City of Biddeford
Planning Board
July 18, 2018 6:00 PM City Hall
Council Chambers,

1. **PLEDGE OF ALLEGIANCE**
2. **DECLARATION OF QUORUM/VOTING MEMBERS**
3. **ADJUSTMENTS TO THE AGENDA**
4. **PLANNER'S BUSINESS**
5. **CONSENT AGENDA**

5.A. A. Consideration of Minutes: June 6, 2018
June 6, 2018.doc

6. **UNFINISHED BUSINESS**
7. **NEW BUSINESS**

7.A. A. 2018.15 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to allow Medical Marijuana Growing Facilities as a Conditional Use in limited areas of the Industrial-3 (I-3) Zone.
2018.15 Med Mar Growing in I3 SR 071818 F.docx
2018.15 Med Mar Growing in I3 F.docx

7.B. B. 2018.17 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to exempt from permitting certain City installed and/or approved banners on light poles in a public right-of-way.
2018.17 Banners Amendment SR PH 071818 F.docx
2018.17 Banners Amendment for PH F.docx

7.C. D. 2018.14 Preliminary/Final Subdivision Plan for Riverdam Mill, LLC for a three lot subdivision located at 24 Pearl Street (Tax Map 71, Lot 9) and 90 Saco Falls Way (Tax Map 71, Lot 9-4) in the MSRD-3 zone.
2018.14 Riverdam Mill Subdivision Prelim Final SR 071818 F.docx

7.D. E. 2018.13 Preliminary/Final Site Plan/Subdivision for JJ & L, Corp. to renovate the first floor into mixed non-residential uses and renovate the second and third floors into 14 one bedroom and 2 two bedroom apartments/condos located at 5 Washington Street (Tax Map 38, Lot 352) in the MSRD-1 zone.
2018.13 JL&L 5 Washington Prelimin Final SR 071818 F.docx

7.E. C. 2015.33 Plan B Development Reduction of Performance Guarantee for a 45 Unit Senior Condominium Project with nine 5 Unit Buildings at 185 Granite St. (Tax Map 22, Lot 39) in Contract Zone #16.
2015.33 Plan B Condo PG Reduction 1 SR 071818 F.docx

7.F. F. 2018.16 Determination of Greatest Practical Extent for Mike O'Neil & Tammy Sarchi for the demolition/reconstruction of a residence at 46 Ocean Avenue (Tax Map 60, Lot 43) in the CR & LR zone.
2018.16 46 Ocean Ave GPE SR REVISED F.docx

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 DEPARTMENT

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(207) 284-9115
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PLANNING BOARD
MINUTES

Date: Wednesday, June 6, 2018
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE
2. DECLARATION OF QUORUM/VOTING MEMBERS

   A. Quorum Present: Chair Larry Patoine, Richard Potvin II, William Southwick, Matthew Boutet, Clement Fleurent, Roch Angers (Alt non-voting member), Sean Tarpey (Alt non-voting member).

3. ADJUSTMENTS TO THE AGENDA

   Chair Larry Patoine: The applicant for item A. is stuck in traffic so Item B. will be first on the agenda.

4. PLANNER'S BUSINESS
5. CONSENT AGENDA
   A. Consideration of Minutes: May 2, 2018

   MOTION:
   - Southwick – Motion: to Approve the Consent Agenda.
   - Potvin – Second.
   - Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

6. UNFINISHED BUSINESS
7. NEW BUSINESS
   A. 2018.11 Conditional Use Permit: for Nicholas Gourdouros to operate a Medical Marijuana Growing facility located at 11 Cole Road (Tax Map 18, lot 39-2) in the I-1 zone.

   Greg Tansley, City Planner: Gave a brief report.
   Nicholas Gourdouras, Applicant: Spoke briefly.
   Discussion between the Board, Staff and Applicant.

   MOTION:
   - Potvin – Motion: to waive Full Site Plan Review.
   - Southwick – Second.
   - Chair Patoine – Call for Vote – Vote 3-1, Potvin, Southwick and Boutet in favor with Fleurent opposed, Motion passed.

