

City of Biddeford
Planning Board
June 05, 2019 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. A. Consideration of Minutes: May 1, 2019.
[PB Minutes 050119.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. A. 2019.19 Public Hearing, take comments, and make recommendations to the City Council, regarding a proposed amendment to the Official Zoning Map to rezone the rear portions of 480 and 486 Elm Street (Tax Map 18, Lots 29, 29-1, and 29-2) from R-1-A to B-2.
[2019.19 B2 Zone Shift SR 060519 Packet.pdf](#)
 - 7.B. B. 2019.06 Remove from table a proposed amendment to the Zoning Ordinance to allow street-level residential uses in the Downtown Area where non-residential street level uses remain fronting on public streets and public spaces.
[2019.06 Street Level Residential Memo to PB 060519.pdf](#)
 - 7.C. C. 2019.17 Preliminary/Final Subdivision Review for Pine Point Heights, LLC to convert a house lot into three house lots located at 23 Raymond Street (Tax Map 29, Lot 98) in the R-2 zone.
[2019.17 Pine Point 3 Lots Prelim Final SR 060519.pdf](#)
 - 7.D. D. 2019.21 Amendment to a Previously Approved Subdivision for Kenneth & Patricia Crepeau to divide their lot into two lots at 2 Glaude Ave (Tax Map 83, Lot 36) in the R-3 zone.
[2019.21 Crepeau Amendment SR 060519.pdf](#)
 - 7.E. E. 2019.22 Shoreland Zone Permit/Change of Use for Eric & Jill Lubiner to convert the property at 122 Hills Beach Road (Tax Map 54, Lot 76) from a commercial (restaurant) use to a residential (single-family) use in the CR and RP (shoreland) zones.
[2019.22 PB Lubiner 122 HBR CU SR.pdf](#)
 - 7.F. F. 2019.23 Shoreland Zone/Determination of Greatest Practical Exent for Tony Covino for the removal and rebuild of a residence at 225 Hills Beach Road (Tax Map 55, Lot 44) in the CR and RP (shoreland) zones.
[2019.23 PB Covino 225 HBR GPE SR.pdf](#)
 - 7.G. G. 2019.01 Revised Concept Site Plan Review for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue (Tax Map 74, Lot 11) in the I-2 zone.
[2019.01 Landmatters Revised Concept SR 060519.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

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

Greg.Tansley@Biddefordmaine.org

Planning Board Minutes

Date: Wednesday, May 1, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

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

MOTION:

Benway- Motion: to approve Consent Agenda.

Angers- Second.

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

6. Unfinished Business
7. New Business
 - A. 2018.23 Preliminary Subdivision Review/Site Plan Review for Saxon Partners to develop 250 residential rental units located off the Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) in the I-3 and R-3 zones.

Greg Tansley, City Planner: Brief report.

Bill Thompson, BH2M Engineers: Spoke briefly, on who will be talking about the project.

Tom Grecko, Saxon Partners: talked about who they are as a company.

Bill Thompson, BH2M Engineers: Gave a presentation.

Kevin Downing, KWR Architects: Talked about landscape, lighting and renderings.

Randy Dutton, Gorrill Palmer: Talked about the traffic and transportation for the project.

Mike Eon: talked about the visual study that was done.

Ken Buechs, Chairmen of the Conservation Commission: What are the ordinances going to be? Shouldn't they be in place before the next step.

Larry Laverriere, Thatcher Brook Lane: Concerned with Thatcher Brook Watershed, is against the project.

Sean Behen, Village Lane: Concerned with stormwater runoff, traffic. Is against the project.

Roch Angers: Does Greg have any other information.

Greg Tansley, City Planner: Clarified the Contract Zone question.

Bill Thompson, BH2M Engineers: All the water will be collected in a wet pond for treatment.

Discussion between Board, Staff, Applicant and Engineer: regarding Management, security, easement, Barra Road ext., parking and pond.

MOTION:

Benway- Motion: to determine the application is "complete" for review purposes.

Patoine- Second.

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

Benway- Motion: to grant Preliminary Subdivision Approval for the proposal located off Barra Road (Tax Map 2, Lots 43-1 & 42-1, Tax Map 7, Lot 15) conditioned on a Final Application and Plan Set shall not be submitted to the Planning Board until,

- A. The 3rd Party Engineer and City Staff have completed their reviews of the Preliminary Plan Submission package. This includes providing all comments to the Applicant and the applicant responding to Staff satisfactorily.
- B. A Draft Maine DOT Traffic Movement Permit has been obtained from the Maine DOT.
- C. A Draft Contract Zone Agreement has been agreed to between the applicant and Staff, including the completion of a legal review by the City Attorney.

Patoine- Second.

Chair Southwick- Call for Vote- (3-1) motion passes.

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

Greg Tansley, City Planner: Brief report.

Tom Gillis, Landmatters, LLC: Gave a presentation and clarified that the units will not be for storage but for contractor's and small businesses.

Bill Thompson, BH2M Engineers: Spoke briefly on the project.

Mark Gagne, 31 Marcel Ave: Traffic, lighting, water, what times will they be keeping, does not fit the neighborhood.

Susan Stevens, Marcel Ave: has issues with Traffic, lighting, what times will they operate and water.

Kim Gagne, 31 Marcel Ave: Has an issue with an entrance off Marcel Ave. Would like to see the building pushed back and fencing or shrubs put in to make look more appealing.

Richard Rhames, Conservation Commission: Concerned about Thatcher Brook watershed.

Bill Thompson, BH2M Engineers: There is an existing house on Marcel Ave that we're hoping to make use of the existing driveway.

Discussion between Board, Staff, Applicant and Engineer: regarding a possible two story, facilities, electricity, utilities, the possibility of someone living there, and water issues.

Greg Tansley, City Planner: I just want to remind everyone that we look at quantity and quality of water.

- c. 2019.04 Public Hearing, take comments, and make recommendations to the City Council, regarding a property owner's REVISED proposed amendment to the Official Zoning Map to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.

Greg Tansley, City Planner: Brief report.

Bill Thompson, BH2M Engineers: Gave a presentation.

Chair Southwick- Open Public Hearing.

Dennis Rioux, Ward 6- Saco Valley Land Trust: Against the zone change.

Carol Brown, Guinea Rd: Has issues with ledge, sewer, water, traffic and how many houses will be there.

Ken Buechs, Conservation Commission: Recommends the proposal be tabled until Mr. West has completed his study.

