

City of Biddeford
Planning Board
August 03, 2022 6:00 PM City Hall
Council Chambers, & via Zoom
<https://biddeford.zoom.us/j/92229406440?pwd=UmwyY3E3aVdoZmw2OThYZUlITEs5Zz09>
Passcode: 924027
Webinar ID: 922 2940 6440

STATUS: Planning Board in the Council Chambers & via Zoom; 6:00 PM

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Approval of Meeting Minutes from July 6, 2022
[PB Minutes 070622-DRAFT.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. 2022.17 Review of Sketch Plan & Preliminary Approval for Peter & Susan McPheeters at 81 Guinea Road (Tax Map 76, Lot 37 & Tax Map 77, Lot 35) in the SR-1 & RF zones. The McPheeters would like to subdivide their 20 acre parcel into 4 residential house lots.

Applicant: Peter & Susan McPheeters
Agent: Paul Gadbois
Tax Map/Lot: 76/37 & 77/35
Zone: Suburban Residential 1 & Rural Farming
Overlay: Stream Protection
Defined Land Use: Residential
Application Type: Sketch Plan & Preliminary Approval
Public Comments will be accepted for this item

[McPheeters Guinea SR.pdf](#)
[1790 McPheeters Binder 04-19-22.pdf](#)
[Locus Deed 18675-261.pdf](#)
[Locus Deed 18675-263.pdf](#)
 - 7.B. 2022.26 Review of a Conditional Use Permit for Edwin J. Larrivee, Jr. at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 zone. Mr. Larrivee would like use the upstairs of the structure for cannabis, cannabis infused food & candy for wholesale & retail.

Applicant: Edwin J. Larrivee, Jr.
Agent: N/A
Tax Map/Lot: 15/8-1

Zone: Industrial 1
Overlay: N/A
Defined Land Use: Commercial Building
Application Type: Conditional Use Permit-Final Approval
Public Comments will be accepted for this item

[2022.26 Ganja Candy draft FOF.pdf](#)
[2022.26 Ganja Candy Report.pdf](#)
[Documents with photos 5-31-2022.pdf](#)

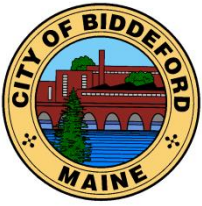
- 7.C. 2022.30 Review of a Conceptual Plan for Shawn Brown to create a 5 lot subdivision in the Residential 2 Zone at 355 Pool Street (Tax Map 44, Lot 21).

Applicant: Shawn Brown
Agent: Walter E. Pelkey, BH2M
Tax Map/Lot: 44/21
Zone: Suburban Residential 1
Overlay: N/A
Defined Land Use: Residential
Application Type: Conceptual Site Plan
Public Comments will be accepted for this item
[2022.30 355 Pool Street Subdivision Sketch Report.pdf](#)
[Pool St Sketch Plan submission packet 7-12-22.pdf](#)
[355 Pool St Wetland Report and Attachments.pdf](#)
[Brown Pool St App.pdf](#)
[Saco River Corridor Commission Notice of Approval.pdf](#)

8. OTHER BUSINESS

9. ADJOURN

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



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes **DRAFT**

Date: July 6, 2022
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Bill Southwick (Chair), Roch Angers, Sean Tarpey, Alexa Plotkin & Larry Patoine
Staff Present: Matt Grooms (City Planner), Hannah Bonine (Asst. Planner), & Nan Whitten
Vice Chair Angers opened the meeting at 6:00 PM
3. Adjustments to the Agenda
4. Planner's Business
Planner Grooms announced that Hannah Bonine is leaving the City and this is her last Planning Board Meeting.
5. Consent Agenda
Approval of Meeting Minutes for 6-1-22 & 6-15-22
MOTIONS: 6:04 PM
Patoine-Motion-to Approve Meeting Minutes from 6-1-22 7 6-15-22
Tarpey-Second
Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Tarpey, Plotkin & Patoine)
6. Unfinished Business
7. New Business
7A. 2022.12 Final Site Plan & Conditional Use Permit Application for SteelClad Biddeford, LLC to create a Climate Controlled Self Storage Facility on Enterprise Drive (Tax Map17, Lot 7-2-1) in the I-3 Zone (new lot created from 451 Alfred Street).
Applicant: SteelClad Biddeford, LLC
Agent: Acorn Engineering, Inc.
Tax Map/Lot: 17/7-2-1
Zone: Industrial 3 (I-3)
Overlay: None
Defined Land Use: Auto Sales (Parking lot area for overflow parking)
Application Type: Final Site Plan & Conditional Use Permit Application
Public Comments will be accepted for this item
 - Matt Grooms introduced the project
 - He talked about the easements along Alfred Street

- The Eastern Trail has taken a different direction and are no longer looking at this site.
- There are 7 Conditions of Approval
- It has been documented that there are no wetlands on the site.
- Representing SteelClad:
Bob LeBlanc of SteelClad, LLC
Sam Lebel of Acorn Engineering
Danica Dallam
- There have been minor changes to the site plan in response to the comments from the Planning Board.
- Access is still through West Cole Road
- They are working with CMP about the vegetation with various species. They will be keeping the buffer between the locus & Five Point Auto.
- Ms. Dallam presented the 3 options of colors
- There were no public comments
- The Board asked about the state of the wetlands and the documentation received.
- It was noticed that a part of the application package said 25 parking spaces and another said 26. The applicant created another parking space for a total of 26 spaces, 25 was a typographical error.
- The Thatcher Brook Compensation Fee was mentioned
- The difference in the 3 options was discussed.

MOTIONS: 6:32 PM

Patoine-Motion-To grant the waiver to Article XI, Section 5.B.4.f-to permit pavement within the required side and rear property setbacks.

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Patoine)

Patoine-Motion-to approve the Final Site Plan for SteelClad Biddeford, LLC for a new three-level self-storage facility (Tax Map 17, Lot 7-2-1) in the I-3 zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated June 30, 2022.

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Patoine)

Anger-Motion-to approve the conditional use permit for the use self-storage within the I-3 zone.

Patoine-Second

Chair Southwick-Roll Call for Vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Patoine)

7B. 2022.29 Determination of the Greatest Practical Extent for Kate O'Brien Nowak & Derek Nowak to replace the foundation and expand a nonconforming structure in the Coastal Residential, Resource Protection Shoreland Overlay zone at 65 Mile Stretch Road (Tax Map 61, Lot 19-1).

Applicant: Kate O'Brien Nowak & Derek Nowak

Agent: Chris Garland of Caleb Johnson Studios
Zone: Coastal Residential
Overlay: Resource Protection Shoreland
Defined Land Use: Single Family Residential
Application Type: Greatest Practical Extent
Application Status: Request Final Approval
Public comments will be accepted for this item.

- Hannah Bonine introduced the project
- Chris Garland represented the applicant
- The extent of the improvements to the structure triggered a replacement foundation.
- There are new peers for the building 3.4’.
- The loft is being removed so the structure will be no taller.
- One bedroom will be added
- The existing cesspool will be removed and a new septic will be added.
- No one from the public commented.
- The Board questioned the expansion and the approval process for it
- Planner Grooms explained the GPE Permit vs the building permit request

MOTIONS: 6:46 PM

Angers-Motion-to approve the Determination of Greatest Practical Extent for Kate O’Brien Nowak and Derek Nowak based on the approved plan prepared by Tara M. Mullen dated 3-29-21, for 65 Mile Stretch Road and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Staff Report dated June 28, 2022.

Patoine-Second

Chair Southwick-roll call for vote-Motion Passed 3-1 (Angers, Plotkin & Patoine in favor, Tarpey against)

Angers-Motion-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.

Tarpey-Second

Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Patoine)

7C. 2022.27 Conditional Use Permit Request for Gasland Farms LLC to open a Medical Cannabis caregiver retail store at 10-12 Grays Lane (Tax Map 12, Lot 12) in the Industrial 1 zone.

Applicant: Nick Boss for Gasland Farms LLC

Agent: Jill Polster, Esq.

Tax Map/Lot: 12/12

Zone: Industrial 1 (I-1)

Overly: N/A

Defined Land Use: Commercial Warehouse

Application Type: Conditional Use Permit

Application Status: Request Final Approval

Public comments will be accepted for this item

- **Hannah Bonine introduced the project**
- **Attorney Jill Polster represented the applicant**
- **Matt Laudani the building owner and Nick Boss also represented the applicant**
- **Public Commenters:**
 - Leonard & Joanne Bertrand of 6 Grays Lane**
 - Matt & Maureen Angotti of 4 Grays Lane**
 - Michael Wiley of 16 Grays Lane**
- **Concerns of the public is traffic, odor, quantity of marijuana establishments nearby**
- **The Board shared the concerns of traffic and odor**
- **The applicants are willing to work with the neighbors**
- **The applicants stressed that there will be no odor as the product is prepackaged and there is no cultivation on the site.**
- **Any odor will be lower than the maximum allowed by the City of Biddeford's Odor Ordinance**
- **The neighborhood has the benefit of responsible owners who care about the neighborhood**
- **Chair Southwick reminded the audience that the Board has limited power they have to abide by the ordinance and permitted uses.**
- **The Planner reminded the Board that they must be consistent and cannot set a precedent, this type business is allowed in this zone**
- **Buffering can be a condition of approval**
- **There is no documented evidence of this type of business causing a decline in value in area real estate.**

MOTIONS: 7:25 PM

Plotkin-Motion-to Waive Article XI, Section II-Full Site Plan Review

Angers-Second

Chair Southwick-roll call for vote-Motion passed 3-2 (Tarpey, Plotkin & Southwick in favor, Angers & Plotkin against, Chair Southwick breaking the tie)

Plotkin-Motion-to approve the Conditional Use Permit for Gasland Farms LLC for a Medical Marijuana Caregiver store at 10-12 Grays Lane (Tax Map 12, Lot 12) and approve the findings of fact based on the conditions recommended by Staff in its report dated June 28, 2022.

Tarpey-Second

Chair Southwick-roll call for vote-Motion passed 3-2 (Tarpey, Plotkin & Southwick in favor, Angers & Plotkin against, Chair Southwick breaking the tie)

8. Other Business

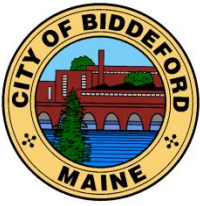
9. Adjourn

Meeting adjourned at 7:35 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: Chair Southwick and the Biddeford Planning Board

FROM: Matthew Grooms, AICP, City Planner

DATE: July 28, 2022

RE: New Business Item 7.A. – 2022.17 Sketch Plan Review for 4-lot single-family subdivision and private roadway construction at 81/97 Guinea Road (Tax Map 76/77, Lots 37/35) in the SR-1 and SP zones.

MEETING DATE: Wednesday, August 3, 2022 at 6:00 pm

I. INTRODUCTION

The proposal before the Planning Board is for a four-lot, single-family subdivision of a 22.34-acre parcel of land at 81 Guinea Road in the Suburban Residential (SR-1) and Stream Protection (SP) sub-district of the shoreland zone. While the subdivision would result in four new buildable lots, the scope of work proposed at this time is limited to the development of a private roadway and extension of water and underground electrical service. The project would result in 9,250 square feet of wetland fill, and will require a DEP Maine Construction General Permit, a DEP Stream Crossing permit, and both a DEP and Army Corps of Engineers Wetland Fill permit.

The application appears to be consistent with the City's major subdivision definition, which the Planning Board will determine as part of this meeting. This finding is due to the proposed creation of a new private way, and extension of public water to service the four lots. This determination will be made at the Planning Board's August 3rd meeting.

II. PROJECT INFORMATION

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant/Property Owner	Peter and Susan McPheeters P.O. Box 224 Biddeford
2.	Agent/Engineer	Paul Gadbois, P.E., P.L.S. P.O. Box 327 Saco, ME 04072
3.	Project Location	81/97 Guinea Road
4.	Map/Lot	Tax Map 76/ Lot 37 AND Map 77/Lot 35
5.	City Approvals Required	Minor Subdivision/Site Plan

6.	Existing Zoning	Suburban Residential (SR-1)
7.	Overlay Zoning	Stream Protection (SP) Shoreland Zone
8.	Existing Use	Undeveloped property. Mixture of woodlands, wetlands, and field.
9.	Proposed Use	Single-Family Residential
10.	Uses in the Vicinity	Residential
11.	Parcel Size	22.34 acres
12.	Water Supply	Maine Water
13.	Sewerage Disposal	Private Septic
14.	Solid Waste Disposal	City of Biddeford
15.	Fire Protection	City of Biddeford
16.	Parking Spaces Required	2 spaces/dwelling unit
17.	Parking Spaces Provided	Minimum of 8 (within driveways)
18.	Ownership of Road	Private Roadway, to be managed by HOA
19.	Estimated Site Development Costs	Not provided
20.	Financial Capacity Letter	Applicant shall provide financial capacity letter.
21.	Waivers Needed/Requested	No waivers have been requested
22.	Waivers Granted	N/A
23.	Additional Approvals/Permits Needed	DEP Maine Construction General Permit, DEP Stream Crossing permit, and both a DEP and Army Corps of Engineers Wetland Fill permit
24.	Fees Paid (LDR Attachment A)	All application fees paid
25.	Planning Board Review History	Preliminary Review – 8/3/2022

III. **AREAS OF REVIEW**

The proposed development is subject to the following areas of review.

A. Zoning:

The property is zoned Suburban Residential (SR-1) which permits by right single-family development. Based upon the proposed utility infrastructure, with water service and no sanitary sewer, the minimum lot size is 20,000 square feet, with a minimum frontage requirement of 100 feet, front setback requirements of 40 feet, and side and rear setbacks of 10 feet. The maximum building height is 35 feet. At this time, given that no buildings are being proposed, staff can confirm that the lots meet minimum lot size and frontage requirements. Setbacks and building heights will be confirmed when applications are submitted for the individual buildings.

The Stream Protection (SP) sub-district of the shoreland zone permits both roadways and single-family development, though a variance from the Zoning Board of Appeals is required for any portion of a single-family home or driveway within the stream protection zone. The exact boundaries of the SP zone are to be determined in the field as part of an application. The applicant should clarify building envelopes, and indicate whether any portion of driveway or building is likely to occur within the SP zone.

B. Subdivision:

The City's subdivision ordinance specifies that the subdivision of property involving development of a new public or private way, along with the extension of public utilities, regardless of the number of lots being developed, is considered a 'major subdivision', which requires sketch plan, preliminary plan, and final plan review.

The City has reviewed this application against the City's subdivision requirements and relevant zoning performance standards, including Sections 26 (Erosion Control), 50 (Preservation of Landscape/Natural Vegetation), 51 (Private Ways and Roads), 61 (Stormwater Management), and 70 (Wildlife Preservation). Review comments are provided below.

1. General Subdivision

- i. A boundary survey shall be provided.
- ii. An existing conditions plan shall be provided as part of the final plan set.
- iii. Yard areas shall be depicted on the final subdivision plan.
- iv. Proposed monumentation should be shown on the final subdivision plan. Per Section 51.D.1, monumentation is required per the standards of Section 62-87.
- v. Existing and proposed contours should be labeled.
- vi. Given the existing location of wetlands, and the proposal to have two lots fronting on the proposed turnaround, we recommend that proposed driveway locations be shown for the four lots.
- vii. The final plans should include details for all storm drainage, including how the existing culvert will be extended, trench sections, elevations and materials, etc.
- viii. The applicant shall provide draft covenants and deeds for each lot being proposed per Section 66-35(d).
- ix. A statement of financial capability shall be provided.
- x. Applicant shall provide letters of approval from the following entities in support of the project; Fire Department, Maine Water, and Police Department.
- xi. The application indicates that properties are to be serviced by public trash pick-up. Section 66-20 states that no private ways shall be serviced by municipal services, which includes trash, snow plowing, or street building and/or maintenance.

2. Roadway Design and Maintenance

- i. The plan calls for a 40 foot paved apron, while a 50 foot paved apron is required per Article VI, Section 51.D.9. Table 6-50 for paved streets.
- ii. Article VI, Section 51.D.6. requires that a road maintenance agreement be provided. A draft copy of this shall be provided for review by City staff as part of the final plan submission.
- iii. Side and back slopes along the road are called out as 2H:1V, but are closer to 1.5H:1V. The plans should be updated to reflect this.
- iv. The roadway typical section reflects 3H:1V side slopes and back slopes. The typical sections should be revised, and the methods for stabilizing these slopes shown.
- v. Can the road be slightly adjusted to closer align with Burleigh Lane?
- vi. The applicant shall clarify whether the proposed grading reflects the bottom of the ditch 6 inches below the subgrade?
- vii. All radii and turnaround dimensions should be shown.

- viii. We recommend that the gravel end of the proposed grade break at Sta 5+96.69, and the proposed slope beyond the gravel be shown in the profile.
- ix. Roadway ditch protection should be specified.
- x. Pavement joint details shall be provided.
- xi. Design calculations for the proposed pipe arch should be provided. There will also need to be a submittal stamped by a Maine Registered Professional Engineer provided to the City Engineer.

3. Utilities:

- i. Utilities shall be shown on the plans. The cover letter indicates that the utilities will be underground, while the plans call for overhead electric and communication.

4. Environment:

- i. It appears that it will be difficult to modify the existing 30" diameter culvert and install the proposed 36" diameter culvert without encroaching on the abutting property.
- ii. Applicant should consider limiting forest removal activities to the period of time between October 31st and April 16th, to minimize impacts to breeding/nesting migratory birds and bats.
- iii. The application identifies three separate soil types (BuC, BuD, and SC) across the property. In accordance with the environmental constraints review, development footprints should be minimized on these soil types.

C. Waivers:

The following waivers have been identified by the City's peer review engineer as being required for the project to proceed. The applicant shall submit formal waiver requests to be evaluated by the City.\

- 1. Article VI, Section 51.D.9. Table 6-50. This standard pertains to maximum road slope. The maximum permitted slope is 8%.
- 2. Article VI, Section 26.F. This standard states:

The top of a cut or the bottom of a fill section shall not be closer than 10 feet to an adjoining property, nor shall said cut or fill exceed the three-to-one slope unless the Planning Board waives either or both requirements upon the applicant's demonstration, certified by a Maine licensed professional engineer (P.E.), that a steeper slope, whether or not closer than 10 feet to the adjoining property, is stable, will not result in excessive downstream erosion or sedimentation, nor cause any additional adverse impact on the adjoining property.

- 3. The applicant has requested that, in lieu of providing a performance guarantee for the roadway construction, that the issuance of building permits be contingent upon construction of the road in accordance with the approved plan.

IV. COMPLETENESS REVIEW

This application is before the Planning Board as required by Chapter 66 (Subdivisions) subject to Subdivision review and approval. Per the City's Subdivision ordinance (66-26), all applications have a three tier approval process beginning with a Sketch Plan review. The applicant has submitted information that is adequate for a Sketch Plan review.

V. CONCLUSION

The submitted application provides enough information for the Board to comment on and familiarize themselves with the project. The scope of the application appears to be aligned with the definition of a major subdivision.

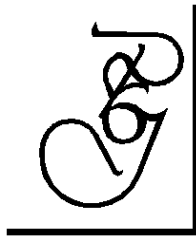
The Planning Board, after it has completed the conceptual review and provided feedback to the applicant, can consider voting to determine the major/minor classification per Sec. 66-30(b) and direct the applicant to prepare and submit, presumably, a final plan application.

VI. SAMPLE MOTIONS

- A. Motion to classify the 4-lot subdivision at 81/97 Guinea Road (Tax Map 76/ Lot 37 AND Map 77/Lot 35) a (**Minor/Major**) Subdivision.

VII. ATTACHMENTS

- A. Application Package dated April 16, 2022
- B. Supporting Materials



PAUL P. GADBOIS PE, PLS

Civil Engineering, Surveying, Land Planning
Structural Engineering, DEP Permitting

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Phone & Fax (207) 283-3980
Email: pgadbois53@gmail.com

City of Biddeford
Planning Department
205 Main Street
Biddeford, Maine

April 19, 2022

Re: McPheeters Property, 81 Guinea Road, Tax Map 76, Lot 37, and Map 77, Lot 35.

Planning Department,

The owner / applicants Peter McPheeters and Susan McPheeters wish to subdivide their 20-acre parcel of land into four residential house lots.

Access to the property is from a 50-foot strip of land requiring the construction of a 4-lot private way.

The property will be serviced by public water, underground utilities, and on-lot septic. The project is located in the SR-1 Zone requiring 100 foot of street frontage and a minimum lot size of 20,000 square feet.

The project will require a DEP Maine Construction General Permit, a DEP Stream Crossing Permit, a DEP, and Army Corp Wetland Fill Permit. The project proposes to fill 9,250 square feet of wetlands to provide for access to the property.

The project is designed in accordance with the Stream Smart Road Crossing Guide by utilizing an Arch Culvert at the crossing.

Wetlands were delineated by Mark Hampton and are considered wetlands of special significance. See attached report.

New Earth Ecological Consulting performed a Site Constraint assessment on the property (See attached report). The SP-Zone Line shown on the plan is 100 feet from the wetland edge. Wetlands were mapped by Mark Hampton. New Earth Ecological Consulting Vernal Pool survey. See attached report.

We look forward to discussing this conceptual plan submission with the staff and planning board prior to submitting DEP and Army Corp permits required for this project.

Very truly yours,

Paul P. Gadbois, P.E., P.L.S.

**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: PETER AND SUSAN MCPHEETERS

Applicant's Mailing Address: P.O. Box 224 BIDDEFORD

Applicant's Telephone: (207) 468-1704

What is Applicant's legal interest in the property?

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

Owner's Name: _____

Owner's Address: _____

Owner's Telephone: _____

Agent's Name: PAUL P. GADBOIS

Agent's Address: P.O. Box 327 SACO, MAINE 04072

Telephone: (207) 283-3980

Engineer/Surveyor: SAME AS AGENT

Engineer/Surveyor's Address: _____

Telephone: _____

Project Location and Lot Information:

Street Address: 81 GUINER RD

Tax Map: 76 Lot: 37 AND 77 / 35

Current Zoning: SR-1 & RF Shoreland Zoning: SP

Size of lot: 20 ☒ acres ☐ s.f. Lot Frontage: 52'

Existing Use of Property: VACANT

Property currently serviced by:

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

Slope Conditions in Area of Construction (if applicable):

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

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

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

Description of proposed use of property:

Project/Proposed Use Description: CONSTRUCT PRIVATE ROAD FOR ACCESS
TO 4 SINGLE FAMILY HOUSE LOTS

Property to be serviced by:

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

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

☐ If in a Shoreland Zone:

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

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

☒ If Subdivision Review, number of lots proposed: 4

☒ If a Private Way is proposed, number of lots served: 4

☐ 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 ^{AGENT} applicant:

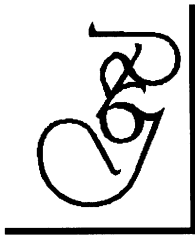
Paul P. Gallois

Date: 4/19/22

Signature of owner of property:

Date: _____

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



PAUL P. GADBOIS PE, PLS

Civil Engineering, Surveying, Land Planning
Structural Engineering, DEP Permitting

P.O. Box 327
Saco, ME 04072
Phone & Fax (207) 283-3980
Email: pgadbois53@gmail.com

April 7, 2022

Paul P. Gadbois, P.E., P.L.S.
Paul P. Gadbois Engineering
P.O. Box 327
Saco, Maine 04072

Re: McPheeters Property 81 Guinea Road Tax Map 76, Lot 37 & Map 77, Lot 35.

Dear Paul,

This letter will serve as authorization for Paul P. Gadbois Engineering to act as agent on the above referenced project with regards to various land use permitting requirements for the property in Biddeford. This will include any submissions to the DEP, ACOE, and the City.

Very Truly Yours,



Peter McPheeters



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

3748

March 23, 2021

Mr. Peter McPheeters
P. O. Box 224
Biddeford Pool, ME 04005

Re: Delineation of wetlands 25+ acre parcel, 97 Guinea Road, Biddeford, ME

Dear Peter,

I have completed a delineation of wetlands on a 25+ acre parcel located at 97 Guinea Road Biddeford, ME. The wetland delineation was completed in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual for the Northcentral and Northeast Regions dated January 2012. These manuals require the presence of three parameters for a wetland to be present, wetland hydrology, hydrophytic vegetation, and hydric soils.

The wetlands I found on the parcel were flagged with yellow flagging. The wetland flags are labeled in an alpha-numeric sequence and were located with GPS equipment. The wetlands found onsite are forested wetlands located adjacent to a unnamed stream and Moors Brook. The wetlands on the property meet the definition of wetlands of special significance as defined by Maine Department of Environmental Protection because they are floodplain wetlands to the streams or brook.

If you have any questions or require additional information, please contact me.

Sincerely,

Mark J. Hampton C.S.S., L.S.E.
Certified Soil Scientist #216
Licensed Site Evaluator #263

March 1, 2021

Peter McPheeters
OceanView Properties, Inc.
18 Yates Street
PO Box 224
Biddeford Pool, Maine 04006

RE: Site Constraints Assessment Summary – 81 & 97 Guinea Road

Dear Mr. McPheeters:

NewEarth Ecological Consulting, LLC (NewEarth) has completed the requested environmental constraints assessment of the properties located at 81 and 97 Guinea Road, Biddeford, Maine (Figure 1).

As detailed in the attached summary, our assessment identified several potential environmental constraints that may be present on the property(s), including wetlands, streams, and possibly vernal pools.

Since the assessment was performed during the winter season, resource surveys during the appropriate season are recommended to confirm the presence/absence of potential resources and to establish their regulatory status and required protections. Federal, state, and local regulatory agencies should be contacted regarding the specifics of any proposed development of the site.