DRAFT

MOTION:

- Potvin – Motion: to approve the Conditional Use Permit for the applicant to add a medical marijuana growing facility at 11 Cole Road, Tax map 18, Lot 39-2, and approve the Findings of Fact based on the conditions recommended by Staff in its report dated May 30, 2018 and to include 1-7 provided today.
- Boutet – Second.
- Chair Patoine – Call for Vote – Vote 3-1, Potvin, Southwick and Boutet in favor with Fleurent opposed, Motion passed.

B. 2018.13 Conceptual Site Plan/Subdivision: for JJ & L, Corp. to renovate the first floor into mixed non-residential uses and renovate the second and third floors into 14 one bedroom and 2 two bedroom apartments/condos located at 5 Washington Street (Tax Map 38, Lot 352) in the MSRD-1 zone.

Greg Tansley, City Planner: Brief report.
Jason Hutchins, JJ & L Corp: Spoke briefly
Vincent Keely, Ward 1: Has an issue with parking.
Discussion between the Board, Staff and Applicant.
John Hutchins, JJ & L Corp: Spoke briefly.

MOTION:

- Boutet – Motion: to determine the proposed subdivision is a major subdivision.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

MOTION:

- Boutet – Motion: to waive 18 parking spaces.
- Southwick – Second.
- Chair Patoine – Call for Vote – Vote 3-1, Potvin, Southwick and Boutet in favor with Fleurent opposed, Motion passed.

MOTION:

- Boutet – Motion: to waive the Full Subdivision Review process to allow subsequent Preliminary and Final Approval of Subdivision/Site Plan given the board determines that such variation will not adversely affect public convenience, safety, health and welfare.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

C. 2018.14 Conceptual Subdivision Plan: for Riverdam Mill, LLC for a three lot subdivision located at 24 Pearl Street (Tax Map 71, Lot 9) and 90 Saco Falls Way (Tax Map 71, Lot 9-4) in the MSRD-3 zone.

Greg Tansley, City Planner: Brief report.
Dale Ackley, Riverdam Mill, LLC: Spoke briefly.
John Tarbox, 22 Pearl Street: Has an issue with parking.
Discussion between the Board, Staff and Applicant.

MOTION:

- Southwick – Motion: to determine the proposed subdivision is a minor subdivision.
- Boutet – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

DRAFT

MOTION:

- Southwick – Motion: to waive the full Subdivision Review process to allow subsequent Preliminary and Final Approval of Subdivision given the Board determine that such variation will not adversely affect public convenience, safety, health and welfare.
- Boutet – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

8. OTHER BUSINESS

Greg Tansley, City Planner: our next Planning Board meeting will be on July 18th. We might have to have a special meeting before that.

9. ADJOURN

MOTION:

- Potvin – Motion: to Adjourn.
- Boutet – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-00 all in favor.

DRAFT

o _____ _____
o **Planning Board Chair** **Date**
o
o **These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.**

2018.15

CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
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Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: July 10, 2018

RE: NEW BUSINESS ITEM #A - 2018.15 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to allow Medical Marijuana Growing Facilities as a Conditional Use in limited areas of the Industrial-3 (I-3) Zone.

MEETING DATE: July 18, 2018 @ 6:00 PM

On June 5, 2018 the Biddeford City Council formally requested that the Planning Board conduct a public hearing and make a recommendation back to it regarding the attached zoning amendment (See Council Order attached). This request came from the owners of 17-19 Pomerleau Street (see attached letter). It would allow Medical Marijuana Growing Facilities in the I-3 Zone so long as they were not located on any parcels within either the Alfred Road or Robert G. Dodge Business Parks.