Denis Letellier, 264 Guinea Rd: Has an issue with water.

Richard Rhames, Conservation Commission: Against the zone change.

Sean Behen, Village Ln: Issues with water.

Chair Southwick- Close Public Hearing.

Discussion between board and Staff:

MOTION:

Benway- Motion: to not recommend the Zoning Change pass at the City Council.

Angers- Second.

Chair Southwick- Call for Vote- Sustained (3-1) motion passes.

8. Other Business
A. Workshop – Comprehensive Plan Discussion.

Chair Southwick- Given the we will not be discussing the Comprehensive Plan.

9. Adjourn

MOTION:

Patoine- Motion: to Adjourn.

Benway- Second.

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

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

DRAFT



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.15

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley", is written over the printed name in the "FROM:" line.

DATE: May 21, 2019

RE: **NEW BUSINESS ITEM #A** - 2019.19 Public Hearing, take comments, and make recommendations to the City Council, regarding a proposed amendment to the Official Zoning Map to rezone the rear portions of 480 and 486 Elm Street (Tax Map 18, Lots 29, 29-1, and 29-2) from R-1-A to B-2.

MEETING DATE: JUNE 5, 2019 @ 6:00 PM

At the request of the City Council, the Planning Board was asked to hold a Public Hearing and provide a recommendation back to the City Council about shifting the existing B-2 Zone line (which splits through three (3) properties) on Elm Street back to follow these three (3) lot lines instead. This change would only affect the three (3) properties identified along the west side of Elm Street as shown on the attached map.

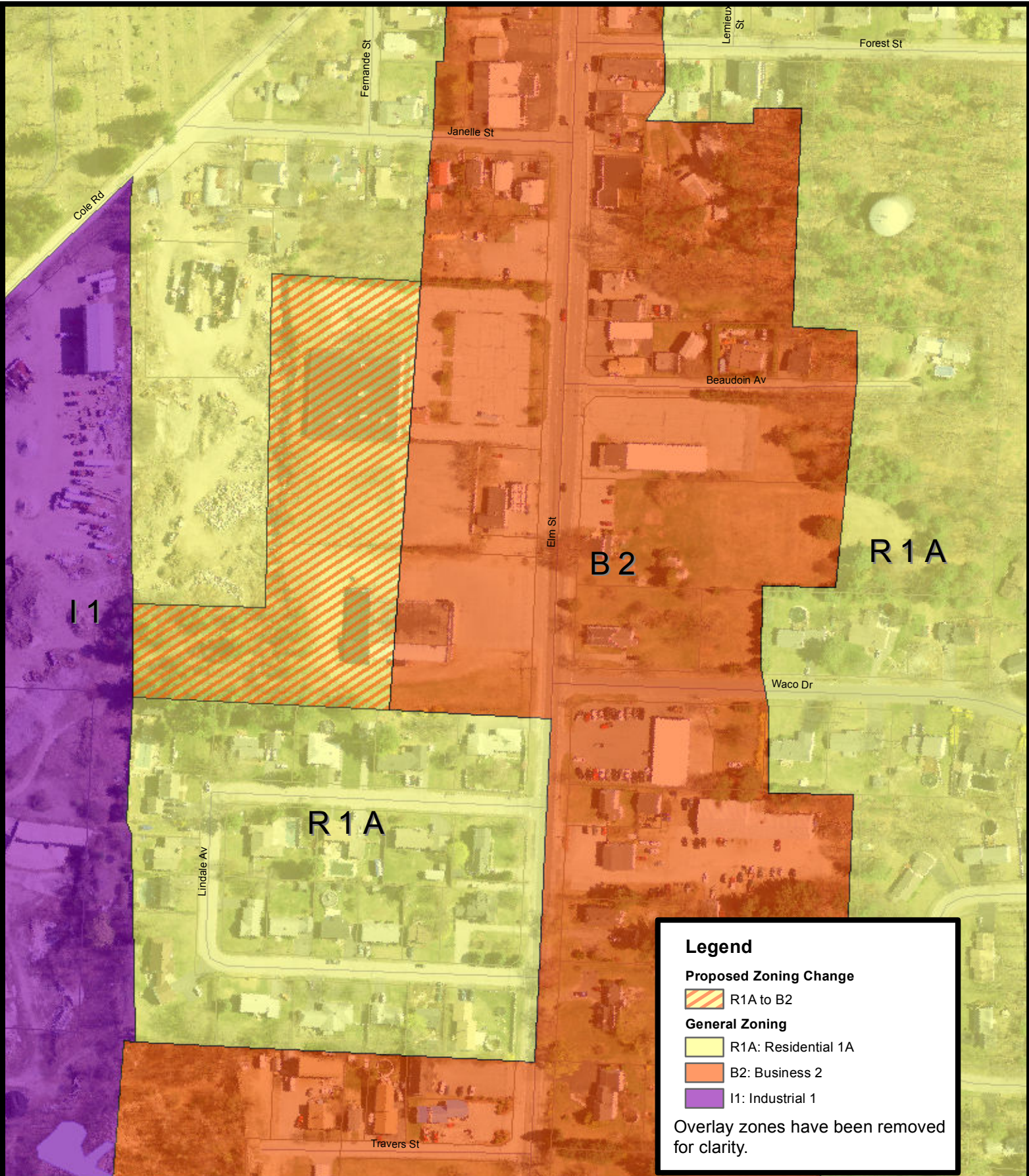
STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan.

SAMPLE MOTIONS:

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

ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance Related to B-2 and R-1-A



Proposed Zoning Change - R1A to B2



This map was prepared by:
BiddGIS

The City of Biddeford, Maine
Technologies Department - GIS Mapping

205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586"
Tel. 207-571-0660 • Email gis@biddefordmaine.org



0 200 400 Feet
1 inch = 200 feet

TABLE A: TABLE OF LAND USES

* Subject to Article VI,
 {BLANK} Not Permitted
 P Permitted
 C Conditional Use
 A Accessory Use