Please do not hesitate to contact me if you have any questions or would like any additional information. Thank you for the opportunity to support you with this effort.

Sincerely,



Stacie L. Grove
Principal Environmental Biologist

Attachments:

Text: Summary of Assessment & Recommendations

Figures: 1: Site Location; 2a: Previously Mapped Wetlands, Waterbodies and Biddeford Protection Districts; 2b: Floodplains, 3: Previously Documented Rare, Threatened, or Endangered Species or Habitat Locations; 4: Potential Resources Identified During Site Walk

Table: Table Constraints Review Summary

CC: K. Bloomer, NewEarth file 21_OCEAN_001

NewEarth Ecological Consulting, LLC (NewEarth) was contracted by Oceanview Properties to identify potential environmental constraints on the parcels located at 81 and 97 Guinea Road, Biddeford, ME (Figure 1). A certified Wildlife Biologist/Professional Wetland Scientist from NewEarth conducted a review of publicly available environmental information (Table 1), and performed on-site assessment of the parcels on February 25, 2021 (Figure 1). Please note, should you plan to develop the site, appropriate local, state, and federal agencies should be contacted to discuss the specifics of your proposed action and applicable laws and regulations. A summary of identified potential constraints and some general recommendations are presented below.

Waterbodies

Perennial or intermittent streams which are regulated by federal, state and local jurisdictions align the property (Figure 2a). A City of Biddeford-imposed 100-foot Stream Protection buffer aligns each. Federal Emergency Management Agency-designated floodplain areas also align these streams (Figure 2b), but it appears that the floodplain areas fall within the 100-foot Stream Protection zone. A formal waterbody delineation would be needed to accurately locate and map the boundaries of each.

Several ephemeral drainages were identified during the site walk (Figure 4). These features carry water but are not regulated. However, although it appears none of the drainage would meet the regulatory definition of a river, stream or brook, the characteristics of these features should be reassessed during the spring-summer season.

Wetlands

According to existing databases no wetlands, which are regulated by federal, state and local jurisdictions, have been mapped on the parcels (Figure 2a). However, based on the site walk, wetlands are present along the stream resources noted above and at several other locations on the parcels (Figure 4). A formal wetland delineation by a certified professional wetland scientist would be needed to confirm if the areas meet criteria for designation as wetlands and to accurately locate and map the boundaries of each.

Wetlands associated with floodplains, stream resources, and significant wildlife habitat (SWH) such as vernal pools are considered wetlands of special significance, per Maine's Natural Resource Protection Act (NRPA). A variety of restrictions and compensation requirements are associated with impacts to WOSS and SWH and should be discussed with regulating agencies.

Although the boundaries of streams and wetlands have not been confirmed/mapped, most wetlands appear to fall within the 100-foot Stream Protection zone. No additional protection buffers would be added to wetlands that extend beyond, or are outside of, the 100-foot Stream Protection Zone unless it turns out that they have a vernal pool in them or abut a new stream.

Listed Species and Significant Wildlife Habitat

MDIFW databases indicate that much of the parcels could contain occurrences of state-listed species (turtles) or habitat for those species (Figure 3). However, based on discussions with MDIFW staff, and observations from the site walk, habitat found on the parcels would be highly unlikely to support these listed wildlife species. Plant species have also been documented near the site (Figure 3). It is unlikely that

surveys for any rare plant or animal species would be needed unless impacts are proposed to wetland within the 100-foot Stream Protection zone.

No vernal pools are known to occur on the site but based on the site walk that occurred during snow-covered conditions, several wetland areas could contain vernal pool habitat. MDIFW will require that a qualified person assess the parcels for vernal pool habitat when snow cover is not present. If potential pools are identified, a formal vernal pool survey would be required during the appropriate spring April-May amphibian breeding season.

Recommendations

Conduct a spring assessment for VPs (conducted between April 10th and April 25th). Subsequent surveys, reporting and submittal to MDIFW would be required if potential habitat is found.

Conduct a formal wetland and waterbody delineation and sub-meter accuracy GPS data collection of feature boundaries

No fill in wetlands and no impacts to streams – no federal permits needed.

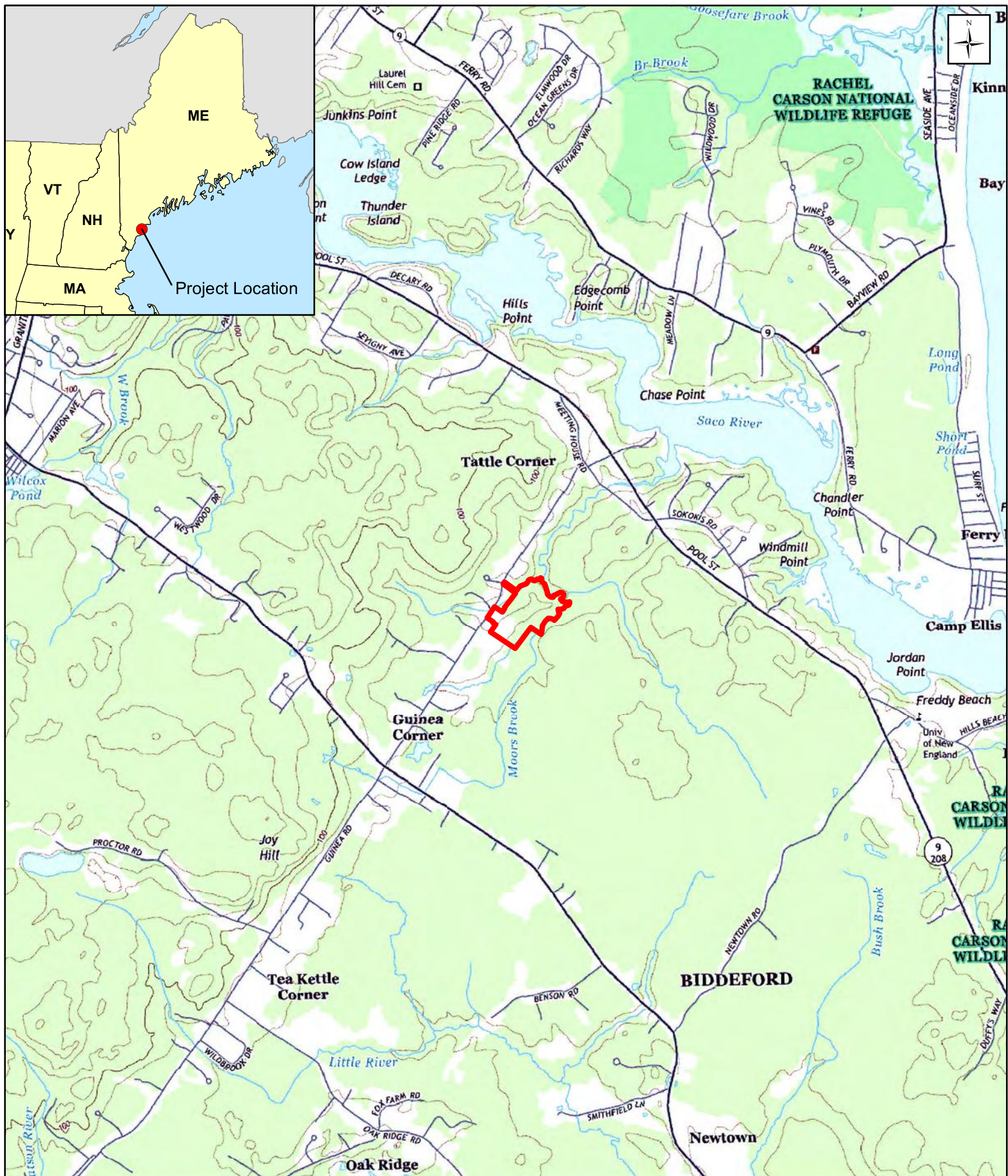
Per Maine DEP Fill in wetlands < 4,300 square feet (0.1 acre) and NOT within 100 feet of other protected resources (i.e., e.g., river, stream, brook, great pond, and freshwater wetland containing significant wildlife habitat) – no state NRPA permit needed. Unless vernal pools or new streams are identified, the 100-foot Stream Protection zone covers the protected resources that would be included in this.

Should you plan to impact streams, go within the 100' buffer, or impact more than 4,300 square feet elsewhere on the parcels, a federal US Army Corps of Engineers permit and NRPA Tier permit would be needed for the impacts. The NRPA tier level would be based on the amount and type of impact. Tier I >4,300 sq. ft < 15,000 sq. ft; Tier II > 15,000 sq. ft and < 43,560 sq. ft; Tier III > 43,560 sq. ft and impacts to WOSS, SWH etc.

Disturbance under 1 acre - no state stormwater permit needed.

City of Biddeford land use ordinances and regulations apply to activities within 100 feet of streams as well as within high-risk flood zones which occur along the streams that abut the parcels. Flood zones have significant engineering/permit requirements. Confirm the location of these boundaries and the applicable regulations with the City.

It is recommended (but likely would not be required), that forest removal activities take place after October 31st and before April 16th to minimize impacts to breeding/nesting migratory birds and bats.



Prepared For:

Legend

Surveyed Area

Prepared By:



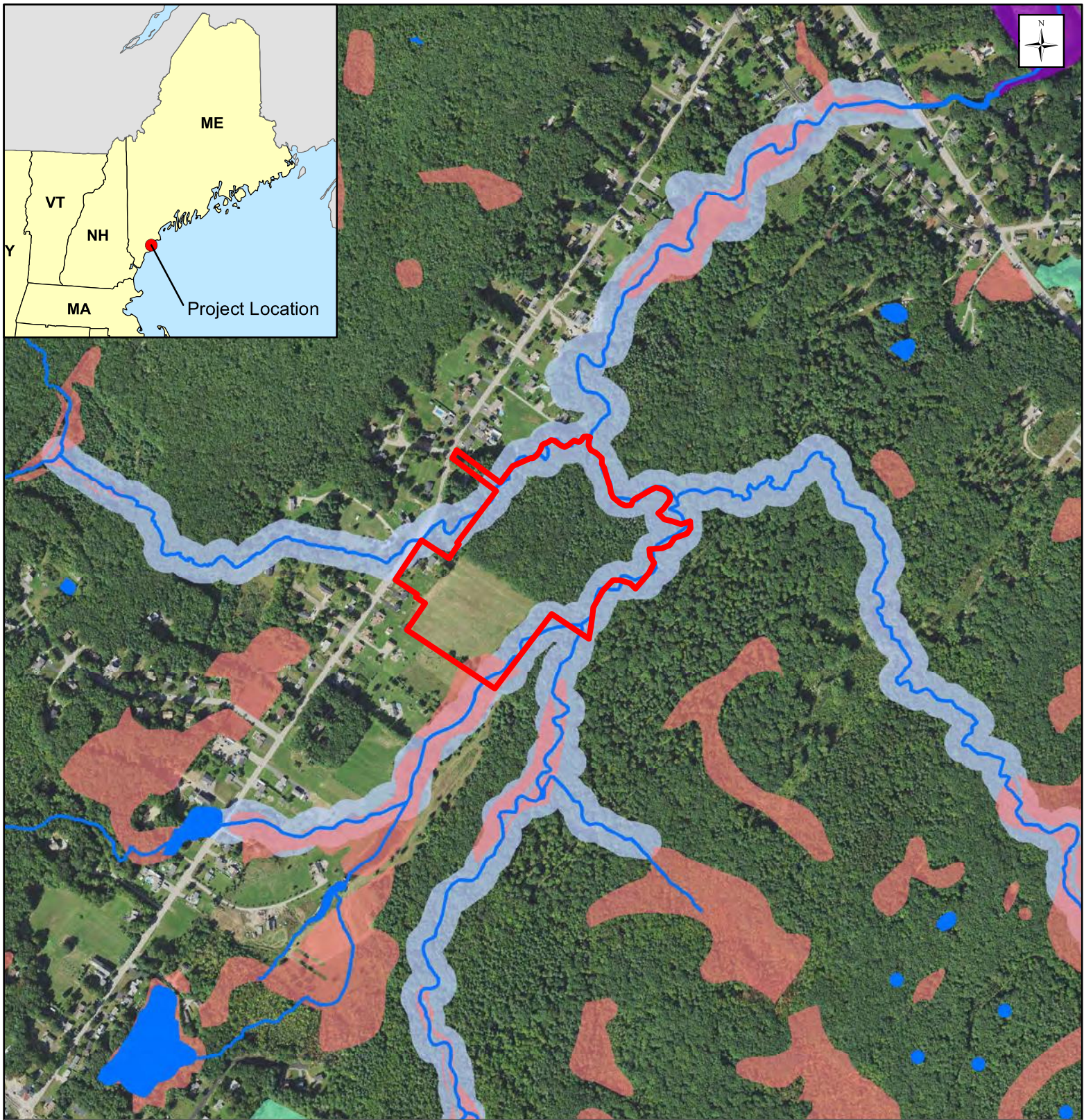
0 0.5 1 Miles

Figure 1. Site Location

81 and 97 Guinea Road
Biddeford, Maine

Source: United States Geological Survey, 2014.

Date: 2/21/2021



Prepared For:

Prepared By:



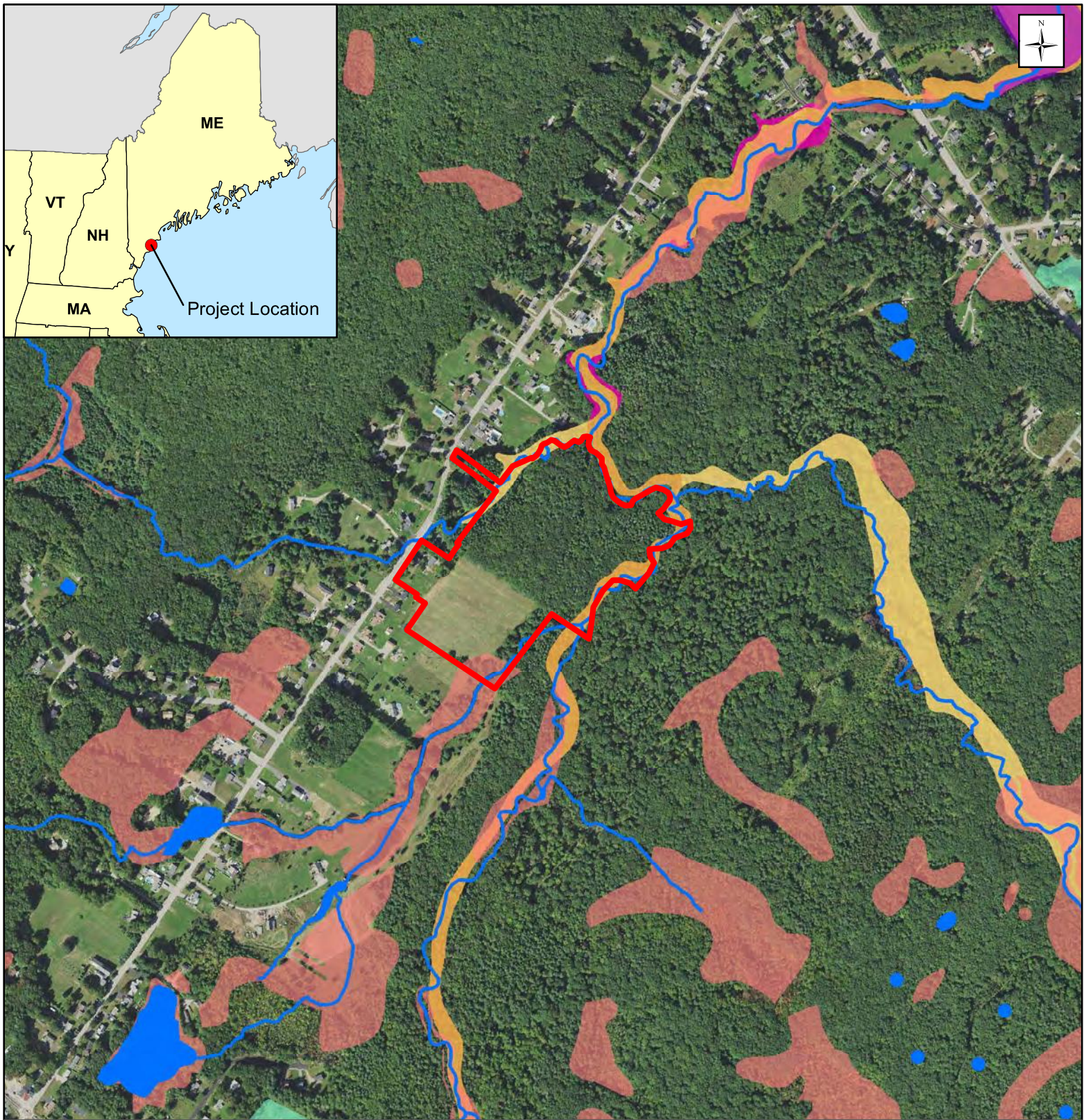
Legend

- | | |
|---|--|
| Surveyed Area | Freshwater Emergent Wetland |
| Perennial Stream | Freshwater Forested / Shrub Wetland |
| Pond | Estuarine and Marine Wetland |
| Stream Protection District | |

0 1,000 2,000 Feet

Figure 2. Wetlands, Streams, Water Bodies and Floodplains

81 and 97 Guinea Road
Biddeford, Maine



Prepared For:

Prepared By:



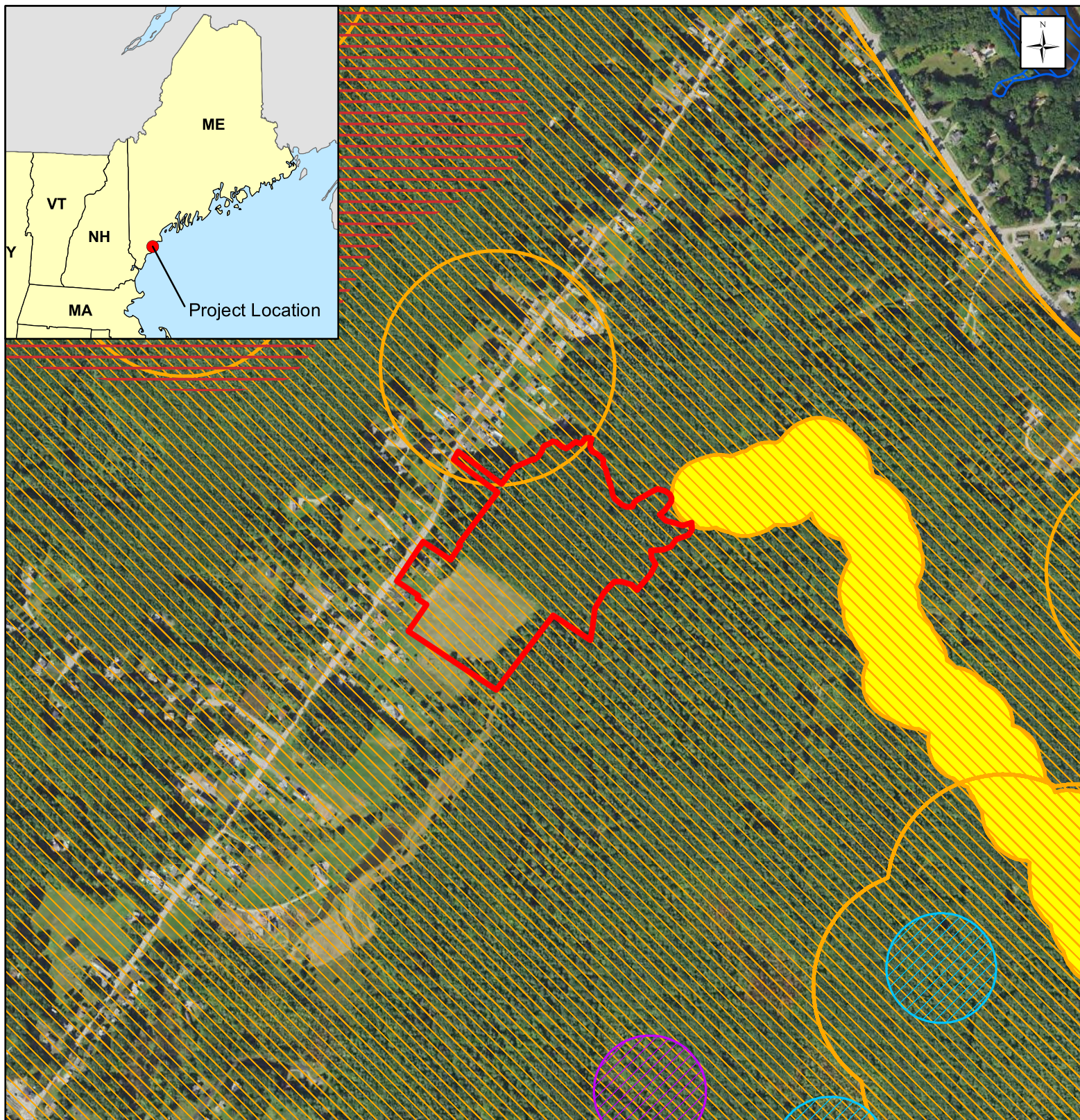
Legend

- | | |
|--|---|
| Surveyed Area | Estuarine and Marine Wetland |
| — Perennial Stream | A: 1% Annual Flood Risk, no BFE |
| Pond | AE: 1% Annual Flood Risk, with BFE |
| Freshwater Emergent Wetland | X500: 0.2% Annual Chance of Flooding |
| Freshwater Forested / Shrub Wetland | |

0 1,000 2,000 Feet

Figure 2. Wetlands, Streams, Water Bodies and Floodplains

81 and 97 Guinea Road
Biddeford, Maine



Prepared For:

Legend

- | | |
|---|---|
|  Surveyed Area |  Deer Wintering Areas |
|  Potentially Significant Vernal Pool |  Southern Pygmy Clubtail |
|  Significant Vernal Pool |  Rare Animal |
|  Tidal Waterfowl/Wading Bird Habitat | |

Prepared By:



0 1,000 2,000 Feet

Figure 3. Rare, Threatened, Endangered and Potential Significant Wildlife Habitats

81 and 97 Guinea Road
Biddeford, Maine



Sketch for general reference only – Resources have not been confirmed during the appropriate season, locations are estimated.

Environmental Constraints Review: 81 and 97 Guinea Road, Biddeford, Maine

Environmental Review Category	Resources Likely Present	Comments
Land Uses and Cover Types	Lot 81 – 12.5 acres, undeveloped primarily forested land, that is generally abutted to north, east, and west by streams. Land use code 1310 (RES ACLNPO), Zones RF (Rural Farm), SR1 (Suburban Residential), as well as SP (Stream Protection). Neighborhood 0002. The RF zone occupies a small area along the east border of the parcel. Lot 97 – 9.84 acres, currently developed with a single-family home and outbuildings, which appear to be consistent with Biddeford's zoning. The parcel is generally comprised of open field, some forested areas, and is abutted to the east and west by streams. Land use code 1010 (Singl Fam MDL-01), Zone SR1 as well as SP (stream protection). Neighborhood 0002. https://ecode360.com/BI3074	The SR zone is generally limited to single-family residential use, with provisions for professional offices in the home under special circumstances. These areas are typically large lot single-family homes on public sewer and water, or at least public water. The SP zone includes all land areas within 100 feet, horizontal distance, of the normal high-water line of a stream (as determined in the field). No additional protection zones are applied to wetlands outside of the 100' zone. See City of Biddeford Land Development Regulations (particularly Section 15 Land Use Standards) for details on allowable uses. Projects must undergo the City's Site Plan Review for approval.
Section 4(f) or 6(f)	Not applicable.	Not applicable.
Historical/Cultural Resources (Section 106)	No resources were identified within a mile of the properties based on a search of the national registry. The closest recorded resource in the national registry is the First Parish Meetinghouse located on Meeting House Road, over ½ mile from the properties. No historic properties or features were identified during a February 25, 2021 on-site assessment. https://www.nps.gov/subjects/nationalregister/database-research.htm	A review of the proposed project by the Maine Historic Preservation Commission would be performed concurrent to Maine DEP and US Army Corps of Engineers (USACE) review, should proposed activities require state or federal permits.
Visual Assessment/Properties of Special Significance (parks, conservation lands, cultural or natural landmarks, refuges, etc.)	No designated local, state or federal parks, refuges, landmarks, conservation lands, or ecological reserves occur on or immediately adjacent to the properties. The closest properties of significance include 1) a collective of several land parcels comprising the Blanding's Park Wildlife Sanctuary, and located approximately 1,800 feet to the northwest, and 2) a parcel comprising an unnamed parcel owned by the City and located approximately 1,850 feet to the north. Large tracts of forested lands surround much of the properties and several additional conservation lands are located to the northeast, south and southwest and are within a mile of the properties. https://www.maine.gov/dacf/parks/publications_maps/conservation-lands_maine.html	Completion of a straightforward visual assessment form may be required if proposed activities require Maine DEP Natural Resource Protection Act (NRPA) permits.