1. STAFF RECOMMENDATION

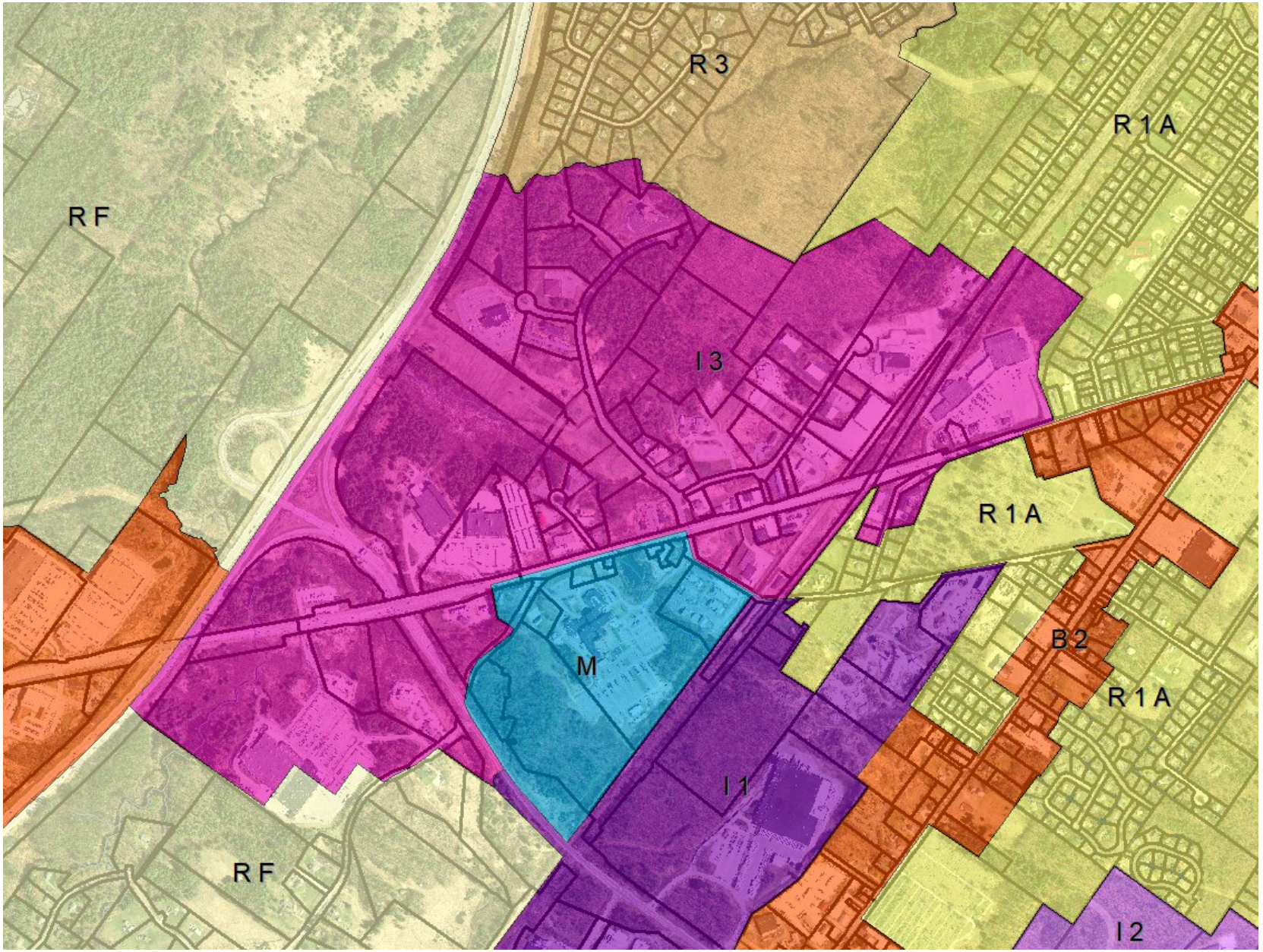
   Staff recommends the Board listen to any public comment and make a recommendation back to the City Council for or against the proposed zoning change.

2. SAMPLE MOTIONS:

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

ATTACHMENTS

1. Council Order 2018.52
2. Letter to the City council from Shepard & Read dated May 29, 2018.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2018.15 - FOR PUBLIC HEARING:

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

	I-3
Medical Marijuana Growing Facility	C28

NOTES:

28. This use is not permitted on those properties subject to the Robert G. Dodge Business Park and the Alfred Road Business Park covenants.

For Public Hearing

2018.17

CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: July 10, 2018

RE: NEW BUSINESS ITEM #B - 2018.17 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to exempt from permitting certain City installed and/or approved banners on light poles in a public right-of-way.

MEETING DATE: July 18, 2018 @ 6:00 PM

This is a Staff initiated amendment for the Planning Board to consider. It has been initiated as a result of Mr. Kyle Noble of Hills Beach raising issues of the UNE banners on the light poles on Pool Road. Under State Law the City of Biddeford can erect banners on light poles in the public right-of-way for noncommercial purposes. Our Ordinance is not entirely clear on this so I was asked to prepare an amendment that would make it clear that noncommercial banners could be erected on light poles so long as they were erected by the City of Biddeford, or if not physically erected by the City of Biddeford, were approved by the City of Biddeford Department of Public Works. The suggested Ordinance language is attached.

