

City of Biddeford
Planning Board
May 20, 2020 6:00 PM Zoom Meeting (Virtual)
Please click the link below to join the webinar:
<https://biddeford.zoom.us/j/98373462489>

Or iPhone one-tap :
US: +13017158592,,98373462489# or +13126266799,,98373462489#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1
346 248 7799 or +1 669 900 9128
Webinar ID: 983 7346 2489
International numbers available: <https://biddeford.zoom.us/j/98373462489>

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER’S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Consideration of Minutes: May 6, 2020.
[PB Minutes 050620.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. ACTION POSTPONED FROM MAY 6, 2020 - 2019.36 Contract Zone and Final Site Plan Review/Conditional Use Permit and for a 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.
For information please go to <http://www.biddefordmaine.org/planning>
 - 7.B. 2020.08 Conceptual Subdivision/Site Plan review for K & S Development to construct a 3-Unit “Townhouse” style condominium project at 45 Hill Street (Tax Map 39, Lot 112) in the MSRD-2 Zone.
[2020.08 K & S Dev 45 Hill Concept SR 052020-signed.pdf](#)
[Hill Layout1 for Concept Review.pdf](#)
[K&S Concept Application Package.pdf](#)
[Site Plan \(Picture\).pdf](#)

- 7.C. 2020.11 Conceptual Site Plan Review for Westfield, Inc., to create multiple office/storage/commercial spaces at 20 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.

[2020.11 Westfield Concept SR 052020-signed.pdf](#)

[Westfield Concept Application Package.pdf](#)

[Westfield Concept Plan 052020.pdf](#)

- 7.D. 2020.12 Conceptual Planning Board Approval for Auburn Concrete to operate an Extractive Industry (concrete manufacturing) at 21 Cole Road (Tax Map 18, Lot 39) in the I-1 Zone.

[2020.12 Auburn Concrete Concept SR 052020-signed.pdf](#)

[Art VI Sec 30 Extractive Industry.pdf](#)

[Auburn Application.pdf](#)

[Auburn Plans.pdf](#)

8. OTHER BUSINESS

9. ADJOURN

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



CITY OF BIDDEFORD

PLANNING 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 6, 2020

Time: 6:00 PM

Location: REMOTE ACCESS MEETING (1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19). After April 30, 2020 please visit www.biddefordmaine.org/planning for information on how to view and participate in the Meeting and/or Public Hearing. Written comments can be provided to Greg.Tansley@biddefordmaine.org.

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members

A. Quorum Present: Chair William Southwick, Bruce Benway, Sean Tarpey, Spiros Droggitis, Michael Cantara (alt voting member).

3. Adjustments to the Agenda
4. Planner's Business

Greg Tansley, City Planner: Thank you everyone for being here. This is our first Planning Board zoom meeting. Tonight we have Brian Phinney, Chief Operating Officer for the City and Keith Jacques, City Attorney here with us. Mr. Phinney has become our expert on zoom meetings and he's here to help with the public participation. Mr. Jacques is here because of the Covid-19 and this is our first zoom meeting.

Brian Phinney, Chief Operating Officer: Explained how zoom works.

5. Consent Agenda
- A. Consideration of Minutes: March 4, 2020.

MOTION:

Benway – Motion: to adopt consent agenda.

Cantara – Second.

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

6. Unfinished Business
7. New Business

A. 2020.03 Final Subdivision Review for Redline Properties, LLC to subdivide a lot into

three residential lots located at 15 Victory Avenue (Tax Map 28, Lot 86) in the R-2 zone.

Greg Tansley, City Planner: Spoke briefly on the project.

Peter Labreck, Redline Properties: Gave a brief statement.

Keith Jacques, City Attorney: Explained about the waivers that are in place for signing the plans.

MOTIONS:

Item A

Cantara – Motion: to give permission to the City Planner Greg Tansley to sign plans on behalf of the Board should the project get approved.

Benway – Second.

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

Item B

Cantara – Motion: to approve the minor subdivision for Redline Properties, LLC to create a 3-Lot Subdivision at 15 Victory Avenue (Tax Map 28, Lot 86), approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated April 24, 2020, and that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.

Droggitis – Second.

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

- B. 2020.09 Conditional Use Permit for Clean Cannabis, LLC to operate a Medical Marijuana storage, packaging, and distribution operation (to its retail stores outside of Biddeford) at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

Greg Tansley, City Planner: Spoke briefly.

Thomas Mourmouras, Owner: Gave a brief statement.

Beth Cardner, Go Development: We're please to have Clean Cannibas in Biddeford.

MOTIONS:

Cantara – Motion: to waive Article XI, Full Site Plan Review.

Droggitis – Second.

Chair Sothwick – Call for vote – Unanimous Approval (4-0) all in favor.

Cantara – Motion: to approve the Conditional Use Permit for Clean Cannabis, LLC for a Medical Marijuana Growing Facility at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the findings of fact based on the conditions as provided in Staff's Report dated April 28, 2020.

Droggitis – Second.

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

- C. 2020.10 Conditional Use Permit for Maine Organic therapy, Inc., to expand its existing Medical Marijuana grow operation at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

Greg Tansley, City Planner: Spoke briefly.

Lynn Illes, Maine Organic Therapy: Talked about odor control.

Beth Cardner, Go Development: as a landlord we're happy to have them in our building.

MOTIONS:

Canatra – Motion: to waive Article XI, Full Site Plan Review.

Benway – Motion: to approve the Conditional Use Permit for Maine Organic Therapy, Inc., for a Medical Marijuana Growing Facility at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the findings of fact based on the conditions as provided in Staff's Report dated April 28, 2020.

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

- D. 2019.36 Contract Zone PUBLIC HEARING and Final Site Plan Review/Conditional Use Permit and for a 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.

Greg Tansley, City Planner: Spoke briefly.

Clair Colburn, Finegold Alexander Architects: Gave a presentation.

Doug Reynolds, Gorrill Palmer: Jumped in to discuss an easement and permits from DEP & DOT.

Clair Colburn, Finegold Alexander Architects: finished her presentation.

Sterling Roop, 16 Pinewood Circle: Want an independent three party accessment of the neighborhood done, has issues with how the Contract zone was written and would like the landsape protected.

Margen Soliman, 507 Elm Street: Wants to keep most of the vegetation, wants to see terms written into the Contract zone to protect the neighbors.

Chrystina Gastelum, Conservatuin Commission: Has concerns with impervious surface, vegetation and the watershed.

Richard Rhames, Conservation Commission: Has concerns with Thatcher Brook Watershed and a vernal pool.

Michael Cantara, Board Member: Can the applicant answer some of Ms. Gastelum questions regarding vegetation.

Clair Colburn, Finegold Alexander Architects: All plants will be native.

Doug Reynolds, Gorrill Palmer: Addressed the concerns with impervious surface and the Thatcher Brook watershed.

Sean Tarpey, Board Member: What kind a rain event do you plan the stormwater on?

Doug Reynolds, Gorrill Palmer: DEP and the City go by a 25 year strom analysis.

Sean Tarpey, Board Member: What kind of protection are you for the vernal pool?

Doug Reynolds, Gorrill Palmer: Mentioned they are working with MDEP on the permit.

Spiros Droggitis, Board Member: Solar Ray? Can we put a prevision in that would have the applicant come back to install trees?

Clair Colburn, Finegold Alexander Architects: It depends on how the bids come in.

Phil Johnston: At this time we don't know the projected cost. That will be at least six months away.

MOTIONS:

Cantara – Motion: to waive a part of Article VI (Performance Standards), Section 49.A.10. and not require trees within the parking lots due to conflicts that may be created between the parking lots and the possible future solar array installation by the applicant in those parking lots.

Benway – Second.

Chair Southwick – Call for vote – Cantara, Benway in favor / Droggitis, Tarpey oppose /

Chair Southwick voted in favor to break the tie. Motion passed 3-2

Cantara – Motion: to postpone action on the Contract Zone Recommendation and Final Site Plan Review/Conditional Use Permit to May 20, 2020 to allow follow-up comment on a proposed new consolidated courthouse at 511-515 Elm Street.

Benway – Second.

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

8. Other Business

9. Adjourn

MOTION:

Cantara – Motion: to Adjourn.

Benway – Second.

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

o **Planning Board Chair**

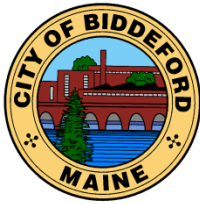
Date

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These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.



CITY OF BIDDEFORD

2020.08

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (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

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

DATE: May 15, 2020

RE: **NEW BUSINESS ITEM #B – 2020.08 Conceptual Subdivision/Site Plan review for K & S Development to construct a 3-Unit “Townhouse” style condominium project at 45 Hill Street (Tax Map 39, Lot 112) in the MSRD-2 Zone.**

MEETING DATE: May 20, 2020 @ 6:00 PM

MEETING LOCATION: REMOTE ACCESS MEETING (1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

For Information on how to access and participate in the meeting go to <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> and select the May 20, 2020 Planning Board agenda.

1. INTRODUCTION:

Several years ago the multi-family structure previously located at 45 Hill Street was razed by fire. The site lay vacant for some time and the property lost its grandfathering status. As such, all requirements such as density, parking, and setbacks must be complied with.

The proposal is to create 3 new units of housing, townhouse style with garages on the ground floor of each unit. The current density requirements are 2,000 SF per unit. Since the property is 7,180 square feet which allows for up to 3 residential units).

Staff is pleased that the applicant is proposing to maintain the street line along Hill Street. This is essential to maintain the historic urban form in that area. The applicant's proposal also provides adequate parking on-site which means not additionally burdening on-street parking in the area.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	K & S Development 16 Ratchet Way Biddeford, ME 04005
2.	Owner of Property:	K & S Development 16 Ratchet Way Biddeford, ME 04005
3.	Agent:	K & S Development 16 Ratchet Way Biddeford, ME 04005
4.	Engineer/Architect:	John Perry (Survey)
4.	Project Location:	45 Hill Street
5.	Project Tax Map #/Lot #:	Tax Map 39, Lot 112
6.	Existing Zoning:	MSRD-2
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	3 Unit Residential
10.	City Approvals Required:	Site Plan/Subdivision
11.	Uses in the Vicinity:	Residential (Primarily)
12.	Parcel Size:	.17 acres (7,180 SF)
13.	Number of Lots/Units in Subdivision:	3-Unit Multi-family
14.	Minimum Lot Size Required: Provided:	6,000 SF 7,180 SF
15.	Frontage Required:	50' (or existing)
16.	Front Setback Required:	15'
17.	Side Setbacks Required:	10'
18.	Rear Setback Requires:	10'
19.	Height Requirements:	Maximum 3 stories or 35 feet
20.	Water Supply:	Maine Water Company
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:	Hill Street is a City Street
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
34.	Waivers Needed:	a. TBD
35.	Waivers Granted:	a. TBD
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 for Concept Review
41.	Planning Board Review History: Concept Subdivision/Site Plan Review:	May 20, 2020

3. EXISTING CONDITIONS:

The project site is a vacant lot formerly the home of a Multi-family Building. The multi-family structure in this photo is now gone, but this demonstrates the density in the area before the building burning and the applicant proposing this new concept.



4. PROJECT PROPOSAL:

The applicant proposes to maintain the building street line by turning the building so that the garages and front of each unit face south. Holding the street line is commended and is essential in maintaining the historic urban form of the street and neighborhood.

The proposal, however, creates a challenge the Applicant should be aware of that is a concern of Staff. No doubt this will be an issue for discussion at the historic Preservation Commission as well:

The street-facing façade will be highly visible and could significantly detract from the urban street-scape if not well designed. The applicant has not provided building designs for the Hill Street face, which needs to be submitted for review in the future. The street-side unit, for example, may need special design considerations to create a street face rather than the side of a building. Architecturally how this can be achieved needs to be presented by the applicant and likely will need to involve an architect with experience in similar situations.



See attached application package and plans for more information. In Staff's opinion, enough information is presented to initiate a Conceptual Review at the Planning Board.

5. STAFF REVIEW:

- a. ZONING: The proposed uses are Permitted Uses in the MSRD-2 Zone.
- b. REVIEW STANDARDS: Performance Standards for Site Plan/Subdivision and Multi-family Dwellings.

c. WAIVERS:

- 1) Per Chapter 66, Section 66-9 - Full Subdivision Review process to allow Preliminary and Final Approval of Subdivision/Site Plan at a subsequent Planning Board meeting.

Waiver Note - The following is the standard by which such a waiver may be granted:

(a) A waiver or variation in the strict application of this chapter may be permitted when, in the opinion of the Board, any consideration warrants such variation, provided that public convenience, safety, health and welfare will not be affected adversely; and the Board shall record the reasons for such variation in the minutes of the meeting, and the applicant shall be notified in writing of the Board's decision.

- 2) Full Site Plan/Subdivision Review.

Waiver Note: Granting this waiver acknowledges that the information provided is sufficient to allow the Board to consider the application as complete for review purposes.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. Historic Preservation Commission review and approval required. Contact Brad Favreau at Brad.Favreau@biddefordmaine.org or 207-282-7119.
2. Provide a financial capacity letter from a recognized institution indicating the applicant has sufficient financial resources to complete the project.
3. Provide at least 1 bicycle rack on-site (5 bicycle parking spaces). Please show on plan.
4. Need additional building designs, especially for the face along Hill Street.
5. Provide detailed building designs, including materials.
6. Site Lighting?
7. Landscaping Plans and Details?
8. Need parking lot and access drive details.
9. Need pavement/parking striping details.
10. Need engineered stormwater plan and analysis for review, including 3rd Party Review.

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

6. STAFF RECOMMENDATION:

- Recommend that the Planning Board treat this as a Concept Review.

- Recommend the Board determine that this subdivision is minor (less than 5 units with no new roadway infrastructure).
- Listen to comments from abutters (if any) and provide feedback to the applicant.

7. NEXT STEPS/SUGGESTED ACTIONS:

Address the above comments and any additional comments from the Planning Board with a subsequent application package.

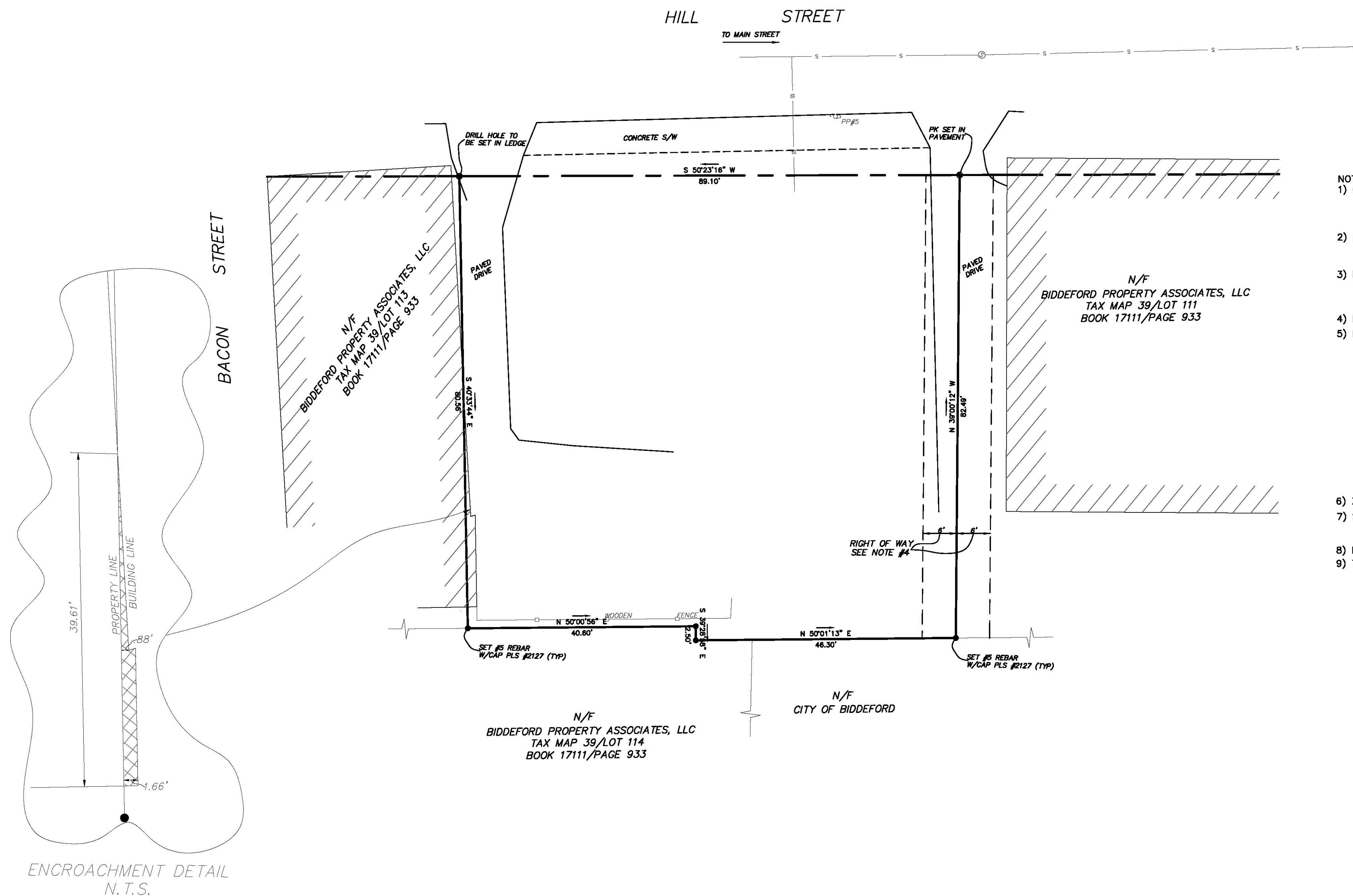
8. SAMPLE MOTIONS:

Motion to determine the proposed subdivision is a minor.

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.

ATTACHMENTS:

1. Application and supporting materials.



NOTES:

- 1) OWNER & APPLICANT: K & S DEVELOPMENT, INC
16 RATCHET WAY
BIDDEFORD, MAINE 04005
- 2) PROPERTY LOCATION:
45 HILL STREET
BIDDEFORD, MAINE 04005
- 3) DEED REFERENCE: RICHARD P. LANGEVIN &
DENISE A. LANGEVIN TO K & S
DEVELOPMENT, INC. IN YORK COUNTY
REGISTRY OF DEEDS BOOK 17903/PAGE 653
- 4) RIGHT OF WAY DEED REFERENCE: BOOK 831/PAGE 368
- 5) PLAN REFERENCES:
 - A) "SKETCH SHOWING LAND SURVEYED FOR
RAYMOND LEDOUX BIDDEFORD-MAINE"
SCALE 1" = 20 FT. DATED DEC. 8, 1973
BY DOW, COULOMBE & BROWN, INC.
 - B) "PLAN SHOWING A SURVEY OF STREET LINES
PIERSON LANE NEIGHBORHOOD IMPROVEMENT
PROJECT BIDDEFORD, MAINE, H.U.D. PROJECT
I.D. No. B-81-DN-23-0011"
SCALE: 1" = 40' DATED: APRIL 30, 1982
BY DOW & COULOMBE, INC.
 - C) "BOUNDARY SURVEY FOR CITY OF BIDDEFORD
FOR PROPERTY LOCATED ON #38 & #40
PIERSON LANE BIDDEFORD, MAINE" DATED AUG. 2,
2007 SCALE 1" = 10' BY THE CITY OF BIDDEFORD
ENGINEERING DEPARTMENT - CITY FILE TD-1690
- 6) ZONING: MSRD 2
- 7) SETBACKS: SEE CITY OF BIDDEFORD
CODE ENFORCEMENT OFFICE
FOR SETBACK DETAILS
- 8) LOCUS TAX MAP: MAP 39 LOT 112
- 9) TOTAL AREA OF PARCEL: 7,180 SQ. FT.

No.	Revision	Date

JOHN E. PERRY JR.
PLS #2127
P.O. BOX 2105
BIDDEFORD, MAINE 04005

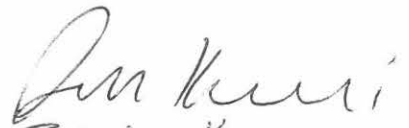
STANDARD BOUNDARY SURVEY
FOR
K & S DEVELOPMENT, INC.
ON
45 HILL STREET
BIDDEFORD, MAINE 04005

Date: 10/31/19	Drawn by: RMS
H. Scale: 1" = 10'	Chk'd by: JEP
V. Scale: ---	App'd by: JEP
Sheet Of	

3/13/2020

To whom it may concern -

K & S Development Inc.
is the sole ownership of 45 Hill St. Biddeford.
Current lot is vacant and we are
looking to build 3 townhouse style condos
with attached garages for each unit.