Residential uses:	Article VI Section	R-1-A	B-2
Accessory dwelling units* 27	78	P	
Accessory structure*	2	P3	P
Boarding, rooming house*	10		
Bed-and-breakfast*	9		
Cluster development*	18	C	
Congregate housing*	19		
Duplex/2-family	24		
Home occupation*	38	C	
Manufactured housing*	See Article VI, Section 45.		
Mobile home park*	See Article VI, Section 45.		
Multifamily dwelling*	47		
Planned unit development*	73		
Single-family dwelling 11	2	P	
Commercial uses:	Article VI Section	R-1-A	B-2
Adult business	3		C17
Amusement center*	5		C
Art gallery			
Art studio			
Auto body shops			
Automobile graveyard, automobile recycling business, junkyard*	7		
Automobile repair, sales			P
Boat building, repair, marine services, sales, boat livery, marina, yacht club			P
Building materials retail sales			P
Carwash*	14		C
Commercial gardening, commercial	17	C	P
Commercial recreation*	18		C
Commercial school*	53		P
Drugstore/medical supply			P
Financial institution			P
Firewood processing*	33		
Fisheries processing, storage*	34		
Funeral parlor			P
Gasoline service station*	36		P

Hotel/motel*	40		P
Indoor theater			P
Kennel, veterinary hospital*	42		P
Medical marijuana dispensaries			
Medical marijuana growing facilities			
Neighborhood convenience store/service		C4	P
Off-street loading and parking lot and facilities, commercial parking garage	49		P9
Offices, business and professional*	52		P
Planned unit developments*	73		C
Publishing, printing			P
Restaurant*	56		P
Retail store			P
Sawmill*	33		
Services			P
Shopping center			C
Telecommunications facilities	71		
Wholesale business			P
Industrial uses:	Article VI Section	R-1-A	B-2
Air transportation related use			
Air transportation dependent use*			
Airport	4		
Bulk oil terminal*	41		
Contractor's storage yard			
Demolition disposal*	23		
Experimental research and testing laboratory	29		C
Light manufacturing*	41		C
Light trucking dependent industry*	41		C
Manufacturing*	41		
Planned unit developments*	73		
Resource recovery facility			
Recycling facilities	76		
Redemption centers			C
Storage of bulk gaseous fuels*	41		
Transportation facilities			
Trucking, distribution terminal*			C
Warehousing and storage*	60		P
Self-storage facilities*	60		C25, 26
Educational, institutional public uses:	Article VI Section	R-1-A	B-2
Addiction treatment facility 22			
Church, synagogue*		C	C

Civic, convention centers			C
Community centers, clubs		C	C
Day-care center, adult	22	C	P
Day-care home, adult	22	C	C
Day-care home, children's	22	C	C
Day-care center, children's	22	C	C
Essential services	27		C
Fire, police station			P
Group homes, hospice	19	C	P
Hospital*	39		
Municipal use	47.1	C	P
Museum, library			P
Nursing home*	39		
Public and private schools*	53	C	
Public facility		C	P
Rehabilitation facility			
University/college*			
University uses*			
Water supply system	27	C	C
Outdoor, resource-based uses:	Article VI Section	R-1-A	B-2
Agriculture*	3, 31		
Agricultural products processing and storage*	3, 31		
Animal breeding or care	42		
Campground*	13		
Cemetery	14.1	C	
Extractive industry*	30		P2
Farm stands* 13	31		
Timber harvesting	64		
Golf course excluding miniature golf		P	
Parks and recreation*		P	P

TABLE B: DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W	Side	Rear	Stories	Feet
R-1-A, single-family	10,000	20000	10000	20000	100	100	100	40	25	10	10	3	35
B-2 O	10,000 J	20000	20000	40000	150	150	150	30	25	10	10	3	35



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.06

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley", is written over the "FROM:" line.

DATE: May 29, 2019

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

MEETING DATE: JUNE 5, 2019 @ 6:00 PM

On February 6 the Planning Board held a Public Hearing regarding possible amendments to the zoning ordinance that would allow street-level residential uses in certain circumstances in the Downtown. This proposal originated from the new property owner of 128 Main Street who was interested in separating the rear of the 1st Floor of the building off from the front section in order to build residential units on the rear portion of the Main Street level 1st Floor of the building.

This proposal met considerable opposition from the community (i.e., the public) and the Planning Board tabled it in order for the Downtown Development Commission (DDC) to further look at the issue and provide a recommendation back to the Planning Board.

The recommendation from the Planning Board is that street-level residential uses remain prohibited in the Ordinance as currently legislated. In motioning terms, this would be a recommendation to postpone indefinitely the amendment proposal.

NOTE: Since the item was tabled the Downtown Development Commission, with Brad Favreau, Economic Development Coordinator, have discussed the issue several times. Those discussions have culminated in the attached communication for the Planning Board's consideration.

SAMPLE MOTIONS:

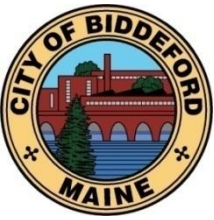
Motion to remove the item from the table.

*Motion to send this amendment forward to the City Council with a recommendation that the amendment **pass/not pass**.*

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

ATTACHMENTS:

1. Memorandum to the Planning Board regarding the proposal dated for Public Hearing: February 6, 2019.
2. Biddeford DDC Memorandum and Recommendation opposed to allowing street-level residential uses in the downtown.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.17

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: May 29, 2019

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

MEETING DATE: JUNE 5, 2019 @ 6 PM

1. INTRODUCTION:

The Applicant has provided a Tax Map sketch in their application of a concept to divide this in-town lot into three separate residential house lots, with the existing house to remain on a 8,940 SF lot.

At the April Planning Board Meeting the following decisions were made:

- A. The Planning Board determined this application represents a minor subdivision.
- B. The Planning Board waived the full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely.

