City of Biddeford
Planning Board
May 17, 2023 6:00 PM City Hall
Council Chambers, & Zoom
https://biddeford.zoom.us/j/91806868082?pwd=UVpYZFJldlNYTVlkZCswZ1VKQzhuZz09
Webinar ID 918 0686 8082; Passcode 322709

STATUS: Planning Board Meeting, Wednesday, May 17, 2023 City Council Chambers & Zoom

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

3. ADJUSTMENTS TO THE AGENDA

4. PLANNER'S BUSINESS

5. CONSENT AGENDA

5.A. Approval of Meeting Minutes from May 3, 2023
PB Minutes 050323-DRAFT.pdf

6. UNFINISHED BUSINESS

7. NEW BUSINESS

7.A. 2023.29 Sketch Plan Application for One Diamond Development, LLC to construct 477 residential units, multi-unit buildings and commercial space at 1 Diamond Street (Tax Maps 40 & 37, Lots 25-1,25-2,24,25,34 & 35) in the B1 & GD1 and in the shoreland overlay zone.

2023.29 One Diamond Master Plan SKETCH PLAN Planners Report ONE 5-9-2023.pdf
1.0 One Diamond - Sketch Plan Cover Letter 2023-04-19 18462.pdf
18462 - Full Sketch Plan Application to City of Biddeford.pdf
18462 - Plans for Sketch Review.pdf
2.0 One Diamond - Sketch Plan Rendering_2023-04-19 18462.pdf
3.0 One Diamond - Phasing 2023-04-19 18462.pdf
4.0 One Diamond Site - AB 2023-04-19 18462.pdf

7.B. 2023.32 Public meeting and take comments regarding a Greatest Practical Extent Application for Mobile Studio Design to Reconfigure 1st floor interior & deck spaces within the existing footprint and renovation of 2nd floor at 102 Hills Beach Road (Tax Map 54, Lot 84) in the CR zone and in the shoreland overlay.

102 Hills Beach Road FOF COA.pdf
102 Hills Beach Road GPE Determination DCMG PB Report.pdf
2022-05-17_Master Planning Application-ENG.pdf
Planning board letter.pdf
102 Hills Beach Documentation-compressed.pdf
102 Hills Beach Permit Set 3.1.22_compressed.pdf
Construction progress.pdf

7.C. 2021.42 Review of a 6-month extension for the Preliminary Approval of South Street Village, LLC. The project is a Manufactured Home Park at 413 South Street (Tax Map 7, Lot 8) in the RF and SR1 Zones and the MHP Overlay Zone.

Hidden Hills PLANNING BOARD REPORT Subdivision Discussion Report 5-10-2023.pdf
Application.pdf
Assessor Map.pdf
Basswood Environmental.pdf
NOD-Preliminary 12-14-22.pdf

7.D. 2022.37 Public Meeting and take comments to review a Final Plan Request for Plan East, LLC to create a 3 story apartment building with 14 affordable rental housing units in the MSRD 3 Zone at 69 Elm Street (Tax Map 40, Lot 57).

2022.37 Plan East, LLC 69 Elm St FINAL APPROVAL Report_DCMG MDOT HIGHLIGHTS MEMO.pdf
_69 Elm Street-Final Site and Sub Submission (2-8-2023).pdf
2022.37 69 Street FINAL FOF and COA.pdf
_69 Elm Street - Design Plans (5-9-23).pdf
Pages from _69 Elm Street - Design Plans (5-9-23).pdf

7.E. 2023.28 Public Hearing and take comments to review an Amended Subdivision Application for Tom Watson & Co. The property is located at 10, 20 & 30 Upper Falls Road formerly known as Gooch Street (Tax Map 40, Lots 55, 55-3, & 56-1) in the MSRD-3 Zone and in the Shoreland Zone GD-1. The applicants would like to amend the previously approved request approved in January 2023. The amendment to the application includes increasing the unit count at 20 Upper Falls Road from the previously approved 16-unit building to 20-units. The revised building will include (12) 2-bedroom units and (8) 1-bedroom units. Additionally, a division of land to formally divide 26 Upper Falls Road from 20 Upper Falls Road is included as part of the amendment request. 26 Upper Falls Road will be the location of the previously approved (11) townhomes.