Environmental Constraints Review: 81 and 97 Guinea Road, Biddeford, Maine

Environmental Review Category	Resources Likely Present	Comments
Hydric Soils/Farmland Soils of Importance	Soils of the properties are comprised of BuC, BuD and SC soil types. All are generally comprised of silt loam materials over silt clay. BuC soil types are designated Farmlands of Statewide Importance. The SC soil type is hydric, which is typically indicative of wetlands, and are present throughout much of both properties. Soils with slopes between 15% and 25% area also present, but most fall within the 100' stream protection zone. https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm	Project footprints should be minimized on these soil types and best management practices must be used. Impacts must be minimized through use of Maine DEP recommended Best Management Practices (BMPs)/erosion control measures. https://www.maine.gov/dep/land/erosion/escbmps/ State and local permits will require submittal of an erosion and sediment control plan if soil disturbance is proposed.
Coastal Resources	The site is not in a coastal resource zone https://www.maine.gov/dmr/mcp/about/coastal-zone-map.htm	NA
Wetlands	See Attached Figure 2a. Based on US Fish & Wildlife Service National Wetland Inventory (NWI) data, no wetlands occur on the parcels. However, NWI does depict wetlands along the streams south of parcel #97 and it is likely that these wetlands would continue along the same stream and into both the 91 and 81 parcels. https://www.fws.gov/wetlands/data/mapper.html See Attached Figure 5. Several potential wetlands were identified during a February 25, 2021 on-site assessment. Most occur within the 100 ft stream protection zone.	Must coordinate with Maine DEP and USACE staff for review and permit, fees, & compensation requirements. Projects impacting less than 4,300 sq. ft. (0.1 acre) of wetland and not in, or within, 75ft of other protected resources and not wetland of special significance (WOSS), are generally exempt from the NRPA, provided impacts do not occur within a municipal shoreland zone or another protected natural resource (i.e., WOSS or habitat for state or federally-listed species) and the project complies with the Erosion and Sedimentation Control law. If these conditions cannot be met, a tiered NRPA permit from Maine DEP would be required. The City of Biddeford has a 100 ft setback from streams (which includes most wetlands on site). Wetlands beyond the 100ft zone do not have any additional protection zone per the City. Certain land use standards would apply, and a permit is needed from the City. If no wetland fill is involved, a federal USACE permit is not required.
Wetland Functions	A full assessment of wetland quality has not been performed.	The wetland functional assessment may or may not be required depending on the amount (square feet) of impact within wetlands.
Water Bodies	See Figure 2a. Based on US Geologic Service (USGS) data, two streams (Moors Brook, and an unnamed tributary to Moors Brook) occur on/along the properties. https://www.maine.gov/megis/catalog/ https://viewer.nationalmap.gov/basic/ See Attached Figure 5. Several drainages were identified during a February 25, 2021 on-site assessment. One could meet the criteria for a stream and if so would have a 100 foot protection buffer.	Stream resources would be fall under the regulatory jurisdiction of both the USACE and Maine DEP. Direct impacts to streams would trigger the need for both permits, whereas federal permits can be avoided if there are no direct impacts. Ephemeral drainages are not regulated as water resources, but most are regulated as wetland habitat if the required hydric indicators are present. A formal wetland delineation would be required to make this determination. Per Maine DEP, minimum protection zones for non-tidal stream resources is 75 feet, however, the City of Biddeford requires a 100-foot setback along streams for new development.

Environmental Constraints Review: 81 and 97 Guinea Road, Biddeford, Maine

Environmental Review Category	Resources Likely Present	Comments
Impaired Watershed	The site falls within the Saco Hydrologic Unit (Code 01060002), which is not an Urban Impaired Stream Watershed. https://www.maine.gov/megis/catalog/	NA
Floodplains	See attached Figure 2b. According to the City's GIS database (August 6, 2020), which are used for regulatory purposes, the streams along the properties are in High Risk flood zones "A" or "AE", which means they have a 1% chance of annual flooding and a 26% chance of flooding at least once within a 30-year mortgage.	A flood hazard development permit would be required for any development within the designated floodplain high risk zones (which all appear to fall within the "footprint" of the 100-foot stream protection buffer zone). Such a permit may also require detailed topographic data collection, flood analysis certification by an approved engineer, and additional fees if the City needs to obtain assistance of a professional engineer or other expert for plan/permit review.
Water Supplies (wells, aquifers, etc.)	No known significant sand and gravel aquifers, source water protection areas, or water well protection zones are documented near the site. https://www.maine.gov/dacf/mgs/pubs/online/aquifers/aquifers.htm ; https://www.maine.gov/megis/catalog/	NA
Federally-listed Species & Critical Wildlife Habitat	Based on a February 2021 Information, Planning, and Consultation System (IPAC System) review. One federally-listed species, the tree-dwelling Northern Long-eared Bat, was identified as potentially occurring in the vicinity of the properties. Twenty-five migratory birds were also identified as species likely to breed on or near the sites. The project does not fall within federally-designated critical habitat for any species. https://ecos.fws.gov/ipac/location/index	An official review by USFWS via IPAC would need to take place if federal permits are required. A federal permit would be needed if there is any impacts to a stream or any fill within a wetland. Tree removals would likely be eligible for federal review/approval under 4(d) rule which will allow the removals, but USACE will request that they take place after October 31 st and before April 16 th . Migratory Birds - avoiding bird nesting season from April through July is recommended to minimize impacts (but is not required).
State-listed Species & Significant Wildlife Habitat	See attached Figure 3. Based on agency data, several state-listed turtles, bats, and a rare plant could occur on the properties, but no significant wildlife habitats are known to be present. https://www.maine.gov/dep/gis/datamaps/ . However, based on direct correspondence with Maine Department of Inland Fish & Wildlife (MDIFW) staff on February 19, 2021, the available habitat does not appear to be suitable for listed turtle species. Staff could not confirm that vernal pool habitat is/is not present and indicated a vernal pool survey during the appropriate season would be needed. A February 25, 2021 on-site assessment confirmed that all wetlands on site are either palustrine forest or managed agricultural areas, which are unlikely to support state-listed turtles. No potential vernal pool habitat was identified on the properties during the site walk, but habitat could be present and hidden beneath snow-cover.	A review of the proposed project by MDIFW would be performed concurrent to Maine DEP review if proposed activities require a state permit. MDIFW and/or NRDC may request additional surveys for specific species/habitats, although this would not likely be required based on habitats available, and wetland areas within the 100' protection zone are avoided. Ideally tree removals should take place after October 31 st and before April 16 th to minimize impacts to birds and bats, but MDIFW will not require this timing restriction since no hibernacula occur in the area. A biologist must assess the site during the spring and provide a letter indicating that no vernal pool (VP) habitat exists. If any is present, a formal survey of the VP areas would be required and would need to be performed between April 10 th and April 25 th (a 2 nd visit between April 20 th and May 10 th may also be required). Vernal pools that meet certain requirements, have a 250-foot protection zone from the edge of each vernal pool depression.

Environmental Constraints Review: 81 and 97 Guinea Road, Biddeford, Maine

Environmental Review Category	Resources Likely Present	Comments
Ledge, Rock Outcroppings, Steep Slopes	Based on the on-site assessment performed on the parcels on February 25, 2021, no notable ledges, rock outcroppings, or steep slopes are present on the parcels.	NA
Dredge Materials	No dredge disposal is anticipated.	NA
Stormwater	The properties are not located within an impaired watershed. https://www.maine.gov/megis/catalog/	Maine DEP Stormwater Permitting: < 1 acre of new disturbance – no permit needed. > 1 acre, one of the following apply: > Permit by Rule if in at risk or urban impaired watershed: if < 20,000 sq ft (0.46 acre) of new impervious or < 5 acres (217,800 sq ft) of new development within an impaired watershed. Basic standards apply. > Permit by Rule if in any other watershed: if < 43,560 sq. ft. (1 acre) of new impervious or < 5 acres (217,800 sq ft) of new development within an impaired watershed. Basic standards apply. > Full permit required if > 1 acre of new impervious or 5 acres of new development. General standard + basic standards apply.
Existing Permits	No Permit by Rule, Site, or Stormwater Permits with DEP are known to have been issued for either property since 2006. https://www.maine.gov/dep/gis/datamaps/	Check with Maine DEP for any updates. If permits were previously issued for the parcel, impacts are cumulative from all previous approved permits (post-1974) for both Site Law and NRPA. Depending on the amount and type of impacts, projects may be eligible for a minor amendment if there is an existing Site Law permit in place.
Hazardous Materials	No superfund, hazardous materials, or underground storage tanks (UST) sites are documented in or adjacent to the project site. https://www.epa.gov/me/list-superfund-npl-sites-maine https://www.maine.gov/dep/gis/datamaps/index.html#brwm_ic No potentially hazardous materials were identified during the February 25, 2021 on-site assessment.	NA
Other Considerations	See attached Figure 1. Access points into the properties would be via Guinea Road. The closest school, nursing home, library, or hospital is the University of New England, located 1.5 miles to the southeast of the properties. https://www.maine.gov/dep/gis/datamaps/ ; https://geolibrary-maine.opendata.arcgis.com/datasets/4b4774be84cc4fc6908dc916f3149499	Coordination with the Biddeford City Planner regarding any proposed site development/use is recommended. Road frontage, structure type-size -location, and other local ordinances regarding the development and use of the properties would apply. Once a basic preliminary site plan is known, call Maine DEP to discuss and confirm permit requirements. They will identify if federal permits are also needed. Development over 20-acres requires a Maine DEP permit under Site Law.



May 10, 2021
Email Submittal

Mr. Peter McPheeters
Oceanview Properties, Inc.
18 Yates Street
Biddeford Pool, Maine 04006
207.282.1732

RE: 2021 Vernal Pool Survey Results – Guinea Road Properties

Dear Peter,

NewEarth Ecological Consulting, LLC (NewEarth) has completed spring vernal pool surveys on lots 81, 97 and 77-35 in Biddeford, Maine per your request.

As detailed in the attached materials, based on our April 11th and April 29th, 2021 surveys one ephemeral low-lying water-filled area, referred to as PVP1, was identified on the lot 97 property which meets the Maine Department of Environmental Protection (DEP) and US Army Corps of Engineers (USACE) definition of vernal pool habitat. However, while egg masses for a target indicator species were located in PVP1 (i.e., spotted salamander), there were not a sufficient number present to meet Maine DEP's biological criteria for designation as a significant vernal pool; which is considered significant wildlife habitat in Maine. Although a wetland delineation was not part of this effort, based on site characteristics it is likely that PVP1 occurs within a wetland complex. As such, avoidance of the pool perimeter may be required by the USACE.

The attached materials should be submitted to Biologist Jason Czapiga at Maine Department of Inland Fisheries and Wildlife Jason.Czapiga@maine.gov for a formal determination and recommendations regarding our findings.

Please do not hesitate to contact me if you have any questions or would like any additional information.

Sincerely,

Stacie L. Grove
Principal Environmental Biologist

Attachments: PVP Data Form, PVP Location Figure, PVP Photographs
CC: K. Bloomer (NewEarth), NewEarth files 20_OCEAN_001



Maine State Vernal Pool Assessment Form



INSTRUCTIONS:

- Complete all 3 pages of form thoroughly. Most fields are required for pool registration.
- Clear photographs of a) the pool AND b) the indicators (one example of each species egg mass) are required for all observers.

Observer's Pool ID: PVP1

MDIFW Pool ID: _____

1. PRIMARY OBSERVER INFORMATION

- a. Observer name: Stacie Grove
- b. Contact and credentials previously provided? ☐ No (submit Addendum 1) ☒ Yes

2. PROJECT CONTACT INFORMATION

- a. Contact name: ☒ same as observer ☐ other _____
- b. Contact and credentials previously provided? ☐ No (submit Addendum 1) ☒ Yes
- c. Project Name: Oceanview 81 & 97 Guinea Road

3. LANDOWNER CONTACT INFORMATION

- a. Are you the landowner? ☐ Yes ☒ No If no, was landowner permission obtained for survey? ☒ Yes ☐ No
- b. Landowner's contact information (required)
- Name: Peter McPheeters, Oceanview Properties Phone: 207.468.1704
- Street Address: 18 Yates Street, Biddeford Pool City: Zip: 04006 State: ME Zip: _____
- c. ☐ Large Projects: check if separate project landowner data file submitted

4. VERNAL POOL LOCATION INFORMATION

a. **Location** Township: Biddeford, York County

Brief site directions to the pool (using mapped landmarks):

Park at 97 Guinea Road. The PVP is located within the property at 81 Guinea Road to the northeast.

b. Mapping Requirements

i. USGS topographic map OR aerial photograph with pool clearly marked.

ii. GPS location of vernal pool (use Datum NAD83 / WGS84)

Longitude/Easting: -70.418575° Latitude/Northing: 43.464761°

Coordinate system: WGS84/Dec Degr

Check one: ☐ GIS shapefile

- send to Jason.Czapiga@maine.gov; observer has reviewed shape accuracy (Best)

☐ The pool perimeter is delineated by multiple GPS points. (Excellent)

- Include map or spreadsheet with coordinates.

☒ The above GPS point is at the center of the pool. (Good)

☐ The center of the pool is approximately _____ m ☐ ft ☐ in the compass direction of _____ degrees from the above GPS point. (Acceptable)



Maine State Vernal Pool Assessment Form



5. VERNAL POOL HABITAT INFORMATION

a. Habitat survey date (only if different from indicator survey dates on page 3): _____

b. Wetland habitat characterization

■ Choose the best descriptor for the landscape setting:

- ☐ Isolated depression
 ☒ Pool associated with larger wetland complex
☐ Floodplain depression
 ☐ Other: _____

■ Check all wetland types that best apply to this pool:

- | | | | |
|---|---|---|---|
| ☐ Forested swamp | ☐ Wet meadow | ☐ Slow stream | ☐ Dug pond or borrow pit |
| ☒ Shrub swamp | ☐ Lake or pond cove | ☐ Floodplain | |
| ☐ Peatland (fen or bog) | ☐ Abandoned beaver flowage | ☒ Mostly unvegetated pool | ☐ Roadside ditch |
| ☐ Emergent marsh | ☐ Active beaver flowage | ☐ ATV or skidder rut | ☐ Other: _____ |

c. Vernal pool status under the Natural Resources Protection Act (NRPA)

i. Pool Origin: ☒ Natural ☐ Natural-Modified ☐ Unnatural ☐ Unknown

If modified, unnatural or unknown, describe any modern or historic human impacts to the pool (**required**):

ii. Pool Hydrology

■ Select the pool's estimated hydroperiod AND provide rationale in box (**required**):

- ☐ Permanent
 ☐ Semi-permanent (drying partially in all years and completely in drought years)
 ☒ Ephemeral (drying out completely in most years)
 ☐ Unknown

Explain:

Evidence of drying throughout elevated areas of wetland, along pool, and on shrubs/trees (watermarks). Organic soils present, but not widespread or deep.

■ Maximum depth at survey: ☒ 0-12" (0-1 ft.) ☐ 12-36" (1-3 ft.) ☐ 36-60" (3-5 ft.) ☐ >60" (>5 ft.)

■ Approximate size of pool (at spring highwater): Width: 25 ☐ m ☒ ft Length: 175 ☐ m ☒ ft

■ Predominate substrate in order of increasing hydroperiod:

- ☐ Mineral soil (bare, leaf-litter bottom, or upland mosses present)
 ☒ Organic matter (peat/muck) shallow or restricted to deepest portion
☐ Mineral soil (sphagnum moss present)
 ☐ Organic matter (peat/muck) deep and widespread

■ Pool vegetation indicators in order of increasing hydroperiod (check all that apply):

- | | |
|---|---|
| ☐ Terrestrial nonvascular spp. (e.g. haircap moss, lycopodium spp.) | ☒ Wet site ferns (e.g. royal fern, marsh fern) |
| ☐ Dry site ferns (e.g. spinulose wood fern, lady fern, bracken fern) | ☒ Wet site shrubs (e.g. highbush blueberry, maleberry, winterberry, mountain holly) |
| ☐ Moist site ferns (e.g. sensitive fern, cinnamon fern, interrupted fern, New York fern) | ☐ Wet site graminoids (e.g. blue-joint grass, tussock sedge, cattail, bulrushes) |
| ☐ Moist site vasculars (e.g. skunk cabbage, jewelweed, blue flag iris, swamp candle) | ☐ Aquatic vascular spp. (e.g. pickerelweed, arrowhead) |
| ☐ Sphagnum moss (anchored or suspended) | ☐ Floating or submerged aquatics (e.g. water lily, water shield, pond weed, bladderwort) |
| | ☒ No vegetation in pool |

■ Faunal indicators (check all that apply):

- ☐ Fish
 ☐ Bullfrog or Green Frog tadpoles
 ☐ Other: _____

iii. Inlet/Outlet Flow Permanency

Type of inlet or outlet (a seasonal or permanent channel providing water flowing into or out of the pool):

- ☐ No inlet or outlet
 ☐ Permanent inlet or outlet (channel with well-defined banks and permanent flow)
☒ Intermittent inlet or outlet
 ☐ Other or Unknown (explain): _____



Maine State Vernal Pool Assessment Form



6. VERNAL POOL INDICATOR INFORMATION

a. Indicator survey dates: 4/11/2021; 4/29/2021

b. Indicator abundance criteria and pool survey effort

- Is pool depression bisected by 2 ownerships (straddler pool)? ☐ Yes ☒ No
- Was the entire pool surveyed for egg masses? ☒ Yes ☐ No; what % of entire pool surveyed? _____
- For each indicator species, indicate the exact number of egg masses, confidence level for species determination, and egg mass maturity. Separate cells are provided for separate survey dates.

INDICATOR SPECIES	Egg Masses (or adult Fairy Shrimp)						Tadpoles/Larvae ⁴					
	Visit #1	Visit #2	Visit #3	Confidence Level ¹		Egg Mass Maturity ²		Observed		Confidence Level ¹		
Wood Frog	0	0		3	3							
Spotted Salamander	4	5		3	3	M	M/A					
Blue-spotted Salamander	0	0		3	3							
Fairy Shrimp ³	0	0		3	3							

1-Confidence level: 1 = <60%, 2 = 60-95%, 3 = >95%

2-Egg mass maturity: F= Fresh (<24 hrs), M= Mature (round embryos), A= Advanced (loose matrix, curved embryos), H= Hatched or Hatching

3-Fairy shrimp: X = present

4-Tadpoles/larvae: X = present

c. Rarity criteria

- Note any rare species associated with vernal pools. Observations should be accompanied by photographs.

SPECIES	Method of Verification*			CL**	SPECIES	Method of Verification*			CL**
	P	H	S			P	H	S	
Blanding's Turtle	☐	☐	☐		Wood Turtle	☐	☐	☐	
Spotted Turtle	☐	☐	☐		Ribbon Snake	☐	☐	☐	
Ringed Boghaunter	☐	☐	☐		Other:	☐	☐	☐	

*Method of verification: P = Photographed, H = Handled, S = Seen

**CL - Confidence level in species determination: 1= <60%, 2= 60-95%, 3= >95%

d. Optional observer recommendation:

☐ SVP ☐ Potential SVP ☒ Non Significant VP ☐ Indicator Breeding Area

e. General vernal pool comments and/or observations of other wildlife:

15" water 1st visit; 13" water 2nd visit 2021 primarily in a 10 x 10 area. Rest of pool mostly shallow water < 6" and water column leaf-filled. Per landowner - GPS data for pool perimeter and wetland to be collected by 3rd party.

Send completed form and supporting documentation to: Jason.Czapiga@maine.gov

NOTE: Digital submissions are preferred but if not possible, please mail to: Maine Department of Inland Fisheries and Wildlife
Attn: Vernal Pools
650 State Street
Bangor, ME 04401

For MDIFW use only

Reviewed by MDIFW Date: _____ Initials: _____

This pool is: ☐ Significant ☐ Potentially Significant but lacking critical data ☐ Not Significant due to: ☐ does not meet biological criteria. ☐ does not meet MDEP vernal pool criteria.

Comments:

81 and 97 Guinea Road, Biddeford, ME_Vernal Pool Survey Results



PVP1 (4/11/2021)



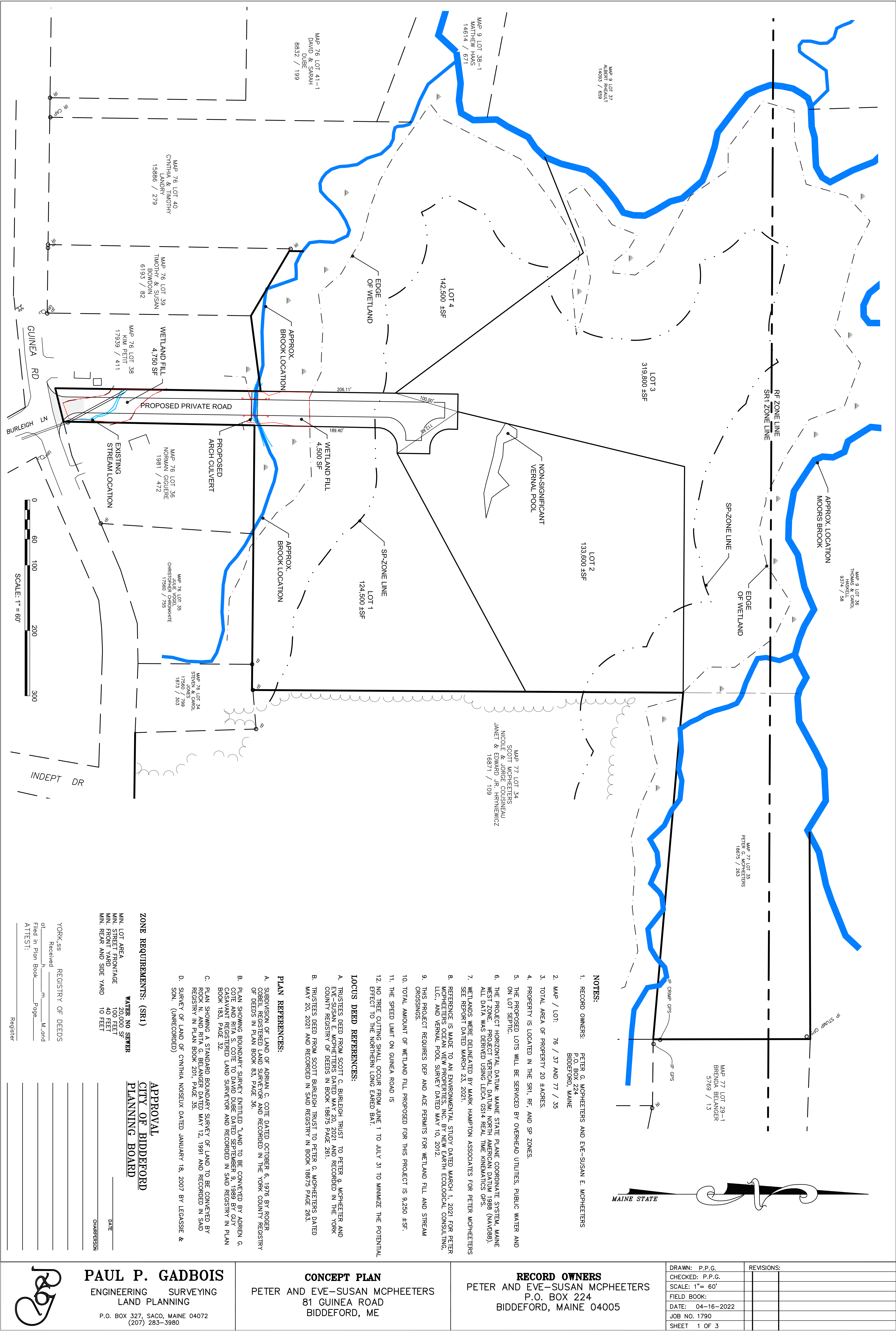
PVP1 (4/29/2021)



PVP1 SS Egg



PVP1 SS Eggs



	PAUL P. GADBOIS ENGINEERING SURVEYING LAND PLANNING P.O. BOX 327, SACO, MAINE 04072 (207) 283-3980	CONCEPT PLAN PETER AND EVE-SUSAN MCPHEETERS 81 GUINEA ROAD BIDDEFORD, ME	RECORD OWNERS PETER AND EVE-SUSAN MCPHEETERS P.O. BOX 224 BIDDEFORD, MAINE 04005	DRAWN: P.P.G.	REVISIONS:		
				CHECKED: P.P.G.			
				SCALE: 1"= 60'			
				FIELD BOOK:			
				DATE: 04-16-2022			
				JOB NO. 1790			
				SHEET 1 OF 3			

MAINE CONSTRUCTION GENERAL PERMIT

APPENDICES – BASIC PERFORMANCE STANDARDS

APPENDIX A. EROSION AND SEDIMENTATION CONTROL. 1

APPENDIX B. INSPECTION AND MAINTENANCE. 4

4

APPENDIX A. EROSION AND SEDIMENTATION CONTROL.

A PERSON WHO CONDUCTS, OR CAUSES TO BE CONDUCTED, AN ACTIVITY THAT INVOLVES FILLING, DISPLACING, OR EXCAVATING EARTH OR OTHER MATERIALS, OR CONSTRUCTING OR MAINTAINING A STRUCTURE, SHALL BE RESPONSIBLE FOR THE EROSION AND SEDIMENTATION CONTROL MEASURES THAT ARE REQUIRED TO PREVENT EROSION AND SEDIMENTATION FROM THE PROJECT SITE OR INTO A PROTECTED NATURAL RESOURCE AS DEFINED IN M.R.S.A. §49-B. EROSION AND SEDIMENTATION MEASURES MUST BE IN PLACE BEFORE THE ACTIVITY BEGINS. MEASURES MUST REMAIN IN PLACE AND FUNCTIONAL UNTIL THE SITE IS PERMANENTLY STABILIZED. ADEQUATE AND TIMELY TEMPORARY AND PERMANENT STABILIZATION MEASURES MUST BE TAKEN.

NOTE: THE SITE MUST BE MAINTAINED TO PREVENT UNREASONABLE EROSION AND SEDIMENTATION. SEE 38 M.R.S.A. § 49-C. (ON PARD, A LICENSE IS REQUIRED FOR ANY STORMWATER DISCHARGE THAT THE DEPARTMENT OF REVENUE HAS REVIEWED AND APPROVED. AFTER OBTAINING A LICENSE, A PERSON SHALL BE RESPONSIBLE FOR THE EROSION AND SEDIMENTATION CONTROL MEASURES TO MAINTAIN THE SITE. 06-996 CMR 21.00(5)(A) AND (D).