John Korpaczewski - 
Erin Korpaczewski - 

After recording, return to:

**K & S Development, Inc.
16 Ratchet Way
Biddeford, ME 04005**

**WARRANTY DEED
(Corporate Grantee)**

Richard P. Langevin and Denise A. Langevin, both of 137 West Street, Biddeford, Maine 04005 for consideration paid, grant to K & S Development, Inc., a Maine Corporation with a mailing address of 16 Ratchet Way, Biddeford, Maine 04005 **with Warranty Covenants**, the land and interest in land situated in Biddeford, York County, Maine, described as follows:

A certain lot or parcel of land, together with the buildings and improvements thereon, situated on the southeasterly side of Hill Street in the City of Biddeford, being bounded and described as follows:

BEGINNING on the said side of said Street at the northerly corner of land formerly of Alphonse Bolduc, now of Stella Simensky;

THENCE northeasterly by said Hill Street 89.10 feet to land formerly of Parfait Desrosiers;

THENCE southeasterly by said land formerly of said Desrosiers, making an included angle of $89^{\circ} 03'$ with the last described line 82.49 feet to an iron stake in the ground and land of one Sullivan, the last described line passing halfway between the southwesterly sideline of the block standing on land formerly of said Desrosiers and the northeasterly sideline of the block standing on the lot herein conveyed;

THENCE southwesterly by said Sullivan land and land formerly of Brackett, et al., making an included angle of $90^{\circ} 59'$ with the last described line 46.3 feet to an iron stake;

THENCE northwesterly by land of said Brackett, making an included angle of $89^{\circ} 32'$ with the last described line, 2.5 feet to an iron stake driven into the ground;

THENCE southwesterly by land of said Brackett, making an included angle of $89^{\circ} 32'$ with the last described line 40.6 feet to land of said Simensky;

THENCE northwesterly by said Simensky land 80 feet to the point of beginning.



Commonwealth Land Title Insurance Company

Transaction Identification Data for reference only:

Issuing Agent: Hull Law Office, LLC (207-282-7100)
 Issuing Office: 409 Alfred Street, Biddeford, ME 04005
 Issuing Office's ALTA® Registry ID:
 Loan ID Number:
 Commitment Number: 0038-042
 Issuing Office File Number: 0038-042
 Property Address: 45 Hill Street, Biddeford, ME 04005
 Revision Number:

SCHEDULE A

1. Commitment Date: February 19, 2019 at 04:30 PM
2. Policy to be issued:

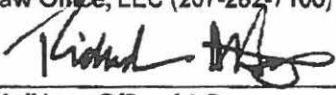
Proposed Policy Amount
[REDACTED]

 - a) ☒ ALTA Own. Policy (6/17/06)
 PROPOSED INSURED: K & S Development, Inc.

Proposed Policy Amount
 - b) ☐
 PROPOSED INSURED:
3. The estate or interest in the Land described or referred to in this Commitment is:
 Fee Simple
4. The Title is, at the Commitment Date, vested in:
 Richard P. Langevin and Denise A. Langevin by virtue of a deed from SBM Corporation dated December 7, 1994 recorded in the York County Registry of Deeds in Book 7276, Page 212.
5. The Land referred to in this Commitment is described as set forth in "Exhibit A" is located at:

Street Address: 45 Hill Street
 Subdivision/Condominium:
 City/Town: Biddeford
 County: York
 State/Zip: Maine 04005

Hull Law Office, LLC (207-282-7100)

By: 

Hull Law Office, LLC

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

81C276D

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ALTA Commitment for Title Insurance 8-1-16 (MA ME NH RI VT)

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(0038-042.PFD/0038-042/6)



City of Biddeford

Planning Board Application

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

207-284-9115

RECEIVED
3/13/20

Type of Application:

☐ Shoreland Zoning Permit

☒ Site Plan Review

☐ Extraction

☐ Conditional Use Permit

☐ Subdivision

☐ Private Way

☐ Other: _____

Applicant Information:

Name: K & S Development

Mailing Address: 14 Ratchet way Bidd. ME 04005

Telephone: 207-282-9990

Email: john@mainelypaving.com

What is your legal interest in the property?

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

Owner's Information:

Name: Same

Mailing Address: _____

Telephone: _____

Email: _____

Agent's Information:

Name: N/A

Mailing Address: _____

Telephone: _____

Email: _____

Engineer/Surveyor's Information:

Name: John Perry

Mailing Address: _____

Telephone: 207-590-2956

Email: _____

Project Location and Lot Information:

Street Address: 45 Hill St. Biddeford

Tax Map: 0391120000

Lot: 0391120000

Current Zoning: MSRD 2

Shoreland Zoning: _____

Size of Lot: 7180 () acres (✓) s.f.

Lot Frontage: 89.1 Ft.

Existing use of Property: NONE - LOT

Property currently serviced by:

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

Slope Conditions in Area of Construction (if applicable):

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

Are there any wetlands or waterbodies on the site? ☐ (Yes) ☒ (No) if yes attach information

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

Description of proposed use of property:

Project/Proposed Use:

3 townhouse style condos with attached
garage for each unit.

Property to be Serviced by:

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

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

If in a Shoreland Zone:

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

Percent of structure expansion (Max 30%): _____

If Subdivision Review, number of lots proposed: _____

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

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

Total new square feet footprint of structure: Approx. 2016 sq. ft

Total new square feet paving/parking: Approx. 1800 sq ft

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☒ Fire Department-Contact Chief or Deputy Chief – 282-9986
- ☒ Ability to Serve for Water Service – Maine Water – 282-1543
- ☒ Ability to Serve for Sewer Service – Engineering Dept – Tom Milligan 284-9118
- ☒ Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127

- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

- \$40 Nonrefundable Administration Fee is required for every application.
- Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

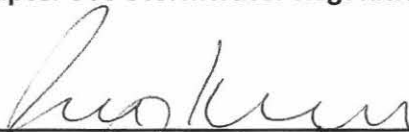
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

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

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

Signature of Applicant:



Date

3/13/2020

Signature of Property Owner:



Date

3/13/2020

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



City of Biddeford, Maine

City of Biddeford

Public Works Department / Engineering Division
P.O. Box 586 • 205 Main Street, Suite 301
Biddeford, ME 04005
Phone: (207) 284-9118 • Fax: (207) 571-0662

City of Biddeford, Maine
Wastewater Department
205 Main Street • PO Box 586 • Biddeford, Maine 04005-0586
Telephone 207 284-9118

Letter of Wastewater Treatment Plant Capacity to Serve

45 Hill Street

John Korpaczewski
16 Ratchet Way
Biddeford, Maine 04005

March 5, 2020

Brief description of project: **3 condo units-** Estimated increase in flows: **0 gpd.**

Determination

You are proposing to build 3 attached single family condo units each unit having 3 bedroom on the subject parcel. You have indicated that previously there were 6-8 apartment units in a single structure located on this lot.

The City of Biddeford Wastewater Department has reviewed the request to serve the above-described project. It has been determined that at this time the City has sufficient capacity at the City's Wastewater Treatment Facilities to serve the above described project. It is estimated that 0 gpd of additional flows will be added from the project. Changes to the project from that presented to this department may require a new review of the request for ability to serve. This determination will be effective for a period of one year from the date above.

Upon approval of the Planning Board the applicant must make application for sewer service. Flow amounts for the project will be determined at the time application is made and may or may not be the amount stated above. The applicant will be required to pay all fees based on the flow amount calculated at the time application is made and prior to the issuance of any building permits.

This Capacity to Serve Letter is intended only to determine the City of Biddeford Wastewater Treatment Facilities ability to handle and treat the flow from the above stated project once it is received at the treatment facility. The Planning Department, Engineering Department or other persons from the Wastewater Department may require further studies or documentation regarding the impact on the City's sewer collection system or its components.

Thomas Milligan, PE
City Engineer
City of Biddeford Engineering Department
Tom.milligan@biddefordmaine.org
207-284-9118

CC: Jeff Demers, Public Works/Wastewater Director
Roby Fecteau, Code Enforcement
Greg Tansley, City Planner
Alex Buechner, Superintendent



March 6th, 2020

K & S Development Inc.
ATTN: John Korpaczewski
16 Ratchet Way
Biddeford, Maine 04005

Re: Ability to Serve Determination – 3 Unit Condo Style Development at 45 Hill St, Biddeford

Dear Mr. Korpaczewski,

The Maine Water Company (MWC) has received your request for our Ability to Serve Determination for a 3-unit Condo style development for the above referenced project. Domestic water and fire protection is available to your project. MWC does have sufficient capacity in the area from the existing 8-inch cast iron main on Hill St. The static pressure in the area is approximately 50psi. Additional infrastructure improvements may be required at the expense of the developer to meet the overall needs of this project.

Conditions of Service

- Fire and domestic services must each be individually tapped from public main on Hill St.
- Additional plan approval, paperwork and fees associated with services for this project will require further coordination with MWC.
- If fire services are required, a hydrant flow test at the nearest hydrant must be evaluated to ensure that adequate flows can be met during a peak fire demand event.

Should a Customer Agreement for service not be executed within one year of the date of this letter, MWC reserves the right to reevaluate its ability to serve this project.

All work must be completed in accordance with Maine Water Company material and installation specifications. All appropriate paperwork must be completed and the deposit paid prior to the start of construction. Please forward all design plan revisions as the project develops to prevent construction delays.

Water service will be provided in accordance with our standard terms and conditions as well as Maine Public Utilities Commission rules. If you have any additional questions, please do not hesitate to contact our office at 1-800-287-1643 or by email at Marcus.Knipp@mainewater.com. We look forward to working with you throughout design and construction.

Sincerely,
The Maine Water Company

Marcus Knipp, E.I.T.
Engineer



**CITY OF BIDDEFORD
FIRE DEPARTMENT**

152 Alfred Street
Biddeford, Maine 04005
Tel: 207-282-6632
Fax: 207-283-8243

Chief Scott R. Gagne
Assistant Chief Paul R. LaBrecque
Deputy Chief Kevin D. Duross

K&S Development
16 Rachel Way
Biddeford, Maine 04005

Subject: Ability to Serve 45 Hill Street
March 5, 2020

Dear Mr. Korpaczewski,

It is the position of the Biddeford Fire Department, that we will provide emergency service for the property located at 45 Hill Street Biddeford as long as the fire department is available at time of request. It is of the understanding that the Biddeford Fire Department may request assistance from mutual aid fire departments in the event the fire department is not available to respond at time of request.

Please contact the Biddeford Fire Department if you have any questions and or concerns.

Respectfully,



Paul R. LaBrecque

Cc: Greg Tansley Planning Office

3/5/2020

45 Hill St new construction

From: "Fisk, JoAnne" <joanne.fisk@biddefordmaine.org>
Subject: 45 Hill St new construction
Date: Thu, March 5, 2020 8:39 am
To: "john@mainelypaving.com" <john@mainelypaving.com>
Cc: "Hall, Shannon" <Shannon.Hall@Biddefordmaine.org>, "Fecteau, Roby" <roby.fecteau@biddefordmaine.org>

John,

Regarding the property located at 45 Hill Street the individual units should be labeled as noted below:

45 Hill Street unit #101

" 102

" 103

Regards,
JoAnne



The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Attachments:

untitled-[1.1]

Size: 1.1 k

Type: text/plain

image001.jpg

Size: 23 k

Type: image/jpeg

Info: image001.jpg

Previous Water Drainage

Map

Satellite

Lot lines

Directions

Save Home

Share

Road

Satellite

Lot lines

Hill St

Hill St

45 Hill St

Gross

Paved area

Water

Bacon St

Hill St

Bacon St

Bacon St

Bacon St

Bacon St

Piersons

45 Hill St
Biddeford, ME 04005



View

Google

Map Report a map error

3 1/4 plex plans, fourplex plans, 2 master
bedroom plans, F-542

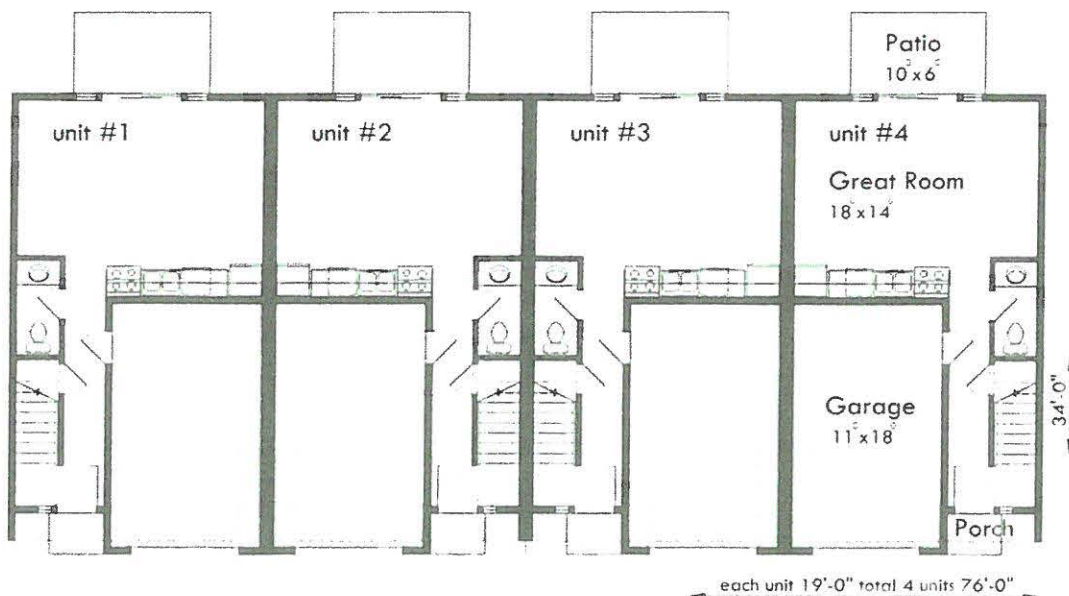


3 units only



proposed units to be built

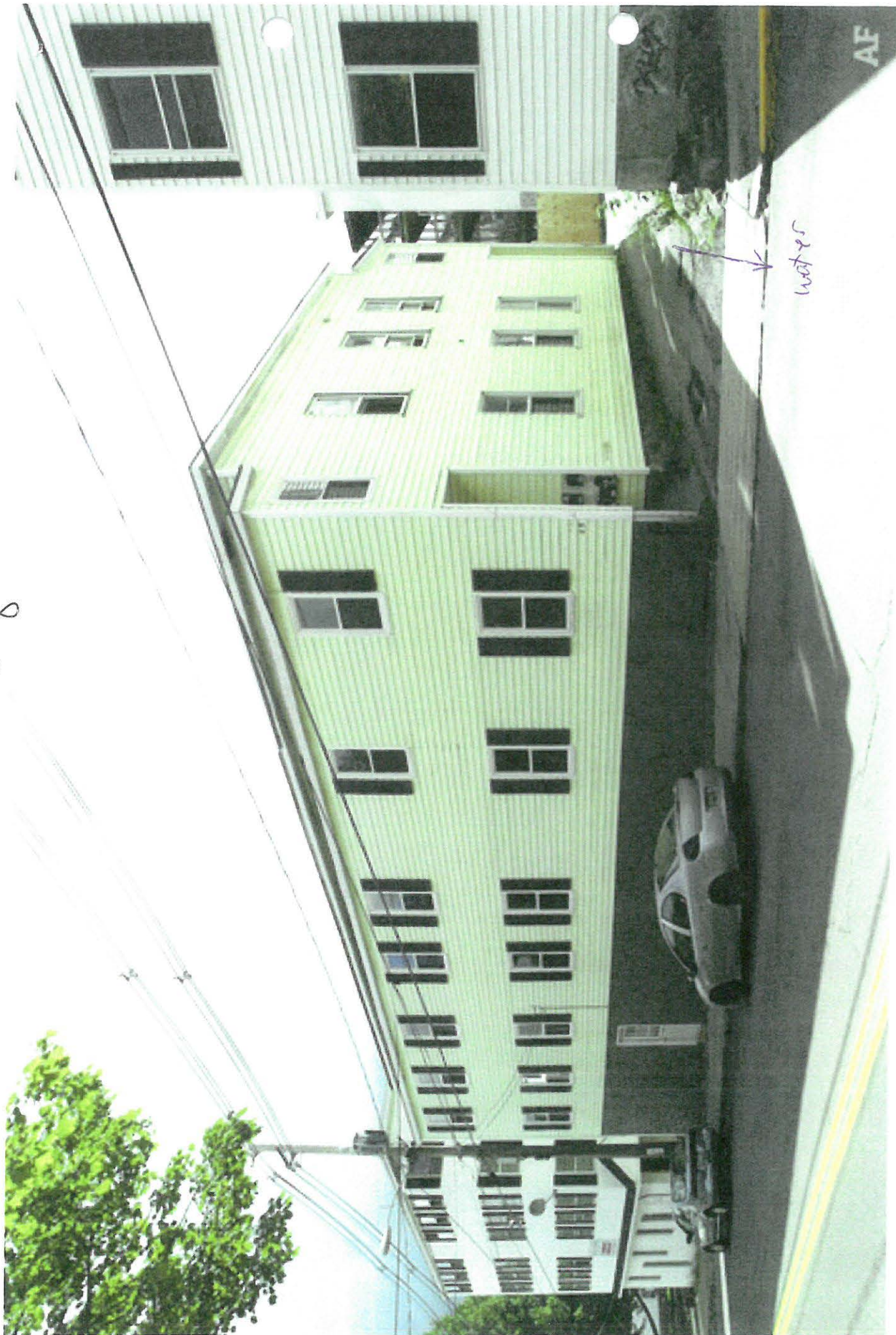
Main Floor Plan

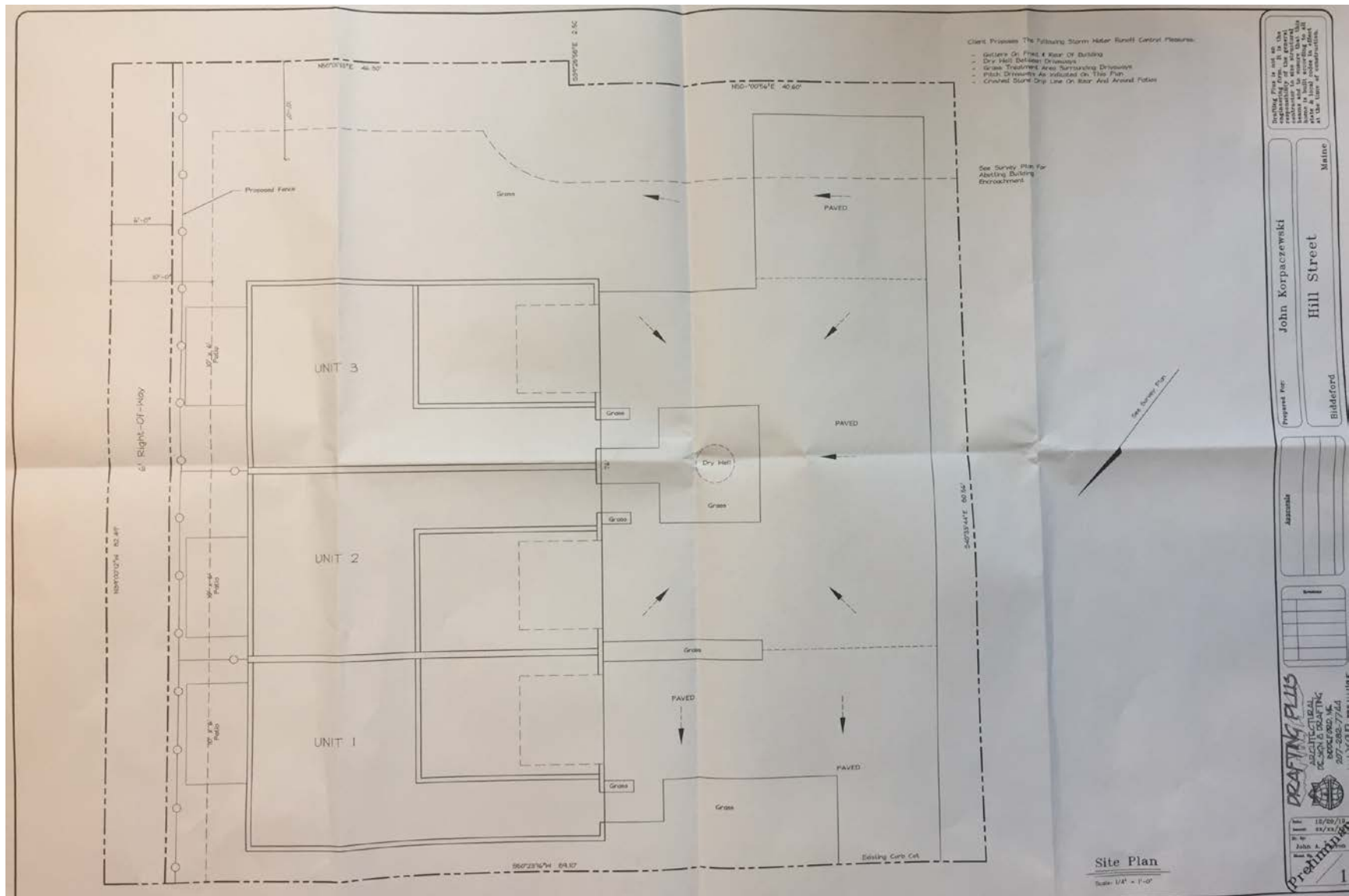


Current vacant lot



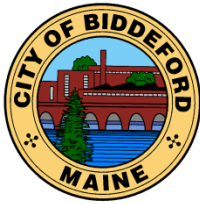
Previous Building





HILL STREET





CITY OF BIDDEFORD

2020.11

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (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, appearing to read "Greg Tansley", is written over the printed name.