2022.11 10_20_30 Upper Falls Way_Amendment SP.pdf
Cover Letter.pdf
Title Page.pdf
Amendment Application.pdf
20 UPPER FALLS ROAD 032923 PLANS AND ELEVATIONS ONLY.pdf
Site Plan - 1.pdf
Site Plan - 2.pdf
Subdivision Plat.pdf
Section 28 Traffic Overview.pdf
Army Corp of Engineers 4-28-23.pdf
NRPA 4-28-23.pdf
Section 17 Wastewater Disposal.pdf
Section 16 Water Supply.pdf

7.F. 2023.21 Public meeting and take comments regarding a Preliminary Site Plan/Conditional Use Application for True Storage, LLC to redevelop Building 36 into a Self-Storage

Facility at 32 Main Street (Tax Map 71, Lot 10-5) in the MSRD 3 zone. POSTPONED UNTIL A LATER DATE

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 Board
May 03, 2023 6:00 PM City Hall
Council Chambers, & Zoom
https://biddeford.zoom.us/j/99254547167?pwd=Z2t5OFo5L01EL3Z3M1UxL2JFYzA1UT09
Webinar ID 992 5454 7167 Passcode 514787

STATUS: Planning Board, Wednesday, May 3, 2023, 6:00 PM, City Council Chambers & Zoom

1. **PLEDGE OF ALLEGIANCE**
   Chair Patoine brought the meeting to order at 6:00 PM
2. **DECLARATION OF QUORUM/VOTING MEMBERS**
   Larry Patoine, Roch Angers, Sean Tarpey, Alexa Plotkin, Susan Deschambault, Stephen Beaudette (Associate Member, Not voting this evening)
3. **ADJUSTMENTS TO THE AGENDA**
   None
4. **PLANNER'S BUSINESS**
   Mr. Galbraith announced that Michael Cantara had resigned from the Planning Board after the last meeting. Susan Deschambault was appointed a regular member of the Planning Board last night to replace Mr. Cantara.
   MOTIONS:
   Angers-Motion-To elect Ms. Deschambault as the Vice Chair of the Planning Board
   Plotkin-Second-Motion passed unanimously
   Angers-Motion-To elect Ms. Plotkin as Planning Board Secretary
   Tarpey-Second-Motion passed unanimously

   Mr. Galbraith has other items to announce/discuss but will do so at the end of the meeting:
   - Mr. Galbraith talked to the Board about the project for One Diamond Development. He shared the plans with them early.
   - It was decided the Board will take a Site Walk of the One Diamond project on Wednesday the 17th prior to the Planning Board Meeting.
   - He mentioned that the Preliminary approval for Hidden Hills is expiring on May 17th and would like to give them an Administrative 6 month extension.
   - This was met with resistance. Mr. Tarpey suggested that there have been outsales that have created an illegal subdivision. His suggestion is to let the approval expire and have the applicant reapply from the beginning.
   - Ms. Plotkin suggested the City give the applicant their extension, have him reapply for Preliminary Approval and go from there.
   - Mr. Galbraith said he will do more research and bring it back to the Board on the 17th for a decision. Which was the consensus of the Board.

5. **CONSENT AGENDA**
   5.A. Approve Meeting Minutes from April 19, 2023
   MOTIONS: 7:10 PM
   Tarpey-Motion-To approve the Minutes for April 19th as written
   Deschambault-Second-Motion Passed unanimously

6. UNFINISHED BUSINESS

7. NEW BUSINESS

7.A. 2023.17 & 2023.18 Public meeting and take comments regarding the UNE Master Plan and dimensional standards for the IN rezone for the University of New England. The rezone dimensions will affect 1 Hills Beach Road, Map 51, Lot 11; 583 Pool Street, Map 51, Lot 10 and 590 Pool Street, Map 51, Lot 18-1 in the IN zone.

- Alan Thibeault, Vice President of University Operations for UNE represented the applicant
- One person from the public spoke reminding the staff to complete the procedures when this is approved.

  MOTIONS: 6:10 PM

  Angers-Motion-to Approve the 2023-2027 Institutional Master Plan and Dimensional Standards as presented with the understanding that staff will update the Zoning Map & Dimensional Table.