2. PROJECT DATA/INFORMATION:

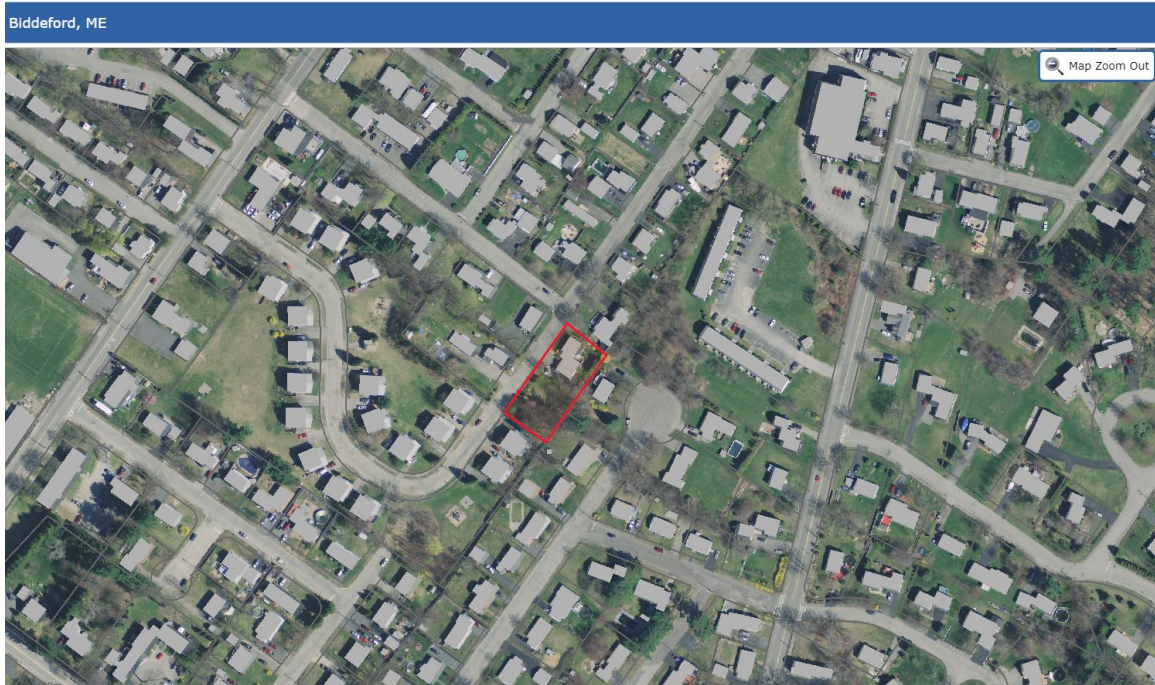
Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Pine Point Heights, LLC C/o Matthew Chamberlain 762 Main Street South Portland, ME
2.	Owner of Property:	Pine Point Heights, LLC C/o Matthew Chamberlain 762 Main Street South Portland, ME
3.	Agent:	N/A
4.	Surveyor:	Brad Lodge Middle Branch Surveyors 1A Depot Street, PO Box 618 Alfred, ME
5.	Project Location:	23 Raymond Street
6.	Project Tax Map #/Lot #:	Tax Map 29, Lot 98
7.	Existing Zoning:	R-2
8.	Overlay Zoning:	None
9.	Existing Use:	Single-family House
10.	Proposed Use:	Divide 1 Lot into 3 Lots - Residential
11.	City Approvals Required:	Subdivision
12.	Uses in the Vicinity:	Residential
13.	Parcel Size:	.42 Acres (18,295 SF)
14.	Number of Lots/Units in Subdivision:	3
15.	Minimum Lot Size Required: Provided:	4,500 SF Per Unit Lot A: 8,940 SF Lot B: 4,642.8 SF Lot C: 4,620.2 SF
16.	Frontage Required:	45 feet
17.	Front Setback Required:	25 feet
18.	Side Setbacks Required:	5 feet
19.	Rear Setback Requires:	5 feet
20.	Height Requirements:	Maximum 35 feet

21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	City of Biddeford
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Ownership of Road:	Raymond Street is a City Street
29.	Parking:	N/A
30.	Estimated Site Development Costs:	N/A
32.	Waivers Needed:	None
33.	Waivers Granted:	The full subdivision process and allow a subsequent joint Preliminary and Final review given that public convenience, safety, health and welfare will not be affected adversely.
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	Yes
40.	Planning Board Review History: Concept Review – Minor Subdivision: Preliminary/Final Review:	April 3, 2019 Meeting Date. June 5, 2019 Meeting Date

3. EXISTING CONDITIONS:

The property in question is highlighted below. There is an existing house on the lot. The vacant area to the south of the lot would be split into two new, vacant, house lots.



Source: "23 Raymond Street".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=2702>. Accessed Date: 05/29/2019.

Although the picture below from *Google Earth* does not entirely capture the grade of the road, there is a significant elevation difference between the existing house and the top of the hill.



Source: "23 Raymond Street, Biddeford, Maine." 43°28'45.29" N 70°27'32.30" W. **Google Earth Street View**. Imagery Date: 8/2011. Accessed Date: 03/28/2019.

4. PROJECT PROPOSAL:

Divide the lot into 3 lots.

5. PUBLIC COMMENT:

Concept Review:

April 3, 2019 Meeting Date. Posted in City Hall March 22, 2019; Journal Tribune posting March 26, 2019; Mail Notices to all abutters within 250' sent March 22, 2019 - 23 notices sent.

At the time of this report no public comment had been received.

Preliminary/Final Review:

June 5, 2019 Meeting Date. Posted in City Hall May 23, 2019; Mail Notices to all abutters within 250' sent May 23, 2019 - 23 notices sent.

At the time of this report no public comment had been received.

6. STAFF REVIEW:

a. ZONING: N/A

b. REVIEW STANDARDS: Dimensional Requirements.

c. WAIVERS:

- 1) Per Chapter 66, Section 66-9 and 66-33(c) - Full Subdivision Review process to allow for joint Preliminary and Final Subdivision approval at the same meeting.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. Provide evidence that driveway entrances will be approved by the City of Biddeford Public Works Department (Contact Jeff Demers, Director of DPW) – Carried over from last comments.
2. Explain development approach for the two new lots, especially in respect to topography (grade), access, utilities, and drainage – Carried over from last comments.
3. Any existing pavement/gravel for the Lot A needs to be removed to create a minimum 5 feet of vegetation off of Lot B's property line.
4. Submit 2 Mylars and 2 Paper copies of the Subdivision Plan prior to June 4, 2019 at NOON.

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 sale or conveyance of “Lot B” or the issuance of any building permits or driveway permits for “Lot B” the “Crushed Stone Driveway” on “Lot A” needs to be removed to a minimum of 5 feet of the proposed lot line for “Lot B”.
2. **Applicant shall provide a copy of the recorded division plan to the Planning Department within 15 days of recording.**

8. **NEXT STEPS/SUGGESTED ACTIONS**

- Consider granting the Preliminary/Final approval of the 3-Lot Subdivision presented based on the conditions outlined above (Recommended).