1. STAFF RECOMMENDATION

   Staff recommends the Board listen to any public comment and make a recommendation back to the City Council for or against the proposed zoning change.

2. SAMPLE MOTIONS:

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

ATTACHMENTS

1. Suggested Ordinance Amendment.

2018.17 - FOR PUBLIC HEARING:

Part III (Land Development Regulations), Article VI (Performance Standard), Section 59 (Signs):

B.14 Exempt off-premises signs. The following off-premises signs may be erected and maintained without the approval of the Board of Appeals or Code Enforcement Office:

n. Banners erected by, and/or approved by, the City of Biddeford Department of Public Works on light poles within a public right-of-way that are attached top and bottom to permanent or temporary structural members for the purposes of identifying municipal and institutional zone (university/college) areas and events within the city. Such banners may not contain any advertising other than that of the relevant municipal and/or institutional zone entity.

C.7 In the IN Zone, the following signs shall be permitted, provided that no individual sign shall be larger than 32 square feet and that all signs shall be consistent with the design standards set forth in the approved institutional master plan:

h. Banners erected by, and/or approved by, the City of Biddeford Department of Public Works on light poles within a public right-of-way that are attached top and bottom to permanent or temporary structural members for the purposes of identifying municipal and institutional zone (university/college) areas and events within the city. Such banners may not contain any advertising other than that of the relevant municipal and/or institutional zone entity.

For Public Hearing

2018.14

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

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

DATE: July 10, 2018

RE: NEW BUSINESS ITEM #D – 2018.14 Preliminary and Final Subdivision Plan for Riverdam Mill, LLC for a three lot subdivision located at 24 Pearl Street (Tax Map 71, Lot 9) and 90 Saco Falls Way (Tax Map 71, Lot 9-4) in the MSRD-3 zone.

MEETING DATE: JULY 18, 2018 @ 6:00 PM

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1. INTRODUCTION:

The applicant proposes to separate Buildings #3, #4, and #5 onto their own lots. There are no infrastructure improvements proposed and no known redevelopment plans. The Planning Board (PB) reviewed the proposal as a "Concept" on June 6, 2018. At that meeting the PB took two actions as follows:

1. The PB found that the proposal qualified as a "minor subdivision"; and
2. The PB waived the full Subdivision Review process to allow subsequent Preliminary and Final Approval of the Subdivision given the Board determined that such variation would not adversely affect public convenience, safety, health and welfare.

During the meeting the only public comments provided were from Mr. John Tarbox, abutting owner of the Bugbee Brown Building. He expressed concerns about parking. It was explained that no development/use proposal is a part of this application proposal.

2. PROJECT DATA/INFORMATION:

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Riverdam Mill, LLC P.O. Box 535 Buxton, ME 04093
2.	Owner of Property:	Riverdam Mill, LLC P.O. Box 535 Buxton, ME 04093
3.	Agent:	Project Resources, Inc. P.O. Box 661 Yarmouth, ME 04096
4.	Engineer/Architect:	Owen Haskell, Inc. 390 U.S. Route One Falmouth, ME 04105
4.	Project Location:	24 Pearl Street and 90 Saco Falls Way
5.	Project Tax Map #/Lot #:	Tax Map 71, Lots 9 and 9-4
6.	Existing Zoning:	MSRD-3
7.	Overlay Zoning:	GD-1
8.	Existing Use:	Mixed Uses
9.	Proposed Use:	Mixed Uses
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential/Commercial
12.	Parcel Size:	Total 1.681 acres
13.	Number of Lots/Units in Subdivision:	3 Lots
14.	Minimum Lot Size Required: Provided:	None N/A
15.	Frontage Required:	None
16.	Front Setback Required:	None
17.	Side Setbacks Required:	None
18.	Rear Setback Requires:	None
19.	Height Requirements:	Minimum 2 stories or 26 feet
20.	Water Supply:	Maine Water Company
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None

25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Pearl Street is a ROW owned by the City of Biddeford with multiple rights afforded to multiple property owners.
32.	Estimated Site Development Costs:	None
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. Full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting.
35.	Waivers Granted:	a. Full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Administrative Fees Remaining - $80.00
41.	Planning Board Review History: Concept Subdivision Review: Preliminary and Final Subdivision Review:	 June 6, 2018: Posted in City Hall May 23, 2018; Journal Tribune posting May 24, 2018; Mail Notices to all abutters within 250' sent May 23, 2018 - 6 notices sent. July 18, 2018: Posted in City Hall June 27, 2018; Journal Tribune posting June 29, 2018; Mail Notices to all abutters within 250' sent June 27, 2018 - 6 notices sent.