  Deschambault-Second-Motion passed unanimously

7.B. 2023.23 Shoreland Zoning Permit Application (GPE) for GL Beamon Trust to remove and reconstruct the existing non-conforming single family home at 6 Sand Dollar Haven (Tax Map 55, Lots 33) in the Coastal Residential and shoreland overlay zone.

- Mike Morse, Senior Environmental Consultant of Archipelago represented the applicant.
- The lot is approximately ½ acre.
- The plan is to remove a portion of the structure closest to the HAT line which is nonconforming and reconstruct that portion making it conforming.
- There is no other place to relocate the structure.
- There will be a change to the Conditions of Approval to be that the erosion & sedimentation fence will go up prior to construction.
- No public comments
- There was an explanation of the difference of a sea and a retaining wall.
- The existing septic was scoped and is working fine but they do not have then paperwork regarding the system. A new system has been designed and will be installed.
- This project has received DEP approval.

  MOTIONS: 6:23 PM

  Angers-Motion- To approve the Shoreland Zoning Permit (GPE) application for the proposal located on 6 Sand Dollar Haven (Tax Map 55, Lots 33), within the Coastal Residential (CR) zoning district and in the Shoreland Overlay of Limited Residential & Resource Protection, as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA), with the caveat that the silt fence does not have to be installed until construction is to begin.

  Deschambault-Second-Motion passed unanimously

7.C. 2023.23 Greatest Practical Extent for Peter Cameron Hyzer & Jennifer Hyzer to rebuild an existing house at 280 Hills Beach Road-Building 1 (Tax Map 56, Lot 18) in the Shoreland CR/RP zone.

- Chris Garland from Caleb Johnson/Woodhull represented the applicant.
- He mentioned that the original approval was in January 2022, but has expired
- The septic design has been revised.
- The house has been removed but the barn is still intact.
- The plan is to rebuild the house
- There were no public comments

  MOTIONS: 6:29 PM

  Angers-Motion- To approve the request of Cameron Hyzer & Jennifer Hyzer to rebuild an existing house at 280 Hills Beach Road-Building 1 (Tax Map 56, Lot 18) in the Shoreland CR/RP zone (Case # 2023.23) which meets the Greatest Practical Extent criteria as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA).

  Plotkin-Second-Motion passed unanimously

7.D. 2023.20 Sketch Plan Application for Travis and Lisa Wing to build a private way to standard for 3 new single family home lots and the existing lot (4 in total). Property is located at 1 Moxie Lane (Tax Map 77, Lot 22) in the SR1 & RF zones and the shoreland overlay.

- Paul Gadbois represented the applicants
- The applicants would like to create 3 new lots on a private way called Moxie Lane.
- They have received a Letter of Adequacy from the water company.
- The applicant will amend Moxie Lane to make it easier for the Fire Department to get in and out.
- The applicant conveyed 27,000 SF to 161 Guinea Road
- There is an existing septic easement benefitting 151 Guinea Road the applicant may convey that land in the future.
- No public comments

  MOTIONS: 6:38 PM

  Angers-Motion- To approve the Sketch Plan application for the proposal located at 1 Moxie Lane (Tax Map 77, Lot 22), within the Suburban Residential & Rural Farm (SR 1 & RF) zones, as well as shoreland overlay zone

  Deschambault-Second-Motion passed unanimously

7.E. 2023.22 Site Plan Application for Brown Dog Carriers to build a commercial facility for company headquarters for their trucking company. Property is located on Landry Street (Tax Map 74, Lots 11 & 10-2) in the Industrial 2 zone.

- Greg Morin the owner of the business & Andy Morrill of BH2M represented the project.
- Mr. Morin spoke of how he is a native of Biddeford and continues to raise his family here.

- The applicant is aware that he needs DEP permitting & a permit from the Army Corp of Engineers.
- The applicant does plan to put a stockade fence around the property.
- There will no maintenance will be conducted on the fleet on the premises.
- Vehicles will be washed off site.
- Mark Hampton was hired to do a wetland delineation and noted there are no wetlands on the site.
- The shed on one of the properties will be relocated.
- There were no public comments.
- Deschambault & Angers wanted confirmation that the engineering comments were satisfied. This is a preliminary application and all comments will be satisfied by final application.
- Deschambault thanked Mr. Morin for his participation in Wreaths Across America
- The hours of the business is 24/7 but the vehicular traffic will occur between the hours of 8:00 AM-4:00 PM.
- The vehicles are driven in and oriented in the parking lot in a way not to expose the neighbors to the headlights.