DATE: May 15, 2020

RE: **NEW BUSINESS ITEM #C – 2020.11 Conceptual Site Plan Review for Westfield, Inc., to create multiple office/storage/commercial spaces at 20 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.**

MEETING DATE: May 20, 2020 @ 6:00 PM

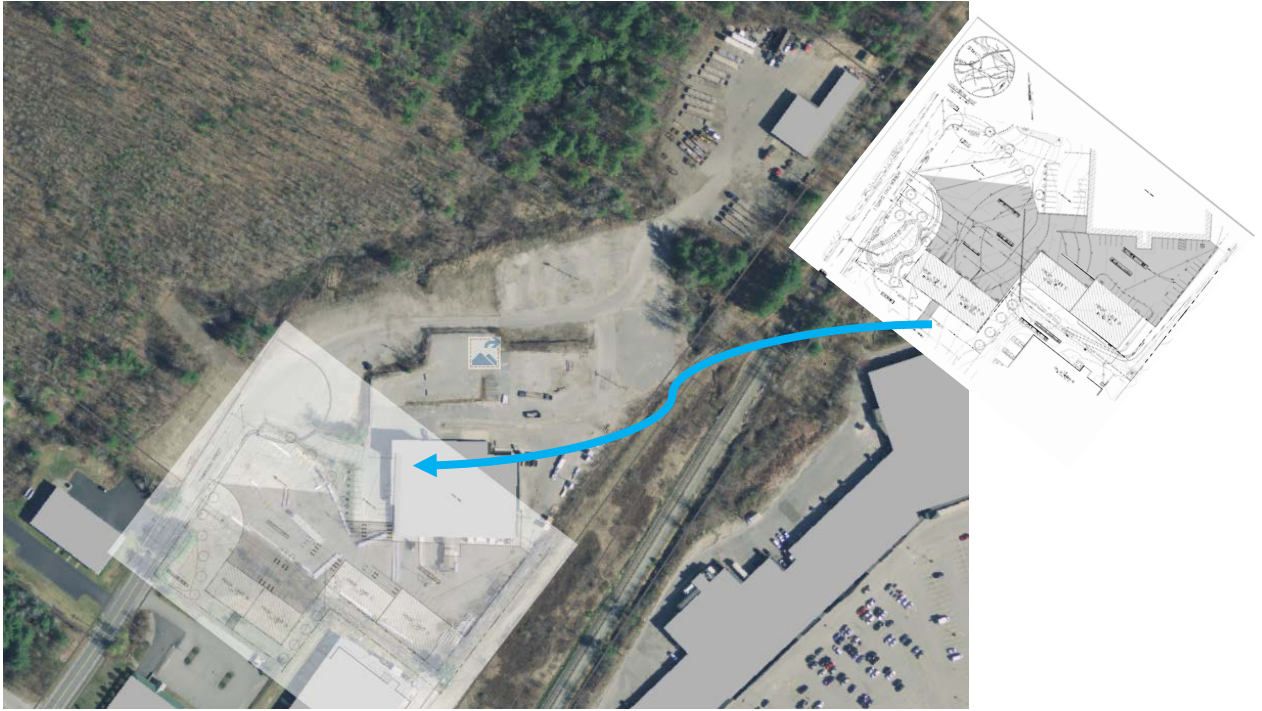
MEETING LOCATION: REMOTE ACCESS MEETING (1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

For Information on how to access and participate in the meeting go to <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> and select the May 20, 2020 Planning Board agenda.

1. INTRODUCTION

Westfield Inc. owns property at the end of Pomerleau street. The applicant is applying to add 22,500 SF of new floor area of commercial space for multiple tenants. As of now, it appears the tenants are unknown.

According to the applicant's concept plan, the developed area would be mostly on existing lawn. The City Planner assembled this aerial photo overlay to conceptually demonstrate what the project might look like on the parcel (please refer to the plan in the application for the specific development proposal).



2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	David Gould Westfield Inc. 26 Rivers Edge Drive Kennebunk, ME 04043
2.	Owner of Property:	David Gould Westfield Inc. 26 Rivers Edge Drive Kennebunk, ME 04043
3.	Agent:	William Thompson BH2M Engineers 28 State Street Gorham, ME 04038
4.	Engineer:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 04038
5.	Surveyor:	BH2M Engineers 28 State Street Gorham, ME 04038
6.	Project Location:	18 & 20 Pomerleau Street
7.	Project Tax Map #/Lot #:	Tax Map 2, Lots 81 & 81-5

8.	Existing Zoning:	Industrial 3 (I-3)
9.	Overlay Zoning:	None
10.	Existing Use:	Industrial/Commercial
11.	Proposed Use:	Additional 22,750 SF of commercial/industrial space for future tenants.
12.	City Approvals Required:	Site Plan Review
13.	Uses in the Vicinity:	Industrial, Commercial
14.	Parcel Size:	16 +/- Acres
15.	Number of Lots/Units in Subdivision:	N/A
16.	Minimum Lot Size Required:	None
	Provided:	16 +/- Acres
17.	Frontage Required:	50 feet
	Provided:	More than 50 feet
18.	Front Setback Required:	40 feet
	Provided:	40 feet
19.	Side Setbacks Required:	25 feet
	Provided:	25 feet
20.	Rear Setback Requires:	25 feet
	Provided:	25 feet
21.	Height Requirements:	60 feet or 6 stories
	Provided:	
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:	None
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	TBD
30.	Parking Spaces Provided (total):	TBD
	# Handicapped Spaces:	TBD
31.	Ownership of Road:	Pomerleau Street is a City Street.
32.	Impervious Surface Area:	The proposal includes 22,500 SF of building footprint and approximately 6,000 SF of paving/parking.
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:	None Known.
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	TBD
40.	LDR Attachment A: Fess Paid:	TBD
41.	Planning Board Review History: Conceptual Review:	May 20, 2020

3. EXISTING CONDITIONS

The subject property is partially developed. It is approximately 16 acres in size total, with the focus of this proposal infilling between the existing development on the site and the former location of “Out of the Rough” and the Biddeford Ice Arena.



4. PROJECT PROPOSAL

22,500 SF +/- new commercial space. See attached application package and Concept Plan (also provided below) for more information.

- Maine Water
 - City of Biddeford Wastewater Department
 - City of Biddeford Fire Department (deputy Chief Paul LaBrecque)
5. Contact Biddeford Police – Joanne Fisk, for E-911 addressing.
 6. Full Site Plan Review Application package, including Stormwater Analysis and Landscape Details. 3rd Party Review Engineering Review is anticipated.
 7. Submit any waiver requests (if applicable) in writing with an explanation as to why such a request is being made.

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 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 Conceptual Site Plan.



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

28 State Street, Gorham, Maine 04038

207 839-2771

Greg Tansley

Biddeford City Planner

205 Main Street

P.O. Box 586

Biddeford, Maine 04005

Re: Westfield Inc.
Pomerleau Street Site Plan

WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

April 14, 2020

Dear Greg;

First and foremost, I hope you are staying safe and healthy.

On behalf of the applicant, David Gould of Westfield Inc., we are submitting a progress print of the new commercial space. This site is at 20 Pomerleau Street and is presently a paved open area with a small area of lawn along the south boundary line.

To accommodate this proposed use, there will be minimal regrading of the existing paved areas. The direction of surface water flow to a proposed vegetated soil filter can be accomplished with final pavement overlay. Presently a large percentage of this surface water flows toward Pomerleau Street to the existing storm drain system. With the final paving and development of Unit A & Unit B, we can now direct and treat a large area of surface water to the proposed vegetated soil filter. The next submission will outline the stormwater conditions to support this design.

These proposed buildings will utilize the same access point on Pomerleau Street with unlimited vehicle turning movements onsite. These buildings will be served by public water, sewer and overhead electric from an existing utility service running thru this site.

The buildings will be able to serve a variety of commercial uses with both at grade truck access and truck dock height access.

This design will minimize removal of existing vegetation and we do propose additional plantings along Pomerleau Street and stormwater filter area.

Given the Covid-19 issues with meetings, we hope that you and staff could review this design and comment back to us. At our next submission we will have a complete application and supporting reports and narratives for a final approval.

Please let us know your comments and direction for us to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A. Thompson', written in a cursive style.

William A. Thompson
Project Manager

cc: D. Gould
encl.

CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

APPLICATION FORM

Type of Application:

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

Applicant Information:

Applicant's Name: _____ David Gould - Westfield Inc. _____

Applicant's Mailing Address: _____ 26 Rivers Edge Drive Kennebunk, Maine 04043 _____

Applicant's Telephone: _____ 207 _____

What is Applicant's legal interest in the property?

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

Owner's Name: _____ Same as Applicant _____

Owner's Address: _____

Owner's Telephone: _____

Agent's Name: _____ William Thompson - BH2M Engineers _____

Agent's Address: _____ 28 State Street Gorham, Maine 04038 _____

Telephone: _____ 207 839-2771 _____

Engineer/Surveyor: _____ Andrew Morrell - BH2M Engineers _____

Engineer/Surveyor's Address: _____ 28 State Street Gorham, Maine 04038 _____

Telephone: _____ 207 839-2771 _____

Project Location and Lot Information:

Street Address: _____ 18 & 20 Pomerleau Street _____

Tax Map: _____ 2 _____ Lot: _____ 81 & 81-5 _____

Current Zoning: _____ I3 - Industrial 3 _____ Shoreland Zoning: _____ N/A _____

Size of lot: 16 ☒ acres ☐ s.f. Lot Frontage: 489'

Existing Use of Property: Mixed Commercial Uses

Property currently serviced by:

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

Slope Conditions in Area of Construction (if applicable):

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

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

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

Description of proposed use of property:

Project/Proposed Use Description: Construct four commercial use buildings available for lease.

All access will be from the existing curb cut along Pomerleau Street.

Property to be serviced by:

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

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

☐ If in a Shoreland Zone:

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

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

☐ If Subdivision Review, number of lots proposed: _____

☐ If a Private Way is proposed, number of lots served: _____

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

Total new square feet footprint of structures: 22,500 sf

Total new square feet paving/parking: 6,000 sf

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact Chief or Deputy Chief - 282-9986
- ☐ Ability to Serve for Water Service – Maine Water - 282-1543
- ☐ Ability to Serve for Sewer Service- Engineering Dept (Sewer) - Tom Milligan 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact Joanne Fisk - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

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

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

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

Agent
Signature of applicant:

William A. Ryan

Date: *May 14, 2020*

Signature of owner of property:

Date: _____

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

**CHECKLIST FOR
SITE PLAN
REQUIREMENTS**

YES NO

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | Be on sheet size of 24 by 36 inches. |
| ☒ | ☐ | The scale of said plan shall be not less than one inch equals 50 feet and shall be indicated on the plat by use of a bar scale. |
| ☒ | ☐ | The plan shall bear the date, title, north point. |
| ☒ | ☐ | The plan shall contain a location or vicinity sketch (suggested scale one inch equals 800 feet). |
| ☒ | ☐ | The plan shall contain the name and address of the developer and applicant. |
| ☒ | ☐ | All appropriate dimensional requirements. |
| ☒ | ☐ | Existing and proposed easements. |
| ☐ | ☐ | Plan of the site showing existing watercourses and water bodies, seasonal wet areas. |
| ☐ | ☐ | Plan of the site showing soil type and location of test borings. |
| ☒ | ☐ | Location of all existing and proposed utilities. |
| ☒ | ☐ | Topographic contours (every five percent for zero to three percent slope; or every two feet for steeper areas). |
| ☒ | ☐ | Plan should include preservation and supplementation of existing dominant vegetation. |
| ☒ | ☐ | Plan shall indicate which features are to be retained and which are to be removed or altered. |
| ☒ | ☐ | Location of stone walls, graveyards, fences, stands of trees, and other important unique natural areas and site features, including but not limited to floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with description of such features. |
| ☒ | ☐ | Plan view of all buildings with their use, size, location, and first-floor elevation in respect to grade. |
| ☐ | ☐ | Standard elevation view of existing and proposed buildings or structures on-site. |

YES NO

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | Outline of any buildings located within 200 feet of such existing or proposed buildings or structures indicating their shape, size, location, heights and volume. |
| ☒ | ☐ | Existing use of abutting properties shall be identified with approximate location of any structures thereon including access roads. |
| ☒ | ☐ | Location, width, curbing, and paving of access ways, egress ways, and streets within the site for both pedestrian and vehicular use. |
| ☒ | ☐ | The location of off-street parking and loading spaces with a layout of the parking indicated. |
| ☒ | ☐ | The size and proposed location of water mains and sanitary sewerage facilities will all necessary engineering data. |
| ☒ | ☐ | The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and locations, indicating whether above or below ground. |
| ☐ | ☐ | The type, nature, and composition of all solid, liquid, and gaseous waste, industrial or otherwise, and the location, type, and design criteria of the storage and disposal facilities dealing with such waste. |
| ☒ | ☐ | A landscape plan and open space areas indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill, screening; plus size, location, purpose and type of vegetation. |
| ☒ | ☐ | A drainage plan including location, elevation, layout of catch basins and other surface and subsurface drainage features. |
| ☐ | ☐ | Location, size and design of proposed signs and other advertising or instructional devices. |
| ☒ | ☐ | Existing and proposed contours and finished grade elevations as well as the type, extent, and location of existing and proposed landscaping and open space areas which will be retained. |
| ☐ | ☐ | Location and type of lighting for outdoor facilities. |
| ☒ | ☐ | Lines of existing and proposed abutting streets showing width. |
| ☒ | ☐ | Surveyed property lines showing their bearing and distances and monument locations. |
| ☐ | ☐ | If subdivision is involved, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public or private use. |

YES **NO**

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Provide copies of any covenants or restrictions that are intended to cover all or part of the land area to be developed. |
| ☐ | ☐ | Indicate limits of the wetland areas on the property. |
| ☐ | ☐ | Delineate existing zoning boundaries within 1,000 feet of the site. |
| ☐ | ☐ | Stamp and signature of either a Maine licensed land surveyor, professional engineer, or architect responsible for said plan. |
| ☐ | ☐ | Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for site plan review purposes. |

WARRANTY DEED
Maine Statutory Short Form

058354

KNOW ALL BY THESE PRESENTS, that **BRIMSTONE, INC.**, a Maine corporation with a place of business in Portland, County of Cumberland, State of Maine, whose mailing address is 154 Newbury Street, Portland, Maine 04102, for consideration paid, grants to **WESTFIELD, INC.**, a Maine corporation with a place of business in Biddeford, County of York, State of Maine, whose mailing address is 26 Rivers Edge Dr., Kennebunk, ME 04042 with **WARRANTY COVENANTS** the land, together with any improvements thereon, located in Biddeford, County of County of York and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said **BRIMSTONE, INC.** has caused this instrument to be signed and sealed this 5th day of November, 1998.

WITNESS:

BRIMSTONE, INC.

By William W. Alcorn
William W. Alcorn, President

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

November 5, 1998

Personally appeared the above-named William W. Alcorn, President of said corporation and acknowledged the foregoing to be his free act and deed, and the deed of said corporation, before me.

Drew A. Anderson
Notary Public/Attorney at Law

Printed Name

MAINE R.E. TRANSFER TAX PAID

**EXHIBIT A
TO
WARRANTY DEED**

PARCEL ONE:

A certain lot or parcel of land, together with the buildings thereon, situated in the City of Biddeford, County of York and State of Maine, bounded and described as follows:

Beginning at a stone monument on the southeasterly sideline of Pomerleau Street at the northerly corner of Lot No. 7 as shown on "Plan of Alfred Road Industrial Park" by DesRoberts and Henry, Inc., dated August 9, 1977, and recorded in the York County Registry of Deeds in Plan Book 93, Page 24, said point being the most northerly corner of land now or formerly of one Sanford Construction, Inc., and the most westerly corner of the parcel herein described: thence North 46° 58' 27" East along said southeasterly sideline of Pomerleau Street a distance of one hundred thirty-eight and fifty-seven hundredths (138.57) feet to a stone monument and the return of a curve in said sideline: thence along the arc of a regular curve to the right having a radius of fifteen and no hundredths (15.00) feet a distance along the arc of twenty-three and fifty-six hundredths (23.56) feet to the intersection of said curve with a tangent in said sideline: thence South 43° 01' 33" East along said sideline a distance of five and no hundredths (5.00) feet to a curve to the left in said sideline: thence along the arc of a regular curve to the left having a radius of seventy and no hundredths (70.00) feet a distance along the arc of two hundred nineteen and ninety-one hundredths (219.91) feet to a tangent in said sideline: thence North 43° 01' 33" West along said sideline a distance of seventy and no hundredths (70.00) feet to a stone monument and land now or formerly of one Shaw: thence North 46° 58' 27" East along said land of Shaw a distance of eight hundred and seventy-seven hundredths (800.77) feet to a stone monument and land now or formerly of one Davis: thence South 39° 28' 12" East along said Davis land a distance of one hundred thirty-eight and ninety-seven hundredths (138.97) feet to a stone monument and the southerly corner of said Davis land: thence North 51° 13' 44" East along said Davis land a distance of one hundred thirty-two and ninety-five hundredths (132.95) feet to a stone monument and the westerly corner of land now or formerly of one Kopetski: thence South 38° 48' 11" East along said land of Kopetski, Westmore Avenue, and land now or formerly of one Lemovitz a distance of four hundred seventy-nine and eighty-nine hundredths (479.89) feet to land now or formerly of Northern Utilities, Inc., said corner being on the northwesterly sideline of a sixty-six (66) foot wide Right of Way formerly of the Portsmouth, Saco, and Portland Railroad, later known as the Boston and Maine Railroad Eastern Division: thence South 51° 09' 56" West along said land of Northern Utilities, Inc., and land now or formerly of the State of Maine a distance of one thousand two hundred twenty-one and ninety-five hundredths (1221.95) feet to a stone monument and land now or formerly of Sanford Construction, Inc.: thence North 38° 50' 20" West along land of Sanford Construction, Inc., a distance of four hundred eighty-nine and fifteen hundredths (489.15) feet to said Pomerleau Street and the point of beginning.

Said parcel contains fifteen and thirty-seven hundredths (15.37) acres, more or less, and is Lot No. 8 on said plan of Alfred Road Industrial Park.

Bearings are based on a magnetic observation in 1973.

Subject to an easement reserved by the Inhabitants of the City of Biddeford for roadway purposes, as follows:

Beginning at a stone monument shown on Plan of Alfred Road Industrial Park by DesRoberts and Henry, Inc., dated August 9, 1977, and recorded in the York County Registry of Deeds in Plan Book 93, Page 24. Said monument being on the northwesterly sideline of Pomerleau Street at the southwesterly corner of the land now or formerly of Wood Structures, Inc., with land now or formerly of one Shaw; thence North $46^{\circ} 58' 27''$ East along said land of Shaw a distance of eight hundred and seventy-seven hundredths (800.77) feet to a stone monument and land now or formerly of one Davis; thence South $39^{\circ} 28' 12''$ East along said land of Davis a distance of fifty and ten hundredths (50.10) feet to an iron pipe; thence South $46^{\circ} 58' 27''$ West along land now or formerly of Wood Structures, Inc., a distance of seven hundred ninety-seven and sixty-seven hundredths (797.67) feet to the northeasterly sideline of said Pomerleau Street; thence North $43^{\circ} 01' 33''$ West along said northeasterly sideline of Pomerleau Street a distance of fifty and no hundredths (50.00) feet to the point of beginning.