3. EXISTING CONDITIONS:

The project site is actually two separate buildings and one building attached to the Lofts at Saco Falls building.

4. PROJECT PROPOSAL:

See attached cover letter, application package and plan for more information.

5. PUBLIC COMMENT:

Concept Subdivision/Site Plan Review – June 6, 2018:

Posted in City Hall May 23, 2018; Journal Tribune posting May 24, 2018; Mail Notices to all abutters within 250' sent May 23, 2018 - 6 notices sent.

No public comments had been received as of the time of the Planning Board Report. During the meeting the only public comments provided were from Mr. John Tarbox, abutting owner of the Bugbee Brown Building. He expressed concerns about parking. It was explained that no development/use proposal is a part of this application proposal.

Preliminary and Final Subdivision Review – July 18, 2018:

Posted in City Hall June 27, 2018; Journal Tribune posting June 29, 2018; Mail Notices to all abutters within 250' sent June 27, 2018 - 6 notices sent.

No public comments have been received as of the time of this report.

6. STAFF REVIEW:

a. ZONING: The proposed uses are undetermined at this time. Dimensional standards have been met.

b. REVIEW STANDARDS: Subdivision Review.

c. WAIVERS:

One waiver was granted at the June 6, 2018 Meeting. A waiver was granted to the full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. Submit $80.00 to cover Administration Fees for both the Concept and Preliminary/Final Reviews.
2. Add a signature block with date line for up to seven (7) Planning Board signatures to the Plan.
3. Submit 2 Mylars and 2 Paper copies of the Subdivision Plan prior to July 17, 2018 at NOON.

7. STAFF RECOMMENDATION:

If the applicant has addressed the outstanding items to the satisfaction of the Board and the Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:

1. The approved plan shall be recorded at the York County Registry of Deeds for it to be effective.
2. Applicant shall provide a copy of the recorded division plan within 15 days of recording at the York County Registry of Deeds.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting approval of the above-described application to create 3 lots at 24 Pearl Street and 90 Saco Falls Way.

9. SAMPLE MOTIONS

A. Motion to approve the Preliminary and Final Subdivision for Riverdam Mill at 24 Pearl Street and 90 Saco Falls Way*, approve the Findings of Fact, and sign the plan based on the conditions recommended by Staff in its report dated July 10, 2018.*

ATTACHMENTS:

1. Application
2. Plan
3. Draft Findings of Fact

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

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

DATE: July 10, 2018

RE: NEW BUSINESS ITEM #E – 2018.13 Preliminary and Final Site Plan and Subdivision Plan Review for JJ & L, Corp., to renovate the first floor into mixed non-residential uses and renovate the second and third floors into 14 one-bedroom and 2 two-bedroom condos/apartments located at 5 Washington Street (Tax Map 38, Lot 352) in the MSRD-1 zone.

MEETING DATE: JULY 18, 2018 @ 6:00 PM

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1. INTRODUCTION:

The applicant proposes to fully renovate the building at 5 Washington Street keeping the 1st Floor mixed-use commercial and converting the top 2 Floors into 14 1-Bedroom and 2 2-Bedroom condos/apartments. There are no off-street improvements proposed with this project and the building footprint is effectively the lot.

The Planning Board (PB) reviewed the proposal as a "Concept" on June 6, 2018. At that meeting the PB took three actions as follows:

1. The PB found that the proposal qualified as a "major subdivision";
2. The PB waived the full Subdivision Review process to allow subsequent Preliminary and Final Approval of the Subdivision given the Board determined that such variation would not adversely affect public convenience, safety, health and welfare; and
3. The Planning Board waived the requirement to provide eighteen (18) parking spaces.

During the meeting the only public comments provided were from Mr. Vincent Keely, abutting owner of the Wunderbar Building. He expressed concerns about parking in the area and the eventual need for a parking structure in this part of Downtown.