(1) **POLLUTION PREVENTION.** MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADIENT BUFFER AREAS TO THE EXTENT PRACTICABLE. THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, UPLAND, OR COASTAL, OR RESURFACED WETLANDS.

NOTE: BUFFERS IMPROVE WATER QUALITY BY HELPING TO FILTER POLLUTANTS IN RUN-OFF BOTH DURING AND AFTER CONSTRUCTION. MINIMIZING DISTURBED AREAS THROUGH PAVING LIMITS THE AMOUNT OF EXPOSED SOIL ON THE SITE. DISTURBED AREAS SHOULD BE REVEGETATED AS SOON AS POSSIBLE. EROSION AND SEDIMENTATION CONTROL MEASURES IN FEWER WORKS CONTROL TO INSTANT AND MAINTAIN IF WORK WITHIN AN AREA IS NOT ANTICIPATED TO BEGIN WITHIN TWO WEEKS TIME. CONSIDER LEAVING THE AREA IN ITS NATURALLY EXISTING COVER.

(2) **SEDIMENT BARRIERS.** PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE EDGE OF ANY DOWNGRADIENT DISTURBED AREA AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA. MAINTAIN THE SEDIMENT BARRIERS UNTIL THE DISTURBED AREA IS PERMANENTLY STABILIZED.

(3) **TEMPORARY STABILIZATION.** STABILIZE WITH MULCH, OR OTHER NON-ERODIBLE COVER, ANY EXPOSED SOILS THAT ARE NOT COVERED BY SEDIMENT BARRIERS. TEMPORARY STABILIZATION SHALL BE MAINTAINED FOR A MINIMUM OF 48 HOURS OF THE INITIAL DISTURBANCE OF THE SOIL, OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.

NOTE: FOR GUIDANCE ON EROSION AND SEDIMENTATION CONTROLS, CONSULT THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION – BEST MANAGEMENT PRACTICES OR THE MAINE EROSION AND SEDIMENTATION CONTROL BEST MANAGEMENT PRACTICES.

(1) **REMOVAL OF TEMPORARY MEASURES.** REMOVE ANY TEMPORARY CONTROL MEASURES, SUCH AS SILT FENCE, WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ACHIEVED. REMOVE ANY ACCUMULATED SEDIMENTS AND STABILIZE IT IS RECOMMENDED THAT SILT FENCE BE REMOVED BY CUTTING THE FENCE MATERIALS AT GROUND LEVEL, SO AS TO AVOID ADDITIONAL SOIL DISTURBANCE.

(1) **PERMANENT STABILIZATION.** IF THE AREA WILL NOT BE WORKED FOR MORE THAN ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, THEN PERMANENTLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SOD, OR THROUGH THE USE OF PERMANENT MULCH, OR RIPRAP, OR ROAD SUB-BASE. IF USING VEGETATION FOR STABILIZATION, SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS. AREAS OF SOIL EXPOSED FOR MORE THAN ONE YEAR SHALL BE REVEGETATED WITHIN 7 DAYS. IF THE AREA IS NOT REVEGETATED WITHIN 7 DAYS, EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE REINSTALLED. EROSION CONTROL BLANKETS, AND SCHEDULE SOILING, PLANTING, AND SEEDING, SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC. EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED. IF NECESSARY, AREAS MUST BE REMOVED AND REESTABLISHED IF GERMINATION IS SPARSE. PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT, ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.

(a) **SEEDED AREAS.** FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90% COVER OF THE DISTURBED AREA WITH NATIVE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR BILLING OF THE TOPSOIL.

(b) **SODDED AREAS.** FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BIDDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL, WITH NO SLUMPING OF THE SOD OR DIE-OFF.

(c) **PERMANENT MULCH.** FOR MULCHED AREAS, PERMANENT MULCHING MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MAT MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.

(d) **RIPRAP.** FOR AREAS STABILIZED WITH RIPRAP, PERMANENT STABILIZATION MEANS THAT SLOPES STABILIZED WITH RIPRAP ARE COVERED WITH A MINIMUM OF 10% RIPRAP. RIPRAP SHALL BE PLACED IN A SINGLE LAYER, WITH MOVEMENT FROM BEHIND THE RIPRAP. STONE MUST BE SIZED APPROPRIATELY. IT IS RECOMMENDED THAT ANGULAR STONE BE USED.

(e) **AGRICULTURAL USE.** FOR CONSTRUCTION PROJECTS ON LAND USED FOR AGRICULTURAL PURPOSES (E.G., PIPELINES ACROSS CROP LAND), PERMANENT STABILIZATION MAY BE ACCOMPLISHED BY RETURNING THE DISTURBED LAND TO AGRICULTURAL USE.

(f) **PAVED AREAS.** FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBBASE IS COMPLETED.

(g) **DITCHES, CHANNELS, AND SWALES.** FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH NATIVE VEGETATION AT LEAST THREE INCHES IN HEIGHT, WITH WELL-GRADED RIPRAP LINING, OR WITH ANOTHER NON-EROSIVE LINING CAPABLE OF WITHSTANDING THE ANTICIPATED FLOW VELOCITIES AND FLOW LENGTHS WITHOUT RELIANCE ON CHECK DAMS TO SLOW FLOW. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE LINING, UNDERCUTTING OF THE BANKS, OR DOWN-CUTTING OF THE CHANNEL.

(h) **WINTER CONSTRUCTION.** "WINTER CONSTRUCTION" IS CONSTRUCTION ACTIVITY PERFORMED DURING THE PERIOD FROM NOVEMBER 1 TO APRIL 15. DURING WINTER CONSTRUCTION, EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED AND PERMANENT MEASURES OBTAINED ABOVE BY NOVEMBER 1. THEN THE SITE MUST BE PROTECTED WITH ADDITIONAL STABILIZATION MEASURES THAT ARE SPECIFIC TO WINTER CONDITIONS. NO MORE THAN ONE ACRE OF THE SITE MAY BE WITHOUT STABILIZATION AT ONE TIME.

(i) **SITE STABILIZATION.** FOR WINTER STABILIZATION, HAY MULCH IS APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE MUST BE STABILIZED. MULCH MAY NOT BE SPREAD ON TOP OF SNOW.

(j) **SEDIMENT BARRIERS.** ALL AREAS WITHIN 75 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.

(k) **DITCH.** ALL VEGETATED DITCH LINES THAT HAVE NOT BEEN STABILIZED BY NOVEMBER 1, OR WILL BE WORKED DURING THE WINTER CONSTRUCTION PERIOD, MUST BE STABILIZED WITH AN APPROPRIATE STONE LINING BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE UNLESS SPECIFICALLY RELEASED FROM THIS STANDARD BY THE DEPARTMENT.

(l) **SLOPES.** MULCH SPREADING MUST BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MAT IS BEING USED ON THESE SLOPES.

NOTE: FOR GUIDANCE ON WINTER CONSTRUCTION STANDARDS, SEE THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(1) **STORMWATER CHANNELS.** DITCHES, SWALES, AND OTHER OPEN STORMWATER CHANNELS MUST BE DESIGNED, CONSTRUCTED, AND STABILIZED USING MEASURES THAT ACHIEVE LONG-TERM EROSION CONTROL. DITCHES, SWALES, AND OTHER OPEN STORMWATER CHANNELS MUST BE SIZED TO HANDLE, AT A MINIMUM, THE EXPECTED VOLUME OF RUNOFF FROM THE DISTURBED AREA. THE CHANNELS MUST BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED THE SAME DAY THE CHANNELS ARE DESIGNED. THE PERMANENT LINING INSTALLATION MUST BE DELAYED THEN DIVERSION BARRIERS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNEL. PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED ALONG THE CHANNEL TO SLOW THE WATER VELOCITY, AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING. PERMANENT STABILIZATION FOR CHANNELS IS ADDRESSED UNDER APPENDIX A(5)(G) ABOVE.

NOTE: (1) THE CHANNEL SHOULD RECEIVE ADEQUATE ROUTINE MAINTENANCE TO MAINTAIN CAPACITY AND PREVENT OBSTRUCTION. (2) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (3) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (4) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (5) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (6) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (7) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (8) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (9) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (10) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (11) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (12) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. (13) THE CHANNEL SHOULD BE DESIGNED TO MAINTAIN A MINIMUM OF 1% SLOPE. 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**TRUSTEE'S DEED**

SCOTT C. BURLEIGH, Trustee of the Scott Burleigh Revocable Trust u/a
dated July 16, 2013, of Los Angeles in the County of Los Angeles and State of
 California, by the power conferred by law, and every other power, for consideration paid,
 grants to **PETER G. McPHEETERS and EVE-SUSAN E. McPHEETERS**, husband
 and wife, both of Biddeford in the County of York and State of Maine, whose mailing
 address is P.O. Box 224, Biddeford Pool, ME 04006, as joint tenants, the following:

**SEE EXHIBIT A APPENDED HERETO AND MADE A PART HEREOF
 FOR A COMPLETE DESCRIPTION OF SUBJECT PROPERTIES**

WITNESS my hand this 20th day of May, 2021.

**THE SCOTT BURLEIGH
 REVOCABLE TRUST**

Robert B Woodman
 Witness

By:

Scott C. Burleigh
 Scott C. Burleigh, Trustee

STATE OF MAINE
 COUNTY OF YORK, SS.

May 20, 2021

Then personally appeared the above named **Scott C. Burleigh** and acknowledged
 the foregoing instrument to be his free act and deed, in his said capacity.

Before me,

Robert B Woodman

Notary Public

Print Name:

Robert B. Woodman

My Commission Expires:

Attorney at law

Maine R.E. Transfer Tax Paid

EXHIBIT A

A certain lot or parcel of land with any improvements thereon situated in the City of Biddeford, County of York and State of Maine, and lying Southeasterly of the Guinea Road; said certain lot or parcel of land being the first lot described in a deed from Crague H. Burleigh and Patricia A. Burleigh to Scott C. Burleigh dated April 4, 1981 and recorded in the York County Registry of Deeds in Book 2774, Page 214; the verbatim description of said certain lot according to the aforementioned deed being as follows:

“A certain lot or parcel of land with the buildings thereon situated in the City of Biddeford, in the County of York and State of Maine, bounded and described as follows: Beginning at an iron pipe driven into the ground on the southeasterly side of the Guinea Road, said iron pipe being the westerly corner of land conveyed to one Cordeau by deed dated April 13, 1960 and recorded in York Registry of Deeds, Book 1431, Page 12; thence South 37° 34' East by said land conveyed to Cordeau 306.13 feet to an iron pipe driven into the ground; thence North 48° 12' East by said land conveyed to Cordeau 116.57 feet to an iron pipe driven into the ground and land conveyed to one LaChance by deed dated January 9, 1958 and recorded in said Registry Book 1362, Page 219; thence North 83° 57' East by said land conveyed to LaChance 117.38 feet to an iron pipe driven into the ground and land now or formerly of one Dorais; thence South 37 38' East by said land now or formerly of Dorais 6 feet, more or less, to a small brook; thence easterly by said brook, it being partly by said land now or formerly of Dorais and partly by land now or formerly of one Pombriant, to Moore's Brook, so-called; thence southerly, southwesterly and westerly by said Moore's brook to the second parcel herein; thence North 38° 06' West by said second parcel 2. feet, more or less, to an iron pipe driven into the ground near the top of the bank; thence North 38° 06' West by second parcel, and by other land of Burleigh 817 feet to an iron pipe driven into the ground and land now or formerly of one Emmons; thence North 50° 27' East by said land now or formerly of Emmons 38 feet to an iron pipe driven into the ground; thence N 51° 54' E by land of Myers or owner, two hundred (200) feet, thence N 52° 13' E by land of Giguere or owner one hundred sixty six and 24/100 (166.24) feet; thence Northwesterly by said Giguere land (which line is parallel to and fifty (50) feet from said Cordeau land) two hundred ninety two and 95/100 (292.95) feet to the Guinea Road; thence Northeasterly by said road fifty one, and 76/100 (51.76) feet to the point of beginning.

Being the land conveyed to grantors by deed recorded in said Registry in Book 1622, Page 347, but excepting two lots sold by grantors to Myers and Giguere.”

Title reference – with respect to sources of title to the hereinabove described property reference may be had to a deed from Scott C. Burleigh to Scott C. Burleigh, Trustee of the Scott Burleigh Revocable Trust, dated December 28, 2017 and recorded in said Registry of Deeds in Book 17637, Page 941.

**TRUSTEE'S DEED**

SCOTT C. BURLEIGH, Trustee of the **Scott Burleigh Revocable Trust u/a dated July 16, 2013**, of Los Angeles in the County of Los Angeles and State of California, by the power conferred by law, and every other power, for consideration paid, grants to **PETER G. McPHEETERS** of Biddeford in the County of York and State of Maine, whose mailing address is P.O. Box 224, Biddeford Pool, ME 04006, the following:

SEE **EXHIBIT A** APPENDED HERETO AND MADE A PART HEREOF
FOR A COMPLETE DESCRIPTION OF SUBJECT PROPERTIES

WITNESS my hand this 20th day of May, 2021.

**THE SCOTT BURLEIGH
REVOCABLE TRUST**

Robert B Woolman
Witness

By:

Scott C. Burleigh
Scott C. Burleigh, Trustee

STATE OF MAINE
COUNTY OF YORK, SS.

May 20, 2021

Then personally appeared the above named **Scott C. Burleigh** and acknowledged the foregoing instrument to be his free act and deed, in his said capacity.

Before me,

Robert B Woolman
Notary Public Attorney at Law

Print Name:

Robert B. Woodman

My Commission Expires:

Maine R.E. Transfer Tax Paid

EXHIBIT A

A certain lot or parcel of land with any improvements thereon situated in the City of Biddeford, County of York and State of Maine, and lying Southeasterly of but not adjacent to the Guinea Road; said certain lot or parcel of land being the second lot described in a deed from Crague H. Burleigh and Patricia A. Burleigh to Scott C. Burleigh dated April 4, 1981 and recorded in the York County Registry of Deeds in Book 2774, Page 214; the verbatim description of said certain lot according to the aforementioned deed being as follows:

“Also an adjacent lot or parcel of land with any buildings thereon, bounded and described as follows:

Beginning at an iron pipe at the southeast corner of the Burleigh Farm described in deed of Arthur Burleigh to Ray Burleigh November 30, 1936 recorded in Book 892, Page 152, then southwesterly 32 ½ rods to an iron post at the S.W. Corner of the Burleigh Farm, thence 224’ northwesterly by land now of Lehouillier formerly John R. Staples 224’ to an iron post, thence northeasterly 32 ½ rods by land of Doris Burleigh to land of grantee to an iron post, said post being 832’ from an iron pipe located at the NE corner of Doris Burleigh Farm at South side of Guinea Road, thence 224’ southeasterly to point of beginning, containing approximately 2.75 acres.

Being the same premises conveyed to grantor Crague H. Burleigh by deed of Doris Burleigh, dated August 6, 1973 and recorded in said Registry in Book 2005, Page 489, from which deed the above description is taken verbatim.”

Title reference – with respect to sources of title to the hereinabove described property reference may be had to a deed from Scott C. Burleigh to Scott C. Burleigh, Trustee of the Scott Burleigh Revocable Trust, dated December 28, 2017 and recorded in said Registry of Deeds in Book 17637, Page 941.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

CONDITIONAL USE PERMIT (CUP)

Project Number: 2022.26

Medical Marijuana Caregiver Retail and Marijuana Products Manufacturing Facility

Pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations, Article VII (Conditional Use Permits), Article XI (Site Plan Review), and Article VI (Performance Standards), the Biddeford Planning Board has considered the application of **Edwin J. Larrivee Jr.** to operate a Medical Marijuana Caregiver store and Marijuana Products Manufacturing facility at 597 Elm Street. 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:

1. Findings of Fact

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
2.	Property Owner	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
3.	Agent	N/A
4.	Engineer/Surveyor	SGC Engineering, LLC 501 County Road Westbrook, NE 04092
5.	Project Location	597 Elm Street, 2nd Floor
6.	Map/Lot	Map 15, Lot 8-1
7.	City Approvals Required	Conditional Use Permit
8.	Existing Zoning	I-1
9.	Overlay Zoning	None
10.	Existing Use	Commercial, retail/wholesale
11.	Proposed Use	Medical Marijuana Caregiver Retail and Product Manufacturing Facility

12.	Uses in the Vicinity	Business, Industrial
13.	Parcel Size	1.5 acres
14.	Water Supply	Public Water
15.	Sewerage Disposal	Public Sewer
16.	Solid Waste Disposal	Private Hauler
17.	Fire Protection	City of Biddeford
18.	Parking Spaces Required	5
19.	Parking Spaces Provided	5+
20.	Ownership of Road	Public
21.	Waivers Needed/Requested	Full Site Plan Review
22.	Additional Approvals/Permits Needed	None
23.	Fees Paid (LDR Attachment A)	All fees paid
24.	Planning Board Review History	August 3, 2022

2. Compliance with City Ordinances

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 use for fire protection purposes;
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 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.

3. Approval Granted

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Conditional Use Permit for the proposed project summarized above, located 597 Elm Street (Tax Map 15, Lot 8-1) 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 verify the parking demand for the existing 1st floor tenant. Any further improvements to the parking area for the new use, including striping paved parking spaces (4 spaces and 1 van accessible space), must be completed prior to the issuance of any occupancy permits. A compliance inspection needs to occur by Code Enforcement to verify the parking lot is properly striped and that the accessible parking space has been striped/marked properly. The ADA van accessible space should be immediately adjacent to the front doorway to left so passengers have access on the right of the vehicle. ADA van accessible spaces must be 8' minimum width with an 8' minimum width striped access aisle to the right.**
3. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc., prior to commencing business.**
4. **The applicant shall comply with Land Development Regulations, Article VI (Performance Standards), Section 77 (Marijuana establishments) including, but not limited to, the odor of marijuana shall not be detectable off-premises, meaning not-detectable on any property that is not under control of the establishment.**

Planning Board Chairperson

Date



To: Matt Grooms, City Planner and the Biddeford Planning Board

From: Hannah Bonine, Contract Planner

Date: July 28, 2022

Re: 2022.26 Conditional Use Permit request for Ganja Candy

1. Proposal

Edwin J. Larrivee Jr. (property owner) is seeking Conditional Use approval by the Planning Board to operate a Medical Marijuana Caregiver retail store and Marijuana Products Manufacturing facility on the 2nd floor of an existing commercial building at 597 Elm Street (Tax Map 15, Lot 8-1). The property is located in the I-1 Industrial Zone, where both proposed uses are Conditional Uses in Biddeford. Ganja Candy Factory and Glass Emporium, LLC has been operating as a business in Biddeford since 2018 and is relocating their same business model to the new location. Proposed hours of operation are 9am to 8pm Monday through Saturday and 9am to 6pm Sunday. The business will be occupying the 2nd floor of the existing commercial building, utilizing the front half for retail, and the rear half for product manufacturing. There are no proposed exterior improvements, aside from a new sign being placed along the road. All other improvements will be internal, including odor mitigation, security, restroom facilities, and outfitting the retail space and commercial kitchen.

2. Project Information

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
2.	Property Owner	Edwin J. Larrivee Jr. 597 Elm Street Biddeford, ME 04005
3.	Agent	N/A
4.	Engineer/Surveyor	SGC Engineering, LLC 501 County Road Westbrook, NE 04092

5.	Project Location	597 Elm Street, 2nd Floor
6.	Map/Lot	Map 15, Lot 8-1
7.	City Approvals Required	Conditional Use Permit
8.	Existing Zoning	I-1
9.	Overlay Zoning	None
10.	Existing Use	Commercial, retail/wholesale
11.	Proposed Use	Medical Marijuana Caregiver Retail and Product Manufacturing Facility
12.	Uses in the Vicinity	Business, Industrial
13.	Parcel Size	1.5 acres
14.	Water Supply	Public Water
15.	Sewerage Disposal	Public Sewer
16.	Solid Waste Disposal	Private Hauler
17.	Fire Protection	City of Biddeford
18.	Parking Spaces Required	5
19.	Parking Spaces Provided	5+
20.	Ownership of Road	Public
21.	Waivers Needed/Requested	Full Site Plan Review
22.	Additional Approvals/Permits Needed	None
23.	Fees Paid (LDR Attachment A)	All fees paid
24.	Planning Board Review History	August 3, 2022

3. Compliance with City Ordinances

Medical marijuana caregiver stores and Marijuana Product Manufacturing facilities are conditional uses in the I-1 zone.

To receive approval from the Planning Board, the applicant must establish compliance with the Conditional Use Standards (Article VII, Section 6), Performance Standards (Article VI, Section 77), and Site Plan Review (Article XI).

Article VI, Section 77 Marijuana establishments

- a) *Located indoors* - Satisfied
- b) *Odor* – Satisfied, The applicant has submitted an Odor Mitigation plan and a Business Plan.
- c) *Separation of marijuana establishments* – Satisfied, The applicant has submitted a survey, dated 5/16/22, demonstrating compliance with this standard. The nearest marijuana establishment is 500.8 feet from the 597 Elm Street.

The parking provided on-site appears to be adequate per city ordinances. Confirmation may be needed on the parking demand for the existing business on the 1st floor to determine if additional parking is necessary. 5 parking spaces will be required, including one van accessible space. All parking must be paved and striped.

4. Waiver Requests

Full Site Plan Review

5. Outstanding Items to be Addressed Prior to Approval

None

6. Recommendations

- A. Recommend the Planning Board grant the waiver request for a full site plan review given the scope and scale of the proposal.
- B. If the applicant has addressed the outstanding items to the satisfaction of the Planning Board, and Planning Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:
 - 1. **Standard Conditions of Approval apply.**
 - 2. **The applicant shall verify the parking demand for the existing 1st floor tenant. Any further improvements to the parking area for the new use, including striping paved parking spaces (4 spaces and 1 van accessible space), must be completed prior to the issuance of any occupancy permits. A compliance inspection needs to occur by Code Enforcement to verify the parking lot is properly striped and that the accessible parking space has been striped/marked properly. The ADA van accessible space should be immediately adjacent to the front doorway to left so passengers have access on the right of the vehicle. ADA van accessible spaces must be 8' minimum width with an 8' minimum width striped access aisle to the right.**

3. The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc., prior to commencing business.
4. The applicant shall comply with Land Development Regulations, Article VI (Performance Standards), Section 77 (Marijuana establishments) including, but not limited to, the odor of marijuana shall not be detectable off-premises, meaning not-detectable on any property that is not under control of the establishment.

CHECKLIST FOR SITE PLAN REQUIREMENTS

YES NO

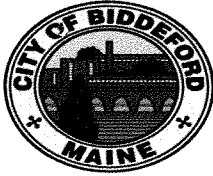
- | | | |
|--------------------------|---|---|
| ☐ | ☒ N/A | Be on sheet size of 24 by 36 inches. |
| ☐ | ☒ N/A | The scale of said plan shall be not less than one inch equals 50 feet and shall be indicated on the plat by use of a bar scale. |
| ☐ | ☒ N/A | The plan shall bear the date, title, north point. |
| ☐ | ☒ N/A | The plan shall contain a location or vicinity sketch (suggested scale one inch equals 800 feet). |
| ☐ | ☒ N/A | The plan shall contain the name and address of the developer and applicant. |
| ☐ | ☒ N/A | All appropriate dimensional requirements. |
| ☐ | ☐ | Existing and proposed easements. |
| ☐ | ☒ N/A | Plan of the site showing existing watercourses and water bodies, seasonal wet areas. |
| ☐ | ☒ N/A | Plan of the site showing soil type and location of test borings. |
| ☐ | ☒ N/A | Location of all existing and proposed utilities. |
| ☐ | ☒ N/A | Topographic contours (every five percent for zero to three percent slope; or every two feet for steeper areas). |
| ☐ | ☒ N/A | Plan should include preservation and supplementation of existing dominant vegetation. |
| ☐ | ☒ N/A | Plan shall indicate which features are to be retained and which are to be removed or altered. |
| ☐ | ☒ N/A | Location of stone walls, 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. |
| ☐ | ☒ N/A | Plan view of all buildings with their use, size, location, and first-floor elevation in respect to grade. |
| ☐ | ☒ N/A | Standard elevation view of existing and proposed buildings or structures on-site. |

YES NO

- ☐ ☐ N/A Outline of any buildings located within 200 feet of such existing or proposed buildings or structures indicating their shape, size, location, heights and volume.
- ☐ ☐ N/A Existing use of abutting properties shall be identified with approximate location of any structures thereon including access roads.
- ☐ ☐ N/A Location, width, curbing, and paving of access ways, egress ways, and streets within the site for both pedestrian and vehicular use.
- ☐ ☐ N/A The location of off-street parking and loading spaces with a layout of the parking indicated.
- ☐ ☐ N/A The size and proposed location of water mains and sanitary sewerage facilities will all necessary engineering data.
- ☐ ☐ N/A 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.
- ☐ ☐ N/A 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.
- ☐ ☐ N/A 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.
- ☐ ☐ N/A 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.
- ☐ ☐ N/A 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.
- ☐ ☐ N/A Location and type of lighting for outdoor facilities.
- ☐ ☐ N/A Lines of existing and proposed abutting streets showing width.
- ☐ ☐ N/A Surveyed property lines showing their bearing and distances and monument locations.
- ☐ ☐ N/A 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.
- ☐ ☐ *N/A* Indicate limits of the wetland areas on the property.
- ☐ ☐ *N/A* Delineate existing zoning boundaries within 1,000 feet of the site.
- ☐ ☐ *N/A* 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.