Said parcel contains ninety-two hundredths (0.92) of an acre, more or less, and is a portion of Lot No. 8 on said plan.

Bearings are based on a magnetic observation in 1973.

The above descriptions were prepared from "Plan of Alfred Road Industrial Park" by DesRoberts and Henry, Inc., dated August 9, 1977, George H. DesRoberts, Registered Land Surveyor.

PARCEL TWO:

A certain lot or parcel of land located on the westerly side of the Boston and Maine Railroad, Western division, in the City of Biddeford, County of York, State of Maine, and being more particularly bounded and described as follows:

Beginning at a 5/8" diameter iron rod with survey cap inscribed R.L.S. 1253 set at the southerly corner of land now or formerly of Dube Drywall, Inc. and the easterly corner of land of William W. Alcorn on the westerly sideline of the Boston and Maine Railroad.

thence N $38^{\circ} 51' 10''$ W a distance of two hundred seventy-nine and eighteen hundredths (279.18) feet along land now or formerly of said Alcorn to a 5/8" diameter iron rod found 2" above grade land now or formerly of said Dube Drywall, Inc.;

thence S 63° 59' 40" E a distance of sixty-nine and eight hundredths (69.08) feet along land now or formerly of said Dube Drywall, Inc. to a 5/8" diameter iron rod with survey cap inscribed Oak Point R.L.S. 1253 set;

thence S 41° 42' 10" E a distance of two hundred sixteen and eighty-eight hundredths (216.88) feet along land now or formerly of said Dube Drywall, Inc. to a 5/8" diameter iron rod with survey cap inscribed Oak Point R.L.S. 1253 set at the westerly sideline of the Boston and Maine Railroad;

thence S 51° 06' 50" W a distance of thirty-nine and ninety-eight hundredths (39.98) feet along the westerly sideline of the Boston and Maine Railroad to the point of beginning.

Further reference is made to a plan entitled "Standard Boundary Survey Plan of Land of Dube Drywall, Inc., Westmore Avenue, Biddeford, County of York, State of Maine . . . dated April 6, 1990, revised May 28, 1991, by Oak Point Associates, Job No. 145-86S. The parcel described contains 8.421 square feet, more or less, and is labeled on said plan as "Parcel to be conveyed By Dube Drywall, Inc. To William Alcorn".

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to Brimstone, Inc. by deed of William W. Alcorn, dated December 31, 1997 and recorded in the York County Registry of Deeds in Book 8586, Page 225.

Server word WORD A Newt Deed.doc

RECEIVED YORK S.S.

1998 NOV -6 P 12:44

WITNESSE *Lois M. Alcorn*
REGISTER OF DEEDS

-4-

4/27/98 C. Keaton T + N

287
Scott Edmunds
c/o Bergen & Parkinson, LLC
62 Portland Road, Suite 25
Kennebunk, Maine 04043

Doc# 2011020125
Bk 16102 Pg 230 - 231
Received York SS
05/26/2011 3:59PM
Debra L. Anderson
Register of Deeds

Space Above This Line For Recording Data

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS, that **32N, LLC**, a Maine Limited Liability Company with a principal place of business in the City of Biddeford, County of York, State of Maine, FOR CONSIDERATION PAID, hereby grants to **WESTFIELD, INC.**, a Maine corporation with a principal place of business in the City of Biddeford, County of York and State of Maine with QUITCLAIM COVENANTS, all its right, title and interest in and to a certain lot or parcel of land, together with any improvements thereon and all rights appurtenant thereto, located in the City of Biddeford, York County, Maine; being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

IN WITNESS WHEREOF, the undersigned Anne C. Gould, a Member of 32N, LLC has hereunder set his hand and seal as of this 13 day of May, 2010.



WITNESS

By:



Anne C. Gould, a Member
Thereunto duly authorized

STATE OF MAINE
York County, ss.

May 18, 2011

Personally appeared the above-named Anne C. Gould in her capacity as a Member of 32N, LLC and acknowledged the foregoing instrument to be his free act and deed in said capacity duly authorized on behalf of said Company.

Before me,



Attorney at Law/Notary Public
Scott Edmunds

MAINE R.E. TRANSFER TAX PAID

EXHIBIT A
32N, LLC
To
WESTFIELD INC.

A certain lot or parcel of land located on the southeasterly sideline of Pomerleau Street, so-called, in the City of Biddeford, County of York and State of Maine; said parcel being more particularly described as follows:

Beginning at a ¾" iron pipe found on the southeasterly sideline of said Pomerleau Street at the westerly corner of land now or formerly of Westfield, Inc.;

Thence S 38°-50'-20"E along the land of said Westfield, Inc. a distance of 265.78 feet a #5 iron rod found with cap (PLS #2127) and land now or formerly of the City of Biddeford;

Thence S 51°-01'-50"W along the land of the City of Biddeford a distance of 120.10 feet to a capped iron rod to be set (PLS #2190) and the southeasterly sideline of said Pomerleau Street;

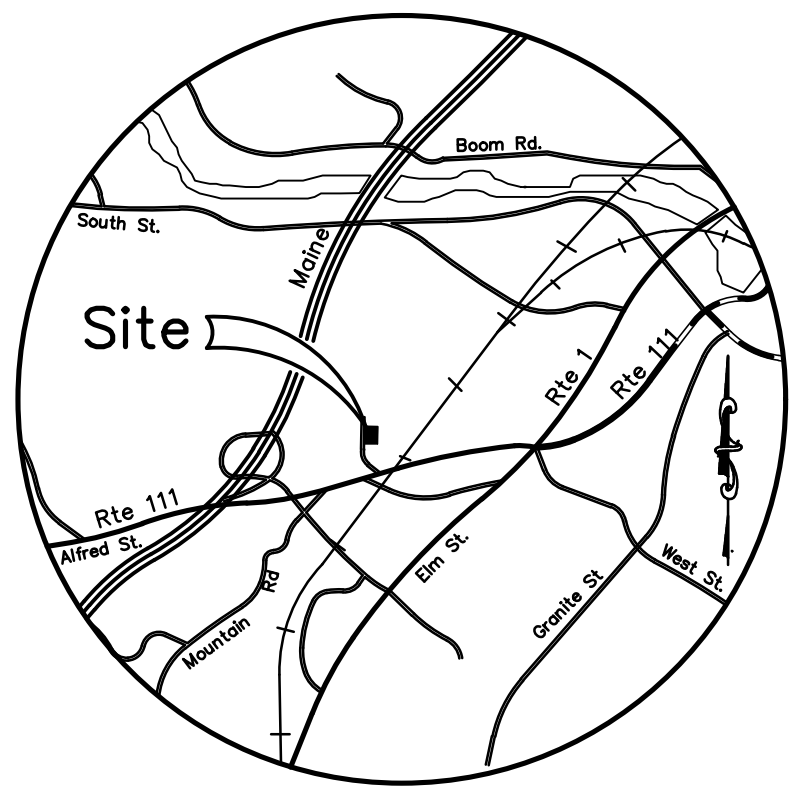
Thence N 46°-58'-31"E along the southeasterly sideline of said Pomerleau Street a distance of 130.89 feet to the point of beginning.

The above described parcel contains 32,752 square feet. All bearings refer to Magnetic North as observed in 1977.

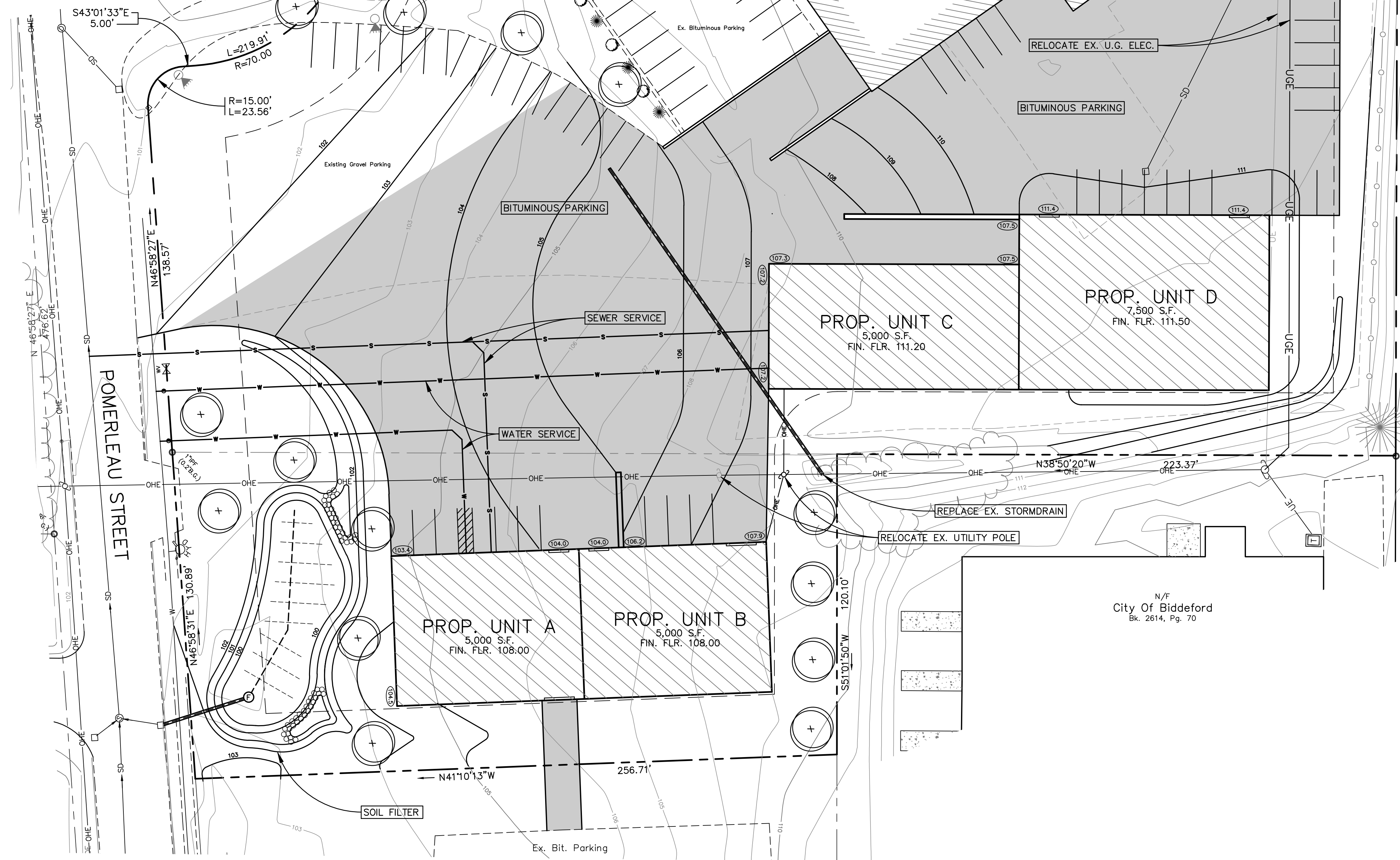
The above-described parcel is subject to utility easement to the City of Biddeford and a 20-foot drainage and utility easement reserved by the City of Biddeford as shown on a certain plan entitled "Alfred Road Industrial Park Subdivision of Land of the City of Biddeford, Maine" recorded with the York County Registry of Deeds in Plan Book 93, Page 24.

Meaning and intending to convey a portion of the premises conveyed to 32N, LLC by Out Of The Rough, Inc. by Quitclaim Deed With Covenant dated December 30, 2009 and recorded with the York County Registry of Deeds in Book 15789 at Page 499.

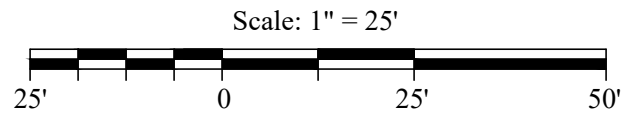
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LOCATION MAP
SCALE: 1" = 2 MILES



SYMBOL	DESCRIPTION
---	EXISTING CONTOUR
---	EASEMENT LINE
○ IR / IRP	IRON ROD FOUND / IRON PIPE FOUND
○ CIRP-1	CAPPED IRON ROD FOUND (PLS #2190)
□ GMP	GRANITE MONUMENT FOUND
□ GMP	CONCRETE MONUMENT FOUND
---	TREE LINE
○	UTILITY POLE
---	OVERHEAD UTILITIES
---	STORM DRAIN
---	SANITARY SEWER
---	WATER LINE
○	DRAIN MANHOLE
○	SANITARY SEWER MANHOLE
○	HYDRANT



- NOTES:
- OWNER/APPLICANT: WESTFIELD INC.
26 RIVERS EDGE DRIVE
KENNEBUNK, ME 04043
 - ENGINEER: ANDREW MORRELL, PE #13285
BH2M
28 STATE STREET
GORHAM, MAINE
 - SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
BH2M
 - DEED REFERENCES: BK. 9128 PG. 22
BK. 16102, PG. 230
 - TAX MAP REFERENCES: MAP 2, LOT 81
MAP 2, LOT 81-5
 - ZONING: I-3, INDUSTRIAL 3
 - MINIMUM STANDARDS: LOT SIZE - NONE
FRONTAGE - 50'
SETBACKS - 30' FRONT, 25' SIDE/REAR
MAX. LOT COVERAGE - 75%
 - SEWER SERVICE: PUBLIC
 - WATER SERVICE: PUBLIC
 - ELECTRIC/TELEPHONE: UNDERGROUND FROM EXISTING UTILITY POLE
 - ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH MAINE EROSION AND SEDIMENTATION CONTROL, BMP'S LATEST REVISION.
 - PLAN REFERENCES:
 - PLAN TITLED "OUT OF THE ROUGH, LAYOUT PLAN" DATED OCT. 15, 2002 BY PINKHAM & GREER, JOB #02189, APPROVED BY THE CITY OF BIDDEFORD NOVEMBER 6, 2002.
 - PLAN TITLED "OUT OF THE ROUGH, AS-BUILT" DATED JULY 30, 2003. AS-BUILT INFORMATION PROVIDED BY PM CONSTRUCTION.
 - PLAN TITLED "ALFRED ROAD INDUSTRIAL PARK SUBDIVISION OF LAND OF CITY OF BIDDEFORD, BIDDEFORD, MAINE", DATED AUGUST 9, 1977 BY DES, ROBERTS & HENRY, INC. AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 93, PAGE 24.
 - AMENDED PLAN OF THE DIVISION OF LOT 7, LAND OF THE CITY OF BIDDEFORD, ALFRED ROAD INDUSTRIAL PARK, POMERLEAU STREET, BIDDEFORD, MAINE, DATED 8-23-02 BY THE CITY OF BIDDEFORD ENGINEERING DEPARTMENT AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS PLAN BOOK 275, PAGE 27.
 - PROPOSED USE: 4 UNIT WAREHOUSE FACILITY
 - RETAINING WALLS TO BE DESIGNED BY STRUCTURAL ENGINEER PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - UTILITIES SHOWN ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIG SAFE AND LOCATING ALL UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - PARKING: 51 SPACES

REVIEWED & APPROVED BIDDEFORD PLANNING BOARD

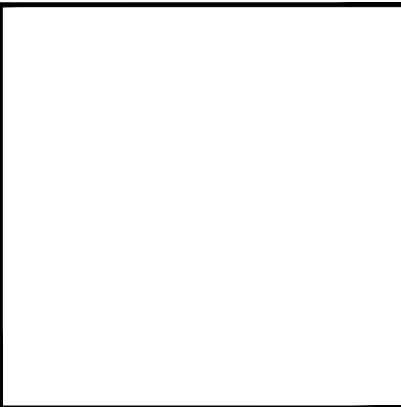
DATE

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

1. NO SURVEYORS REPORT

ROBERT C. LIBBY JR. PLS #2190

REVISION	DESCRIPTION
NO.	DATE



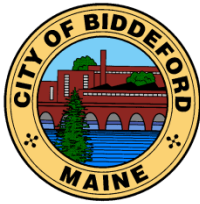
FOR
Westfield Inc.
26 Rivers Edge Drive
Kennebunk, ME

PRELIMINARY PLAN
SITE PLAN
POMERLEAU STREET
BIDDEFORD, MAINE

DESIGNED	DATE
W. Pelkey	Dec. 2019
DRAWN	SCALE
W. Pelkey	1" = 25'
CHECKED	JOB. NO.
S. Blake	19203

SHEET
1

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CITY OF BIDDEFORD

2020.12

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (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, appearing to read "Greg Tansley", is written over the printed name.

DATE: May 15, 2020

RE: **NEW BUSINESS ITEM #D – 2020.12 Conceptual Planning Board Approval for Auburn Concrete to operate an Extractive Industry (concrete manufacturing) at 21 Cole Road (Tax Map 18, Lot 39) in the I-1 Zone.**

MEETING DATE: May 20, 2020 @ 6:00 PM

MEETING LOCATION: REMOTE ACCESS MEETING (1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

For Information on how to access and participate in the meeting go to <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> and select the May 20, 2020 Planning Board agenda.

1. INTRODUCTION

The former Dragon Cement plant on Cole road has been inactive for some time now. In order to resume operations, Auburn concrete who intend to lease the site to serve its Southern Maine projects, requires Planning Board approval.

The project is located at 21 Cole Road, just east of its intersection with Edwards Avenue. Edwards Avenue is a load restricted street, prohibiting through trucks of greater than 5 tons. As such, Edwards Avenue cannot be used by this facility as a trucking route. Instead, all trucks would need to access the site via Route One and Cole Road. The applicant understands this, as reflected in their application in the discussion about traffic, and understand that there will likely be a Condition of Approval as such.

For context the blue line demonstrates the only access means for trucks for this project:



Source: "21 Cole Road, Biddeford, Maine." **Google Earth.** 43°28'44.38" N 70°28'43.74" W. Imagery Date: 5/4/2018. Accessed Date: 5/15/2020.

PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Auburn Concrete 82 Goldthwaite Rd PO Box 1747 Auburn, ME 04211
2.	Owner of Property:	Dragon Products Co. 57 Atlantic Pl. South Portland, ME 04106
3.	Agent:	Sebago Technics C/o Shawn Frank, P.E. 75 John Roberts Road Westbrook, ME 04106
4.	Engineer:	Shawn Frank, P.E. Sebago Technics 75 John Roberts Road Westbrook, ME 04106
5.	Surveyor:	Sebago Technics C/o Shawn Frank, P.E. 75 John Roberts Road Westbrook, ME 04106
6.	Project Location:	21 Cole Road
7.	Project Tax Map #/Lot #:	Tax Map 18, Lot 39
8.	Existing Zoning:	Industrial 1 (I-1)
9.	Overlay Zoning:	None

10.	Existing Use:	Dormant concrete Plant and pit (Extractive Industry)
11.	Proposed Use:	Operation of an Extractive Industry (concrete plant).
12.	City Approvals Required:	Extractive Industry is a Permitted Use but requires Planning Board approval.
13.	Uses in the Vicinity:	Industrial, Commercial, Residential
14.	Parcel Size:	361,458 SF (8.3 acres)
15.	Number of Lots/Units in Subdivision:	N/A
16.	Minimum Lot Size Required:	None
	Provided:	8.3 +/- Acres
17.	Frontage Required:	50 feet
	Provided:	More than 50 feet (70 feet +/-)
18.	Front Setback Required:	40 feet
	Provided:	40 feet
19.	Side Setbacks Required:	25 feet
	Provided:	25 feet
20.	Rear Setback Requires:	25 feet
	Provided:	25 feet
21.	Height Requirements:	60 feet or 6 stories
	Provided:	
22.	Water Supply:	Maine Water
23.	Sewerage Disposal:	TBD
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	None
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	Industrial: 1 space per employee. Estimates are up to 15 employees at any one time.
30.	Parking Spaces Provided (total):	Greater than 15 parking spaces throughout the site.
	# Handicapped Spaces:	N/A
31.	Ownership of Road:	Cole Road is a City Street.
32.	Impervious Surface Area:	The proposal includes minimal modifications to the site itself, as shown in the application and plans. No expected changes in the amount of impervious area would occur as a result of this proposal.
33.	Total Disturbed Area:	N/A
34.	Estimated Site Development Costs:	N/A

35.	Financial Capacity Letter:	Androscoggin Bank has provided a Financial Letter.
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:	None Known.
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	None.
40.	LDR Attachment A: Fees Paid:	TBD
41.	Planning Board Review History: Conceptual Review:	May 20, 2020

2. EXISTING CONDITIONS

The subject property is already developed as a previous gravel pit and concrete batch plant. partially developed. It is approximately 8.3 acres in size total and there is little proposed to change under this application.



Source: <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=1442>. Accessed date: 05/15/2020.