2. PROJECT DATA/INFORMATION:

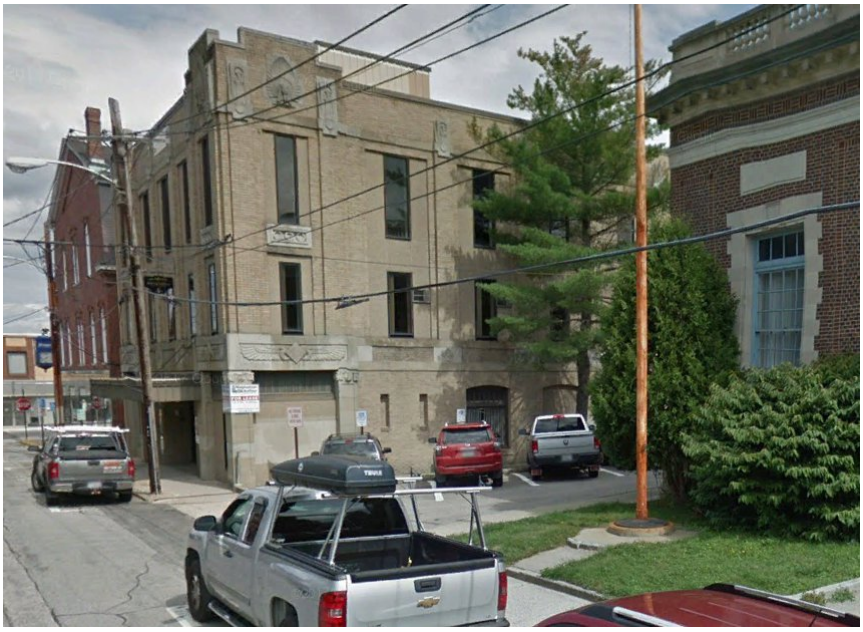
Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	JJ&L Corp 256 Read Street Portland, ME 04103
2.	Owner of Property:	JJ&L Corp 256 Read Street Portland, ME 04103
3.	Agent:	N/A
4.	Engineer/Architect:	N/A
4.	Project Location:	5 Washington Street
5.	Project Tax Map #/Lot #:	Tax Map 38, Lot 352
6.	Existing Zoning:	MSRD-1
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant (recently offices)
9.	Proposed Use:	Mixed non-residential (1st Floor) (Grandfathered), 14 1-Bedroom and 2 2-Bedroom Units
10.	City Approvals Required:	Site Plan/Subdivision
11.	Uses in the Vicinity:	Residential/Commercial
12.	Parcel Size:	.16 acres
13.	Number of Lots/Units in Subdivision:	16-Unit Multi-family
14.	Minimum Lot Size Required: Provided:	None .16 Acres
15.	Frontage Required:	None
16.	Front Setback Required:	None
17.	Side Setbacks Required:	None
18.	Rear Setback Requires:	None
19.	Height Requirements:	Minimum 2 stories or 26 feet (Existing building greater than 26 feet in height)
20.	Water Supply:	Maine Water Company
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private

23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Washington Street is a City Street
32.	Estimated Site Development Costs:	None
33.	Financial Capacity Letter:	The applicant has stated that the project will be self-financed. Since there are no site improvements involved this is deemed adequate to demonstrate financial capacity.
34.	Waivers Needed:	a. Waiver of 18 Parking Spaces. b. Full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting.
35.	Waivers Granted:	a. Waiver of 18 Parking Spaces. b. Full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	All required Planning Board fees have been paid.
41.	Planning Board Review History: Conceptual Subdivision/Site Plan Review: Preliminary and Final Subdivision/Site Plan Review:	 June 6, 2018: Posted in City Hall May 23, 2018; Journal Tribune posting May 24, 2018; Mail Notices to all abutters within 250' sent May 23, 2018 - 32 notices sent. July 18, 2018: Posted in City Hall June 27, 2018; Journal Tribune posting June 29, 2018; Mail Notices to all abutters within 250' sent June 27, 2018 - 32 notices sent.

3. EXISTING CONDITIONS:

The project site is a former office building (now vacant) at 5 Washington Street.



4. PROJECT PROPOSAL:

See attached application package for more information.