9. **SAMPLE MOTIONS**

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

ATTACHMENTS:

1. Subdivision Plan
2. Applicants Preliminary and Final Application Package
3. Draft Findings of Fact



2019.21

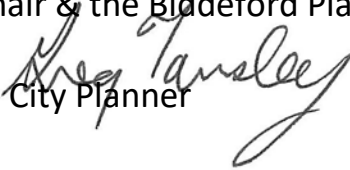
CITY OF BIDDEFORD PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: May 29, 2019

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

MEETING DATE: June 5, 2019 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes to create 1 additional lot from an existing lot at 2 Glaude Avenue. The new lot would be serviced with City Sewer and water from MaineWater. It would have access to/from Glaude Avenue.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Kenneth and Patricia Crepeau 2 Glaude Avenue Biddeford, ME 04005
2.	Owner of Property:	Kenneth and Patricia Crepeau 2 Glaude Avenue Biddeford, ME 04005
3.	Agent:	Kenneth and Patricia Crepeau

		2 Glaude Avenue Biddeford, ME 04005
4.	Engineer/Architect/Surveyor:	Dow and Coulombe, Inc. 13 Park Street Saco, ME 04072
4.	Project Location:	2 Glaude Avenue
5.	Project Tax Map #/Lot #:	Tax Map 83, Lot 36
6.	Existing Zoning:	R-3
7.	Overlay Zoning:	None
8.	Existing Use:	Single-family house lot
9.	Proposed Use:	Create 1 Additional Lot from Tax Map 83, Lot 36
10.	City Approvals Required:	Subdivision Amendment
11.	Uses in the Vicinity:	Residential
12.	Parcel Size:	Remaining Land (2 Glaude Avenue) - 12,361 SF Proposed Lot – 10,935 SF
13.	Number of Lots/Units in Subdivision:	Additional 1 Lots.
14.	Minimum Lot Size Required: Provided:	10,000 Square Feet 12,361 SF and 10,935 SF
15.	Frontage Required:	100'
16.	Front Setback Required:	40'
17.	Side Setbacks Required:	10'
18.	Rear Setback Requires:	10'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	MaineWater
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	City of Biddeford
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:	Glaude Avenue is a City Street
32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A

34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. None
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:	Yes
41.	Planning Board Review History: Amendment Review:	June 5, 2019

3. EXISTING CONDITIONS:

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

4. PROJECT PROPOSAL:

See attached application package and plan for more information.

5. PUBLIC COMMENT:

Amendment Review:

The meeting date is June 5, 2019 (Posted in City Hall May 23, 2019; Mail Notices to all abutters within 250' sent May 23, 2019 - 41 notices sent).

- No public comments have been received as of May 28, 2019.

6. STAFF REVIEW:

- ZONING: The proposed use (single-family residential) is a Permitted Use in the R-3 Zone.

- b. REVIEW STANDARDS: Subdivision Review and Dimensional Standards.
- c. WAIVERS: None.
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:
 - 1. Need Two (2) Paper Copies and 2 Mylars for Planning Board Signature.

i. STAFF RECOMMENDATION

If the Board approves the project, Staff recommends 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 amended subdivision plan to the Planning Office.**
- 2. **Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.**
- 3. **Standard Conditions of Approval apply.**

7. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting final approval of the proposed amendment to a previously approved subdivision.

8. SAMPLE MOTIONS

- A. *Motion to approve the amendment to a previously approved subdivision for Kenneth and Patricia Crepeau, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated May 29, 2019.*
- B. *Motion to deny the amendment to the previously approved subdivision of Autumn Acres based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Application submittal and Amended Subdivision Plan prepared by Dow & Coulombe.
2. Draft Findings of Fact and Conclusions of Law.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.22

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

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

DATE: May 29, 2019

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

MEETING DATE: JUNE 5, 2019

1. INTRODUCTION

The applicant is proposing to convert the existing use of the property (commercial – formerly Bufflehead’s) into a single-family residential use. Since the property is in a Resource Protection (RP) Shoreland Overlay zone and commercial and residential uses are not permitted in that zone, the applicant is required to request approval from the Planning Board for the change of use.

According to Article XIV (Shoreland Zoning), Section 12.D.3., the change of use from one non-conforming use to another non-conforming use requires the Planning Board to find that “the proposed use has no greater adverse impact on the subject and adjacent properties and resources...than the former use, as determined by the Planning Board.” The criteria for determining “no greater adverse impact” is as per the criteria listed in Section 12.C.5., which reads as follows:

“In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.”

The applicant is required to make the case about how the change of use from a restaurant to a single-family residential use meets these criteria. A review of this criteria from Staff’s perspective is provided below.

PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

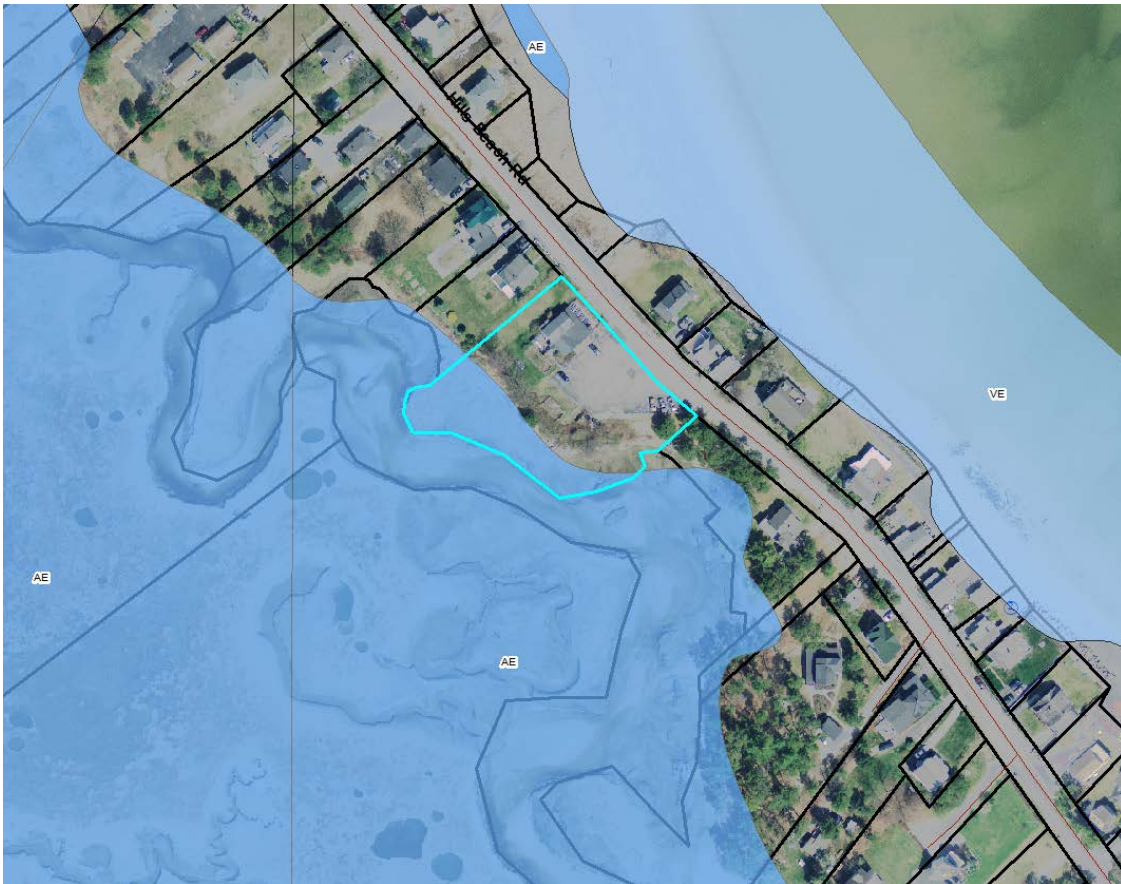
	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Eric and Jill Lubiner 1350 Main Street #1502 Sarasota, FL 34236
2.	Owner of Property:	Lubiner Maine, LLC 1350 Main Street #1502 Sarasota, FL 34236
3.	Agent:	Christina Stone Legacy Properties Sotheby’s International Realty 150 Port Road Kennebunk, ME 04043
4.	Surveyor:	N/A
5.	Project Location:	122 Hills Beach Road Biddeford, ME 04005
6.	Project Tax Map #/Lot #:	Tax Map 54, Lot 76
7.	Existing Zoning:	CR
8.	Overlay Zoning:	Resource Protection (RP) Shoreland Zone
9.	Existing Use:	Commercial (Restaurant)