  MOTIONS: 7:00PM

  Angers-Motion- To approve the Preliminary Site Plan application for the proposal located on Landry Street (Tax Map 74, Lots 11 & 10-2), within the Industrial 2 (I-2) zoning district, as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA).

  Deschambault-Second-Motion passed unanimously

8. ADJOURN: 7:35 PM

_____ _____

Planning Board Chairman Date

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

CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director/City Planner

DATE: May 8, 2023

RE: 2023.29 One Diamond Street Development / Master Plan "Sketch Plan" Review for 477 residential units and approximately 14,125 square feet of mixed use commercial / Subdivision, Site Plan, and Shoreland Zoning Sketch Plan review for the properties generally located at 1 Diamond Street.

MEETING DATE: May 17, 2023 at 6:00 PM

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1. INTRODUCTION:

The Applicant, One Diamond Street Development, LLC and their authorized agent, Craig Burgess of Sebago Technics, Inc. are seeking Master Plan "Sketch Plan" Review for 477 residential units and approximately 14,125 square feet of mixed use commercial space. The project is being proposed in three (3) phases and the Applicant is seeking approval of Phase I of the development, in concurrence with the Master and Phasing Plan. Phase I consists of 146 residential units, 3,000 square feet of commercial space, parking for Phase 1, access from Elm Street and Main Street via a private roadway which will connect all three Phases of the development. This application involves redevelopment of property at 1 Diamond Street (Tax Maps 37 & 40, Lots 25-1, 25-2,24,25,34 & 35), located within Business 1 (B1), High Density/Mixed Use (MSRD-3) and Waterfront Renaissance (WR) Districts. The development triggers Maine Site Law Review, for which the City of Biddeford has Municipal Capacity Authority.

2023 One Diamond Street - Master Development "Sketch Plan"

Case # 2023.29: One Diamond Street Development / Master Plan "Sketch Plan" Review for 477 residential units and approximately 14,125 square feet of mixed use commercial / Site Plan and Subdivision Review for the properties generally located at 1 Diamond Street.

Planning Board Hearing date: May 17, 2023.

This project previously came before the Planning Board on November 17, 2021 for "Sketch Plan" review, but formal application plans were never submitted as the project was placed on hold, by the applicant. The delay was due to a number of reasons including the City's need to write and adopt new Shoreland Zoning Amendments, in conjunction with the Saco River Corridor Commission (SRCC). For additional project history please see Item #2 "Project History" provided below. Due to the delay in submitting a formal development application, and the length of time since the Application has been before the Planning Board, a new Case Number (2023-29) has been assigned and the project is being reviewed as a "new application", despite some elements, such as the JDA remaining in place.