3. PROJECT PROPOSAL

Resumption of the concrete batch plant with some minor site modifications. See the application package for specific details.

4. STAFF REVIEW

- A. ZONING: The I-1 Zone allows for an Extractive Industry operation with Planning Board approval.
- B. REVIEW STANDARDS: Site Plan Review (Article XI), Performance Standards (Article VI), especially Section 30 (Extractive Industry).
- C. WAIVERS: See below (E.4).
- D. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO MAY 20, 2020:
 - o None.
- E. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:
 - 1. Are any existing Maine DEP Permits affected by this proposal? Are any new Maine DEP Permits required for this proposal?
 - 2. Contact Maine DIF&W for comments.
 - 3. Need Ability to Serve Letters from:
 - Maine Water
 - City of Biddeford Fire Department (deputy Chief Paul LaBrecque).
 - 4. Submit any waiver requests (if applicable) in writing with an explanation as to why such a request is being made. For example, Article VI, Section 30, 6, I. requires submittal of "A traffic study conducted by a traffic engineer registered in the State of Maine..."

Waiver Guidance:

Article VI, Section 30:

7. Waivers. The Planning Board may grant waivers from specific submission requirements upon written request by the applicant if it determines that such information is not necessary for proper review of the application

Article XI, Section 9.B.1.:

When special circumstance exists and strict conformity with any specific requirement of these regulations would cause undue hardship or injustice to the owner of the land to be developed and being reviewed, and where the review procedures have been in general conformity with these regulations, and provided the general spirit, intent and purpose of these regulations will not be adversely or substantially affected or

harmed, and further provided that the public convenience and welfare of the citizens of Biddeford, Maine, will be substantially served and not adversely affected, these regulations maybe waive or modified.

5. Existing Septic on site needs to be assessed by a site evaluator for function. Provide a complete review of the existing system, including what it was designed for, and it's capacity to support the reuse of the facility. If improvements are necessary, provide recommendaitons.

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

5. **STAFF RECOMMENDATION**

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

6. **NEXT STEPS/SUGGESTED ACTIONS**

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

7. **SAMPLE MOTIONS:**

N/A

ATTACHMENTS

1. Application Package and Conceptual Plan.

Section 30. Extractive industry. [Ord. No. 99.64, 8-17-1999; Ord. No. 2007.38, 6-19-2007]

1. Purpose. The purpose of this section is to regulate the removal, filling, processing and storage of topsoil, rock, sand gravel and other similar materials within the City of Biddeford. Collectively, such activities are termed "excavation." These provisions are specifically intended to protect the quality of groundwater and other natural resources, minimize the adverse impact on abutting property owners and the community, and ensure proper rehabilitation of all affected lands.
2. Definitions.
 - A. Abutting property. Property sharing a common boundary with or within 200 feet of the property proposed for excavation, whether or not these properties are separated by a public or private way.
 - B. Freshwater wetland. Freshwater swamps, marshes, bogs and similar areas that are:
 - a. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
 - b. Not considered part of a great pond, coastal wetland, river, stream or brook.
 - C. River, stream or brook. A channel between defined banks which is created by the action of surface water and has two or more of the following characteristics:
 - a. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map or, if that is not available, a fifteen-minute series topographic map.
 - b. It contains or is known to contain flowing water continuously for a period of at least three months of the year in most years.
 - c. The channel bed is primarily composed of mineral materials such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

- d. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- e. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainageway constructed and maintained solely for the purpose of draining stormwater, or a grassy swale.

- D. Natural buffer strip. An area of undisturbed natural vegetation intended to shield neighboring properties and public rights-of-way from an excavation operation.
- E. Naturally internally drained. Areas of a site that, as a result of predevelopment topography and interim and final topography produced during development of the site, are and will remain at all times over the course of the development graded so that neither eroded materials or runoff either crosses the property boundary or enters a river, brook, stream, great pond or freshwater or coastal wetland or other protected area. Areas that rely on man-made structures to maintain internal drainage are not considered naturally internally drained.
- F. Sight distance. The length of roadway visible in all directions at the intersection of the access road with a public road. It is measured at a point 10 feet back from the edge of the travel way to the center line of the opposing land(s) assuming a height of eye of 3.5 feet and a height of object of 4.25 feet.
- G. Subject property. The parcel, including any adjoining parcels in the same ownership, upon which excavation and any associated activities take place. For the purposes of this ordinance, associated activities include, but are not limited to, processing, equipment and vehicle storage, disposal of stumps and grubbings, storage of overburden and topsoil and stockpiling of excavated materials.

3. Exemptions.

- A. Excavations whose sole purpose is to determine the nature or extent of mineral resources if accomplished by hand sampling, test boring or other methods that create minimal disturbance. Test holes shall be filled in immediately after use.

- B. The removal, processing, filling or storage of 500 cubic yards of material, or 100 cubic yards of topsoil, in any one year. This limitation may be exceeded if the excavation is undertaken as part of an approved on-site construction project, is part of normal farm operations or is moved to a contiguous site in the same ownership.

In the event of the removal, processing, filling or storage of fewer than 500 cubic yards of material, if in the judgment of the Code Enforcement Officer there is the potential for an adverse impact on neighboring properties, the community, groundwater or other natural resources, then the party responsible for the removal, processing, filling or storage of fewer than 500 cubic yards of material shall be required to file an application for review by the Planning Board.

- 4. Applicability. Unless exempted in Subsection 3, above, the following excavations shall require an excavation permit. In the case of multiple excavations on the same parcel of land, all such excavations shall be deemed part of a single operation for the purposes of this ordinance.

- A. Excavations proposed after the effective date of this ordinance.
- B. Expansion of existing excavations which exceed the limits of Subsection 3B.
- C. The City recognizes that a number of excavation operations exist that do not conform with standards set forth in this section. It is the intent of the City that the five-year temporary permit that had been issued for an existing operation shall be reduced to a one-year permit. When said permit has run its course, previous to its expiration the owner(s) of the existing operation shall submit an application as described herein, which shall be reviewed according to the standards herein.

Any operation in existence at the time of the effective date of this section that has not received a five-year temporary permit shall be considered to be illegal. The Code Enforcement and Planning offices shall work with the City Attorney in order to cause the temporary closure of said operation until review under this section can be completed, or the permanent closure of said operation if the owner or operator of said operation chooses not to participate in the review process.

5. Procedure. An application for an excavation permit shall be filed with the Planning Office. Within 30 days of receipt of a complete application, the City Planner shall schedule said application on the agenda of a regular meeting of the Planning Board.
6. Application Requirements. An application for an excavation permit shall consist of the following:
 - A. Name and address of the owner of the property.
 - B. Name and address of the operator of the excavation if different than the owner.
 - C. Right, title or interest in the property.
 - D. Names and addresses of all persons owning property abutting or within 500 feet of the subject property.
 - E. Site plan at a scale of not less than one inch = 100 feet. The plan:
 - a. Shall be shown on a sheet measuring 24 inches by 36 inches.
 - b. Shall be prepared by and shall include the stamp and signature of either a Maine licensed land surveyor or a professional engineer.
 - c. Shall include the following information, as well as any additional information deemed necessary by the board:
 1. Boundaries of the subject property.
 2. Existing wells, rivers, brooks, streams, freshwater wetland and coastal wetland.
 3. Depth of groundwater as determined by test borings, wells or pits.
 4. Topography of the property at a contour interval no greater than five feet.
 5. Existing site features such as fields, wooded areas, structures, roads and driveways.
 6. Residences and wells within 500 feet of the subject property.
 7. Existing and proposed excavation areas including acreage, phasing, depth of excavation and final grades.

8. Location and size of product and topsoil stockpiles.
 9. Areas to be used for processing of excavated materials.
 10. Location of proposed buildings and structures.
 11. Types and locations where equipment, materials or fuels are to be stored.
 12. Locations of proposed access and any roads to be constructed within the site.
 13. Sight distances of intersection of the access road with a public road.
 14. Method and location of controlling access into the site.
 15. Improvements for the control of drainage, sedimentation and erosion.
- F. Proposed hours of operation.
- G. Proposed rehabilitation plan including temporary and final seeding, plantings and permanent drainage improvements.
- H. A spill prevention, control and countermeasures (SPCC) plan if any fuels or hazardous materials are to be stored or equipment refueling or oil changes are to take place on the subject property.
- I. A traffic study conducted by a traffic engineer registered in the State of Maine which shall include:
- a. An estimate of daily traffic to be generated, to include size and capacity of trucks that will haul material, routes proposed for hauling material, and current Maine DOT or City data on traffic counts for all public and private ways upon which material will be hauled;
 - b. A description of existing or potential traffic hazards on roads servicing the site and the applicant's proposal to address such hazards. Said description shall consider the existence and impact of existing extraction operations. The study shall describe the ability of such roads to withstand the additional traffic generated by the site.
 - c. If, in the opinion of the Planning Board a separate, independent traffic study is warranted, or review of the

submitted traffic study by an independent traffic engineer or consultant, the cost of such an independent study or review shall be borne by the applicant.

- J. Plan for screening excavation from direct view from residences and public road through the use of fencing or existing or proposed vegetation. The applicant shall demonstrate that the screening plan will:
 - a. Ensure adequate sight distance and visibility for vehicles entering and exiting the site;
 - b. Ensure adequate sight distance for vehicles traveling the roadway from which the excavation is accessed;
 - c. Ensure that the proposed fencing and/or vegetative screen is adequate to shield neighboring properties and public rights-of-way from the excavation operation;
 - d. Be installed prior to the commencement of the extraction operation. No hauling or processing of material shall occur prior to the installation of screening.
 - K. Disposition of stumps and grubblings.
 - L. Estimate of the cost of rehabilitating the site in conformance with requirements of Section 11.
 - M. Estimate of types and amounts of material that will be excavated from the site.
 - N. Estimate of proposed life of excavation based on amount of material on site.
 - O. Aerial photo(s) of the proposed site so that the boundaries of the site may be identified and that the extent of excavation, if any, at the time of the Board's review may be clearly delineated.
- 7. Waivers. The Planning Board may grant waivers from specific submission requirements upon written request by the applicant if it determines that such information is not necessary for proper review of the application.
 - 8. Review criteria. The following criteria shall be applied in the review of the proposed operation:
 - a. Will not unreasonably result in unsafe or unhealthful conditions;

- b. Will not unreasonably result in erosion or sedimentation;
 - c. Will not unreasonably result in water pollution nor adversely affect existing groundwater, springs, ponds, rivers, brooks or streams;
 - d. Will conserve natural beauty in keeping with the rehabilitation provisions of Subsection 11 of this section.
 - e. Will not adversely affect public ways;
 - f. Will not adversely affect surrounding properties; and
 - g. Is in conformance with the following performance standards.
9. Performance standards.
- A. Excavation shall not occur within five feet of the seasonal high water table. If standing water already exists in the excavated area, no further excavation that would result in an increased area of standing water shall be allowed. The Planning Board may allow excavation to extend to or below the water table and an area of standing water may be increased through excavation if such excavation is approved by the Maine Department of Environmental Protection (MDEP).
 - B. At least one pit or monitoring well must be maintained on each five acres of excavation. Said pit or well shall be available to public officials or their agents should data on either water table elevation or water quality be deemed necessary to adequately monitor the operation's impact on groundwater.
 - C. The following setbacks must be maintained between the excavation and a water supply in existence prior to the excavation:
 - 1. Dug well or point-driven well: 300 feet.
 - 2. Well drilled into saturated bedrock: 150 feet.
 - 3. Public water supply serving 500 or fewer persons: 500 feet.
 - 4. Public water supply serving more than 500 persons: 1,000 feet.
 - D. All fuels or hazardous materials must be stored within spill-proof secondary containment with sufficient capacity to

contain 110% of the volume of the single largest container. Equipment refueling and oil changes must take place over impervious surfaces. Routine maintenance operations are allowed for fixed equipment such as screens, crushers and wash facilities, provided that precautionary measures such as portable drip pans or vacuum devices are used. The applicant shall further detail what measures he/she is prepared to take in the event of a fuel or hazardous materials spill.

- E. No part of any extraction operation shall be permitted within 100 feet of any property line or right-of-way. Natural buffer strips shall be maintained between the excavation and adjacent natural and man-made features. If vegetation within a natural buffer strip was removed or disturbed by the excavation before it became subject to this ordinance, the vegetation shall be reestablished in a manner that conforms to the screening requirements of this section before any additional excavation takes place.

Natural buffer strips shall be required as follows:

1. Great pond, river or coastal wetland: 250 feet.
 2. Stream, brook or freshwater wetland: 250 feet.
 3. Public road right-of-way: 100 feet.
 4. Private road right-of-way: 50 feet.
 5. Property boundary: 75 feet.
- F. Except for access roads and grubbed areas, all reclaimed and unreclaimed areas must be naturally internally drained unless the applicant prepares a stormwater management plan that demonstrates to the satisfaction of the Planning Board that surface water discharges from areas that are not internally drained will not be increased as a result of stormwater runoff from storms up to a level of intensity of a twenty-five-year, twenty-four-hour storm.
 - G. Topsoil stockpiles to be used for reclamation must be seeded, mulched or stabilized, grubbed areas must be stabilized and all disturbed portions of the subject parcel must be protected from erosion and sedimentation by a plan approved by the Planning Board and in conformance with the Maine Erosion and Sediment Control Handbook Best Management Practices, March, 1991, or as amended.

- H. Sufficient sight distance shall be provided at the intersection of the access road with a public or private road. At a minimum, sight distance shall be 10 feet for every mile per hour of posted speed limit on the public or private road. Points of access of the excavation operation onto public or private roads must be located, posted and constructed in accordance with the standards for roadways adopted in Chapter 62, Streets, Sidewalks and Other Public Places, of the City's Revised Code of Ordinances.
 - I. Hours of operation shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturdays. No Sunday operation is permitted. Hours of operation for blasting operations shall be according to Chapter 34, Environment, Article V, Blasting. The hours of operation may be further restricted by the Planning Board if it is determined that the above-listed hours of operation will unreasonably interfere with residential uses in existence at the time an application for an excavation permit is determined to be complete. In the event of an emergency request for sand or gravel from public safety officials, the Code Enforcement Officer may temporarily authorize alternative hours of operation. Use of the property upon which the extraction operation occurs shall be restricted to activity related to the extraction operation.
 - J. Noise levels generated by an extraction operation shall be regulated by Chapter 34, Article III, Noise, of the City of Biddeford Revised Code of Ordinances.
 - K. The access road and internal roadways shall be treated to control dust as necessary with water or calcium chloride. The access road leading from the excavation site to a public road shall be paved for a distance of no less than 100 feet from its intersection with the public road.
 - L. Loaded vehicles shall be in accordance with Maine Revised Statutes Annotated.
 - M. No blasting shall be done as part of any excavation operation except in accordance with Chapter 34, Environment, Article V, Blasting.
10. Rehabilitation requirements.
- A. Final side slopes shall be graded at a slope not to exceed 2.5 feet vertical to one foot horizontal. The slope may be

increased if it is demonstrated to the satisfaction of the Planning Board that the proposed slope will be stable.

- B. Rehabilitation of continuing operations shall be conducted in phases so that the active excavation area, not including roads, structures or stockpiles, does not exceed five acres. A vegetative cover by seeding, planting and loaming must be established within three months of completion of each phase and within six months of completion of the final phase of excavation.
 - C. Vegetative cover used for rehabilitation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture of these. A vegetative cover by seeding, planting and loaming must be established within nine months of completion of each phase of excavation. Vegetative cover is acceptable if:
 - 1. The planting of all materials results in a permanent 90% ground cover; and
 - 2. The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession, sufficient to ensure 76% survival rate.
 - D. The stumps and grubblings from the site may be covered with topsoil and used to stabilize the banks. Strippings may be distributed over the excavation area, removed from the parcel, burned or chipped.
 - E. The areas of pits with solid or broken ledge rock shall be trimmed of loose rock and the bottom of the excavation graded to be compatible with the surrounding land.
 - F. The excavation shall be graded to maintain internal drainage, prevent standing water and minimize erosion and sedimentation. Sediment shall be prevented from entering streams or drainage ways.
 - G. Groundwater monitoring wells shall be filled and sealed upon completion of the final phase of excavation.
 - H. All structures shall be removed and all access roads, haul roads and other support roads shall be rehabilitated once they are no longer in use.
11. Inspections. The Code Enforcement Officer, or his/her designee, shall conduct an annual compliance inspection prior to the

anniversary date of the original permit to determine whether the permit holder has complied with the approved plan. The Code Enforcement Officer shall maintain a file on each active extraction operation in order to retain a record of complaints or actions generated by activity at each operation. Reports shall be provided to the Planning Board within 14 days of completion of annual inspections.

12. Performance guarantee. The applicant must submit a performance guarantee in an amount that the Planning Board determines to be sufficient to cover the total cost of meeting the rehabilitation requirements of Section 11. The City Engineer shall assist in determining an amount sufficient for the performance guarantee. The performance guarantee may consist of one of the following:

- A. An escrow account consisting of a certified check, savings account or certificate of deposit of which the City is named as sole owner. Funds may be withdrawn by the City only when rehabilitation does not conform with the approved land. The principal or residual amount and any accrued interest shall be returned to the applicant when the rehabilitation is complete.
- B. A performance bond, payable to the City, issued by an approved surety company, with details of its conditions, and with methods of release for the specific project clearly delineated.
- C. A letter of credit from a financial institution approved by the City. This credit must be irrevocable, and be sufficient to cover rehabilitation of the approved project, and from which the City may draw if rehabilitation does not conform to the approved plan.

The performance guarantee shall remain in force until the Planning Board certifies that the site has been rehabilitated in conformance with the approved plan.

13. Permit term. A permit granted by the Planning Board under the provisions of this ordinance shall be issued on a graduated basis, e.g., the initial permit for a period of one year, the second permit for a period of two years and so on up to a maximum of five years so as to encourage compliance with this section. The permit holder must submit an application for permit renewal at least 30 days prior to expiration of the permit. Such application shall consist of evidence that the excavation has been conducted in conformance with the approved plan.

In the event the application for permit renewal is not submitted at least 30 days prior to expiration of the permit, or it is determined by the Planning Board that the excavation is not in conformance with the approved plan, the applicant shall apply for a new permit from the Planning Board under these ordinance provisions. The Planning Board shall request that the Code Enforcement Officer issue a stop work order if and when it becomes evident that the owner/operator of an excavation operation is in violation of these provisions.

14. Severability. In the event that a court of competent jurisdiction rules any provision of this ordinance to be invalid, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with state statute, the stricter provision shall govern.
15. Conflict with Other Ordinances. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of health, safety and welfare, the provisions of this ordinance shall prevail.
16. Enforcement. The Planning Board may order the owner or operator of an excavation that is in noncompliance with the provisions of this section to cease operations until such noncompliance is corrected.
17. Fines and Penalties. The Planning Board may impose a fine not to exceed \$250 per day as a penalty to the owner or operator of an excavation that is in noncompliance with the provisions of this section. In the event of an owner or operator who has been ordered to cease excavating and/or hauling at an excavation operation due to noncompliance with this section, but has failed to cease as ordered, the Planning Board may impose a fine not to exceed \$500 per day, beginning no sooner than five calendar days after a registered letter has been mailed to the owner or operator from City Hall.



Extraction & Site Plan Review Application

to the

City of Biddeford

for
21 Cole Road
Tax Map 18, Lot 39

on behalf of

Auburn Concrete
P.O. Box 1747
Auburn, ME 04211

April 2020



April 15, 2020
20142

Greg Tansley, A.I.C.P, City Planner
City of Biddeford
205 Main Street
Biddeford, ME 04005

Extraction & Site Plan Review Application; Concrete Batch Plant Facility
21 Cole Road, Tax Map 18, Lot 39
Auburn Concrete

Dear Greg:

On behalf of Auburn Concrete, we are pleased to submit this letter, application form, enclosed plans and associated documents for an Extraction & Site Plan Review application for the reutilization of the existing concrete batch plant and silos previously installed by Dragon Products Company, Inc. at their property located at 21 Cole Road. The approximately 8.3-acre parcel is located within the I1 Zoning District and is depicted on the City of Biddeford Tax Map 18 as Lot 39. It is our understanding that although the facility will not include the excavation of any material from the property, due to the volume of aggregate materials required to operate the plant, the facility is classified as an extraction operation. As shown on the enclosed Existing Conditions Plan, the site was previously developed by the land owner as a concrete batch facility consisting of the batch plant with silos, a small office building and aggregate storage areas within block walls serviced by gravel access roads, municipal water and overhead electrical. The applicant has obtained a lease for the site and intends to invest in the existing plant and silos to upgrade as necessary to allow them to operate and produce concrete. The small office at the plant will be replaced by an 8' x 40' container which will provide internal storage for the concrete admixtures, and will include a 12' x 12' control room mounted on top. A picture of an existing similar operation is included in the application.