5. PUBLIC COMMENT:

Concept Subdivision/Site Plan Review – June 6, 2018:

Posted in City Hall May 23, 2018; Journal Tribune posting May 24, 2018; Mail Notices to all abutters within 250' sent May 23, 2018 - 32 notices sent.

No public comments had been received as of the time of the Planning Board Report. During the meeting the only public comments provided were from Mr. Vincent Keely, abutting owner of the Wunderbar Building. He expressed concerns about parking and the eventual need for a parking structure in this area of Downtown.

Preliminary and Final Subdivision Review – July 18, 2018:

Posted in City Hall June 27, 2018; Journal Tribune posting June 29, 2018; Mail Notices to all abutters within 250' sent June 27, 2018 - 32 notices sent.

No public comments have been received as of the time of this report.

6. STAFF REVIEW:

a. ZONING: The proposed uses are Permitted Uses in the MSRD-1 Zone.

b. REVIEW STANDARDS: Performance Standards for Site Plan/Subdivision and Multi-family Dwellings.

c. WAIVERS:

Two waivers were granted at the June 6, 2018 PB Meeting, as follows:

1. The PB waived the full Subdivision Review process to allow subsequent Preliminary and Final Approval of the Subdivision given the Board determined that such variation would not adversely affect public convenience, safety, health and welfare; and
2. The Planning Board waived the requirement to provide eighteen (18) parking spaces.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

None.

7. STAFF RECOMMENDATION

If the applicant has addressed the outstanding items to the satisfaction of the Board, and Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:

1. Prior to the issuance of any permits:
   a. The applicant must submit a recorded copy of the Notice of Decision for the subdivision/site plan approval to the Planning Office.
   b. Historic Preservation Commission approval is required for any building exterior alterations or signage.
   c. A sewer permit is required prior to any permit issuance. Sewer impact fee will be assessed once final flow numbers are provided to the Director.
2. If any roof drains are connected to the sewer system they must be disconnected as part of this approval.
3. A sewer permit is required prior to any permit issuance. Sewer impact fee will be assessed once final flow numbers are provided to the Director.
4. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.
5. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting approval of the above-described application to create 16 new residential units at 5 Washington Street.

9. SAMPLE MOTIONS

A. Motion to approve the Preliminary and Final Site Plan and Subdivision for JJ&L Corp at 5 Washington Street and approve the Findings of Fact based on the conditions recommended by Staff in its report dated July 10, 2018.

B. Motion to table the application of JJ&L Corp. based upon the following reasons:
*a)*_____
*b)*_____

C. Motion to deny the application of JJ&L Corp. based upon the following reasons:
*a)*_____
*b)*_____

ATTACHMENTS:

1. Application and Supporting Material
2. Draft Findings of Fact

2015.33

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

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

DATE: July 10, 2018

RE: NEW BUSINESS ITEM #C – 2015.33 Plan B Development Reduction of Performance Guarantee for a 45 Unit Senior Condominium Project with nine 5 Unit Buildings at 185 Granite St. (Tax Map 22, Lot 39) in Contract Zone #16.

MEETING DATE: July 18, 2018 @ 6:00 PM

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1. INTRODUCTION

Plan B Development was approved for the construction of a 45-Unit senior condominium project, including associated site improvements, at the northeast corner of the intersection of Granite Street and West Street. Since the approval much work has been completed on the site and many of the units are either occupied or under contract.

The applicant has requested a reduction in their Performance Guarantee to reflect work completed. City Staff have conducted many site inspections to determine level of completeness and compliance with the approved plans. Since the applicant is still working on the site Staff will not have a recommendation until the Planning Board meeting on July 18, 2018.

SAMPLE MOTION

A. *Motion to approve the reduction of the Performance Guarantee for Plan B Development for a 45-Unit senior housing condominium project at 185 West Street to $XXX,XXX with the remaining funds to be assigned to the charge of the Planning Department.*

2018.16

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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REVISED 7/16/2018

PLANNING BOARD REPORT

TO: Larry Patoine, Chair & Members of the Biddeford Planning Board

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

DATE: July 10, 2018

RE: NEW BUSINESS ITEM #F – 2018.16 Determination of Greatest Practical Extent for Mike O'Neil & Tammy Sarchi for the demolition/reconstruction of a residence at 46 Ocean Avenue (Tax Map 60, Lot 43) in the CR & LR zone.