City of Biddeford
Planning Board Application

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

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

Applicant Information:

Name: Edwin J. Larrivee Jr.
Mailing Address: 597 Elm Street Biddeford Me. 04005
Telephone: 207-294-1300 cell 207-286-9705 office
Email: larrivee316@yahoo.com
What is your legal interest in the property?
☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: Edwin J. Larrivee Jr.
Mailing Address: 597 Elm Street Biddeford Me. 04005
Telephone: 207-294-1300 cell office 207-286-9705
Email: larrivee316@yahoo.com

Agent's Information:

Name: N/A
Mailing Address: _____
Telephone: _____
Email: _____

Engineer/Surveyor's Information:

Name: N/A
Mailing Address: _____
Telephone: _____
Email: _____

Project Location and Lot Information:

Street Address: 597 Elm Street
Tax Map: 15 Lot: 8-1
Current Zoning: F1 Shoreland Zoning: N0
Size of Lot: 2.5 Acres () s.f. Lot Frontage: 116.72
Existing use of Property: Commercial building for retail/wholesale
stone fabrication.

Property currently serviced by:

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

Slope Conditions in Area of Construction (if applicable): N/A

☐ 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:

Existing lot and building, no changes to either. To use upstairs
for cannabis, cannabis infused candy/food. Wholesale + retail.

Property to be Serviced by:

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

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

If in a Shoreland Zone:

Percent of residential lot coverage (Max 20%): N/A

Percent of structure expansion (Max 30%): N/A

If Subdivision Review, number of lots proposed: N/A

If a Private Way is proposed, number of lots served: N/A

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

Total new square feet footprint of structure: 0

Total new square feet paving/parking: 0

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 – 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, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

- \$40 Nonrefundable Administration Fee is required for every 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:

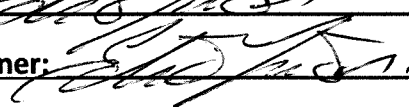
By signing this application, as the foresaid applicant or authorized agent:

- 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 the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an 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 6-1-22

Signature of Property Owner:  Date 6-1-22

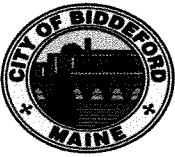
**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE)
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**

Sign at 597 Elm Street Biddeford.

Plan is to cut existing 84"x48" sign,
making 2 signs at 84"x24".

Edwin J. Larnivee 6-1-22

Edwin J. Larnivee owner



PLANNING BOARD FEE WORKSHEET

CITY OF BIDDEFORD, 205 MAIN STREET, P.O. BOX 586, BIDDEFORD, ME 04005

Return Address for remaining funds: 597 Elm Street

Biddeford me. 04005

PROJECT NAME/APPLICANT: Edwin J. Larriue Jr. DATE: 6-1-22

PROPERTY LOCATION: 597 Elm Street Biddeford me. 04005 MAP 15 LOT 8-1

GENERAL FEES (as applicable)

- Nonrefundable Administration Fee: 24111-40275 \$ _____ BY: _____
- Engineering Review/Additional Review-Draw Accounts: 10052-23000 \$ _____ BY: _____
- Engineering Inspection (Draw Accounts): 10052-23000 \$ _____ BY: _____
- Performance Guarantee: 10052-23000 \$ _____ BY: _____
- Historic Preservation Commission: 24111-40318 \$ _____ BY: _____
- CFUP 32601-40311 \$ _____ BY: _____

CONDITIONAL USE/OTHER REVIEWS (E.G. Private Ways)

- Application Fee - \$200 (nonrefundable): 24111-40285 \$ _____ BY: _____

CONTRACT AND CONDITIONAL ZONES, ZONING MAP OR CODE AMENDMENTS

- Application Fee, \$1,000 per request (nonrefundable): 24111-40288 \$1,000 BY: _____

SHORELAND ZONING/EXTRACTION REVIEW

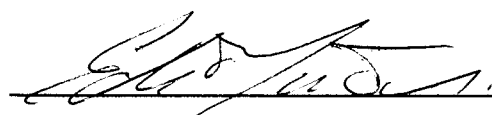
- Application Fee, \$100 (nonrefundable): 24111-40294 \$100 BY: _____

SUBDIVISION REVIEW (nonrefundable)

- MINOR SUBDIVISIONS: \$500 Plus \$100 per lot or dwelling unit (or) \$100 for previously approved plan(s) nonrefundable; 24111-40277 \$ _____ BY: _____
- MAJOR SUBDIVISIONS: \$500 Plus \$100 per lot or dwelling unit, \$500 for FINAL (or) \$100 for minor revision to previously approved plan(s); 24111-40278 \$ _____ BY: _____

SITE REVIEW (nonrefundable) Square foot calculations based on structures and paving/parking

- LESS THAN 2,000 square feet; 24111-40279 \$ _____ BY: _____
- 2,000s.f. – 9,999s.f.; 24111-40279 \$ _____ BY: _____
- 10,000s.f. – 14,999s.f.; 24111-40279 \$ _____ BY: _____
- 15,000s.f. – 19,999s.f.; 24111-40279 \$ _____ BY: _____
- 20,000s.f. – 29,999s.f.; 24111-40279 \$ _____ BY: _____
- MORE THAN 29,999s.f. \$2,000 + \$15/1,000s.f. above 29,999s.f.; 24111-40279 \$ _____ BY: _____
- Any conversion: with no new construction; 24111-40279 \$ _____ BY: _____



Page Total \$ _____

Authorized Signature

Make copies for distribution to: Applicant, Planning and Clerk/Tax Collector

For Mortgage Lender Use Only

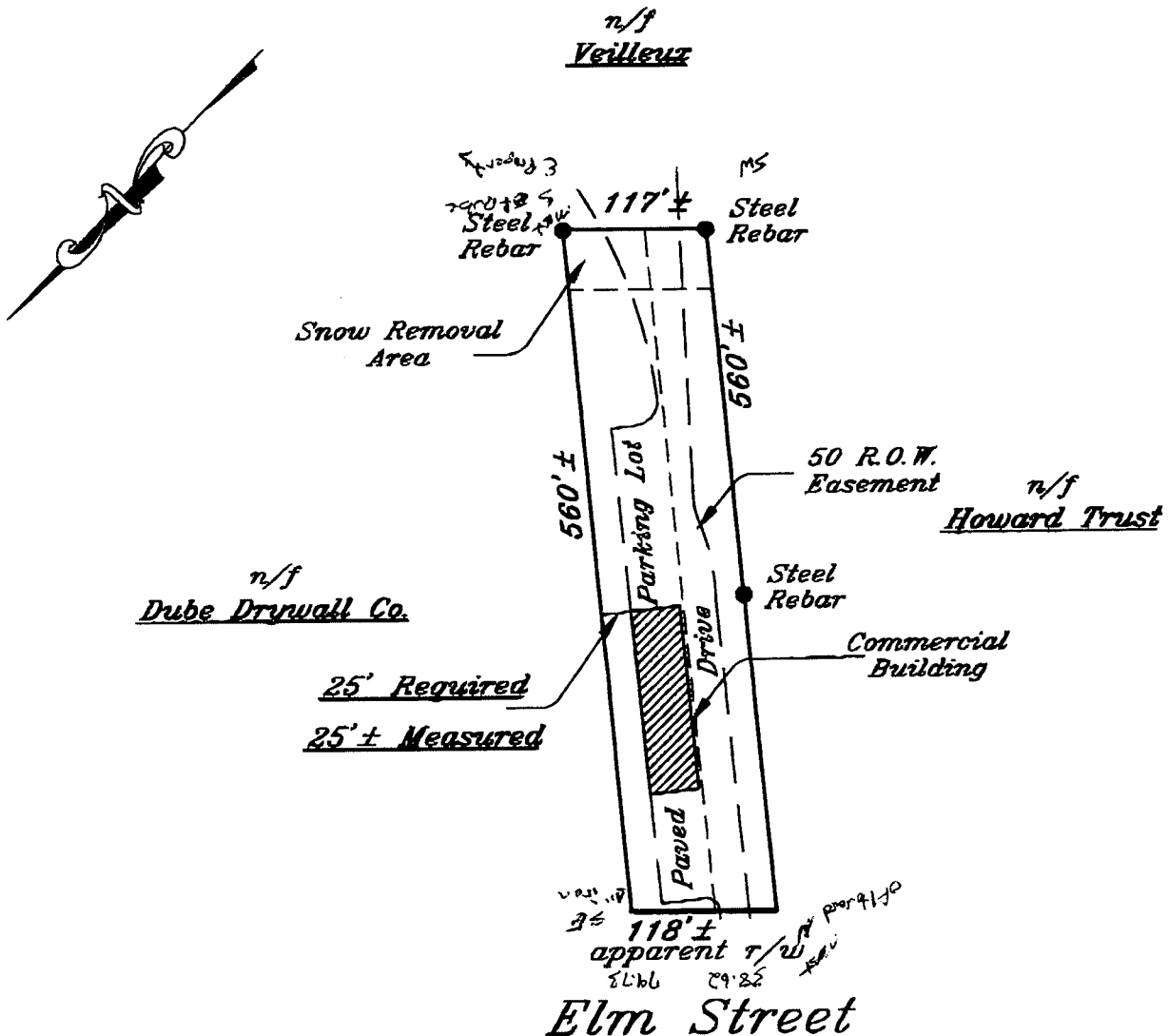
General Notes: (1) Distances shown are taken from provided title references shown below. (2) The purpose of this inspection is to render an opinion as follows: A) dwelling and accessory structure's compliance with respect to municipal zoning setbacks and B) flood zone determination by horizontal scaling on below referenced FEMA Map. (3) This inspection excepts out all technical standards as set forth by State of Maine Board of Licensure for Professional Land Surveyors. (4) This inspection is to be used only by the below listed lender, title attorney and title insurer and shall not be used by another party for boundary line locations or land title opinions. (5) A boundary survey should be performed to render a professional opinion pertaining to boundary line locations, easements, rights of way, encumbrances and/or encroachments.

This Inspection Shall Not Be Used For Construction Purposes

Address: 597 Elm Street
Biddeford, Maine

Inspection Date: January 9, 2008

Scale: 1" = 150'



Applicant: Edwin Larrivee Jr. Requesting Party: Atlantic Coast Title LLC
Owner: Robert & Shirley Walters Attorney: _____
Lender: KeyBank National Association File No. M2087283 Field Book: 371-79
A.C.T. File No. ACT 16539

Title References:

Deed Book: 13784 Page: 79
Plan Book: _____ Page: _____ Lot: _____
County: York

Municipal References:

Map: 15 Block: _____ Lot: 8-1

The building does not fall within a Special Flood Hazard Zone Per Fema Community Map No. 230145
Panel: 0008B Zone: C Date: 5-15-84

The building was ☒ in compliance with municipal zoning setback requirements at the time of construction.

Comments: See deed for appurtenances.
Parking lot/travelled way is approximate.

Middle Branch LLC Professional Land Surveyors

1A Depot Street, P.O. Box 618
Alfred, Me. 04002-0618
Ph. (207)324-8712 Fax (207)324-6100

[Signature]
1-12-09

This Inspection Is Valid Only With An Embossed Seal And Is Null & Void 90 Days After Inspection Date.

This Is Not A Boundary Survey

Not For Recording D.P.P.

BK 13784 P5079

096908

WARRANTY DEED

We, JEAN L. VEILLEUX and JEANNE D. VEILLEUX, of Arundel, County of York and State of Maine, for consideration paid, grant to ROBERT C. WATERS and SHIRLEY B. WATERS, of Old Orchard Beach, County of York and State of Maine, whose mailing address is 150 Ross Road, Old Orchard Beach, ME 04064, with WARRANTY COVENANTS, as Joint Tenants, the following described real estate situated in Biddeford, York County, Maine:

A certain lot or parcel of land, with any improvements thereon, located in the City of Biddeford, County of York and State of Maine, being more particularly described as follows:

Commencing at a found 3/4" iron rod set in the southeasterly sideline of Elm Street, at the U.S. Route One, in said City of Biddeford, said iron rod marking the most northerly corner of land now or formerly of the Howard Family Joint Living Trust, (Book 9096, Page 193 and Book 2035, Page 588) and the southwesterly corner of the parcel conveyed hereby; Thence running S 57° 14' 45" E along said land of the Howard Family Joint Living Trust a distance of 560.16 feet to a set iron rod with cap, said point being the southwesterly corner of land to be retained by the Grantors herein and the southeasterly corner of the parcel conveyed hereby; Thence turning and running N 38° 40' 45" E, along said land to be retained by the Grantors herein, a distance of 116.72 feet to a found iron rod (bent) (re-set iron rod with cap), said point being the most southerly corner of land now or formerly of Dube Drywall Co., Inc., (Book 3562, Page 225) and the easterly most corner of the parcel conveyed hereby; Thence turning and running N 57° 05' 00" W, along said land of Dube Drywall Co., Inc., a distance of 559.58 feet to a found 1" iron pipe located on the southeasterly sideline of said Elm Street; Thence turning and running S 34° 41' W along the southeasterly sideline of said Elm Street a distance of 79.73 feet to a set p.k. nail; Thence turning and running S 39° 17' 30" W along the southeasterly sideline of said Elm Street a distance of 38.62 feet to the point and place of beginning.

MAINE R.E. TRANSFER TAX PAD

Source

Subject to an easement reserved by Grantors herein, Jean L. Veilleux and Jeanne D. Veilleux, their heirs and assigns forever, being a 50 foot wide right of way and utility easement over the following portion of the above described parcel:

Commencing at a found 3/4" iron rod set in the southeasterly sideline of Elm Street, at the U.S. Route One, in said City of Biddeford, said point of beginning being the most northerly corner of land now or formerly of the Howard Family Joint Living Trust, and the southwesterly corner of the parcel conveyed hereby; Thence running S 57° 14' 45" E along said land of the Howard Family Joint Living Trust a distance of 560.16 feet to a set iron rod with cap, said point being the southwesterly corner of land retained by the Grantors herein, Jean L. Veilleux and Jeanne D. Veilleux, and the southeasterly corner of the parcel conveyed hereby; Thence turning and running N 38° 40' 45" E, along said land to be retained by the Grantors herein, a distance of 50 feet, more or less, to a point; Thence turning and running in a northwesterly direction, parallel with the first described course, to a point in the southeasterly sideline of said Elm Street; Thence turning and running S 39° 17' 30" W along the southeasterly sideline of said Elm Street a distance of 50 feet more or less, to the point and place of beginning.

Included with the above reserved right of way are all portions of the existing gravel drive running in a general southeasterly direction from the southwesterly sideline of U.S. Route One

BK 13784 PG 80

remaining land of the Grantors herein to the extent said gravel drive goes outside of the above described 50 foot wide right of way to the northeast.

Said right of way and easement shall be for purposes including ingress to and egress from that land retained by the Grantors herein and for the laying, relaying, installation and maintenance of utility lines, pipes and other conduits.

The Grantors and Grantees, their heirs and assigns, shall keep said right of way and easement area clear of vehicles, structures and any other obstructions. The cost of plowing of and snow removal from said right of way and easement shall be divided equally between Grantors and Grantees, their heirs and assigns. Grantors and Grantees, their heirs and assigns, shall not park, nor allow to be parked, vehicles of any nature or kind within 50 feet of the southeasterly boundary of the premises conveyed hereby.

Grantors and Grantees have agreed that they will not place any improvements in or park any vehicles in the following described area which will be a dedicated area for snow removal:

Beginning at an iron rod with survey cap marking the southeasterly corner of the above described lot;

Thence, running N 38° 40' 45" E by remaining land of the Grantors 116.72' to a found iron rod (bent) reset with an iron rod with survey cap;

Thence, running N 57° 05' 00" W by land of Dubs Drywall Co., Inc. (Book 3562, Page 225) a distance of 50 feet to a point and corner;

Thence, running S 38° 40' 45" W over the land described above a distance of 116 feet, more or less, to a point and corner on the southeasterly side of the above described lot;

Thence, running S 57° 14' 45" E by said land of Howard Family Joint Living Trust a distance of 50 feet to an iron rod set in the ground and the point of beginning.

Reference is made to plan entitled "Plan Showing A Standard Boundary Survey Made For Jean L. & Jeanne D. Veilleux" dated May 3, 1999, revised September 19, 2003, by Dow & Coulombe, Inc., Land Surveyors & Planners.

Being the same premise described in a deed from Grantees to Grantors pursuant to a deed of even date herewith.

Being a portion of those premises conveyed to Jean L. Veilleux and Jeanne D. Veilleux by warranty deed of John P. Couture and Pauline Couture dated January 28, 1982, and recorded in Book 2891, Page 137 of the York County Registry of Deeds, and by quitclaim deed of Arthur M. Scott, Jr., dated June 28, 1985, and recorded in Book 3563, Page 292 of said Registry.

WITNESS our hands and seals this 10th day of December, 2003.









To: Matt Grooms, City Planner and the Biddeford Planning Board

From: Hannah Bonine, Contract Planner

Date: July 28, 2022

Re: 2022.30 Sketch Plan Review for a proposed 5-lot Residential Subdivision at 355 Pool Street

1. Proposal

This application contains materials for Sketch Plan review for a five-lot subdivision created from the parcel located at 355 Pool Street (Tax Map 44, Lot 21). The property is located in the SR-1 (Suburban Residential) and LR (Limited Residential Shoreland Overlay) Zones. The existing parcel is approximately 8.3 acres, and the 5 proposed lots may range from 50,000 square feet to 107,000 square feet. All lots are proposed to have adequate frontage along Pool Street, as required in the SR-1 zone. A Wetland study for the property has been prepared by Jones Associates and is included in the application package.

2. Project Information

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Shawn Brown 5 Buckthorn Circle Saco, ME 04072
2.	Property Owner	Shawn and Lee-Marie Brown 5 Buckthorn Circle Saco, ME 04072
3.	Agent	Walter Pelkey, BH2M 380B Main Street Gorham, ME 04038
4.	Engineer/Surveyor	Same as Agent
5.	Project Location	355 Pool Street
6.	Map/Lot	Map 44, Lot 21
7.	City Approvals Required	Residential Subdivision

8.	Existing Zoning	SR-1
9.	Overlay Zoning	Limited Residential (partial)
10.	Existing Use	Vacant
11.	Proposed Use	Residential Subdivision
12.	Uses in the Vicinity	Residential
13.	Parcel Size	8.2 acres
14.	Water Supply	Public Water
15.	Sewerage Disposal	Private Septic
16.	Fire Protection	City of Biddeford
17.	Ownership of Road	Public
18.	Additional Approvals/Permits Needed	None
19.	Fees Paid (LDR Attachment A)	All fees paid
20.	Planning Board Review History	August 3, 2022

3. Compliance with City Ordinances

Per the City of Biddeford Code of Ordinances Chapter 66 *Subdivisions*, Section 30, the purpose of the Sketch Plan review is for the Board to review the overall layout plan and offer general feedback to the applicant, to inform the Preliminary submission. The Board must also make the determination that the proposed subdivision is a major or minor subdivision, based on the following criteria:

Major subdivisions:

Propose to develop any type of additional roadways, whether public or private;

or extend public water or sewer lines;

where five or more lots are proposed;

or are considered planned unit developments.

This determination will dictate whether the application must proceed with a preliminary and final approval in two distinct steps, or if both may be granted simultaneously. If the application is deemed a major subdivision, the applicant must submit all information required in Section 66-35 to be considered for preliminary approval. The Board may also request additional studies to be made, at the applicant's expense, to inform the design and approval process.

All proposed lots are in conformance with the City of Biddeford LDR Article V, Table B *Dimensional Requirements* with a minimum lot size of 20,000 square feet, and minimum frontage of 100 feet. However, lots 4 and 5 may be in violation of Maine State Subdivision law (30-A M.R.S.A. §§ 4404) governing review criteria for subdivisions. Specifically, 30-A M.R.S.A. §§ 4404 – 17 specifies that lots with shore frontage on a river have a lot depth to shore frontage ratio greater than 5:1. Staff will determine the applicability of this provision to advise the applicant at a later date.

4. Waiver Requests

None at this time. Upon review of the submission requirements, the applicant may wish to submit a request for a waiver.

5. Recommendations

At this time, the Board should review the application, listen to the applicant's presentation, and ask questions/make comments to better inform the project. The purpose of the Sketch Plan review is for the Board to review the overall concept of the proposal and gain a better understanding of the project as a whole. The Board must also determine if the application constitutes a major or minor subdivision.

6. Sample Motions

- a. Motion to designate the application for a 5-lot subdivision at 355 Pool Street (Tax Map 44, Lot 21) as a Major Subdivision.**

OR

- b. Motion to designate the application for a 5-lot subdivision at 355 Pool Street (Tax Map 44, Lot 21) as a Minor Subdivision.**

July 12, 2022

Matthew Grooms
Town Planner
City of Biddeford
205 Main Street
Biddeford, ME 04005

Re: Major Subdivision Sketch Plan
Shawn Brown
Pool Street

Dear Matthew;

On behalf of the applicant, Shawn Brown, we are submitting the sketch plan for a 5-lot major subdivision. The applicant is proposing 5 single family residential lots on the property located at 355 Pool Street and depicted on the City's tax map 44, lot 21. The parcel is approximately 8.3 acres and located in the Suburban Residential zone.

Enclosed please find 10 copies of the sketch plan (24x26) and supporting documents.

We look forward to presenting this project at the first available planning board meeting.

Sincerely,



Walter E. Pelkey
Project Manager

cc: S. Brown



TRUSTEE'S DEED

DLN: _____

CRAIG G. COFFIN, not individually but solely in his capacity as **Successor Trustee** of the **POOL STREET REALTY TRUST** under Declaration of Trust dated August 21, 1992, as amended, having a mailing address c/o First Atlantic Healthcare, 100 Waterman Drive, Suite 401, South Portland, Maine 04106, by the power conferred by law, and every other power, grants to **SHAWN BROWN** and **LEE-MARIE BROWN** with a mailing address of 5 Buckthorn Circle, Saco, Maine 04072 as joint tenants, the land, with any improvements thereon, located in Biddeford, York County, Maine more particularly described in Exhibit A attached hereto and made a part hereof.

I hereby covenant that I am the current Trustee of the Trust; that said Trust is still in full force and effect; that I have the power thereunder to convey as aforesaid; and that, in the making of this conveyance, I have, in all respects, acted pursuant to the authority vested in and granted to me therein.

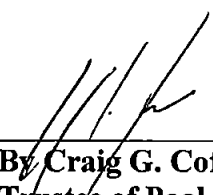
Signature Page Follows

Maine R.E. Transfer Tax Paid

Ingraham Title Company
 705 Portland Road
 Saco, ME 04072

WITNESS my hand and seal this ²⁹25th day of October 2021

WITNESS:


By **Craig G. Coffin, Successor**
Trustee of Pool Street Realty Trust
duly authorized

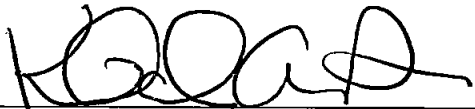
STATE OF MAINE

COUNTY OF YORK

Oct 29 2021

Personally appeared the above-named Craig G. Coffin, Successor Trustee of Pool Street Realty Trust and acknowledged before me the foregoing instrument to be his free act in his said capacity.

Before me,



Notary Public/Attorney-at-Law
Print Name: Kimbaly A. Phinney
Commission Expires: 11/09/22
(Affix Notarial Seal)

SEAL

EXHIBIT A

A certain lot or parcel of land situated in Biddeford, Maine and lying on the northeasterly side of Pool St: and being further bounded and described as follows:

BEGINNING at an iron pipe driven into the ground on the northeasterly side of Pool Street, a/k/a Pool Road, said pipe being in the center of a brook and at the land now or formerly of Robert Hunter; thence running S 40° 30' 12" E by and along the northeasterly side of Pool Street 590 feet, more or less, to a point and other land which Perspective Associates conveyed to Henry A. Tartre by deed dated November 6, 1987 recorded in the York County Registry of Deeds in Book 4521, Page 1; thence turning a running by and along the land now or formerly of said Henry Tartre by the following courses and distances: N 32° 36' E 396.65 feet to a point; N 01° 38' 56" E 109.49 feet to a point; N 22° 57' 28" E 41.95 feet to a point; N 68° 58' 31" E 109.04 feet a point; N 67° 24' 39" E 79.64 feet to a point; N 30° 37' 03" E 62.69 feet to a point; N 38° 20' 06" E 103.76 feet; N 04° 01' 03" W 48.64 feet to a point; N 85° 58' 57" E 10 feet to a point and the Saco River; thence running northerly and northwesterly by the Saco River to said brook; thence running southerly and southwesterly by said brook to the point of beginning.

The courses and distances are derived from a plan entitled "Tartre Realty Subdivision Plan of Land To-Be Conveyed by Perspective Associates, Pool Street, Biddeford, Maine," dated September 26, 1986 and recorded in the York County Registry of Deeds in Plan Book 156, Page 27.

The above-described premise is subject to a 50 foot right of way for the purpose of access by foot or motor vehicle and for utilities to and from the abutting parcel now or formerly of Henry Tartre and Pool Street. Said easement is bounded and described as follows:

BEGINNNING at the southerly most corner of the above-described property at the northeasterly sideline of Pool Street and the westerly corner of the land now or formerly of Henry Tartre; thence running northwesterly by and along the northeasterly sideline of Pool Street 51.47 feet to a point; thence running N 32° 36' 36" E 137.80 feet to a point; thence running S 57° 23' 24" E 50.00 feet to a point and the westerly sideline of the land now or formerly of said Tartre; thence running S 32° 36' 36" W 150.00 feet to the westerly sideline of Pool Street and the point of beginning.