Another building exists on the site as shown and as it is quite dilapidated, it will not be reutilized for this operation, however, the existing concrete pad in the vicinity of the building contains an existing fueling station which will be utilized for on-site fueling of vehicles. This concrete pad will also provide a parking area for the concrete trucks and a storage area for the concrete blocks that are made from waste material returned from job sites. The existing aggregate storage areas, which are defined by block walls, will be heightened with three additional rows of block to increase the height by six feet. Additionally, a 24' x 60' concrete wash out area for the concrete trucks will be installed near the batch plant as shown on the Site Plan. This wash out area contains two-cells and is totally self-contained such that the water is stored and then occasionally pumped out for transport to a local wastewater treatment facility which accepts the water to assist in maintaining the pH balance of their process. The solids are

removed by the front-end loader as needed and reused. A picture of an existing similar wash out facility is included in the application. Existing vegetated areas along the perimeter of the property will be retained to buffer the operation from abutting properties and areas labeled as debris areas on the property will have the debris removed and the areas will be loamed and seeded.

The following information is provided to assist in the review of the project.

Site Access & Traffic

Access to the property will be from Route One to Cole Road to the existing gravel access drive to the site at the intersection of Cole Road and Old Port Road. Traffic will only be permitted to access the facility via the existing drive and only from Route One. Traffic associated with the facility will consist of concrete trucks which will originate from existing company facilities, and dump trucks to provide the raw materials to create the concrete. The applicant anticipates that the average production of the facility during the months of April to December will be approximately 100 cubic yards (cy) per day. As each concrete truck averages 7.8 cy per load, 13 concrete truck trips will be required to deliver the product. The raw materials to produce 100 cy of concrete will require 3 loads of sand, 3 loads of aggregate and 1 load of cement. Allowing for one person to operate the plant and another to operate the front end loader, the total vehicle trips associated with the operation during an average day would consist of the 2 personal vehicles arriving and leaving for the operators for 4 trips, the 13 concrete truck trips leaving full and returning empty for 26 trips and the 7 dump trucks arriving full and leaving empty for 14 additional trips for a total of 44 vehicle trips per day.

Noise & Buffering

The daily operation of the facility will consist of dump trucks unloading their materials into the blocked wall aggregate storage areas and cement at the batch plant as noted on the Site Plan. A front-end loader then loads the aggregate materials into the plant via the conveyor belt for storage which is then combined with the cement by the control room for mixing in the trucks. The potential noise sources associated with the operation consist of the trucks dumping the aggregates, the one load of cement each day to the plant, and the front-end loader feeding the plant. This is all generated in the area of the batch plant and the aggregate storage area. To minimize the potential impact on abutting properties especially to the east, the existing vegetation will be retained along the property perimeter and the existing topography will assist as the facility is located in a low area. To provide additional noise attenuation, the block walls of the aggregate storage area will be raised an additional 6-feet in height and another 8-foot high block wall will be installed along the edge of the vegetated buffer retained along the easterly property line. An additional wall exists in the southeasterly portion of the site. This wall will have two additional rows of blocks installed along the top for safety as well as noise attenuation. Additionally, the applicant has no intention of utilizing this corner of the property, so as noted on the Site Plan, the access road to this area will be discontinued to allow the area to further revegetate naturally.

Stormwater/Erosion Control

The project site was previously utilized for the same operations such that the infrastructure including gravel access roads, aggregate storage areas and the plant itself are currently in place and only requiring updating and maintenance to allow the facility to operate again. Additionally, the project site consists of a depressional area that is lower than surrounding properties such that little to no runoff currently exists the property. As most of the water used by the facility is in the area of the plant, a vegetated depressional area will be constructed in the northwest corner of the site alongside the access drive to intercept any runoff that may occur in the plant area. Additionally, as little runoff leaves the site from developed areas, minimal erosion control measures are necessary. As the access drives are gravel, the potential for dust could occur due to truck traffic during dry periods. The applicant will apply water and calcium to the driveways as needed during those times to minimize the potential for dust.

We look forward to meeting with the Planning Board at their next regularly scheduled meeting to discuss the Extraction and Site Plan Review Application in more detail. In the interim, please call with any questions or if you require additional information. Thank you for your consideration.

Sincerely,

SEBAGO TECHNICS, INC



Shawn M. Frank, P.E.
Senior Project Manager

SMF:KDG/Ilg
Enc.

cc: Auburn Concrete

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Exhibit 1

Application Form



City of Biddeford
Planning Board Application

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

Type of Application:

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

Applicant Information:

Name: Auburn Concrete
Mailing Address: 82 Goldthwaite Rd, P.O. Box 1747, Auburn, ME 04211
Telephone: 207-777-7600
Email: jcummings@auburnconcrete.com
What is your legal interest in the property?
☐ Owner ☐ Potential Buyer with Contract ☒ Lease/Rental Agreement

Owner's Information:

Name: Dragon Products Co. Inc
Mailing Address: 57 Atlantic Pl, South Portland, ME 04106
Telephone: _____
Email: _____

Agent's Information:

Name: Sebago Technics, Inc / attn. Shawn Frank P.E.
Mailing Address: 75 John Roberts Road, Suite 4A, South Portland, ME 04106
Telephone: 207-200-2062
Email: sfrank@sebagotechnic.com

Engineer/Surveyor's Information:

Name: same as agent
Mailing Address: _____
Telephone: _____
Email: _____

Project Location and Lot Information:

Street Address: 21 Cole Road
Tax Map: 18 Lot: 39
Current Zoning: I1 Shoreland Zoning: no
Size of Lot: 361,548 () acres (X) s.f. Lot Frontage: _____
Existing use of Property: previously used as a batch concrete facility

Property currently serviced by:

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

Slope Conditions in Area of Construction (if applicable):

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

Are there any wetlands or waterbodies on the site? ☐ (Yes) ☒ (No) if yes attach information

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

Description of proposed use of property:

Project/Proposed Use:

Batch concrete facility

Property to be Serviced by:

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

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

NA If in a Shoreland Zone:

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

Percent of structure expansion (Max 30%): _____

NA If Subdivision Review, number of lots proposed: _____

NA If a Private Way is proposed, number of lots served: existing access road off Cole Road

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

Total new square feet footprint of structure: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

☐ Fire Department-Contact Chief or Deputy Chief – 282-9986

☐ Ability to Serve for Water Service – Maine Water – 282-1543

☐ Ability to Serve for Sewer Service – Engineering Dept – Tom Milligan 284-9118

☐ Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127

- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

- \$40 Nonrefundable Administration Fee is required for every application.
- Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

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

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

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

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

Signature of Applicant:



Date

4/15/2020

Signature of Property Owner:

Date

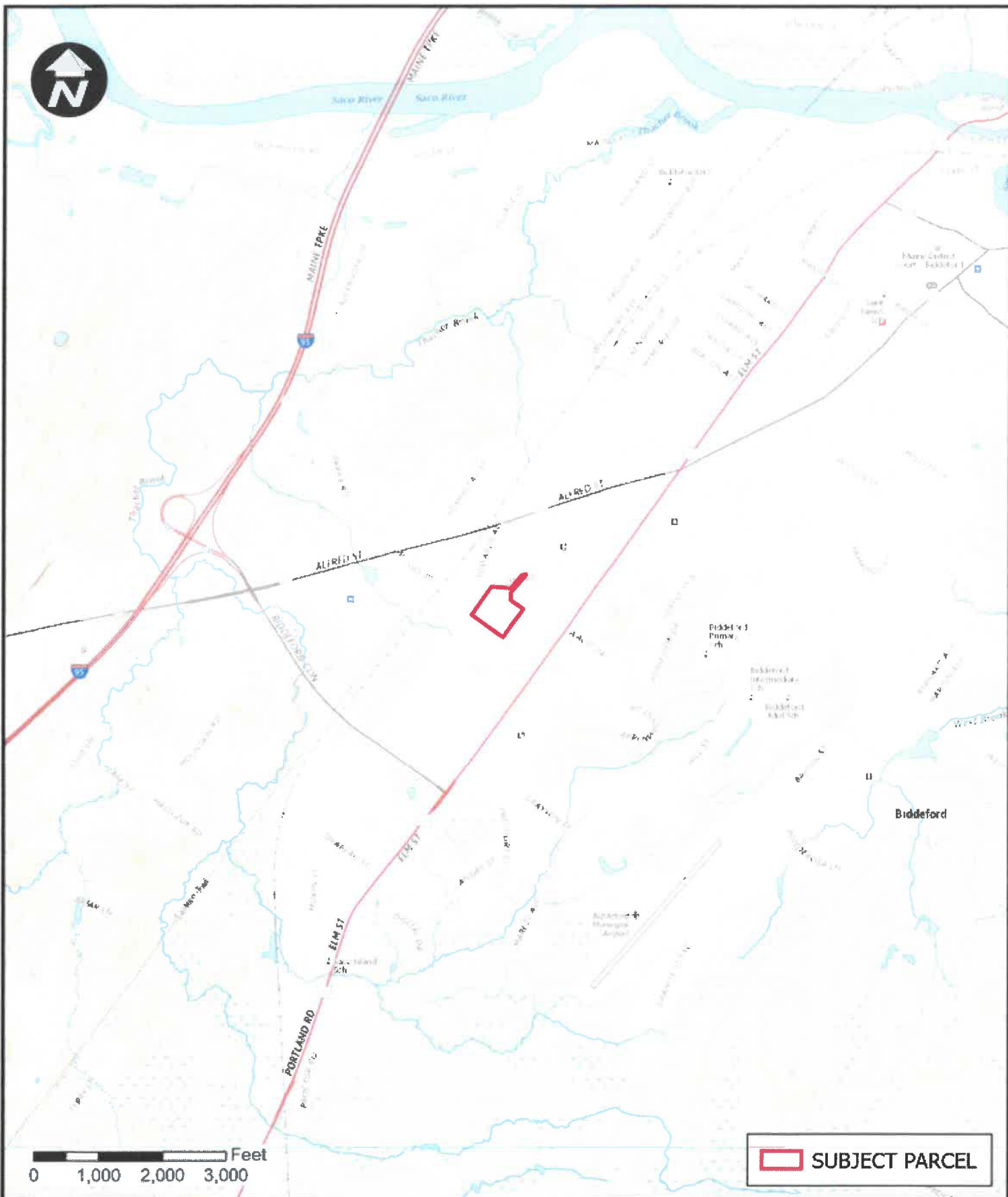
IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE) CHECKWITH PLANNING STAFF FOR CLARIFICATION.

Exhibit 2

USGS Location Map

USGS LOCATION MAP

Please see this Exhibit for USGS Location Map.



SUBJECT PARCEL

SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM
75 Echo Roberts Rd. - Suite 68
South Portland, ME 04106
Tel: 207-200-2100

**LOCATION MAP
FOR: AUBURN CONCRETE**

LOCATION:

25 COLE ROAD
BIDDEFORD, MAINE

INFORMATION:

USGS Quad Sheet: Biddeford

SCALE: 1:24,000

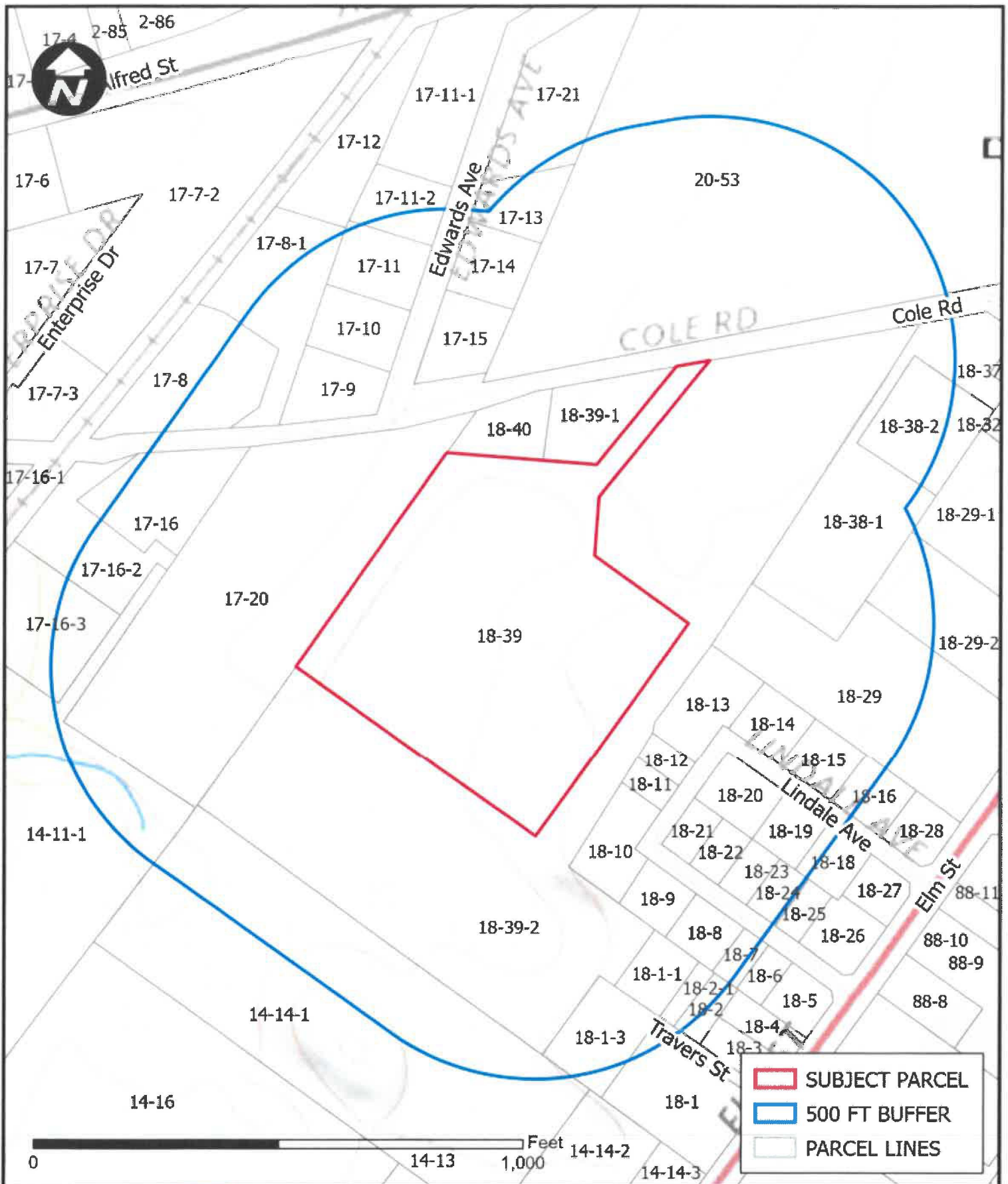
DATE: 04/09/2020

Exhibit 3

Tax Map & Abutter List

Tax Map & Abutter List

Please see this Exhibit for copies of the tax map and abutter information.



SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 6A
South Portland, ME 04106
Tel.: 207-200-2100

**ABUTTER MAP
FOR: AUBURN CONCRETE**

LOCATION:

21 COLE ROAD
BIDDEFORD, MAINE

INFORMATION:

USGS Quad Sheet: Biddeford

SCALE: 1:3,136

DATE: 04/09/2020

17-20

St Demetrios Cemetery

23 Cole Rd

Biddeford, ME 04005

17-16-3

Richard M Lowe

861 Harold L Dow Highway

Elliot, ME 03903-3109

17-16-2

Karen M Martin

31 Cole Road

Biddeford, ME 04005

17-16

St Demetrios Hellenic Orthodox Cemetery Assoc

P.O. Box 205

Biddeford, ME 04005-0205

17-9

Webber Hospital Association

Dbasouthern Maine Health Care

P.O. Box 626

Biddeford, ME 04005

17-10

Muriel M. & Ronald R. Desmarais

3 Edwards Ave

Biddeford, ME 04005-3709

17-11

Raymond C Patoine & Susan Gagnon

103 Thompson Road

Arundel, ME 04046

17-11-2

Shawn & Dennis Girard

P.O. Box 360

Limerick, ME 04048

17-15

Lori A. Delano

18 Cole Road

Biddeford, ME 04005

17-14

Edward P. & Cindy L Caron

8 Edwards Ave

Biddeford, ME 04005-3753

17-13

Roberge Construction, Inc.

P.O. Box 18

Biddeford, ME 04005-0018

17-21

Westview Plaza Inc.

c/o Roberge Construction Co

P.O. Box 18

Biddeford, ME 04005-0018

20-53

Greenwood Cemetery

P.O. Box 1323

Biddeford, ME 04005-1323

18-40

Alexsandro S & Ann M Carbone

19 Cole Road

Biddeford, ME 04005-3708

18-39-1

Roland R & Mary Beth Nolette

15 Cole Road

Biddeford, ME 04005

18-39-2

Cole Road Properties LLC

61 Harding St

Biddeford, ME 04005

18-37

Tom Sangillo

48 Alfred St

Biddeford, ME 04005

18-38-2

Ronald Madore, Inc

7 Island View Dr

Biddeford, ME 04005

8-38-1

1 Ronald Madore, Inc

7 Island View Dr

Biddeford, ME 04005

18-29

Covehead Bay Holdings, LLC

48 Oceanside Dr

Saco, ME 04072

18-29-2

Atlas Memorial, Inc

400 South Stewart St

Sonora, CA 95370

18-13

Everett & Lorina Boucouvalas

P.O. Box 2337

Biddeford, ME 04005-2337

18-14

Larry & Priscille Hetzel

8 Lindale Ave

Biddeford, ME 04005-4204

18-15

Donald & Suzanne Lavigne

6 Lindale Ave

Biddeford, ME 04005-4204

18-16

Joyce Ladderbush

4 Lindale Ave

Biddeford, ME 04005

18-11

Denise Pitt

16 Lindale Ave

Biddeford, ME 04005

18-12

John & Doris Mcauliffe

14 Lindale Ave

Biddeford, ME 04005-4204

18-10

Bruce & Lisa Quigley

18 Lindale Ave

Biddeford, ME 04005-4214

18-20

Glenn & Cheryl Labrecque

7 Lindale Ave

Biddeford, ME 04005-4203

18-19

Gilles & Geraldine Lauzon

24 Bay Ave

Saco, ME 04072

18-18

Bryce Cloward

3 Lindale Ave

Biddeford, ME 04005

18-21

Jamie Andrews & Daniel Manson

11 Lindale Ave

Biddeford, ME 04005

18-22

Timothy Foley

13 Lindale Ave

Biddeford, ME 04005

18-23

ANDRE J & MICHELINE GOULET

15 LINDALE AVE

BIDDEFORD, ME 04005

18-24

RAYMOND H & FRANCES M NADEAU

17 LINDALE AVE

BIDDEFORD, ME 04005-4214

18-9

DIANE E NASON

20 LINDALE AVE
BIDDEFORD, ME 04005

18-8

DAVID F BURLEY

22 LINDALE AVE
BIDDEFORD, ME 04005

18-7

BENNIE RAYE JONES

24 LINDALE AVE
BIDDEFORD, ME 04005

18-2-1

ERICA L SNOW

44 JONES CREEK DR
SCARBOROUGH, ME 04074

18-2

THOMAS R DANIS

10 TRAVERS ST
BIDDEFORD, ME 04005-4210

18-1-1

JON B HALL

14 TRAVERS ST
BIDDEFORD, ME 04005-4210

18-1-3

JON B HALL

14 TRAVERS ST
BIDDEFORD, ME 04005-4210

18-1

VALERIE L NOLETTE

15 GEORGETOWN DR
BIDDEFORD, ME 04005

14-4-1

SOUTHPARK LLC

26 RIVER'S EDGE DR
KENNEBUNK, ME 04043

14-11-1

CITY OF BIDDEFORD

PO BOX 586
BIDDEFORD, ME 04005

Exhibit 4

Financial Capacity/Performance Guarantee

Financial Capacity

Please see this Exhibit for a letter of financial capability from the applicant's financial institute. Additional financial information can be provided as necessary.



April 10, 2020

Re: Financial Strength Statement

To: Whom It May Concern,

This letter is to inform you that R.A. Cummings, Inc. dba Auburn Concrete has been a valued client of Androscoggin Bank since 2002. In that time they have demonstrated fiscal responsibility and all accounts are in good standing with the bank.

