (1800 sq. footprint) with access to 2 levels. This will allow for a total of 3600 sq. ft. office space with a total of 18 parking spaces located at 8 Wellspring Road (Tax Map 2, Lot 47-4) in the I-3 zone.

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

1. INTRODUCTION

Eastwoods Development Corporation has applied for a Concept Review of a proposal for a new 1,800 SF Footprint structure (with two stories) on Wellspring Road. Wellspring Road is located off Route 111 in the industrial-3 (I-3) Zone. According to the applicant, the building would be used for offices. The Concept Plan includes eighteen (18) parking spaces which meets the requirements for one (1) parking space per 200 SF floor area for offices.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

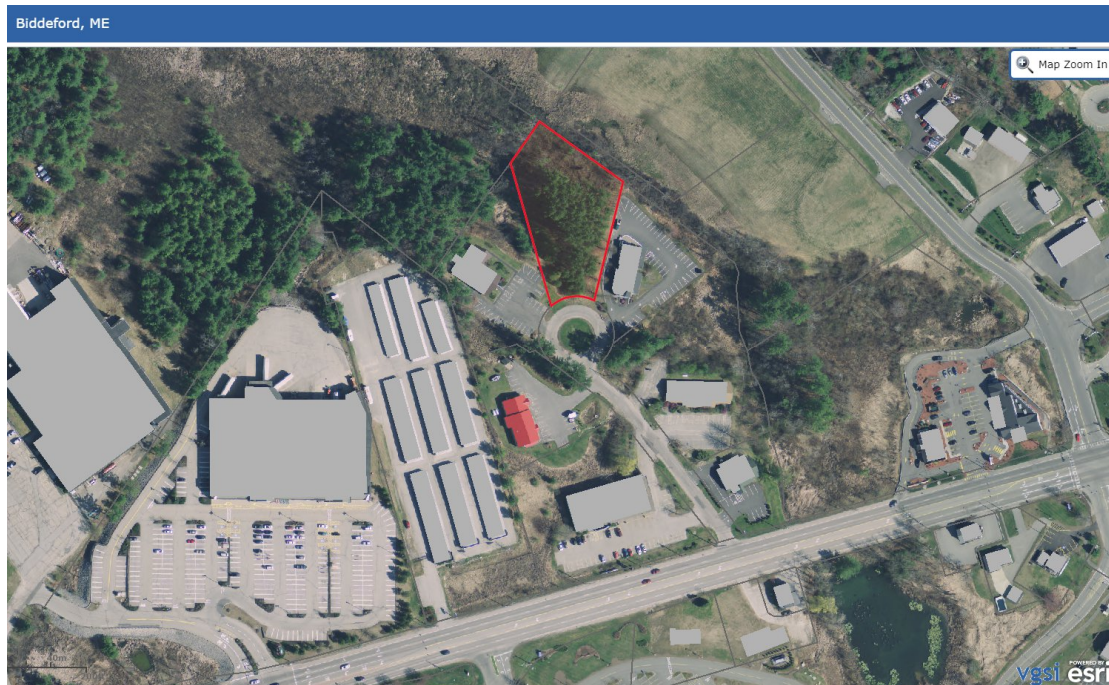
	SUBJECT	DATA/INFORMATION
1.	Applicant:	Eastwoods Development Corporation 185 Granite Street Biddeford, ME 207-229-2157
2.	Owner of Property:	Eastwoods Development Corporation 185 Granite Street Biddeford, ME

		207-229-2157
3.	Agent:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
4.	Engineer:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
5.	Surveyor:	Paul P. Gadbois, P.E. P.O. Box 327 Biddeford, ME 04005
6.	Project Location:	8 Wellspring Road
7.	Project Tax Map #/Lot #:	Tax Map 2, Lot 47-4
8.	Existing Zoning:	I-3
9.	Overlay Zoning:	None
10.	Existing Use:	Vacant Land
11.	Proposed Use:	13,600 SF Offices
12.	City Approvals Required:	Site Plan Review
13.	Uses in the Vicinity:	Commercial, Medical
14.	Parcel Size:	46,235 SF
15.	Number of Lots/Units in Subdivision:	N/A – Commercial Units
16.	Minimum Lot Size Required: Provided:	None None
17.	Frontage Required: Provided:	50 feet. More than 50 feet
18.	Front Setback Required: Provided:	40 feet 40 feet
19.	Side Setbacks Required: Provided:	25 feet 25 feet
20.	Rear Setback Requires: Provided:	25 feet 25 feet
21.	Height Requirements: Provided:	Maximum 6 stories, 60 feet Less than 6 stories, 60 feet
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	TBD
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	18
30.	Parking Spaces Provided (total): # Handicapped Spaces:	18 Minimum 1 Required

31.	Ownership of Road:	Wellspring Road is a City Street
32.	Impervious Surface Area:	TBD
33.	Total Disturbed Area:	TBD
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	a.
37.	Waivers Granted:	a.
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	None
40.	Other Non-City Permits Required:	TBD
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	Concept Review Fees Paid.
41.	Planning Board Review History: Conceptual Review:	August 7, 2019

2. EXISTING CONDITIONS

The proposed property is vacant.