MEETING DATE: July 18, 2018

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1. INTRODUCTION

The applicant is proposing a tear down and construct a new house at 46 Ocean Avenue in Biddeford Pool. The existing house is non-conforming due to the Limited Residential District off of the Atlantic Ocean. It is also non-conforming due to general setbacks on the property and in fact encroaches into the street right-of-way.

The Code Enforcement Officer and City Planner have met with the applicants and their agent several times to discuss this project due to some unique characteristics of the lot, including lot line setbacks since it is a corner lot on three streets. The Code Enforcement Office has agreed to a structure setback of 15' from each of the street right-of-way lines as per Ordinance.

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The existing house is within the 100' Limited Residential (LR) District Setback. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3 (Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

- *the size of the lot,*
- *the slope of the land,*
- *the potential for soil erosion,*

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

The primary case made by the applicant is related to the location of the existing septic tank and required setbacks from it (8 feet).

2. PROJECT DATA/INFORMATION

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Mike O'Neil and Tammy Sarchi 233 Vaughan Street, Unit #302 Portsmouth, NH 03801
2.	Owner of Property:	Mike O'Neil and Tammy Sarchi 233 Vaughan Street, Unit #302 Portsmouth, NH 03801
3.	Agent:	Peterson Design Group 5 Nasons Court, Suite #5 Kennebunk, ME 04043
4.	Surveyor:	Spurwink Surveyors 182 Spurwink Road Scarborough, ME
4.	Project Location:	46 Ocean Avenue Biddeford Pool, ME
5.	Project Tax Map #/Lot #:	Tax Map 60, Lot 43
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home(s).
9.	Proposed Use:	Single family home(s).
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans by Spurwink Surveyors entitled "Boundary Survey 46 Ocean Avenue, Biddeford, Maine" and signed by the Planning Board considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to the Conditions of Approval approved by the Planning Board.

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13.	Lot Size:	0.19 acres (8,276 SF +/-)
14.	Floodplain Status:	None
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	July 18, 2018 (Posted in City Hall July 27, 2018; Journal Tribune posting July 29, 2018; Mail Notices to all abutters within 250' sent July, 2018 - 17 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home on it with a garage and an existing septic tank and leachfield which are fairly new (see attached plan).

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4. PROJECT PROPOSAL

Demolition of the existing structure and construction of a new single-family home.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on June 27, 2018. It was also posted in the Journal Tribune on June 29, 2018. Mailing notices were also sent out to all abutters within 250' on June 27, 2018 – 17 notices were sent out.

As of the time this report no public comment had been received, although one abutter did come to the Planning Department to review the plans.

6. STAFF REVIEW

a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR/LR Zones.

b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).

c. WAIVERS: None

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d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:

1. Add a signature Block with room for 7 signatures and a Date Line to the Plan.
2. Provide a minimum of 2 Paper Plans for signature by July 18, 2018 @ NOON. Provide additional plans if applicant and/or agent want signed plans.

7. STAFF RECOMMENDATION

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

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. Obtain required permits from Maine DEP and the Biddeford Code Enforcement.
4. The new house may not be constructed any closer than the 15' setback from the Right-of-Way of Ocean Avenue as shown on the approved plan.
5. ~~Any new patio may be constructed up to the greatest practical extent line as identified as the 50' setback line from the Highest Annual Tide (HAT) as depicted on the approved plan except that it may only be constructed within the bounds of the footprint of the existing structure.~~
6. This determination of Greatest Practical Extent shall expire one year from the date of approval if a substantial start is not made in construction. If a substantial start is made within one year of the issuance of the determination, the applicant shall have one additional year to complete the project, at which time any building permits shall expire.

8. NEXT STEPS/SUGGESTED ACTIONS

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

9. SAMPLE MOTIONS

A. *Motion to approve the Determination of Greatest Practical Extent for Mike O'Neil and Tammy Sarchi based on the approved plans for 46 Ocean Avenue (Tax Map 60, Lot 43), approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated July 10, 2018.*

B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*
   *a)*_____
   *b)*_____

ATTACHMENTS

1. Applicant's Application and Cover Letter
2. Spurwink Surveyors Plan entitled "Boundary Survey 46 Ocean Avenue, Biddeford, Maine".
3. Draft Findings of Fact.

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