Thank you,

Jenny K. Flagg

AVP, Commercial Portfolio Manager

Androscoggin Bank

P.O. Box 1407 Lewiston, ME 04243-1407

207-376-3541

Exhibit 5

Right, Title or Interest

Right, Title, or Interest

Please see this Exhibit for a copy of:

- Record property deed of parcel
- Lease agreement between Auburn Concrete and Dragon Products Company, Inc.

WARRANTY DEED

ECCO CONCRETE, INC., a Maine corporation having a place of business in Biddeford, Maine, for full value and consideration paid, hereby grants to **DRAGON PRODUCTS COMPANY, INC.**, a Delaware corporation with a principal place of business at 38 Preble Street, Portland, Maine 04101, with warranty covenants, the following real estate:

A certain lot or parcel of land, with the buildings and improvements located on it, located on and south of Cole Road in the City of Biddeford, York County, Maine, bounded and described as follows:

Beginning on the south side of Cole Road at an iron rod or pipe found at the east corner of land conveyed to Nolette by 1985 deed recorded in Book 3646, Page 173;

Thence South 55° 26' 07" West, along land of Nolette, 194.73 feet to an iron rod or pipe found at the south corner of the land conveyed to Nolette;

Thence North 65° 27' 51" West, along land of Nolette and land conveyed to Dartt in Book 3151, Page 151, 312.40 feet to an iron rod to be set at land now or formerly of St. Demetrios Cemetery;

Thence South 55° 24' 24" West, along the land of the Cemetery, 471.10 feet to an iron rod to be set;

Thence South 27° 07' 12" East, along remaining land of Ecco Concrete, 662.21 feet to an iron rod to be set about 50 feet from land now or formerly of O'Brien;

Thence North 53° 12' 46" East, along remaining land of Ecco Concrete, 379.13 feet;

Thence North 55° 53' 17" East, along remaining land of Ecco Concrete, 158.14 feet to an iron rod to be set;

Thence North 47° 07' 02" West, along remaining land of Ecco Concrete, 243.47 feet to an iron rod to be set;

Thence North 24° 52' 49" East, along remaining land of Ecco Concrete, 172.52 feet to an iron rod to be set;

Thence North 55° 26' 07" East, along remaining land of Ecco Concrete, 329.74 feet to an iron rod to be set at Cole Road;

Thence North 79° 44' 17" West, along Cole Road, 70.93 feet to the point of beginning.

MAINE R.E. TRANSFER TAX PAID

Containing 8.309 acres, more or less. Bearings are magnetic north 1993 based on a June 17, 1998 survey plan by Paul P. Gadbois, RLS.

TOGETHER WITH an appurtenant easement for access to Cole Road by all means and for the installation, use and maintenance of utility services, over land formerly of Dartt, over an area of land which is 50 feet wide and 80 feet long, more or less, located on the west side of the former Dartt property and generally southeast of the land of the Cemetery. Being the same easement reserved by Arthur Croteau in the 1955 deed recorded in Book 1272, Page 552, the same easement conveyed to Lucienne Bourque by 1955 deed recorded in Book 1272, Page 553, and the same easement conveyed to Ecco Concrete, Inc. by 1990 deed recorded in Book 5448, Page 232. Also releasing to the Grantee, with quitclaim covenant only, all right, title and interest in any other easement claim for the use of the gravel drive now or formerly used to provide access to the 8.308 acre parcel described above.

RESERVING, HOWEVER, to Ecco Concrete, Inc., its successors and assigns, for the benefit of its remaining land to the southwest of the parcel described above ("Retained Land"), an appurtenant easement over a strip of land between Cole Road and the Retained Land, and the portion of the 8.309 acre parcel described above affected by this reserved easement is further described as follows:

Beginning at an iron rod to be set at the west corner of land formerly of Dartt located approximately 80 feet southwest of Cole Road;

Thence South 55° 24' 24" West, along land of the Cemetery, 471.10 feet to the Retained Parcel;

Thence South 27° 07' 12" East, along the Retained Parcel, 65+ feet to point located 65 feet from the last course on the line drawn perpendicular to it;

Thence North 55° 24' 24" East, across the 8.308 acre parcel described above, 245.94 feet;

Thence North 34° 35' 36" West, across the 8.308 acre parcel described above, 15.00 feet;

Thence North 55° 24' 24" East, across the 8.308 acre parcel described above, 263.58 feet to land formerly of Dartt;

Thence North 65° 27' 51" West, along land formerly of Dartt, 50+ feet to the point of beginning.

PROVIDED, HOWEVER that nothing shall be done by the holder of this reserved easement to interfere with the use and enjoyment of the existing building located partially within the 50 foot wide portion of this easement area, as shown on the 1998 survey plan described above.

This reserved easement shall be for access for all means and for installation and maintenance of utility services, over the portion of the 8.308 acre parcel described above and the easement on the former Dartt land described in the preceding paragraph, to be used in common with the owner of the 8.308 acre parcel described above, but subject, however, to the following conditions:

- a. The easement may only be used for the benefit of the Retained Land and may not be used for the benefit of any other land, without the express written consent of the owner of the 8.308 acre parcel described above.
- b. The existing gravel road will remain in its current condition and will not be changed or altered, without the express written consent of the owner of the 8.308 acre parcel described above.
- c. The holder of the easement shall not interfere with the operations of the owner or occupant of the 8.308 acre parcel described above, and the use of the easement may be so limited in the sole discretion of the owner or occupant of the 8.308 acre parcel described above.
- d. Should the Retained Land ever obtain other reasonable access to any public road, either directly or by being combined with any adjacent land to the south or west of the Retained Land, then this easement shall automatically terminate, and the holder of the easement shall sign and deliver a recordable Release of this reserved easement to the owner of the 8.308 acre parcel described above.
- e. The owner of the Retained Land shall make no use of the former Dartt parcel which overburdens the existing easement(s) across the former Dartt parcel.

TOGETHER WITH an appurtenant easement over the following parcel of land to the southeast of the parcel described above:

Beginning at the south corner of the 8.308 acre parcel described above, at the iron rod to be set located about 50 feet from the west corner of land now or formerly of O'Brien;

Thence South 27° 07' 12" East, along remaining land of Ecco Concrete, 50.72 feet to an iron rod to be set at the west corner of land of O'Brien;

Thence North 53° 12' 46" East along land of O'Brien, land now or formerly of Pitt, land now or formerly of Ross and land now or formerly of Van Romakarof, 386.48 feet;

Thence North 55° 53' 17" East, along land now or formerly of Van Romakarof and land now or formerly of Methot Buick, 168.48 feet to an iron rod or pipe found;

Thence North 47° 07' 02" West, along remaining land of Ecco Concrete, 51.12 feet to an iron rod to be set at the 8.308 acre parcel described above;

Thence South 55° 53' 17" West, along the 8.308 acre parcel described above, 158.14 feet;

Thence South 53° 12' 46" West, along the 8.308 acre parcel described above, 379.13 feet to the point of beginning.

This easement shall give the owner of the 8.308 acre parcel described above the exclusive use and enjoyment of the area described above for all lawful purposes.

Furthermore, should the Retained Parcel ever be combined with other adjacent land providing "lot frontage" for the Retained Land under the City of Biddeford Zoning Ordinance ("Permitted Lot Frontage"), or should the Retained Land ever obtain Permitted Lot Frontage along any private road (which may be provided by the owner of the 8.308 acre parcel described above over the 50 foot wide access and utility easement to the Retained Land reserved above), or should Permitted Lot Frontage no longer be necessary due to a change in the Biddeford Zoning Ordinance, then the owner of the servient estate shall convey this 50 foot wide parcel of land to the holder of the easement at no additional consideration, by warranty deed, with good and marketable title in accordance with the Maine State Bar Association Title Standards.

TOGETHER WITH an 18 foot wide access and utility services appurtenant easement leading from the 8.308 acre parcel and the 50 foot wide exclusive easement described above to Lindale Avenue, further described the 1968 deed recorded in Book 1829, Page 254, but subject to the conditions set forth in that 1968 deed. The Grantor does not reserve any rights in this 18 foot wide easement for itself or its successors and assigns, as it intends to convey the exclusive right to use this easement to the owner of the 8.308 acre parcel described above.

TOGETHER WITH any appurtenant easement and right of way, if any, that the Grantor may have in the "Old Post Road" as described in the 1950 deed to Lucien A. Bourque recorded in Book 1162, Page 349, and further described in the 1963 deed to Lucien Bourque, Inc. recorded in Book 1548, Page 20, fifth parcel.

Being a portion of the premises described in a 1990 Deed from Lucien Bourque, Inc. recorded in Book 5447, Page 41, including the parcel described in a June 17, 1998 Correcting Deed from Lucienne Bourque recorded in Book 8855, Page 347, and the same easement described in the 1990 Deed from Lucienne Bourque recorded in Book 5448, Page 232.

SUBJECT, HOWEVER, to 1951 utility easements given by Central Maine Power Company and New England Telephone & Telegraph Company recorded in Book 1179, Page 352 and Book 1179, Page 353.

SUBJECT, HOWEVER, to real estate taxes assessed April 1, 1998, which the grantee assumes and agrees to pay.

BK8968 PG184

Dated: June 18, 1998

Ecco Concrete, Inc.



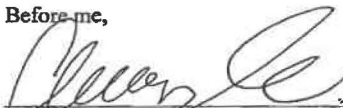
By: 
Earle A. Cianchette, President

State of Maine
County of Cumberland, ss.

June 18, 1998

Earle A. Cianchette personally appeared before me and acknowledged that he is the President of Ecco Concrete, Inc. and that his signature on this deed was his free act and deed and the free act and deed of Ecco Concrete, Inc.

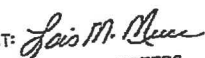
Before me,


Notary Public/Attorney-at-Law
CHRISTOPHER S. NEAGLE
Type or Print Name

DRAFT: 6-17-98 (#2)
P:\CSN\DRAGON\BIDDEFOR\DEED.WPD

Page 5 of 5

RECEIVED YORK S.S.
1998 AUG 13 P 12:57

ATTEST: 
REGISTER OF DEEDS

523 U+D

Exhibit 6

Traffic Impact

Traffic Impact

Traffic associated with the facility will consist of concrete trucks which will originate from existing company facilities, and dump trucks to provide the raw materials to create the concrete. The applicant anticipates that the average production of the facility during the months of April to December will be approximately 100 cubic yards (cy). As each concrete truck carries 7.8 cy per load, 13 concrete truck trips will be required to deliver the product. The raw materials to produce 100 cy of concrete will require 3 loads of sand, 3 loads of aggregate and 1 load of cement. Allowing for one person to operate the plant and another to operate the front end loader, the total vehicle trips associated with the operation during an average day would consist of the 2 personal vehicles arriving and leaving for the operators for 4 trips, the 13 concrete truck trips leaving full and returning empty for 26 trips and the 7 dump trucks arriving full and leaving empty for 14 additional trips for a total of 44 vehicle trips per day.

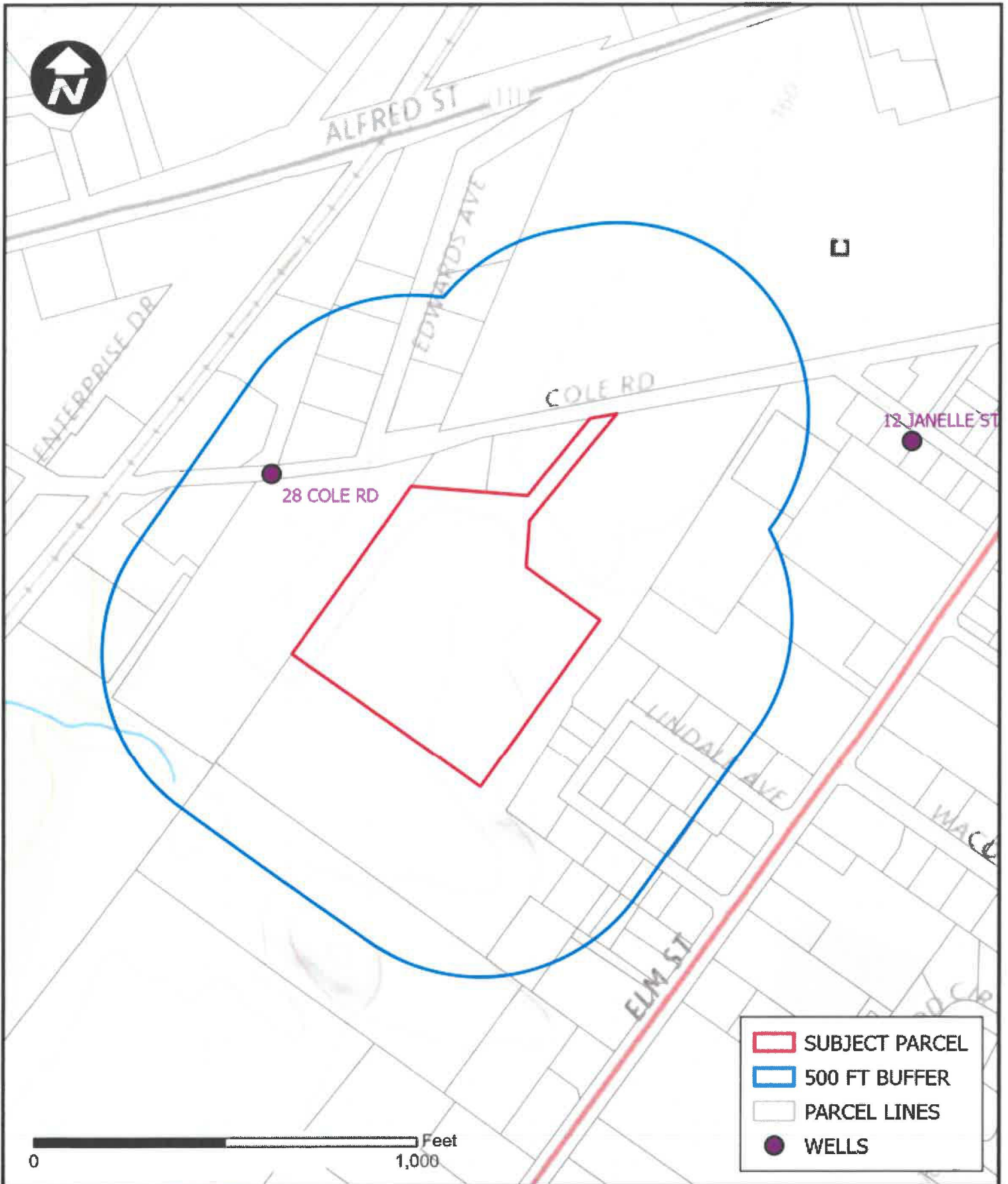
Exhibit 7

Wells within 500'

Wells within 500'

There one well located within 500' of the subject site. The well is a domestic well located northwest of the subject site at 28 Cole Road. The Maine State well database has a drill date of March 2018.

Please see this Exhibit for a figure showing the location of all wells within 500'



SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

WELL PROXIMITY MAP FOR: AUBURN CONCRETE

LOCATION:

21 COLE ROAD
BIDDEFORD, MAINE

INFORMATION:

USGS Quad Sheet: Biddeford

SCALE: 1:4,000

DATE: 04/09/2020

Exhibit 8

Photographs of Site



SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM

75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

AERIAL PHOTO - APRIL 7, 2020
OF

LOCATION: 21 COLE ROAD
BIDDEFORD, MAINE

FOR: AUBURN CONCRETE
82 GOLDTHWAITE ROAD
AUBURN, MAINE 04211

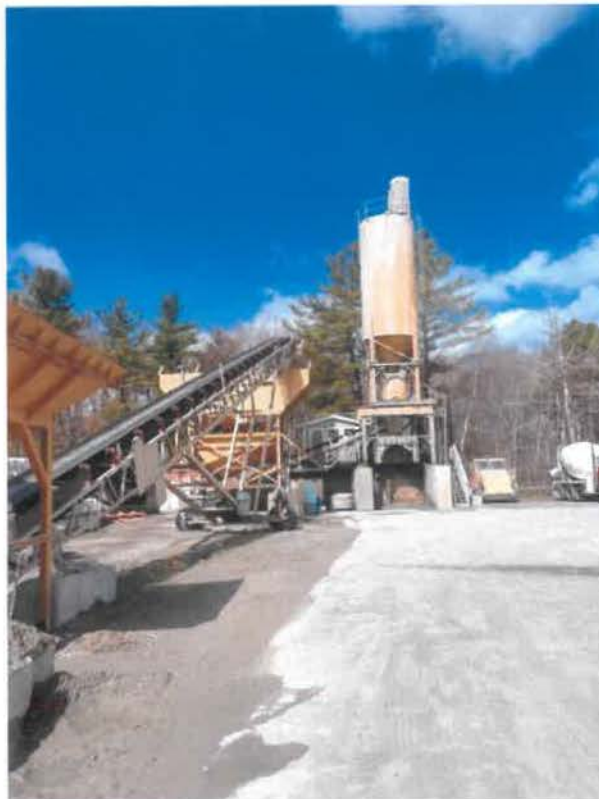
SCALE: 1"=100'

DATE: 4/15/20

SHEET:
1 OF 1

109

Site Photographs



Photographs

Please see this Exhibit for photographs of the project area.

Exhibit 9

Lighting Specifications

Lighting Specifications

No new lighting is proposed for the project site.

Exhibit 10

Elevations

Elevations

No new buildings are proposed in association with this application. The existing plant and silos will be updated and utilized, the existing building will be demolished and a trailer will be located next to the plant for storage of admixtures required for concrete mixes.

Exhibit 11

Performance Standards

Review Criteria & Performance Standards

Review Criteria

The proposed project has been designed to be in compliance with the review criteria of the City Ordinance:

- The proposed project will not unreasonably result in unsafe or unhealthful conditions;
- The proposed project will not unreasonably result in erosion or sedimentation;
- The proposed project will not unreasonably result in water pollution nor adversely affect existing groundwater, springs, ponds, rivers, brooks or streams;
- The proposed project will conserve natural beauty in keeping with the rehabilitation provisions of Subsection 11 of this section.
- The proposed project will not adversely affect public ways;
- The proposed project will not adversely affect surrounding properties;

Performance Standards

- A. Excavation shall not occur within five feet of the seasonal highwater table. If standing water already exists in the excavated area, no further excavation that would result in an increased area of standing water shall be allowed. The Planning Board may allow excavation to extend to or below the water table and an area of standing water may be increased through excavation if such excavation is approved by the Maine Department of Environmental Protection (MDEP).*

The proposed project involves the expansion of an existing facility where no extraction of materials occurs or is proposed. No excavation will occur within five feet of the seasonal highwater table.

- B. At least one pit or monitoring well must be maintained on each five acres of excavation. Said pit or well shall be available to public officials or their agents should data on either water table elevation or water quality be deemed necessary to adequately monitor the operation's impact on groundwater.*

Not Applicable. No extraction occurs on site or is proposed for the expanded site.

- C. The following setbacks must be maintained between the excavation and a water supply in existence prior to the excavation:*

- 1. Dug well or point-driven well: 300 feet.*
- 2. Well drilled into saturated bedrock: 150 feet.*

3. *Public water supply serving 500 or fewer persons: 500 feet.*

4. *Public water supply serving more than 500 persons: 1,000 feet.*

There is no proposed excavation to be done on site. There is one well that is approximately 300 feet from the project boundary limits, please see the attached Exhibit 7.

D. *All fuels or hazardous materials must be stored within spill-proof secondary containment with sufficient capacity to contain 110% of the volume of the single largest container. Equipment refueling and oil changes must take place over impervious surfaces. Routine maintenance operations are allowed for fixed equipment such as screens, crushers and wash facilities, provided that precautionary measures such as portable drip pans or vacuum devices are used. The applicant shall further detail what measures he/she is prepared to take in the event of a fuel or hazardous materials spill.*

Any fuel or hazardous materials that are proposed to be stored on site will be done so in compliance with the requirements of 40 CFR 112 of the Code of Federal Regulations as well as any applicable State or local requirements.

E. *No part of any extraction operation shall be permitted within 100 feet of any property line or right-of-way. Natural buffer strips shall be maintained between the excavation and adjacent natural and man-made features. If vegetation within a natural buffer strip was removed or disturbed by the excavation before it became subject to this ordinance, the vegetation shall be reestablished in a manner that conforms to the screening requirements of this section before any additional excavation takes place.*

Natural buffer strips shall be required as follows:

1. *Great pond, river or coastal wetland: 250 feet.*
2. *Stream, brook or freshwater wetland: 250 feet.*
3. *Public road right-of-way: 100 feet.*
4. *Private road right-of-way: 50 feet.*
5. *Property boundary: 75 feet.*

The proposed facility will not involve the extraction of material from the site. Please see the plan set for information on proposed setbacks and buffering.