10.	Proposed Use:	Single family home(s).
11.	Approvals Required:	Shoreland Zoning Approval – Change of Use
12.	Uses in the Vicinity:	Residential, primarily Single-family
13.	Dimensional Requirements:	N/A
14.	Lot Size:	N/A
15.	Floodplain Status:	The property in the vicinity of the existing and proposed new structure is an AE Floodzone with Elevation 9.0 NGVD 1929.
16.	Waivers Needed:	a. None
17.	Waivers Granted:	a. None
18.	Variances Needed for Approval:	None.
19.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
20.	Other Permits Obtained:	None.
21.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
22.	LDR Attachment A: Fees Paid:	Yes
23.	Planning Board Review History: Change of Use Review:	June 5, 2019 Meeting Date. Posted in City Hall May 23, 2019; Mail Notices to all abutters within 250' sent May 23, 2019 - 15 notices sent).

2. EXISTING CONDITIONS

The existing lot contains a large building and parking lot. It is the location of the former Bufflehead's restaurant which is now closed. The existing septic system is located to the west of the existing structure (to the left if looking at the structure from Hills Beach Road). To the left of the structure is a large parking lot (approximately 25 parking spaces) which is accessed by a very large curb cut (approximately 120 feet wide).

The developed area of the property is not identified as being within a flood zone (see below labelled “AE”).



Source: City of Biddeford ArcMap GIS System, Accessed 05/23/2019.

3. PROJECT PROPOSAL

Change of Use to a single-family residence. The applicant has indicated the intent is to tear down the existing structure and build a new house on the property. The first step in the Planning Board review process is the June 5 Meeting where the Board is being asked to approve the change of use of the property. At a later date the applicant would need to come back to the Planning Board for a review of the “Greatest Practical Extent” should they wish to tear down and replace the existing structure with a new structure.

4. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on May 23, 2019. Mailing notices were also sent out to all abutters within 250' on May 23, 2019 – 15 notices were sent out.

As of the time this report no public comment had been received.

5. STAFF REVIEW

a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR Zone. It is NOT Permitted in the Resource Protection zone.

b. REVIEW STANDARDS: Change of Use Review Criteria (Article XIV, 12.C.3.)

1. Probable effects on public health and safety

Staff Comments:

Reducing the intensity of the use from a restaurant to a single-family use should have noticeably less demands for on-site subsurface waste disposal (septic) which has the potential to reduce the risk to public health if the system were to fail.

2. Probable effects on erosion and sedimentation

Staff Comments:

The applicant intends to significantly reduce the amount of impervious surface on the property by digging up the parking lot which will significantly reduce the amount and rate of runoff and potential for soil and erosion and sedimentation into the marsh.

3. Probable effects on water quality

Staff Comments:

Same as #1 and 2 Above – Reduction in intensity of use on the septic system and reduction in impervious surfaces. Further, less

vehicles parked at this location results in less potential for fluids, etc. washing off the parking lot into the coastal wetland.

4. Probable effects on fish and wildlife habitat

Staff Comments:

See above #1, #2, and #3.

5. Probable effects on vegetative cover

Staff Comments:

The applicant intends to replace existing pavement with vegetation. If anything, it seems this proposal will improve the site from a vegetative cover" perspective.

6. Probable effects on visual and actual points of public access to waters

Staff Comments:

There is no physical point of access readily available to the coastal wetland from the property. Walk-in canoe or kayaks is an option, but given it is private property, even that would be limited.

From a visual perspective, view of the coastal wetland in the summer season are obstructed by vehicle parking and the dumpster enclosure and fencing. The applicants intends to remove the pavement and the dumpster area and if it reconstructs the existing structure , intends to do so largely within the existing footprint, so visual access with respect to the building will not be additionally impeded. Further, given that the property is private, there is some question to the right of the general public to view the coastal wetland through this private property.

7. Probable effects on natural beauty

Staff Comments:

Staff do not see how the change of use would have any impact on the natural beauty of the area, and in fact, may improve the “natural beauty” by removing a large parking lot and pavement.

8. Probable effects on floodplain management

Staff Comments:

The developed area of the property is not in a floodplain and any improvements regarding stormwater and runoff will help the existing adjacent floodplain which is the coastal wetland.

9. Probable effects on archaeological and historic resources

Staff Comments:

None known so not applicable.

10. Probable effects on and commercial fishing and maritime activities, and other functionally water-dependent uses

Staff Comments:

None known so not applicable.

c. WAIVERS: None

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

1. **None.**

6. STAFF RECOMMENDATION

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

1. **Obtain required permits from Maine DEP and the Biddeford Code Enforcement.**

7. NEXT STEPS/SUGGESTED ACTIONS

Consider making a determination that the proposal meets the criteria for a change of use from one non-conforming use (restaurant) to another non-conforming use (single-family residence).