The above-described premise is further subject to a water line easement 15 feet in width for the purpose of installation, repair and maintenance of a water line. Said easement is further bounded and described as follows:

BEGINNING at a point 97 feet, more or less, from the southerly most corner of the above described lot and approximately 97 feet, more or less, from the most westerly corner of said lot now or formerly of Henry Tartre; thence N 62° 44' 17" W, 218.25 feet to a point; thence N 27° 15' 43" E 15.00 feet to a point; thence S 62° 44' 17" E, 219.6 feet to the westerly line of land of Henry Tartre; thence S 32° 36' 36 W, 15.07 feet just to the point of beginning.

Also, right of access easement to and from the Saco River for purpose of accessing boat moorings for personal use said easement shall run with the land.

The above-described premise is further subject to a 25 foot wide access easement for foot or vehicle access, which easement is further bounded and described as follows:

BEGINNING at a point, said point being the most northerly corner of above described 50 foot right of way easement; thence N 32° 36' 36" E, 130.00 feet to a point; thence along a curve concaved to the west having a radius of 162.50 feet, a distance of 158.82 feet to a point; thence N 23° 23' 24" W 85.00 feet to a point; thence N 66° 36' 36" E, 25.00 feet to a point; thence S 23° 23' 24" E, 85.00 feet to a point; thence along a curve concave westerly having a radius of 187.50 feet, a distance of 183.26 feet to a point; thence S 32° 36' 36" W 130.00 feet to the northerly line of above described 50 foot right of way access easement; thence N 57° 23' 24" W, 25.00 feet to the point of beginning.

The above-described premise is conveyed together with a 25.00 wide easement to construct, maintain, operate, repair and replace a sanitary sewer discharge pipe and appurtenant structure over the property now of formerly of Henry Tartre. The centerline of said easement shall be located along the existing discharge pipe which is shown and delineated on the above noted plan.

This easement is conveyed together with the right to go upon the adjoining land now or formerly of Henry Tartre and the right to cut trees, brush, bushes, shrubs, remove roots and earth and to do any other work necessary to construct, maintain, operate, repair or replace the existing sewer line, discharge pipe and related structures.

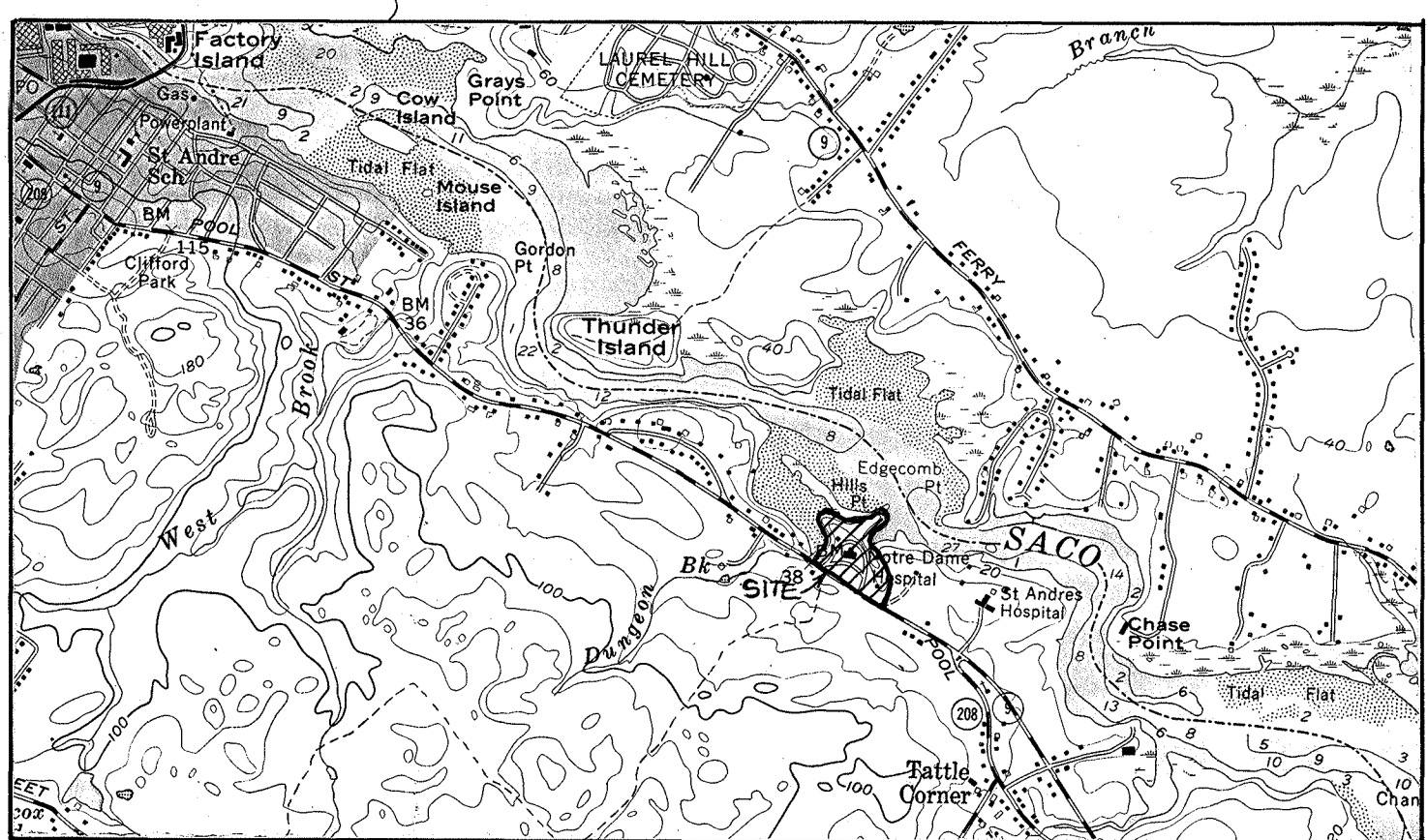
For source of title, reference is made to a deed from Daniel D. Sowerby as Trustee of the Riverwood Realty Trust to Daniel W. Hourihan in his capacity as Trustee of Pool Street Realty Trust dated August 21, 1992 and recorded in the York County Registry of Deeds in Book 6222, Page 13. Additional reference is made to an amendment to Pool Street Realty Trust dated December 10, 1997 and recorded in said Registry in Book 8850, Page 224, wherein Daniel W. Hourihan was removed as Trustee of the Trust and Craig G. Coffin appointed as his Successor.

Biddeford Online Tax Map



Online Tax Map

City of Biddeford, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA



LOCATION MAP

TIDAL MARSH

LEGEND:
• CORNERS TO BE PINNED

SACO RIVER

TIDAL MARSH

No.	Bearing	Distance
L15	S57°23'24"E	50.00'
L16	N27°15'43"E	15.00'
L17	S32°36'36"W	15.07'

No.	Delta	Radius	Arc Length
C1	00°23'59"	5679.65	39.63
C2	03°26'01"	5679.65	340.36
C3	00°31'09"	5679.65	51.47

TARTRE REALTY
SUBDIVISION

PLAN OF LAND
TO BE CONVEYED BY

PERSPECTIVE ASSOCIATES

POOL STREET, BIDDEFORD, MAINE

DATE: SEPTEMBER 26, 1986 SCALE: 1"=50'
REVISED: APRIL 14, 1987

OWNER OF RECORD: PERSPECTIVE ASSOCIATES, (HENRY A. TARTRE and DAN SOWERBY)
SOURCE DEED: BOOK 2865, PAGE 216
ZONE: SR-1

APPROVED BY: BIDDEFORD PLANNING BOARD

DATE: May 6, 1987

Michael P. Cantara, Chair
Paul Stoddard
Janice A. Poirer
Allyson K. Sordahl

N/F NORMAN LABBE
BK 3440 PG 242
PLAN BK 145 PG 7

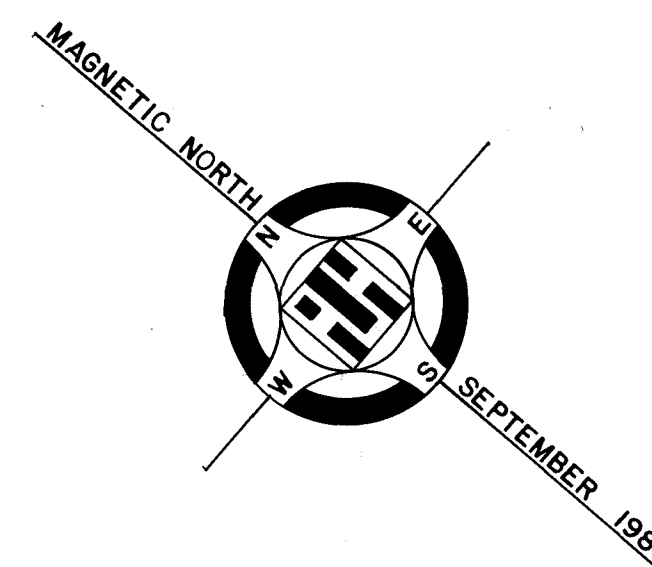
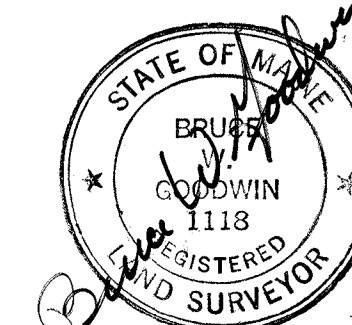
CERTIFICATION

WE HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF PRACTICE, AS ADOPTED BY THE MAINE BOARD OF REGISTRATION FOR LAND SURVEYORS, TITLE 32, CHAPTER 24, REVISED STATUTES OF 1964. AS A STANDARD BOUNDARY SURVEY CONDITION ONE.

Aliberti, Larochelle & Hodson
ALIBERTI, LAROCHELLE, & HODSON

4/14/87
DATE

ALIBERTI, LAROCHELLE, & HODSON
SURVEYORS AND ENGINEERS
3 OAK HILL TERRACE
SCARBOROUGH, MAINE 04047



22571

RECORDS
MAY 22 1987
10-24-156-A-M-27
ATTEST: *Jim M. Poirer*

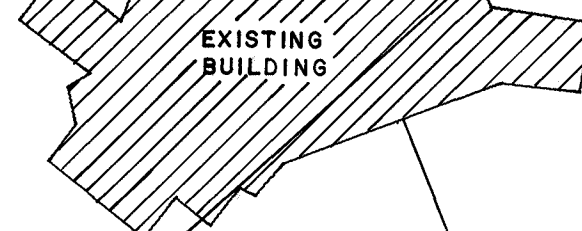
METERS 0 5 10 25 50
FEET 0 10 20 50 100 150 200

NOTES:

- 50' ACCESS EASEMENT FOR BENEFIT OF LOT 5 ACCESS OVER LOT 4.
- 15' WATER LINE EASEMENT FOR BENEFIT OF LOT 5 WATER SERVICE OVER LOT 4.
- 100 YEAR FLOOD ELEVATION IS 9.00

N/F C. BUTLER
ROBERT HUNTER, HEIRS
BK 1167 PG 498

TIDAL MARSH



LOT #4
8.4 ACRES

REMAINING LAND OF
PERSPECTIVE ASSOCIATES

WASTEWATER
TREATMENT SYSTEM

WATER MARK
NORMAL HIGH
1766 ±

WOODED AREA

PIPE
VENT PIPE

DISCHARGE

LOCATION

APPROXIMATE

WATER LINE

EXISTING BUILDING

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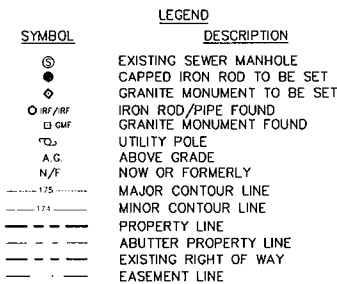
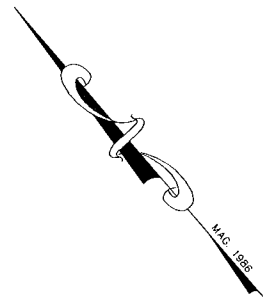
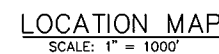
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POOL ST

BLANDINGS
WAY

N/F
Vacation Properties,
LLC
Bk. 18110, Pg. 668
Tax Map 8, Lot 39-3

N/F
Haider Al Taie
Bk. 17877, Pg. 114
Tax Map 8, Lot 37-5

N/F
Gerard D. & Tina S.
Boissonnault Living
Trust
Blk. 18001, Pg. 929
Tax Map 8, Lot 37-6

Scale: 1" = 50'

NOTES

1. OWNER/APPLICANT: SHAWN BROWN
5 BUCKTHORN CIRCLE
SACO, MAINE
2. SURVEYOR: ROBERT LIBBY, JR.
BH2M
380B MAIN STREET
GORHAM, MAINE
3. DEED REFERENCES: Bk. 18863, PG. 185
Bk 6222, PG. 13-14
Bk. 6222, PG. 15-16
Bk. 4553, PG.13
4. TAX MAP REFERENCE: MAP 44, LOT 21
5. ZONING: SUBURBAN RESIDENTIAL (SR1)
6. PARCEL AREA: 8.21± AC.
7. MINIMUM STANDARDS: MIN. LOT SIZE - 20,000 S.F.
(PUBLIC WATER)
FRONTAGE - 100' MIN. (PUBLIC
WATER)
SETBACKS - 40' FRONT
10' SIDE AND REAR
8. PLAN REFERENCE: A. "TARTRE REALTY SUBDIVISION" DATED
SEPTEMBER 26, 1986, MADE BY
ALIBERTI, LAROCHELLE & HODSON
SURVEYORS AND ENGINEERS, MADE FOR
PERSPECTIVE ASSOCIATES, AND
RECORDED IN Y.C.R.D IN PLAN BOOK
156, PAGE 27.
9. MEAN HIGH WATER IS AS LOCATED IN MARCH 2022 WITH ICE
CONDITIONS. MEAN HIGH WATER ELEVATION DATA IS PER
NOAA, BIDDEFORD, SACO RIVER STATION, ACCEPTED APRIL 17,
2003, ELEVATION 3.98, NAVD88.
10. SITE CONTOURS ARE PER MAINE GIS CATALOG, BIDDEFORD, MAINE,
NAVD 88.

[illegible]

FOR
Shawn Brown
5 Buckthorn Circle
Saco, Maine

SKETCH PLAN
5 LOT SUBDIVISION

355 POOL STREET
BRIDDEFORD, MAINE

LINE DATA		
L1 -	N22°57'28"E	41.95'
L2 -	N30°37'03"E	62.69'
L3 -	N04°01'03"W	48.64'
L4 -	N85°58'57"E	10.00'

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

1. NO SURVEYORS REPORT
2. INTERIOR LOT LINES ONLY

DESIGNED W. Pelkey	DATE July 2021
DRAWN Dept.	SCALE 1" = 50'
CHECKED R. Libby, Jr.	JOB. NO. 21109

SHEET
1

REPRODUCTION OR REUSE OF THIS
DOCUMENT WITHOUT THE
EXPRESSED WRITTEN CONSENT
OF RHIZM INC IS PROHIBITED

ROBERT C. LIBBY JR. PLS #2190

JONES ASSOCIATES

Foresters, Surveyors and
Environmental Consultants



WETLAND REPORT

355 POOL STREET

BIDDEFORD, MAINE 04005

<u>Prepared for:</u> Shawn Brown 282 West Street Biddeford, Maine 04005	<u>Prepared by:</u> Jones Associates, Inc. 280 Poland Spring Road Auburn, Maine 04210
--	--

JA Job #21-115BD
February 2022

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INTRODUCTION

Jones Associates, Inc. was contracted to provide wetland delineation services for Shawn Brown on a +/- 8-acre property located at 355 Pool Street in Biddeford, Maine 04005. The delineation encompassed +/- 8-acres of the property. The following report summarizes site conditions observed during a site visit in January of 2022.

Wetland/upland boundaries were identified and delineated according to *U.S. Army Corps of Engineers (ACOE) Wetlands Delineation Manual (Environmental Laboratory 1987)* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, January 2012*. Wetlands were identified based on the presence of hydric soil (inundated or saturated soil conditions resulting from permanent or periodic inundation by ground water or surface water), hydrology (movement and distribution of water), and predominance of hydrophytic species (Hydrophytes: vegetation typically adapted for life in saturated soil conditions).

Wetland delineations consist of transecting the property, examining periodic soil samples, observing any evidence of hydrology, and assessing each stratum of vegetation for its percentage of hydrophytic species. If all three factors were evident, the study plot was considered wetland habitat. Transitions between upland and wetland were clearly marked with blue sub-zero flagging every 30-40 feet and labeled with alphanumeric codes to identify individual systems (A1, A2, A3....).

Wetland flags were located with using Leica Global Positioning System (GPS) technology with expected average accuracy of sub-meter. This method is recognized by both state and federal agencies. This being stated, Jones Associates, Inc. recommends that the wetland boundary be surveyed using a more precise method of location if any fill or regulated activities are to be performed within 20 feet of the GPS located wetland.

EXISTING CONDITIONS

The property is entirely bound by Pool Street (Route 208) to the south. To the north, northeast, and northwest, the property abuts the Saco River. To the east and west, the property abuts to privately-owned residential lots.

Existing development on the property consists of a looped road and graveled area that used to function as an access road to a building on-site. This building was demolished between 2016 and 2018 according the historical google earth imagery. There is also a small building on the property in the northwesterly corner of the lot that does not appear to currently be in use.

The National Wetlands Inventory (NWI) was used as a preliminary resource in order to identify potential wetlands on-site. NWI mapped several estuarine and marine wetland habitats on and abutting the property, along the Saco River. The modifiers of these wetlands vary but are estuarine wetlands (E) that are intertidal (2) with either emergent (EM) or unconsolidated shores (US) with either persistent vegetation (1) or a sand (2) bottom and are either regularly flood (N) or irregularly flooded (P). The wetlands NWI has mapped consist of E2EM1N; E2EM1P; and E2US2N. NWI also mapped a riverine (R) that is tidal (1) with an unconsolidated bottom (UB) that is permanently flooded-tidal (V) or (R1UBV).

WETLAND CHARACTERISTICS

The term "wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

--Corps of Engineers Wetlands Delineation Manual (U.S. Army Corps of Engineers 1987)

The property contains one wetland (Wetland A) which is shown on the attached Wetland Delineation Plan.

Wetland A is located along the northern and western boundaries of the property. This wetland is associated with the Saco River and the upland boundary is the bottom of the riverbank in most places. This wetland is described using the Wetlands and Deepwater Habitat Classifications (below) as an estuarine (E), intertidal wetland (2), with emergent vegetation (EM) that is persistent (1) and regularly flooded (N) or (E2EM1N). Hydrological indicators in this wetland consist of saturation (surface) and high water table (10"). Vegetation found in this wetland consists of Morrow's honeysuckle (*Lonicera morrowii*) and narrow-leaved cattail (*Typha angustifolia*) indicating the presence of hydrophytic vegetation. Soils in this wetland were colored at 10YR 2/1 from 0-15 inches and 10YR 5/1 from 15-20 inches allowing them to be classified with a hydric soil indicator of sandy mucky mineral.

WETLANDS OF SPECIAL SIGNIFICANCE (WOSS)

Wetland A is considered a wetland of special significance according to the criteria outlined in the attached Wetland Delineation Checklist. Wetland A contains consistent emergent vegetation for more than 20,000 square feet. Wetland A is approximately 23,798 square feet and emergent vegetation was observed throughout its entirety. Wetland A contains a 100-year flood plain according to preliminary FEMA flood map data. Preliminary data is the only available flood zone data for the site. The 100-year floodplain is shown as Preliminary Zone AE on the attached Flood Hazard Map obtained from the Maine Floodplain Management Program. Wetland A also contains tidal wading and waterfowl habitat according to data obtained from Maine Department of Inland Fish and Wildlife. This is considered significant wildlife habitat. Wetland A is also within 250 feet of coastal wetlands in the Saco River and within 25 feet of a river, stream, or brook. These characteristics require Wetland A to be classified as a wetland of special significance.

STREAMS

One small section of stream was located in the southwest corner of the property. The stream is named Dungeon Brook and crosses under Pool Street and continues into the Saco River. The stream meets at least four of the five criteria defined by the Natural Resource Protection Act to be considered a stream. It is depicted as a solid blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map, it contains flowing water continuously for a period of at least 6 months of the year in most years, the channel bed is primarily composed of mineral material, and the channel contains aquatic vegetation and is essentially devoid of upland vegetation. It can be described using the Wetlands and Deepwater Habitats Classifications (below) as riverine (R) lower perennial (2) with an unconsolidated bottom (UB) consisting of cobble and gravel (1) or (R2UB1). Please refer to Addendum 4.B (Stream Channels) for more detailed information on stream criteria.

RARE OR UNUSUAL FEATURES AND VERNAL POOLS

Jones Associates Inc. did not identify any potential vernal pools during investigations. No unusual plant or animal species were observed within the property. Vegetation on this property was dominated by plant communities typical of this region of Maine.

NORTHERN LONG-EARED BAT

If impacts are proposed on-site, then the items found in Section 1 of the Addendum below will need to be addressed for Northern Long-Eared Bats (NLEB).



Job #:	21-115BD		
Client:	Shawn Brown		
Site Address:	355 Pool Street, Biddeford, Maine 04005		

Wetland Scientist:	Jason Tome
Date of Office Review:	01/2022
Date(s) of Field Delineation:	12/2021

Wetlands of Special Significance

Yes	No	
	X	Does the on-site or immediately adjacent wetland contain a mapped and numbered DWA?
	X	Does the on-site or immediately adjacent wetland contain an Inland Waterfowl Wading Bird Habitat?
	X	Does the on-site or immediately adjacent wetland contain a potential significant vernal pool?
X		Are there areas of open water or wetlands with emergent marsh vegetation greater than 20,000 sq. ft. on-site or immediately adjacent?
X		Does the on-site or immediately adjacent wetland contain a 100-year flood plain?
	X	Does the on-site or immediately adjacent wetland contain a S1 or S2 community?
X		Does the on-site or immediately adjacent wetland contain a significant wildlife habitat?
X		Is the on-site wetland within 250' of a coastal wetland?
	X	Is the on-site wetland within 250' of a great pond?
	X	Does the site contain peatlands?
X		Are there wetlands occurring within 25' of a river, stream, or brook?

Stormwater Qualifications

	X	Is the site in the watershed of a Great Pond or Impaired stream?
	X	Is the site in a lake watershed?
	X	Is the site in a watershed most at risk?

Additional Comments:

FEMA flood zone FIRM:

Biddeford 2301450004B, Effective May 15, 1984

Watershed:

HUC_8: 0106002	Saco
HUC_10: 010600211	Saco River-Frontal Saco Bay
HUC_12: 01060021105	Outlet Saco River

PHOTOS

Characteristic Wetlands



Characteristic Wetlands



Characteristic Uplands



Characteristic Uplands



ADDENDUM

1. NORTHERN LONG-EARED BAT

The United States Fish and Wildlife Service listed the Northern Long-Eared Bat (NLEB) (*Myotis septentrionalis*) as threatened with Interim 4(d) Rule. This listing affects development occurring within the range of the NLEB (www.fws.gov/midwest/endangered/mammals/nleb/nlebRangeMap.html) and within the White Nose Syndrome Buffer Zone (<http://www.fws.gov/midwest/nleb/WNSBuffer.pdf>) that could cause purposeful or incidental take (harm, kill or otherwise harass). This includes the clearing of trees where NLEB could be living, activity occurring within 0.25 miles of a known, occupied hibernacula, and activities occurring within a 150-foot radius from a maternity roosting tree during the pup rearing season from June 1 to July 31st. If your project requires such action a permit may be necessary.

2. SOILS

According to U.S. Department of Agriculture, Natural Resources Conservation Service, five soil types are located within the project area. Characteristics of each series are described in the soil report according to: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture, Official Soil Series Descriptions, <https://soilseries.sc.egov.usda.gov/osdname.aspx>.

BUXTON SERIES

The Buxton series consists of very deep, moderately well drained soils that formed in glaciolacustrine or glaciomarine deposits on coastal lowlands and river valleys. Slope ranges from 3 to 50 percent. Permeability is moderate or moderately slow in the surface horizon, moderately slow or slow in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil and in the substratum. Mean annual temperature is about 7 degrees C, and mean annual precipitation is about 1118 mm at the type location.

TYPICAL PEDON: Buxton silt loam, on a 13 percent slope in an abandoned hayfield. (Colors are for moist soil unless otherwise noted.)

GEOGRAPHIC SETTING: Buxton soils are on coastal lowlands and river valleys. Slope ranges from 3 to 50 percent. The soils formed in medium, moderately fine, and fine textured glaciolacustrine or glaciomarine deposits. The climate is humid and cool temperate. Mean annual precipitation ranges from 860 to 1220 mm, and mean annual temperature ranges from 6 to 8 degrees C. The frost-free season ranges from 90 to 160 days. Elevation ranges from 2 to 274 meters above mean sea level.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Moderately well drained. Surface runoff is medium or rapid depending on slope. Saturated Hydraulic Conductivity is moderately high in the surface horizon and the upper part of the subsoil, and low to moderately low in the lower part of the subsoil and in the substratum.

USE AND VEGETATION: Cleared areas are used mainly for hay, forage crops, or pasture. Some areas are used for silage corn or vegetables. The remaining areas are forested. Common tree species include eastern white pine, balsam fir, paper birch, white spruce, eastern hemlock, and northern red oak.

LYMAN SERIES

The Lyman series consists of shallow, somewhat excessively drained soils on glaciated uplands. They formed in loamy superglacial till. Estimated saturated hydraulic conductivity is moderately high or high throughout the mineral soil. Slope ranges from 0 to 80 percent. Mean annual temperature is about 5 degrees C.

TYPICAL PEDON: Lyman loam, on a northwest facing, 55 percent slope in a very rocky forested area. (Colors are for moist soil.)