F. *Except for access roads and grubbed areas, all reclaimed and unreclaimed areas must be naturally internally drained unless the applicant prepares a stormwater management plan that demonstrates to the satisfaction of the Planning Board that surface water discharges from areas that are not internally drained will not be increased as a result of stormwater runoff from storms up to a level of intensity of a twenty-five-year, twenty-four-hour storm.*

It is the intent of the applicant either via the existing topography or by minor

regrading of areas of the site, to assure that all active areas of the operation are internally drained.

- G. Topsoil stockpiles to be used for reclamation must be seeded, mulched or stabilized, grubbed areas must be stabilized and all disturbed portions of the subject parcel must be protected from erosion and sedimentation by a plan approved by the Planning Board and in conformance with the Maine Erosion and Sediment Control Handbook Best Management Practices, March, 1991, or as amended.*

Erosion control on the site will be managed in accordance with the Maine Erosion and Sediment Control Handbook Best Management Practices. Please see the plan set for more detailed information on erosion control at the site.

- H. Sufficient sight distance shall be provided at the intersection of the access road with a public or private road. At a minimum, sight distance shall be 10 feet for every mile per hour of posted speed limit on the public or private road. Points of access of the excavation operation onto public or private roads must be located, posted and constructed in accordance with the standards for roadways adopted in Chapter 62, Streets, Sidewalks and Other Public Places, of the City's Revised Code of Ordinances.*

The proposed project will utilize an existing access road. The posted limit along Cole Road is 25 mph. Please see the site plan for site distance information.

- I. Hours of operation shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturdays. No Sunday operation is permitted. Hours of operation for blasting operations shall be according to Chapter 34, Environment, Article V, Blasting. The hours of operation may be further restricted by the Planning Board if it is determined that the above-listed hours of operation will unreasonably interfere with residential uses in existence at the time an application for an excavation permit is determined to be complete. In the event of an emergency request for sand or gravel from public safety officials, the Code Enforcement Officer may temporarily authorize alternative hours of operation. Use of the property upon which the extraction operation occurs shall be restricted to activity related to the extraction operation.*

NO actual extraction of materials will occur with the proposed operation. Instead, aggregates will be trucked into the facility for use in the processing concrete for use in local construction projects. As the proposed business does not actually extract material the applicant would appreciate consideration to determine if the hours of operation requirements are mandatory for this operation.

- J. Noise levels generated by an extraction operation shall be regulated by Chapter 34, Article III, Noise, of the City of Biddeford Revised Code of Ordinances*

There will be no extraction processes as part of the proposed project. Any noise generated at the site will be in compliance with the noise ordinance of the City of Biddeford.

- K. The access road and internal roadways shall be treated to control dust as necessary with water or calcium chloride. The access road leading from the excavation site to a public road shall be paved for a distance of no less than 100 feet from its intersection with the public road.*

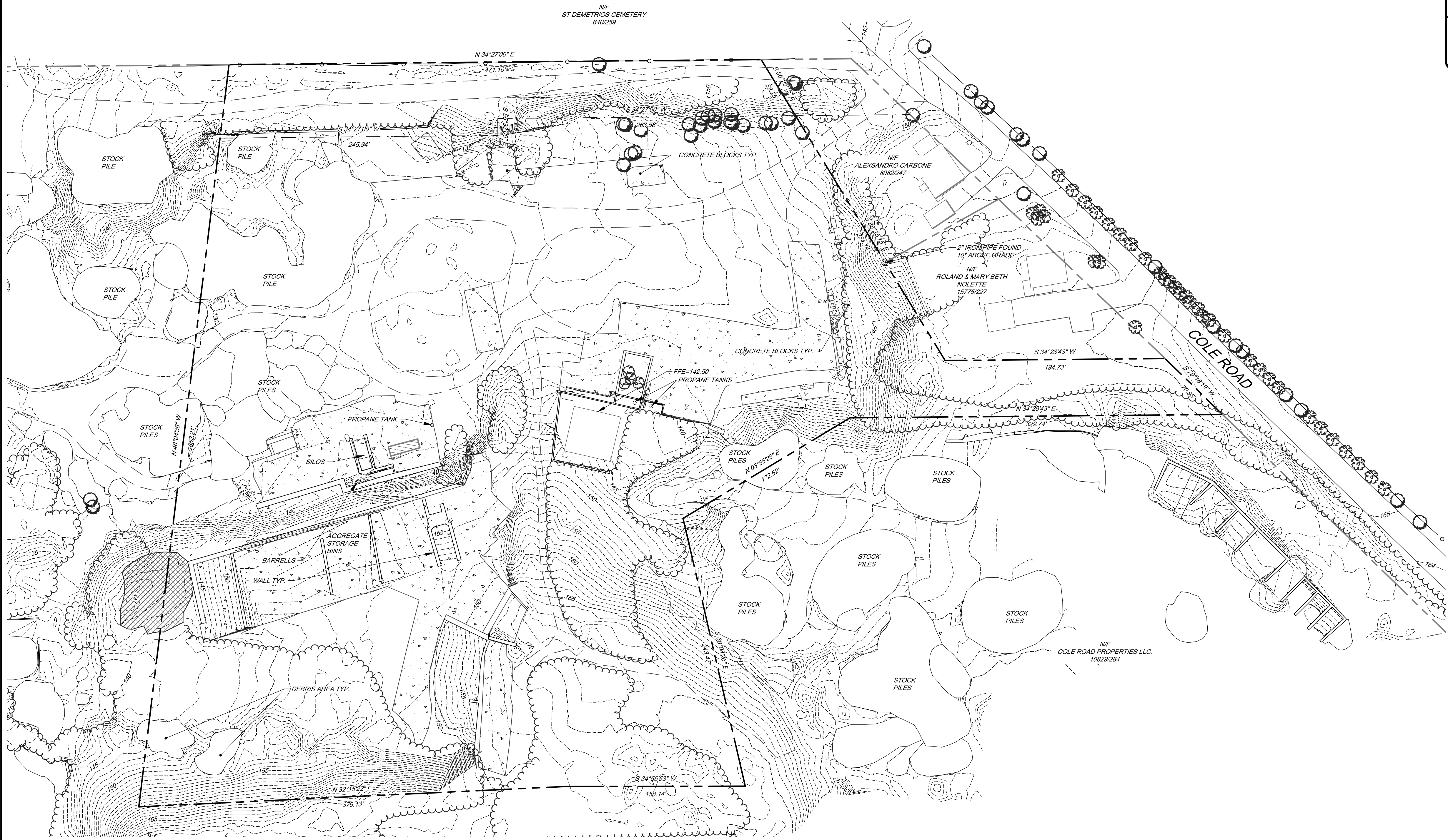
The access road will be treated with water or calcium chloride as needed to control dust.

- L. Loaded vehicles shall be in accordance with Maine Revised Statutes Annotated*

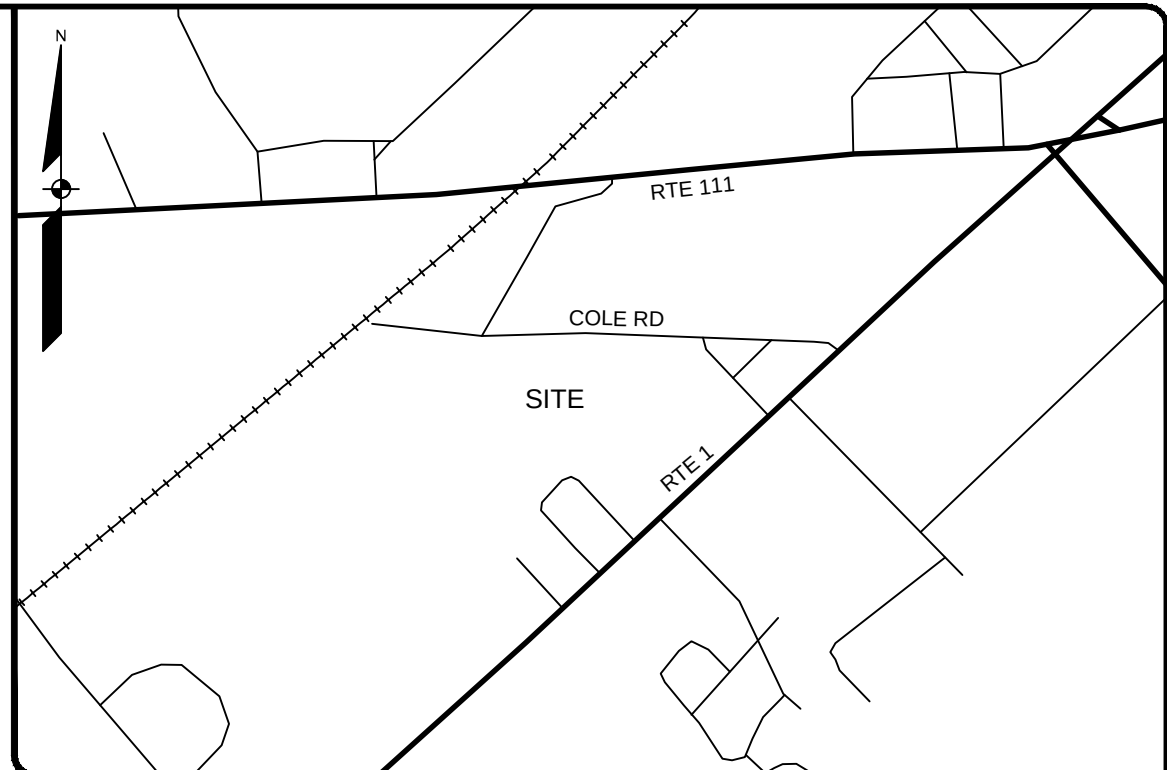
Loaded vehicles will be done so in accordance to State regulations.

- M. No blasting shall be done as part of any excavation operation except in accordance with Chapter 34, Environment, Article V, Blasting.*

There is no proposed blasting as part of this project, either in development or daily operation.



EXISTING	
_____	PROPERTY LINE/R.O.W.
_____	ABUTTER LINE/R.O.W.
⊙	IRON PIPE ROD
N/F	NOW OR FORMERLY
////	BUILDING
_____	DECK/STEPS/ OVERHANG
	LEDGE
_____	EDGE CONCRETE
_____	EDGE PAVEMENT
_____	EDGE GRAVEL
~~~~~	TREELINE
~~~~~ -120' ~~~~~ -118' ~~~~~	CONTOURS
—○—	CHAIN LINK FENCE
	DECIDUOUS TREE
	CONIFEROUS TREE
—○—	UTILITY POLE



N.T.S.

1. THE RECORD OWNER OF THE PARCEL IS DRAGON PRODUCTS COMPANY INC. BY DEED DATED AUGUST 13, 1998 AND RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS (YC RD) IN BOOK 8668, PAGE 180.
2. THE PROPERTY IS SHOWN AS LOT 39 ON THE CITY OF BIDEFORD TAX MAP 18 AND IS LOCATED IN THE GENERAL INDUSTRIAL (I1) DISTRICT.
3. SPACE AND BULK CRITERIA FOR THE I1 DISTRICT ARE AS FOLLOWS:
NET RESIDENTIAL DENSITY:
MINIMUM LOT SIZE:
MINIMUM STREET FRONTAGE:
MINIMUM FRONT YARD:
MINIMUM SIDE YARD:
MINIMUM REAR YARD:
MAXIMUM BUILDING HEIGHT:
MAXIMUM BUILDING COVERAGE:
* SEE ORDINANCE FOR MORE PARTICULAR INFORMATION.
4. TOTAL AREA OF PARCEL IS APPROXIMATELY 8.31 ACRES.
5. BOUNDARY INFORMATION SHOWN HEREON IS BASED SOLELY UPON PLAN REFERENCE A AND FOUND MONUMENTATION.
6. TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON UAV PHOTOGRAPHY PERFORMED BY SEBAGO TECHNICS, INC. IN APRIL OF 2020.
7. PLAN REFERENCES:
 - A. STANDARD BOUNDARY SURVEY FOR ECCO CONCRETE, COLE ROAD, BIDEFORD, MAINE, BY PAUL P. GADBOIS, ENGINEERING, SURVEYING, LAND PLANNING, PROJECT NUMBER 578, DATED JUNE 17, 1998.
 - B. STANDARD BOUNDARY SURVEY FOR ECCO CONCRETE, COLE ROAD, BIDEFORD, MAINE BY PAUL P. GADBOIS ENGINEERING, SURVEYING, LAND PLANNING, PROJECT NUMBER 578 DATED SEPTEMBER 10, 1993.
8. PLAN ORIENTATION IS GRID NORTH. MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802-NAD83. ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON DUAL FREQUENCY GPS OBSERVATIONS.
9. UTILITY INFORMATION DEPICTED HEREON, IS BASED UPON UAV PHOTOGRAPHY AND HAS NOT BEEN FIELD VERIFIED.
10. THE LOCUS PROPERTY AS DEPICTED HEREON DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD OR UNDEVELOPED ON THE FLOOD INSURANCE RATE MAP FOR BIDEFORD, MAINE, YORK COUNTY, COMMUNITY PANEL NUMBER 230145 0008 B, HAVING AN EFFECTIVE DATE OF MAY 15, 1994. THE LOCUS FALLS WITHIN AN AREA IDENTIFIED AS ZONE C, AREAS OF MINIMAL FLOODING.
11. NO WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT.

	B	SMP	04-15-20	SITE PLAN SUBMISSION TO CITY
	A	MWE	4/13/2020	PROGRESS PRINT FOR REVIEW
	REV:	BY:	DATE:	STATUS:
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.				

REV:	BY:	DATE:	STATUS:
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THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, ADDITIONS, DELETIONS, OR OTHER CHANGES TO THIS PLAN SHALL BE APPROVED BY SEBAGO TECHNICS, INC. IN WRITING. ANY ALTERATIONS, ADDITIONS, DELETIONS, OR OTHER CHANGES TO THIS PLAN SHALL BE APPROVED BY SEBAGO TECHNICS, INC. IN WRITING.



75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

EXISTING CONDITIONS PLAN
OF:
DRAGON PRODUCT SITE

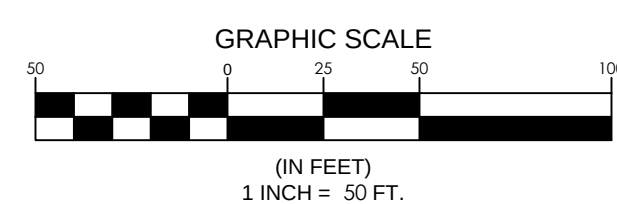
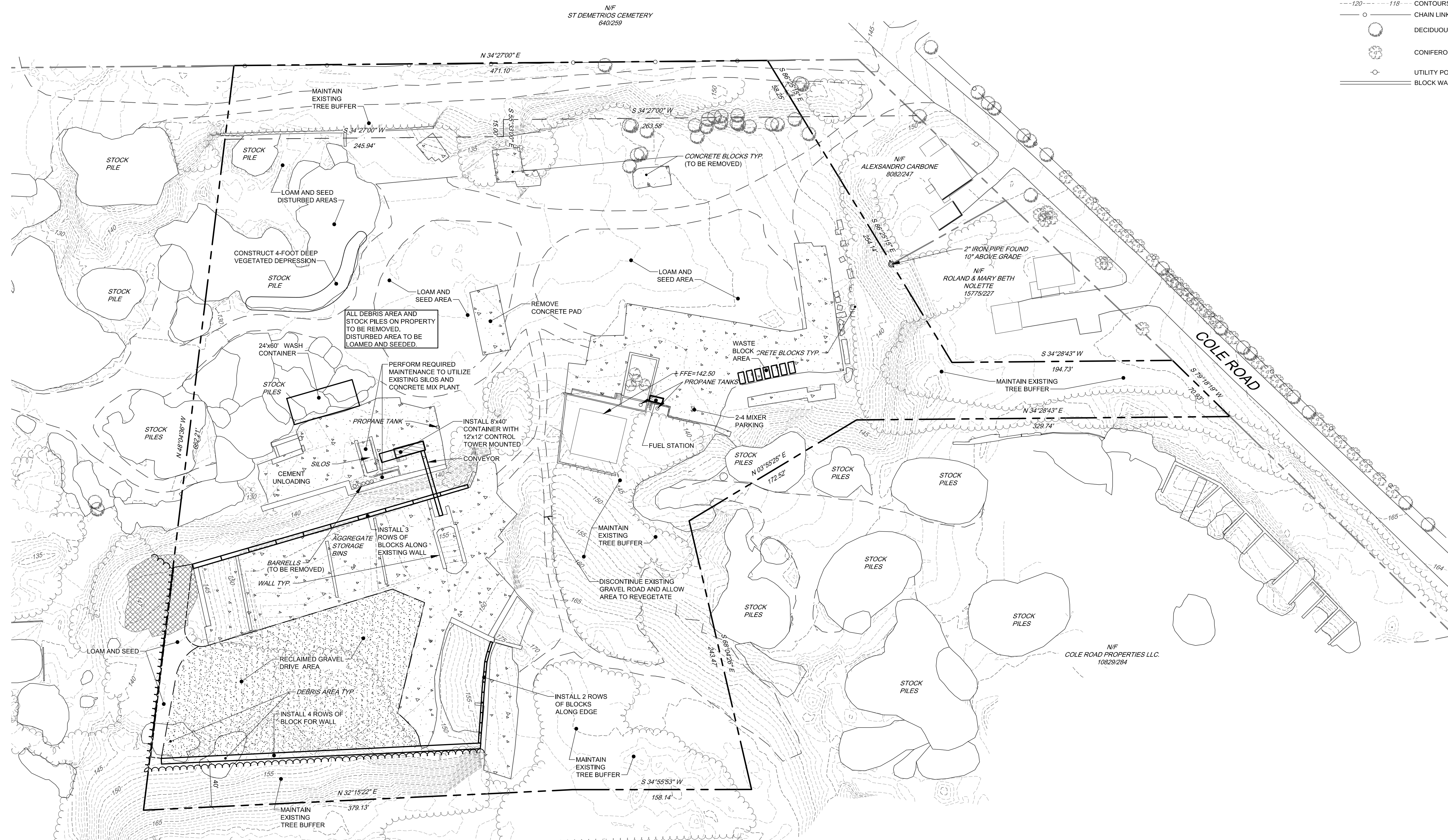
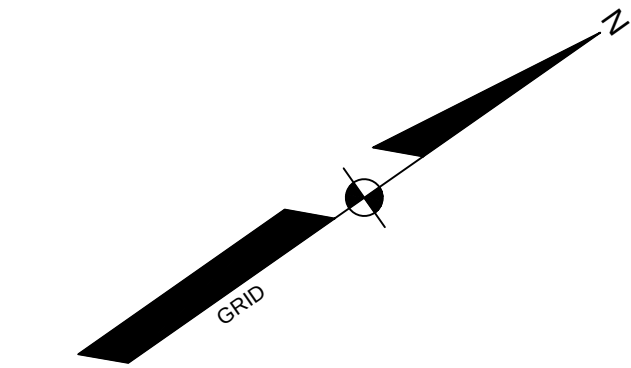
BIDDEFORD, MAINE
FOR:
AUBURN CONCRETE
PO BOX 1747, 82 GOLDTHWAITE ROAD
AUBURN, MAINE 04213

DESIGNED	-
DRAWN	KAH/TS�
CHECKED	MWE/TS�
DATE	4/10/2020
SCALE	1" = 50'
PROJECT	20142

SHEET 1 OF 2

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT WAS DONE IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

MATTHEW W. EK, PLS 2117 DATE _____



EXISTING	DESCRIPTION	PROPOSED
—	PROPERTY LINE/ R.O.W.	
—	ABUTTER LINE/ R.O.W.	
—	IRON PIPE/ROD	
N/F	NOW OR FORMERLY	
	BUILDING	
	DECK/STEPS/ OVERHANG	
	LEDGE	
—	EDGE PAVEMENT	
—	EDGE GRAVEL	
	TREELINE	
- - - 120' - - - 118' - - -	CONTOURS	
—	CHAIN LINK FENCE	
○	DECIDUOUS TREE	
	CONIFEROUS TREE	
—○—	UTILITY POLE	
—	BLICK WALL	

[illegible]

SEBAGO
T E C H N I C S
WWW.SEBAGOTECHNICS.COM

75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-206-2100

SITE PLAN
OF
DRAGON PRODUCT SITE
21 COLE ROAD
LEWISBORO, MAINE
FOR:
AUBURN CONCRETE
PO BOX 1747, 82 GOLDTHWAITE ROAD
AUBURN, MAINE 04211.

DESIGNED	SMF
DRAWN	MAL
CHECKED	SMF
DATE	04-15-20
SCALE	1" = 50'
PROJECT	20142