8. SAMPLE MOTIONS

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

B. Motion to deny the Change of Use based upon the following reasons:

- a)* _____
- b)* _____

ATTACHMENTS

1. Applicant's Application
2. Applicant's Response to Shoreland Zoning Criteria
3. Draft Findings of Fact.



CITY OF BIDDEFORD PLANNING DEPARTMENT

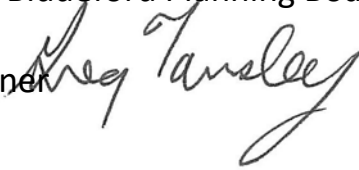
2019.23

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & the Biddeford Planning Board

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

DATE: May 29, 2019

RE: **NEW BUSINESS ITEM #F – 2019.23 Shoreland Zone/Determination of Greatest Practical Exent for Tony Covino for the removal and rebuild of a residence at 225 Hills Beach Road (Tax Map 55, Lot 44) in the CR and RP (shoreland) zones.**

MEETING DATE: JUNE 5, 2019

1. INTRODUCTION

The applicant is proposing to tear down and re-build the structure located at 225 Hills Beach Road. The existing house is non-conforming due to the Resource Protection District off the "Pool".

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 250' Resource Protection (RP) 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:

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

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

In cases of “reconstruction” or “replacement”, the Planning Board shall also consider “the physical condition and type of foundation present, if any.”

The primary case in this proposal appears to be the front setback to Hills Beach Road being a minimum of 15’ (Code Enforcement Officer determined).

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Tony Covino Saco Bay Builders, LLC 128 Hills Beach Road Biddeford, ME 04005
2.	Owner of Property:	Krista Evans 14 Oxford Drive Rogers, AR 72756
3.	Agent:	Tony Covino Saco Bay Builders, LLC 128 Hills Beach Road Biddeford, ME 04005
4.	Surveyor:	Dow & Coulombe 13 Park Street Saco, ME 04072
4.	Project Location:	225 Hills Beach Road Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 55, Lot 44
6.	Existing Zoning:	CR

7.	Overlay Zoning:	Resource Protection (RP) Shoreland Zone
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 (no closer than 186.1 +/- feet from 7.4' Contour to the Ocean, and no closer than 15' to Hills Beach Road) by Dow and Coulombe, Inc., entitled "Plan Showing A Boundary Survey Made For The Rasmussen Family Trust" (last amended 05-08-2019) 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.
13.	Lot Size:	Undeterminable
14.	Floodplain Status:	The property is not in a Flood Zone
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 (possible)
21.	LDR Attachment A: Fees Paid:	Yes
22.	Planning Board Review History:	

	Final Review and Determination of Greatest Practical Extent:	June 5, 2019 Meeting Date. Posted in City Hall May 23, 2019; Mail Notices to all abutters within 250' sent May 23, 2019 - 10 notices sent).
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3. EXISTING CONDITIONS

The existing lot has a single-family home on it with an existing septic system apparently located between the garage and the house.



Source: "225 Hills Beach Road".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=5713>. Accessed Date: 05/29/2019.

4. PROJECT PROPOSAL

Reconstruction (construction) of a new house at 225 Hills Beach Road. The new septic system would be located behind (towards the Ocean) the existing garage.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on May 23, 2019. Mailing notices were also sent out to all abutters within 250' on May 23, 2019 – 10 notices were sent out.

As of the time this report no public comment had been received.

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR Zone. Single-family homes are not permitted in the RP Zone.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:
 - 1. **Provide a minimum of two (2) Paper Plans for signature by June 4, 2019 @ 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. 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 given the constraints presented.

9. SAMPLE MOTIONS

A. *Motion to approve the Determination of Greatest Practical Extent for Krista Evans based on the approved plans for 225 Hills Beach Road (Tax Map 55, Lot 44), approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated May 29, 2019.*

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. Dow & Coulombe Plan last revised 05-08-2019.
3. Draft Findings of Fact.



2019.01

CITY OF BIDDEFORD

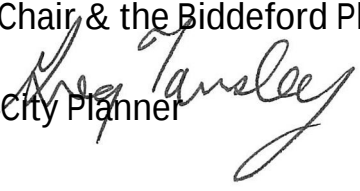
PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner 

DATE: May 29, 2019

RE: NEW BUSINESS ITEM #G – 2019.01 Revised Conceptual Site Plan Review for Landmatters, LLC to construct 14 storage units located at 23 Marcel Avenue and 50 Landry Street (Tax Map 74, Lot 11 and Tax Map 74, Lot 10-2) in the I-2 zone.

MEETING DATE: June 5, 2019 @ 6:00 PM

1. INTRODUCTION

In January 2019 the applicant appeared before the Planning Board for a Conceptual Review of a proposal to construct three (3) new buildings with a total of eleven (11) new commercial units off Marcel Avenue and Landry street. In May the Applicant re-appeared before the Planning Board for the review of a revised Concept. The revised Concept was designed so that only one storage unit would be accessed from Marcel Avenue.

At both of these meetings residents on Marcel Avenue voiced concern over the project, particularly related to access onto Marcel Avenue and traffic related issues.

Marcel Avenue is an older residential street that pre-exists the Airport Industrial Park(s) but is located directly across from Hill Street near the airport. Landry Street is an industrial road leading from Route 1 to Hill Street and the airport.

All of the existing homes on Marcel Avenue are pre-existing non-conforming residential uses in the Industrial-2 (I-2) Zone. There are seven (7) existing residential properties on Marcel Avenue, including the subject parcel. The proposed use is a Permitted (P) use in the I-2 Zone. Although it is a P use, added attention should be given to the residential character of Marcel Avenue through the review of this application.

Under the revised Conceptual Plan design before the Board now, NONE of the 14 Storage Units would have access to and from Landry Street (i.e., there would be no access to, or from, Marcel Avenue).

IMPORTANT NOTE:

Since the last review, the Concept for the site has changed again. As such, Staff recommend the Board treat this as a revised Concept to provide feedback to the applicant allowing them to proceed with the preparation of a final Plan Submission.

Some of the most noted changes include:

- All access would be to and from Landry Street, not Marcel Avenue.
- The new concept includes 69 parking spaces (down from 74). The original concept included 39 spaces. These parking numbers do not include parking in front of the loading bays associated with each unit.

PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Landmatters, LLC PO Box 468

		Old Orchard Beach, ME 207-331-2865
2.	Owner of Property:	Heirs of Clarence Belanger
3.	Agent:	Tom Gillis, Landmatters, LLC PO Box 468 Old Orchard Beach, ME 207-331-2865
4.	Engineer:	BH2M Engineers 28 State Street Gorham, ME 04038
5.	Surveyor:	Corner Post Land Survey, LLC 600 Main Street Springvale, ME 207-324-2119
6.	Project Location:	23 Marcel Avenue and 50 Landry Street
7.	Project Tax Map #/Lot #:	Tax Map 74, Lot 11 and Tax Map 74, Lot 10-2
8.	Existing Zoning:	I-2
9.	Overlay Zoning:	None
10.	Existing Use:	Single-family Residential, Vacant
11.	Proposed Use:	14-Units of commercial storage space with unknown tenants
12.	City Approvals Required:	Site Plan Review/Conditional Use Permit
13.	Uses in the Vicinity:	Industrial, Airport, Residential
14.	Parcel Size:	3.4 Acres and 30,928 SF (50 Landry Street)
15.	Number of Lots/Units in Subdivision:	N/A – Commercial Units
16.	Minimum Lot Size Required: Provided:	None None
17.	Frontage Required: Provided:	50 feet. More than 50 feet
18.	Front Setback Required: Provided:	40 feet (Landry Street) 50 feet
19.	Side Setbacks Required: Provided:	25 feet from non-IN Zones 25 feet from non-IN Zones
20.	Rear Setback Requires:	25 feet from non-IN Zones

	Provided:	25 feet from non-IN Zones
21.	Height Requirements: Provided:	Maximum 6 stories, 60 feet Less than 6 stories, 60 feet
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	TBD
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	TBD
30.	Parking Spaces Provided (total): # Handicapped Spaces:	TBD TBD
31.	Ownership of Road:	Marcel Avenue and Landry Street are City Streets
32.	Impervious Surface Area:	TBD
33.	Total Disturbed Area:	TBD
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	a.
37.	Waivers Granted:	a.
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	None
40.	Other Non-City Permits Required:	TBD
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	No

41.	Planning Board Review History: Conceptual Review: Revised Concept Review: 2 nd Revised Concept Review:	January 16, 2019 Meeting Date. May 1, 2019 Meeting Date June 5, 2019 Meeting Date
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2. EXISTING CONDITIONS

The proposed property is occupied by a single-family residence. It is quite a large lot (5+ acres) that is mostly vacant. Although located in an I-2 Zone, the lot(s) is at the beginning of Marcel Avenue which is primarily residential.



3. PROJECT PROPOSAL

See attached application package and Revised Concept Plan for more information.

4. PUBLIC COMMENT

Concept Review: January 2019

- No Public Comments have been received.

Revised Concept Review: May 1, 2019 Meeting

- The following email was received:

From: [Kim](#)
To: [Tansley, Greg](#)
Subject: Site Plan for Landmatters, LLC - Marcel Ave. 5/1 Meeting
Date: Wednesday, April 24, 2019 5:25:33 PM
Importance: High

Dear Mr. Tansley,

We are Mark & Kimberley Gagne of 31 Marcel Ave., we will be attending the meeting on May 1st with regards to site plans for Landmatters, LLC. However, we did want to bring to our concerns to the planning board beforehand.

Our MAJOR CONCERN is access to the site from Marcel Ave, during and after the construction phase..

Points to consider:

- *Young children live and play on this street, the bus also makes a stop at the beginning of the street, additional traffic, especially construction vehicles will jeopardize their safety
- *It is a dead-end, with a very unmaintained turn-around, therefore leaving vehicles to turn around in our driveway, (happens all the time currently) which is of concern with the addition of a business being placed at the beginning of the road, and that of construction vehicles.
- *Conditions of the road will not sustain construction vehicles, cement trucks, dump trucks and the like, leaving residents with further deterioration.
- *There is no apparent reason, why access to this property cannot be done from Landry Street.

We would ask that the planning board be considerate of our quite, dead-end neighborhood, with young children and the impact a business, especially with access from Marcel Ave. will have on us.

Thank you,
Mark & Kimberley Gagne

Sent from [Mail](#) for Windows 10

At the time of this report no other correspondence has been received.

5. STAFF REVIEW

- A. ZONING: The proposed use is either Permitted (P) or Conditional (C) in the I-2 Zone. Staff recommend also approving a Conditional Use Permit to cover “Contractor Storage Yard” should these facilities be used for such a use, knowing however that outside storage is not permitted.

A list of those uses either Permitted (P) or Conditional (C) is provided here:

Permitted (P) Uses:

- Offices, business or professional
- Publishing, printing
- Wholesale business
- Light manufacturing
- Light trucking dependent industry
- Storage of bulk gaseous fuels
- Trucking, distribution terminal
- Warehousing and storage
- Day care center, adult
- Municipal use
- Parks and recreation

Conditional (C) Uses:

- Air transportation dependent use
- Airport
- Contractor’s storage yard
- Experimental research and testing laboratory
- Manufacturing
- Planned unit development

- Recycling facility
- Day care center, children's
- Essential services
- Public facility
- Water supply systems

B. REVIEW STANDARDS: Site Plan Review (Article XI), Conditional Uses (Article VII), Performance Standards (Article VI).

C. WAIVERS: None.

D. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

Carried Over Comments:

- Submit \$3,000 Engineering Inspection Fee
- Sheet 1 – Correct Note 9 RE: Dimensional Standards.
- Provide Parking Requirements and Parking Provisions as a note on Sheet 1.
- Show Setback lines from Landry Street (40').
- Show typical Sidewalk details. Curbing should be granite or concrete, and sidewalk in front of units should be concrete.
- Provide Landscaping Plan
- Explain why 69 Parking spaces are Required. Depending on interpretation, arguably a minimum of only 20 spaces is required.
- Provide building design details and elevations, including materials list.

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

6. STAFF RECOMMENDATION

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

7. NEXT STEPS/SUGGESTED ACTIONS

- A. Provide feedback to the Applicant based on the review of the Revised Conceptual Plan Design and abutter's comments.
- B. Applicant to submit a complete Application Package for further review.

8. SAMPLE MOTIONS:

N/A

ATTACHMENTS:

- 1. Application and Revised Conceptual Site Plan.
- 2. 3rd Part Engineer's Review comments