GEOGRAPHIC SETTING: Lyman soils are on nearly level to very steep glaciated uplands. They are on the tops and sides of hills and mountains. Slope ranges from 0 to 80 percent. The soils formed in loamy supraglacial till of Wisconsin age derived mainly from micaceous schist, gneiss, phyllite, and granite. The mean annual precipitation is 790 to 2420 mm, and the mean annual temperature is -3 to 9 degrees C. The frost-free period is from 60 to 160 days. Elevation ranges from about 2 to 800 meters above mean sea level.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Somewhat excessively drained. Potential runoff is very high. Estimated saturated hydraulic conductivity is moderately high or high in the mineral soil.

USE AND VEGETATION: Most areas are wooded. The common trees are American beech, white ash, yellow birch, paper birch, northern red oak, sugar maple, eastern white pine, eastern hemlock, red spruce, white spruce, and balsam fir. Some areas have been cleared and are primarily used for hay and pasture. A few cleared areas are used for cultivated crops.

PEMAQUID SERIES

The Pemaquid series consists of very deep, very poorly drained soils formed in herbaceous organic deposits over sandy mineral material. They are in tidal marshes subject to inundation by salt water twice daily. Slope ranges from 0 to 2 percent. Saturated hydraulic conductivity is moderately high or very high in the organic layers and very high in the underlying mineral sediments. Mean annual temperature is about 7 degrees C and mean annual precipitation is about 1900 mm.

TYPICAL PEDON: Pemaquid peat in a salt grass tidal marsh, undrained. (Colors are for moist soil unless noted otherwise.)

GEOGRAPHIC SETTING: Pemaquid soils are level and occur in tidal marshes along the coast of Maine. They are subject to tidal flooding twice daily except in areas protected by dikes and tide gates. Pemaquid soils developed in partially decomposed organic material from salt tolerant

herbaceous plants over sandy sediments. Mean annual temperature is 5 to 9 degrees C and mean annual precipitation is 1600 to 2200 mm.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Very poorly drained. Runoff is negligible or ponded. The soil is subject to very brief, very frequent tidal fluctuations. Saturated hydraulic conductivity is moderately high to very high in the organic layers and very high in the underlying mineral sediments.

USE AND VEGETATION: Most areas are in salt marsh and provide food and habitat for fish, shell fish and wildfowl. Small scattered areas are in saltgrass hay. The most common grasses are salt meadow grass, salt water grass and spike grass. Other vegetation includes blackgrass, sea lavender, saltwort, seaside goldenrod, aster, and purple gerardi. In areas where the 1:5 soil to water EC by volume is below 1.5 dS/m, vegetation consists principally of tall reeds and sedges.

TODDS POINT SERIES

The Todds Point series consists of very deep, very poorly drained soils formed in thick herbaceous organic deposits. They are on level tidal marshes subject to inundation by salt water twice daily. Saturated hydraulic conductivity is moderately high to very high. Mean annual temperature is about 7 degrees C, and the mean annual precipitation is about 1900 mm.

TYPICAL PEDON: Todds Point mucky peat in a salt grass tidal marsh, undrained. (Colors are for moist soil unless noted otherwise.)

GEOGRAPHIC SETTING: Todds Point soils are level and occur in tidal marshes along the coast of Maine. These soils are subject to tidal flooding twice daily except in areas protected by dikes and tide gates. These soils formed in partially decomposed organic material from salt tolerant herbaceous plants. The climate is cool temperate and humid. Mean annual temperature ranges from 5 to 9 degrees C and mean annual precipitation ranges from 1600 to 2200 mm.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Very poorly drained. Runoff is negligible or ponded. The soil is subject to very brief, very frequent tidal fluctuations. Saturated hydraulic conductivity is moderately high to very high.

USE AND VEGETATION: Most areas are in salt marsh and provide food or habitat for fish, shellfish, and wildfowl. Small scattered areas are used for growing saltgrass hay. The most common grasses are marsh hay cordgrass, smooth cordgrass, and seashore saltgrass. Other vegetation includes sea lavender, glasswort, seaside goldenrod, and sea-blite.

DAMARISCOTTA SERIES

The Damariscotta series consists of very deep, very poorly drained soils formed in sandy marine deposits. They are in tidal marshes subject to inundation by salt water twice daily. Slope ranges from 0 to 2 percent. Saturated hydraulic conductivity is moderately high or very high in the organic layers and very high in the underlying mineral sediments. Mean annual temperature is about 7 degrees C and mean annual precipitation is about 1900 mm.

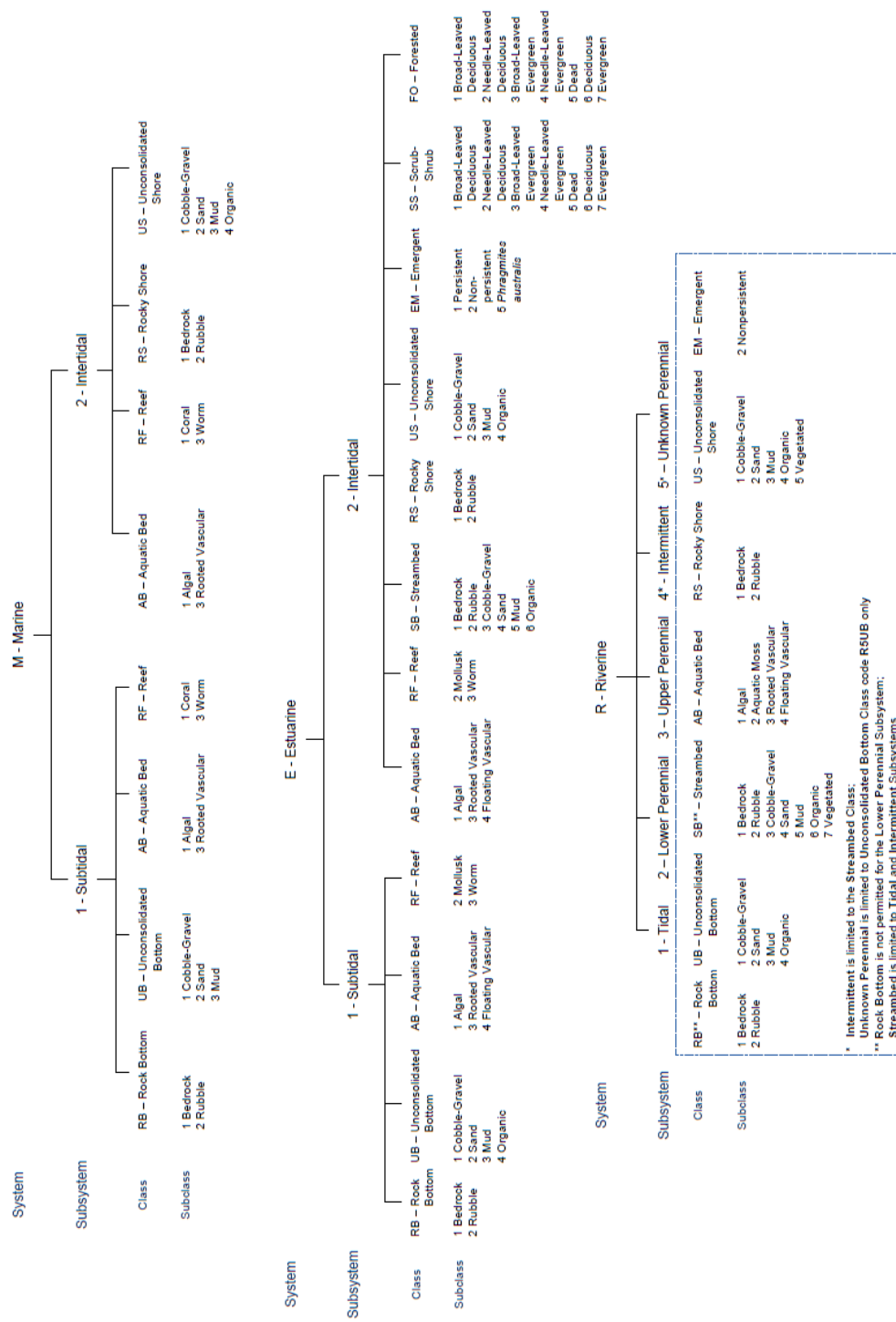
TYPICAL PEDON: Damariscotta sand in a salt grass tidal marsh, undrained. (Colors are for moist soil unless noted otherwise.)

GEOGRAPHIC SETTING: Damariscotta soils are level and occur in tidal marshes along the coast of Maine. They are often associated with small berms adjacent to tidal inlets, rivers, channels and creeks. They can also be found on nearly level to gently sloping back-barrier flats and back-barrier beaches near tidal marshes. They are subject to tidal flooding twice daily, except in areas protected by dikes and tide gates. These soils developed in thick sand deposits and have slowly accumulated thin caps of organic materials at the surface. The mean annual temperature ranges from 5 to 9 degrees C and mean annual precipitation ranges from 1600 to 2200 mm.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Very poorly drained. Runoff is very slow. Saturated hydraulic conductivity is moderately high to very high in the organic surface horizon and very high in the underlying sands.

USE AND VEGETATION: Most of these soils are used for wildlife habitat and recreation. Small scattered areas are used for saltgrass hay. The most common grasses are salt meadow grass, salt water grass, cord grass and spike grass. Other vegetation includes phragmites, blackgrass, sea lavender, saltwort, seaside goldenrod, aster, and purple gerardi. In areas where the 1:5 soil to water EC by volume is below 1.5 dS/m, the vegetation consists principally of tall reeds and sedges.

US Fish and Wildlife Service, <http://www.fws.gov/wetlands/Documents/Wetlands-and-Deepwater-Habitats-Classification-chart.pdf>



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System	L - Lacustrine																								
Subsystem	1 - Limnetic					2 - Littoral																			
Class	RB - Rock Bottom		UB - Unconsolidated Bottom		AB - Aquatic Bed	RB - Rock Bottom		UB - Unconsolidated Bottom		AB - Aquatic Bed	RS - Rocky Shore		US - Unconsolidated Shore		EM - Emergent										
Subclass	1 Bedrock	2 Rubble	1 Cobble-Gravel	2 Sand	3 Mud	4 Organic	1 Bedrock	2 Rubble	1 Cobble-Gravel	2 Sand	3 Mud	4 Organic	1 Algal	2 Aquatic Moss	3 Rooted Vascular	4 Floating Vascular	1 Bedrock	2 Rubble	1 Cobble-Gravel	2 Sand	3 Mud	4 Organic	5 Vegetated	2 Nonpersistent	
System	P - Palustrine																								
Class	RB - Rock Bottom		UB - Unconsolidated Bottom		AB - Aquatic Bed	US - Unconsolidated Shore		ML - Moss-Lichen	EM - Emergent	SS - Scrub-Shrub		FO - Forested													
Subclass	1 Bedrock	2 Rubble	1 Cobble-Gravel	2 Sand	3 Mud	4 Organic	1 Moss	2 Lichen	1 Persistent	2 Nonpersistent	5 <i>Phragmites australis</i>	1 Broad-Leaved Deciduous	2 Needle-Leaved Deciduous	3 Broad-Leaved Evergreen	4 Needle-Leaved Evergreen	5 Dead	6 Deciduous	7 Evergreen	1 Broad-Leaved Deciduous	2 Needle-Leaved Deciduous	3 Broad-Leaved Evergreen	4 Needle-Leaved Evergreen	5 Dead	6 Deciduous	7 Evergreen

MODIFIERS						
In order to more adequately describe the wetland and deepwater habitats, one or more of the water regime, water chemistry, soil, or special modifiers may be applied at the class or lower level in the hierarchy. The farmed modifier may also be applied to the ecological system.						
Water Regime		Special Modifiers		Water Chemistry		Soil
Nontidal	Saltwater Tidal	Freshwater Tidal		Coastal Halinity	Inland Salinity	
A Temporarily Flooded	L Subtidal	S Temporarily Flooded-Tidal	b Beaver	1 Hyperhaline	7 Hypersaline	a Acid
B Saturated	M Irregularly Exposed	R Seasonally Flooded-Tidal	d Partly Drained/Ditched	2 Euthaline	8 Euhaline	t Circumneutral
C Seasonally Flooded	N Regularly Flooded	T Semipermanently Flooded-Tidal	f Farmed	3 Mixohaline (Brackish)	9 Mixosaline	i Alkaline
E Seasonally Flooded/ Saturated	P Irregularly Flooded	V Permanently Flooded-Tidal	h Diked/Impounded	0 Polyhaline	0 Fresh	
F Semipermanently Flooded			r Artificial	5 Mesohaline		
G Intermittently Exposed			s Spoil	8 Oligohaline		
H Permanently Flooded			x Excavated	0 Fresh		
J Intermittently Flooded						

4. WETLAND RULES AND INFORMATION

A. WETLANDS OF SPECIAL SIGNIFICANCE

All coastal wetlands and great ponds are considered wetlands of special significance. In addition, certain freshwater wetlands are considered wetlands of special significance.

A. Freshwater Wetlands of Special Significance. A freshwater wetland of special significance has one or more of the following characteristics.

- (1) Critically imperiled or imperiled community. The freshwater wetland contains a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program.
- (2) Significant wildlife habitat. The freshwater wetland contains significant wildlife habitat as defined by 38 M.R.S.A. § 480-B (10).
- (3) Location near coastal wetland. The freshwater wetland area is located within 250 feet of a coastal wetland.
- (4) Location near GPA great pond. The freshwater wetland area is located within 250 feet of the normal high water line, and within the same watershed, of any lake or pond classified as GPA under 38 M.R.S.A. § 465-A.
- (5) Aquatic vegetation, emergent marsh vegetation or open water. The freshwater wetland contains, under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water.
- (6) Wetlands subject to flooding. The freshwater wetland area is inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency or other site-specific information.
- (7) Peatlands. The freshwater wetland is or contains peatlands, except that the department may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance.
- (8) River, stream or brook. The freshwater wetland area is located within 25 feet of a river, stream or brook.

B. Permit Process. Alterations of wetlands of special significance usually require an individual permit. However, some alterations of freshwater wetlands of special significance may be eligible for Tier 1 or 2 review if the department determines, at the applicant's request, that the activity will not negatively affect the freshwater wetlands or other protected natural resources present. In making this determination, the department considers such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources, among other things.

C. Seasonal Factors. When determining the significance of a resource or impact from an activity, seasonal factors and events that temporarily reduce the numbers or visibility of

plants or animals, or obscure the topography and characteristics of a wetland such as a period of high water, snow and ice cover, erosion event, or drought, are taken into account. Determinations may be deferred for an amount of time necessary to allow an assessment of the resource without such seasonal factors.

B. STREAM CHANNELS

According to Maine's Natural Resource Protection Act, Title 38, Article 5-A, Protection of Natural Resources, §480-B Definitions:

"River, stream or brook" means a channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

- (1) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
- (2) It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
- (3) The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- (4) The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- (5) The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

C. VERNAL POOLS

As defined by Maine’s Department of Environmental Protection (MDEP): A vernal pool, also referred to as a seasonal forest pool, is a natural, temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus spp.*), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition.

As of September 1, 2007, “Significant Vernal Pools” are defined by MDEP as “Significant Wildlife Habitat.” As read in MDEP’s Chapter 335 -- Significant Wildlife Habitat Rules, “Whether a vernal pool is a significant vernal pool is determined by the number and type of pool-breeding amphibian egg masses in a pool, or the presence of fairy shrimp, or use by threatened or endangered species as specified in Section 9(B). Significant vernal pool habitat consists of a vernal pool depression and a portion of the critical terrestrial habitat within a 250-foot radius of the spring or fall high water mark of the depression. An activity that takes place in, on, over, or adjacent to a significant vernal pool habitat must meet the standards of this chapter.”

Species and abundance criteria required for Significant Vernal Pools.

Species	Abundance Criteria
Fairy shrimp	Presence in any life stage.
Blue spotted salamanders	Presence of 10 or more egg masses.
Spotted salamanders	Presence of 20 or more egg masses.
Wood frogs	Presence of 40 or more egg masses.

MDEP habitat management standards for significant vernal pools: To the greatest extent practicable, the following management practices must be followed within significant vernal pool habitat.

- (1) No disturbance within the vernal pool depression;
- (2) Maintain a minimum of 75% of the critical terrestrial habitat as unfragmented forest with at least a partly-closed canopy of overstory trees to provide shade, deep litter and woody debris.
- (3) Maintain or restore forest corridors connecting wetlands and significant vernal pools;
- (4) Minimize forest floor disturbance; and
- (5) Maintain native understory vegetation and downed woody debris.

If more than 25% of the critical terrestrial habitat has been previously developed, restoring a portion of that area through supplemental planting or regrowth of native forest species may be considered toward meeting these standards, or towards standards for avoidance, minimization, or compensation. For purposes of Chapter 355, developed area includes disturbed areas excluding

areas that are returned to a condition with the same drainage patterns and the same or improved cover type that existed prior to the disturbance;

Currently, Army Corps of Engineers (ACOE) regulate vernal pools but do not have specific characteristics that define a vernal pool, or a definition of which vernal pools require protection or buffering. They review each site on a case by case basis. ACOE's jurisdiction does not begin until the waters of the United States are impacted.

D. MDEP NRPA - PERMIT BY RULE

A "permit by rule" or "PBR", when approved by MDEP, is an approval for an activity that requires a permit under the Natural Resources Protection Act (NRPA). Only those activities described in Chapter 305 may proceed under the PBR process. A PBR activity will not significantly affect the environment if carried out in accordance with this chapter, and generally has less of an impact on the environment than an activity requiring an individual permit. A PBR satisfies the NRPA permit requirement and Water Quality Certification requirement. The following projects may be eligible as PBR activities:

Section (2) Activity Adjacent to Protected Natural Resource

(An activity adjacent to (any land area within 75 feet, measured horizontally, of the normal high water line), but not in: a coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland; or freshwater wetlands consisting of or containing: under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or peatlands dominated by shrubs, sedges and sphagnum moss.

Section (3) Placement of permanent intake pipes and water monitoring devices (including drilled wells)

Section (4) Replacement of Structures

Section (6) Movement of Rocks or Vegetation

Section (7) Placement of outfall pipes (including ditches and drain tiles)

Section (8) Shoreline stabilization using vegetation or riprap

Section (9) Construction of crossings (utility lines, pipes and cables)

Section (10) Construction of stream crossings (bridges, culverts and fords)

Section (11) State Transportation Facilities

Section (12) Restoration of natural areas (i.e., "undoing" human alteration)

Section (13) Fisheries & wildlife habitat creation or enhancement and water quality improvement projects

Section (15) Public Boat Ramps

Section (16) Selected activities in coastal sand dunes

Section (17) Transfers and Permit Extensions

Section (18) One-time renewals of maintenance dredging permits

Section (19) Activities in/on/over significant vernal pool habitat

Section (20) Activities located in/on/over high or moderate value inland waterfowl & wading bird habitat or shorebird nesting, feeding & roosting areas

E. MDEP NRPA - TIER REVIEW PROCESS

NRPA's Tier Review process constitutes an application to the Maine Department of Environmental Protection (MDEP) for a proposed alteration to a freshwater wetland that qualifies for Tier 1, 2 or 3 review. The square footage of impact is based on the alteration or impact of the whole activity in the wetland. If any part of the overall activity requires a higher tier review, then the whole activity will be reviewed under that higher tier.

The Tier Review process is required for impacts larger than 4,300 square feet, and for requesting a permit for activities in, on, or over a protected natural resource. It is also used for activities adjacent to certain protected natural resources (38 MRSA 480-C(1)). The Tier Review process is required when the activity is not eligible for a PBR.

According to 38 M.R.S.A. Section 480-X(2), an application for a permit to undertake activities altering freshwater wetlands must be reviewed in accordance with the following:

- (1) A Tier 1 review process applies to any activity that involves a freshwater wetland alteration up to 15,000 square feet and does not involve the alteration of freshwater wetlands listed in 38 M.R.S.A. Section 480-X(4);
- (2) A Tier 2 review process applies to any activity that involves a freshwater wetland alteration of 15,000 square feet up to one acre and does not involve the alteration of freshwater wetlands listed in 38 M.R.S.A. Section 480-X (4 or 5);
- (3) A Tier 3 review process applies to any activity that does involve a freshwater wetland alteration greater than one acre, or an alteration of a freshwater wetland listed in 38 M.R.S.A. Section 480-X (4 or 5).

According to 38 M.R.S.A. Section 480-X(4), the following activities are not eligible for Tier 1 or Tier 2 review unless MDEP determines that the activity will not negatively affect the freshwater wetlands and other protected natural resources present.

- (1) Activities located within 250 feet of a coastal wetland;
- (2) Activities located within 250 feet of the normal high-water line, and within the same watershed, of any lake or pond classified as GPA under section 465-A;
- (3) Activities occurring in freshwater wetlands, other than artificial ponds or impoundments, containing under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water;
- (4) Activities occurring in freshwater wetlands that are inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency or other site-specific information;
- (5) Activities occurring in freshwater wetlands containing significant wildlife habitat that has been mapped, identified or defined, as required pursuant to section 480-B(10), at the time of the filing by the applicant;

- (6) Activities occurring in peatlands dominated by shrubs, sedges and sphagnum moss, except that applications proposing work in previously mined peatlands may be considered by the department for Tier 1 or Tier 2 review, as applicable;
- (7) Activities occurring within 25 feet of a river, stream or brook.

According to 38 M.R.S.A. Section 480-X(5), an activity in freshwater wetlands containing a natural community that is imperiled (S2) or critically imperiled (S1), as defined by the Natural Areas Program pursuant to Title 12, Section 544 is not eligible for Tier 2 review unless the department determines that the activity will not negatively affect the freshwater wetlands and other protected natural resources present.

NRPA General Requirements for both the Tier 1 and Tier 2 review process require that the proposed freshwater wetland alteration must be avoided, if feasible, after considering cost, logistics, technology and the overall purpose of the project. However, if unavoidable, the alteration must be limited to the minimum amount necessary to complete the project. The project must utilize both temporary and permanent erosion control measures to prevent sedimentation of any protected natural resource. In addition, the alteration site must maintain an undisturbed 25 foot buffer strip between the activity and any river, stream or brook and must not violate any state water quality law, including those governing the classification of the State's waters.

F. U.S. ARMY CORPS OF ENGINEERS REVIEW PROCESS

The New England District of the U.S. Army Corps of Engineers (ACOE) requires authorization regardless of the amount of proposed alterations to freshwater wetlands. The New England District of ACOE issues 23 General Permits (GPs), for activities subject to ACOE jurisdiction in waters of the United States within the boundaries of the State of Maine including tribal lands, and in adjacent ocean waters to the seaward limit of the outer continental shelf. These GPs are issued in accordance with ACOE regulations at 33 CFR 320 – 332 and specifically 33 CFR 325.2(e)(2).

Permits are required from the ACOE for the following work:

- A. The construction of any structure in, over, or under any navigable water of the U.S. (see 33 CFR 328), the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The ACOE regulates these activities under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322);
- B. The discharge of dredged or fill material and certain discharges associated with excavation into waters of the U.S. including wetlands. The ACOE regulates these activities under Section 404 of the Clean Water Act (see 33 CFR 323); and
- C. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (see 33 CFR 324).

In order for activities to qualify for these General Permits (GPs), they shall meet the GPs terms and eligibility criteria within pages 1-4 of the Department of the Army General Permits for the State of Maine, all applicable general conditions (GCs) in Section IV of the Department of the Army General Permits for the State of Maine, and terms of the Maine General Permits in Section V of the Department of the Army General Permits for the State of Maine. Any activity not specifically listed may still be eligible for authorization under these GPs; prospective permittees are advised to contact the ACOE for specific eligibility determination.

Under these GPs, activities may qualify for the following:

- Self-Verification (SV): Prospective permittees shall confirm that the activity meets all the applicable terms and conditions of SV. Consultation with the ACOE and/or other relevant federal and state agencies may be necessary to ensure compliance with the applicable general conditions (GCs) and related federal laws such as the National Historic Preservation Act (GC 15), the Endangered Species Act (GC 16), the Magnuson-Stevens Fishery Conservation and Management Act (GC 17), and the Wild and Scenic Rivers Act (GC 13). Activities that are eligible for SV are authorized under these GPs provided the prospective permittee has:
 - i. Confirmed that the activity meets all applicable terms and conditions of SV.
 - ii. Provided notifications to the State Historic Preservation Officer (SHPO) (the SHPO in the State of Maine is the Maine Historic Preservation Commission, or MHPC) and all

- five federally-recognized tribes in the State of Maine (Tribal Historic Preservation Officers, or THPOs) listed in Section VIII before submitting the SV to the ACOE in order to be reviewed for the presence of historic, archeological, architectural, or tribal resources in the action area that the activity may affect (see GC 15). Prospective permittees are not required to wait for a response to their notifications before submitting the SV to the ACOE.
- iii. At least two weeks before work is to commence, submitted to the ACOE a Self-Verification Notification Form (SVNF, page 36) with all of the following attachments: location map, project plans, and an Official Species List of federally threatened and endangered species that may occur in the activity's action area and the email address of the person who generated the list (see GC 16).

NOTE: A copy of a state permit application form may be an acceptable surrogate for the SVNF itself; however, the applicant shall not rely on the state permitting agency to provide the Corps a copy of their state permit application.

- **Pre-Construction Notification (PCN):** Notification to, and written verification from the ACOE is required. For activities that do not qualify for SV or where otherwise required by the terms and conditions of the GPs, the prospective permittee shall submit a PCN and obtain written verification from the ACOE before starting work in Corps jurisdiction. The ACOE will coordinate review of all PCN activities with other federal and state agencies, as appropriate. The ACOE will attempt to issue written verification of the PCN within 60 days of receiving a complete application.