Source: "23 Raymond Street".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=263>. Accessed Date: 07/31/2019.



Source: "8 Wellspring Road, Biddeford, Maine." 43°28'52.54" N 70°29'29.67" W.
Google Earth Street View. Imagery Date: 7/2018. Accessed Date: 07/31/2019.

3. PROJECT PROPOSAL

See attached application package and Concept Plan for more information.

4. PUBLIC COMMENT

Concept Review: August 7, 2019

- No Public Comments have been received as of July 31, 2019..

5. STAFF REVIEW

- ZONING: Offices are a Permitted (P) Use in the I-3 Zone.
- REVIEW STANDARDS: Site Plan Review (Article XI), Performance Standards (Article VI).
- WAIVERS: None.
- OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

- The Disability Parking provided is unacceptable. The disability parking shown, located as far from the front and rear entrance as possible, needs to be amended to honor the ADA disability requirements and the intent of providing disability parking in the first place.

Only one space is required, and it needs to be as close, if not closer, to the entrance as any other parking space. Provide evidence that the required disability parking will meet all accessibility requirements including width, striping, and grade.

- Provide site signage plan.
- Add the parking requirement on Sheet 1 to Note 4.
- Parking

LDR, Article VI, Section 49:

“Parking and loading areas for commercial establishments shall be located at the side or rear of the principal building as much as possible.”

LDR, Article VI, Section 52:

“Parking for professional offices shall be located to the side or rear of the building, and shall be screened from view from all streets and abutting residential properties.”

COMMENT:

- Staff are unclear why the building cannot be brought to the front of the site with parking entirely located to the rear and side.
- Correct plan for both the disability parking issues as well as to comply with the need to bring the building forward and have all of the parking to side and the rear of the building.

- Show typical details for all infrastructure.
- Provide Landscaping Plan. Note the following (LDR, Article VI, Section 43):

“A. The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping

with the general appearance of neighboring areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses.

B. Exclusive of the B-1 District, commercial and industrial uses shall maintain the first 25 feet from the edge of the right-of-way (excluding driveways) in front of all buildings, structures and impervious areas as a green strip. The green strip shall consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery), with a two-and-one-half-inch diameter or larger deciduous shade tree, spaced every 25 feet, or a shrub, two to three feet in height, minimum, placed the equivalent of one per 10 feet, along the green strip and parallel to the right-of-way. In order to ensure proper visibility for entering and departing vehicles, all driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines.”

- Provide building design details and elevations, including materials list. I-3 specific standards include the following:

LDR, Article V, Section:

“I-3: Is a gateway zone for a major entrance to the City, as such, appearance of structures and properties is a major consideration in the Planning Board's review process. Land use proposals in this area must meet more stringent design and landscaping standards; facades of new or rehabilitated structures shall be of brick or stone, other materials may be considered on a case-by-case basis; residential styled structures may be allowed on a case-by-case basis. The general zone allows a mixture of commercial and industrial uses. Exterior storage and display is prohibited except on those parcels of land that abut Pomerleau Street but do not abut either Barra Road or Alfred street (Route 111).”

LDR, Article XI, Section B.5:

2. In the I-3 Zone structures shall have a facade sheath in brick or other masonry finish. Other facade finishes may be used when it can be clearly shown to the board that such facing material will advance the City's intent to make the I-3 area a more attractive gateway to the City.

- Provide advertising sign plan, as well as general site sign plan.
- Add all typical notes to the plans.
- Provide Lighting Plan.

- Provide all standard Ability to Serve Letters.
- Third-party Engineering Review will begin once a more complete plan set is provided. Since this is in the Thatcher Brook Watershed, expect close attention to Erosion and Sediment Control during construction, Stormwater Management Design and Analysis, and post-construction maintenance and reporting requirements.
- Thatcher Brook is now classified as an Urban Impaired stream. Maine DEP may require a stormwater compensation fee. Check with Maine DEP before submitting for a subsequent review.
- Review Article XI, B.2. for Site Design Criteria.

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

6. STAFF RECOMMENDATION

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

7. NEXT STEPS/SUGGESTED ACTIONS

1. Address Staff's Comments.
2. Planning Board to provide feedback to the Applicant based on the review of the Conceptual Plan Design, staff comments, and any public comments.
3. Applicant to submit a complete Application Package for further review.

8. SAMPLE MOTIONS:

N/A

ATTACHMENTS:

1. Application and Conceptual Site Plan.