All prospective permittees for PCN activities shall follow the instructions on found on pages 37 – 42, and in particular:

- Submit directly to the ACOE application form *ENG Form 4345* (pages 40 – 42), or the surrogate state permit application form as noted above.
- Provide project information outlined on pages 37 – 42 (Content of a Pre-Construction Notification).
- Submit an Official Species List of federally threatened and endangered species that may occur in the activity's action area and the email address of the person who generated the list (GC 16).
- Provide notifications to the SHPO (MHPC) and all five THPOs in the State of Maine listed in Section VIII before submitting the PCN to the ACOE in order to be reviewed for the presence of historic, archeological, architectural, or tribal resources in the action area that the activity may affect (see GC 15). The PCN shall include documentation that MHPC and all of the THPOs were notified (a copy of the prospective permittee's cover letter or emails to MHPC and the THPOs is acceptable). Prospective permittees are not required to wait for a response to their notifications before submitting a PCN to the ACOE.

Projects that are not eligible to GPs require an Individual Permit.

- Individual Permit (IP): Prospective permittees shall submit an application directly to the ACOE. These GPs do not affect the ACOE IP review process or activities exempt from ACOE regulation. For general information regarding IPs prospective permittees are encouraged to contact the ACOE.

In addition, the ACOE retains discretionary authority on a case-by-case basis to elevate GP-eligible activities to an IP based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR 320.4(a)). Whenever the ACOE notifies a prospective permittee that an IP is required, no work in ACOE jurisdiction may be conducted until the ACOE issues the required authorization in writing indicating that the work may proceed

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www.nae.usace.army.mil/Missions/Regulatory.aspx
- United States Natural Resources Conservation Service, United States Department of Agriculture, Official Soil Series Descriptions: soils.usda.gov/technical/classification/osd/index.html.

ATTACHMENTS:

- **NRCS CUSTOM SOIL RESOURCE REPORT**
- **WETLAND DELINEATION DATASHEETS**
- **MAINE FLOOD HAZARD MAP**
- **WETLAND DELINEATION PLAN**



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for York County, Maine

355 Pool Street, Biddeford, Maine
04005



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

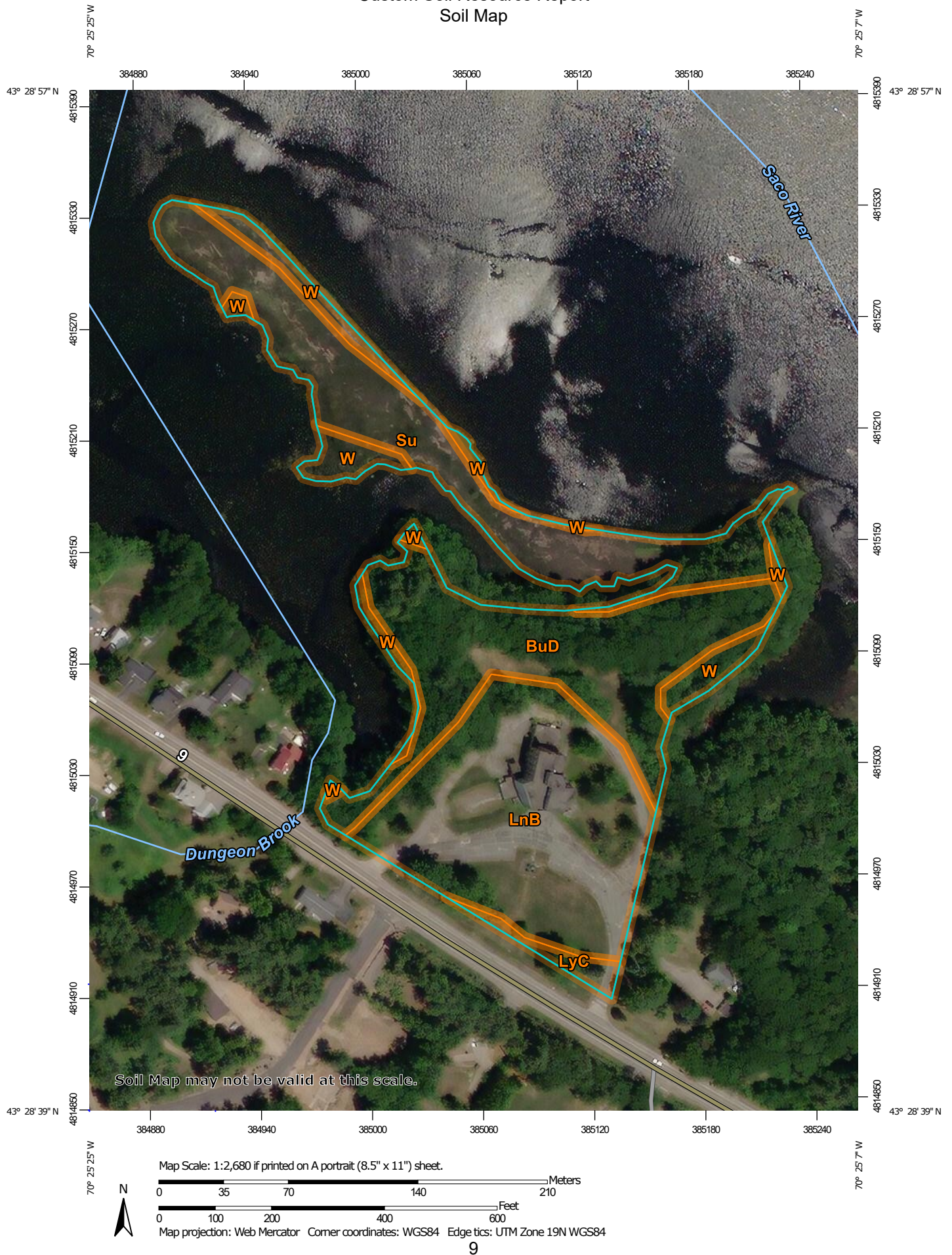
Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: York County, Maine
Survey Area Data: Version 20, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Sep 9, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BuD	Buxton silt loam, 15 to 25 percent slopes	3.1	28.4%
LnB	Lyman loam, 3 to 8 percent slopes, rocky	3.8	34.9%
LyC	Lyman-Rock outcrop complex, 8 to 15 percent slopes	0.2	1.7%
Su	Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes	2.9	26.3%
W	Water bodies	1.0	8.8%
Totals for Area of Interest		11.0	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

York County, Maine

BuD—Buxton silt loam, 15 to 25 percent slopes

Map Unit Setting

National map unit symbol: 9k56

Elevation: 10 to 900 feet

Mean annual precipitation: 34 to 48 inches

Mean annual air temperature: 43 to 46 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Buxton and similar soils: 88 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Buxton

Setting

Landform: Coastal plains

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Glaciolacustrine deposits derived from siltstone and/or fine-silty marine deposits

Typical profile

H1 - 0 to 7 inches: silt loam

H2 - 7 to 19 inches: silt loam

H3 - 19 to 37 inches: silty clay

H4 - 37 to 65 inches: silty clay

Properties and qualities

Slope: 15 to 25 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Moderately well drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)

Depth to water table: About 18 to 30 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: High (about 9.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4e

Hydrologic Soil Group: C

Hydric soil rating: No

LnB—Lyman loam, 3 to 8 percent slopes, rocky

Map Unit Setting

National map unit symbol: 2trq7

Elevation: 0 to 520 feet

Mean annual precipitation: 36 to 65 inches

Mean annual air temperature: 36 to 52 degrees F

Frost-free period: 60 to 160 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Lyman, rocky, and similar soils: 86 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lyman, Rocky

Setting

Landform: Hills, mountains

Landform position (two-dimensional): Summit, shoulder, backslope

Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material

A - 1 to 3 inches: loam

E - 3 to 5 inches: fine sandy loam

Bhs - 5 to 7 inches: loam

Bs1 - 7 to 11 inches: loam

Bs2 - 11 to 18 inches: channery loam

R - 18 to 28 inches: bedrock

Properties and qualities

Slope: 3 to 8 percent

Depth to restrictive feature: 11 to 24 inches to lithic bedrock

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 2s

Hydrologic Soil Group: D

Hydric soil rating: No

LyC—Lyman-Rock outcrop complex, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2trqj

Elevation: 0 to 790 feet

Mean annual precipitation: 36 to 65 inches

Mean annual air temperature: 36 to 52 degrees F

Frost-free period: 60 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Lyman, very stony, and similar soils: 62 percent

Rock outcrop: 25 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Lyman, Very Stony

Setting

Landform: Hills, mountains

Landform position (two-dimensional): Summit, shoulder, backslope

Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Loamy supraglacial till derived from granite and gneiss and/or loamy supraglacial till derived from phyllite and/or loamy supraglacial till derived from mica schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material

A - 1 to 3 inches: loam

E - 3 to 5 inches: fine sandy loam

Bhs - 5 to 7 inches: loam

Bs1 - 7 to 11 inches: loam

Bs2 - 11 to 18 inches: channery loam

R - 18 to 28 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent

Surface area covered with cobbles, stones or boulders: 1.5 percent

Depth to restrictive feature: 11 to 24 inches to lithic bedrock

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very low to high (0.00 to 14.03 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 3.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: D

Ecological site: F144BY701ME - Shallow Till

Hydric soil rating: No

Description of Rock Outcrop

Setting

Landform: Hills, mountains

Landform position (two-dimensional): Summit, shoulder, backslope

Landform position (three-dimensional): Mountaintop, mountainbase, side slope, crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Igneous and metamorphic rock

Typical profile

R - 0 to 10 inches: bedrock

Properties and qualities

Slope: 8 to 15 percent

Depth to restrictive feature: 0 inches to lithic bedrock

Capacity of the most limiting layer to transmit water (Ksat): Very low to very high (0.00 to 14.17 in/hr)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8s

Hydric soil rating: Unranked

Su—Pemaquid, Todds point, and Damariscotta soils, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x1d9

Elevation: 0 to 10 feet

Mean annual precipitation: 63 to 87 inches

Mean annual air temperature: 36 to 52 degrees F

Frost-free period: 90 to 160 days

Farmland classification: Not prime farmland

Map Unit Composition

Pemaquid and similar soils: 40 percent

Todds point and similar soils: 30 percent

Damariscotta and similar soils: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pemaquid

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Talf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material over sandy marine deposits

Typical profile

Oi - 0 to 16 inches: peat
Oe - 16 to 35 inches: mucky peat
Cseg - 35 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)
Sodium adsorption ratio, maximum: 20.0
Available water supply, 0 to 60 inches: Very high (about 14.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 8
Hydrologic Soil Group: A/D
Hydric soil rating: Yes

Description of Todds Point

Setting

Landform: Tidal marshes
Landform position (three-dimensional): Dip
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Herbaceous organic material

Typical profile

Oe1 - 0 to 31 inches: mucky peat
Oe2 - 31 to 42 inches: mucky peat
Oa - 42 to 65 inches: muck

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (1.42 to 14.17 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: Very frequent
Frequency of ponding: None
Maximum salinity: Very slightly saline to strongly saline (2.0 to 16.0 mmhos/cm)

Custom Soil Resource Report

Sodium adsorption ratio, maximum: 20.0

Available water supply, 0 to 60 inches: Very high (about 16.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydrologic Soil Group: A/D

Hydric soil rating: Yes

Description of Damariscotta

Setting

Landform: Tidal marshes

Landform position (three-dimensional): Talf

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Sandy glaciomarine deposits

Typical profile

Ase1 - 0 to 10 inches: mucky loamy fine sand

Ase2 - 10 to 21 inches: mucky loamy fine sand

Cseg - 21 to 65 inches: sand

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Very poorly drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)

Depth to water table: About 0 inches

Frequency of flooding: Very frequent

Frequency of ponding: None

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 20.0

Available water supply, 0 to 60 inches: High (about 11.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydrologic Soil Group: A/D

Hydric soil rating: Yes

W—Water bodies

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Water

Setting

Landform: Hills

References

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- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: 355 Pool St. City/County: Biddeford / York Sampling Date: 12-23-2021
 Applicant/Owner: Shawn Brown State: ME Sampling Point: _____
 Investigator(s): JT Section, Township, Range: _____
 Landform (hillside, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): _____
 Subregion (LRR or MLRA): LRR R, MLRA 144B Lat: ° _____ Long: ° _____ Datum: WGS 84
 Soil Map Unit Name: York County NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No _____ Hydric Soil Present? Yes _____ No _____ Wetland Hydrology Present? Yes _____ No _____	Is the Sampled Area within a Wetland? Yes _____ No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> _____ Surface Water (A1) _____ Water-Stained Leaves (B9) _____ High Water Table (A2) _____ Aquatic Fauna (B13) _____ Saturation (A3) _____ Marl Deposits (B15) _____ Water Marks (B1) _____ Hydrogen Sulfide Odor (C1) _____ Sediment Deposits (B2) _____ Oxidized Rhizospheres on Living Roots (C3) _____ Drift Deposits (B3) _____ Presence of Reduced Iron (C4) _____ Algal Mat or Crust (B4) _____ Recent Iron Reduction in Tilled Soils (C6) _____ Iron Deposits (B5) _____ Thin Muck Surface (C7) _____ Inundation Visible on Aerial Imagery (B7) _____ Other (Explain in Remarks) _____ Sparsely Vegetated Concave Surface (B8)		<u>Secondary Indicators (minimum of two required)</u> _____ Surface Soil Cracks (B6) _____ Drainage Patterns (B10) _____ Moss Trim Lines (B16) _____ Dry-Season Water Table (C2) _____ Crayfish Burrows (C8) _____ Saturation Visible on Aerial Imagery (C9) _____ Stunted or Stressed Plants (D1) _____ Geomorphic Position (D2) _____ Shallow Aquitard (D3) _____ Microtopographic Relief (D4) _____ FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes _____ No _____ Depth (inches): _____ Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: Remarks:		

Sampling Point:

Tree Stratum (Plot size: 30')		Absolute % Cover	Dominant Species?	Indicator Status
1.				
2.				
3.				
4.				
5.				
6.				
7.				
		=Total Cover		
Sapling/Shrub Stratum (Plot size: 15')				
1.				
2.				
3.				
4.				
5.				
6.				
7.				
		=Total Cover		
Herb Stratum (Plot size: 5')				
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
		=Total Cover		
Woody Vine Stratum (Plot size: 30')				
1.				
2.				
3.				
4.				
		=Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)

Total Number of Dominant Species Across All Strata: _____ (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____	(A) _____ (B) _____
Prevalence Index = B/A = _____	

Hydrophytic Vegetation Indicators:

____ 1 - Rapid Test for Hydrophytic Vegetation

____ 2 - Dominance Test is >50%

____ 3 - Prevalence Index is ≤3.0¹

____ 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree – Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub – Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines – All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes _____ No _____

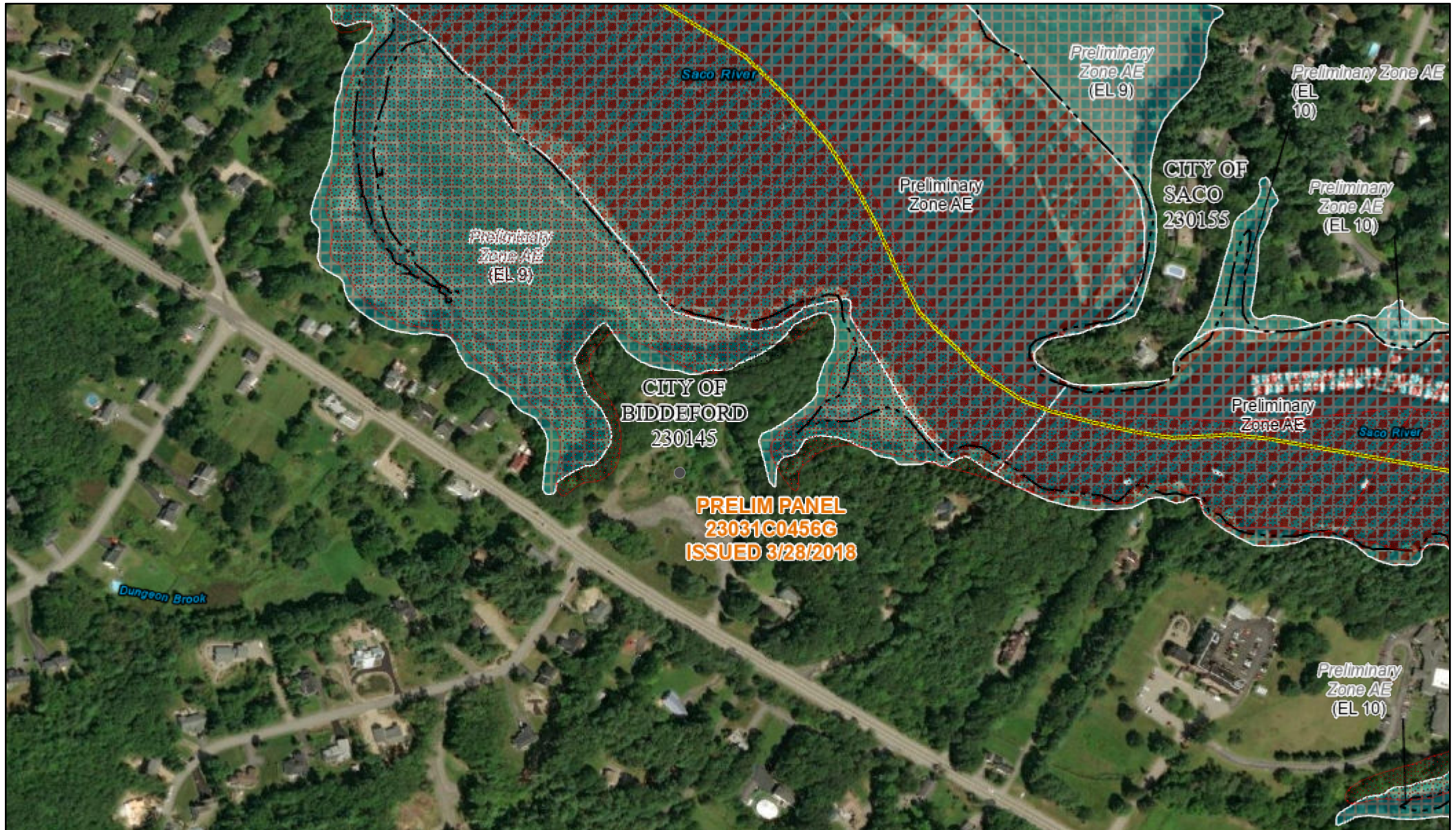
Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point:

[illegible]

Maine Flood Hazard Map



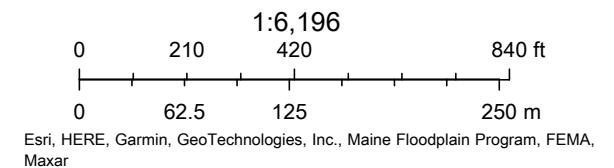
2/21/2022, 7:57:45 AM

Flood_Zones_Q3 Preliminary Flood Hazard Zones

- AE
- 1% Annual Chance Flood Hazard
- X500
- Regulatory Floodway

Preliminary Flood Hazard Boundaries

- SFHA / Flood Zone Boundary
- Preliminary Transect Baselines
- Preliminary Political Jurisdictions





Wetland A

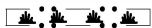


GRAPHIC SCALE



1 inch = 200 ft.

LEGEND



PROPERTY BOUNDARY (APPROX.)
DELINEATED WETLANDS
STREAMS
DITCH
2 FT NOAA LIDAR CONTOURS

NOTES:

1. PARCEL BOUNDARY INFORMATION WAS DIGITIZED AND ROTATED INTO THE DRAWING APPROXIMATELY BASED ON TAX MAP INFORMATION.
2. DATUM: NAD83 STATE PLANE MAINE WEST (FEET).
3. 2 FOOT CONTOURS OBTAINED FROM NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA).
4. WETLAND BOUNDARIES WERE IDENTIFIED AND DELINEATED BY JONES ASSOCIATES INC IN DECEMBER OF 2021 ACCORDING TO U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987) AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION.
5. WETLAND FLAGS WERE LOCATED USING LEICA GLOBAL POSITIONING SYSTEM (GPS) TECHNOLOGY WITH EXPECTED AVERAGE ACCURACY OF SUB-METER. THIS METHOD IS RECOGNIZED BY BOTH STATE AND FEDERAL AGENCIES. HOWEVER, JONES ASSOCIATES INC RECOMMENDS THAT THE WETLAND BOUNDARY BE SURVEYED USING A MORE PRECISE METHOD IF ANY FILL OR REGULATED ACTIVITIES ARE TO BE PERFORMED WITHIN 20 FEET OF THE GPS LOCATED WETLAND.

PLAN TITLE:

WETLAND SKETCH PLAN

355 POOL STREET
BIDDEFORD, MAINE 04005

PREPARED FOR:

SHAWN BROWN
282 WEST STREET
BIDDEFORD, MAINE 04005

PREPARED BY:

**JONES
ASSOCIATES INC.**

Foresters, Surveyors And
Environmental Consultants



280 POLAND SPRING ROAD, AUBURN, MAINE 04210
(207) 241-0235

PLAN DATE:

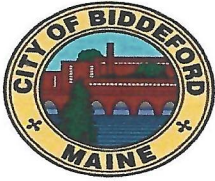
FEBRUARY 2022

FIELD WORK DATE:

DECEMBER 2021

SCALE: 1"=200'

PROJ. #: 21-115BD



City of Biddeford

Planning Board Application

P.O. Box 586, 205 Main Street Biddeford, Maine 04005

207-284-9115

Type of Application:

☐ Shoreland Zoning Permit

☐ Site Plan Review

☐ Extraction

☐ Conditional Use Permit

☒ Subdivision

☐ Private Way

☐ Other: _____

Applicant Information:

Name: SHAWN BROWN

Mailing Address: 5 BUCKTHORN CL., SACO, ME 04072

Telephone: 207-229-6319

Email: SBROWN090803@GMAIL.COM

What is your legal interest in the property?

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

Owner's Information:

Name: SHAWN AND LEE-MADE BROWN

Mailing Address: 5 BUCKTHORN CL., SACO, ME 04072

Telephone: 207-229-6319

Email: SBROWN090803@GMAIL.COM

Agent's Information:

Name: BHZN - WALTER PELKEY

Mailing Address: 3808 MAIN ST., GORHAM, ME 04038

Telephone: 207-839-2771

Email: WPELKEY@BHZN.COM

Engineer/Surveyor's Information:

Name: ROBERT LIBBY PLS 2190 BHZN

Mailing Address: _____

Telephone: _____

Email: _____

SAME

Project Location and Lot Information:

Street Address: 355 POOL STREET, BIDDEFORD

Tax Map: 44

Lot: 21

Current Zoning: SR1

Shoreland Zoning: _____

Size of Lot: 8.2± Acres () s.f.

Lot Frontage: 640.7'

Existing use of Property: VACANT LOT

Property currently serviced by:

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

5 LOT SINGLE FAMILY SUBDIVISION

Property to be Serviced by:

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

Is this project part of a larger project? ☐ (Yes) ☐ (No)

If in a Shoreland Zone:

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

Percent of structure expansion (Max 30%): _____

☒ **If Subdivision Review, number of lots proposed:** 5

☐ **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 structure: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. N/A
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 – 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, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

- \$40 Nonrefundable Administration Fee is required for every 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 the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

___ Project proposed to have 1 acre or more of Site disturbance:

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

Signature of Applicant:

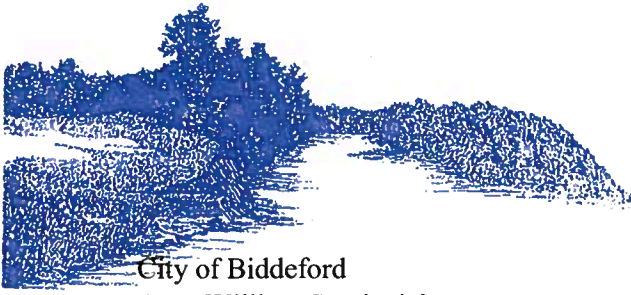
Date

7/26/2022

Signature of Property Owner:

Date

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



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

City of Biddeford
Attn: William Southwick
P.O. Box 586
Biddeford, ME 04005

May 9, 2022

Dear Mr. Southwick:

At the April 27th, 2022, Commission Meeting, the Saco River Corridor Commission approved Application #20-450, Shawn Brown: seeking a permit to remediate an original sewage tank, all original storm drains, a parking lot, and service driveways at 355 Pool Street in Biddeford. The approved permit is limited in scope to the activities above. Any future proposed development activities will require additional permits from the Commission.

For the review of this application, Mr. Brown submitted a forestry survey by Jones Associates Inc. detailing the extent of vegetation removal within the 75-foot buffer area. Draft plans were included with this submission that depict a future subdivision of Lot #21, Map #44 (*see plans enclosed*). While the Commission does not require a permit to subdivide lots, any future construction on these proposed lots would require permits from the Commission.

According to the standards of the Saco River Corridor Act, the subdivision shown on the draft plans would result in the creation of two nonconforming lots (#4 and 5) as they would have no river frontage. Future property owners would not be able to obtain a permit from the Commission to build on those lots.

Our office has previously had numerous conversations with Mr. Brown about the Commission's standards regarding subdivisions. We understand that these plans may not be the final plans submitted to the Biddeford Planning Board, but we wanted to address the matter before it became a potential issue.

Thank you for your attention to this matter. If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Dalyn Houser
Executive Director

Enclosures: Brown Pool Street Subdivision Draft Sketch Plan

Cc: Robert Fecteau, Director of Biddeford Code Enforcement Office
Don Furman, Biddeford Commission Member
Sean Tarpey, Biddeford Commission Alternate