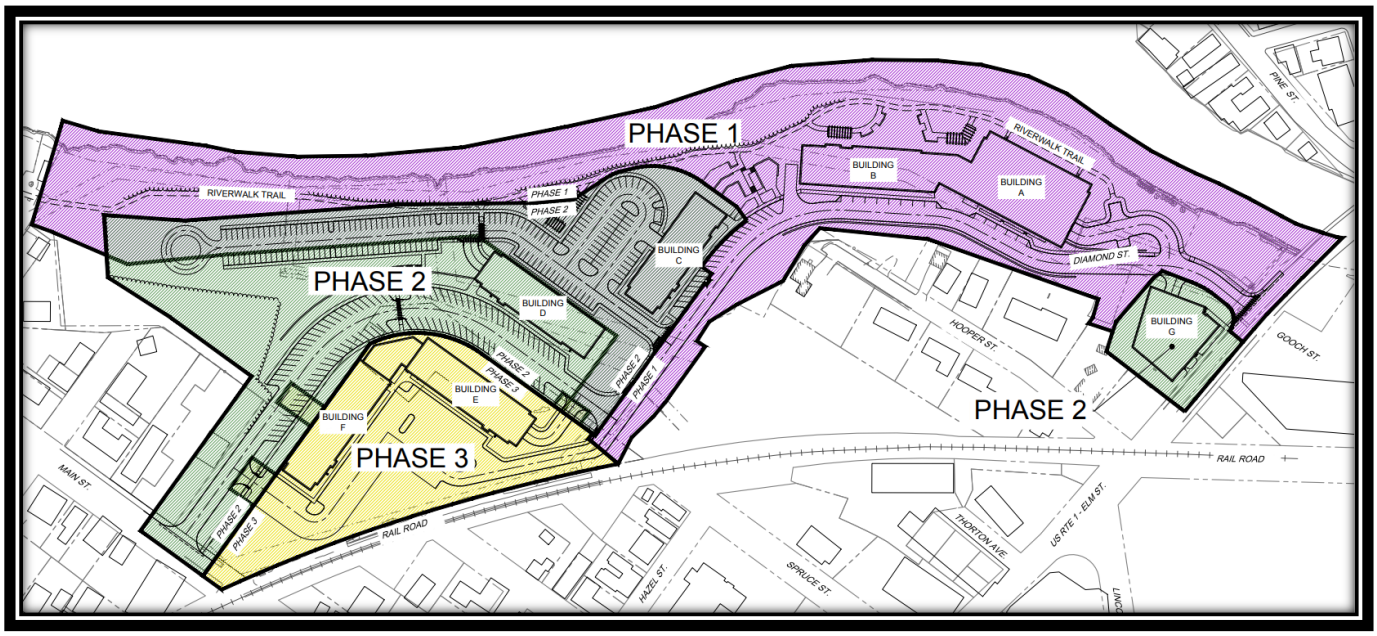
One Diamond Street – Concept Development Plan – View from the North (City of Saco)

The One Diamond project team proposes to develop the 18+ Acre Downtown / Riverfront Property with 7 multi-story structures that would be constructed in three phases which are being designed as a single development as it relates to parking, traffic, utilities, design, etc. It would feature 477 market rate residential units and approximately 14,125 square feet of mixed use commercial (1 -2 restaurants). As proposed, 615 parking stalls would be provided, including 421 at-grade and 194 understory parking stalls. Per City ordinance, the project application would be subject to Site Plan Review (Land Development Regulations, Article XI), Shoreland Zoning and Subdivision review and approval (Code of Ordinances, Chapter 66).

At the Planning Board's May 17, 2023 meeting the Board scheduled a "Site Walk" of the property immediately prior to the May 17th meeting, beginning at 4:30pm until 5:30pm.

2. **PHASING PLAN:** The proposed development is similar to the original Concept Master Plan presented in 2021 except for a few changes, such as the parking garage has been removed from the plans and parking is being provided with a combination of surface parking and understory parking. The project area and scope of the project has increased in size due to the Applicant purchasing additional abutting land. The site will be accesses by a private roadway, with public easements, from

Elm Street at Diamond Street on the east, and connecting to Main Street on the west. The development plans is proposed to be constructed in three (3) phases, described below:



A. <u>Phase 1:</u> Phase 1 of the development of buildings identified as "Building A" and "Building "B" which will be connected structures placed upon the existing non-conforming foundation. These buildings are proposed to be a seven-story structure with the top six (6) floors containing a total of 146 residential units and the lowest floor being utilized for understory parking. This phase will include the construction of the primary private roadway up to Phase 2. An emergency vehicle parking / turn around space is being provided for each phase of the development.

B. <u>Phase 2:</u> Phase 2 would include the construction of three (3) buildings which are identified on the Phasing Plan as buildings "C", "D" and "G".

   a) *Building C: Building C is proposed to be a 65,925 square foot, five (5) story structure containing 67 residential units and understory parking.*

   b) *Building D: Building D is a 72,000 square foot, five (5) story structure with the bottom floor containing 29 parking stalls and the five (5) above grade floors will be utilized for the creation of 77 residential units. Phase 2 will also include the completion of the main private drive aisle from the end of the Phase 1 roadway to Main Street.*

   c) *Building G: Building G is 54,660 square foot, five-story structure with commercial space on the first floor and 36 residential units utilizing the top four floors. This development proposes to demolish the existing structure at this location in addition to the removal of the building, which currently contains Subway Sandwich Shop and Domino's Pizza. This area will be revegetated and will include a RiverWalk path which connects to the 10-30 Upper Falls Road project.*

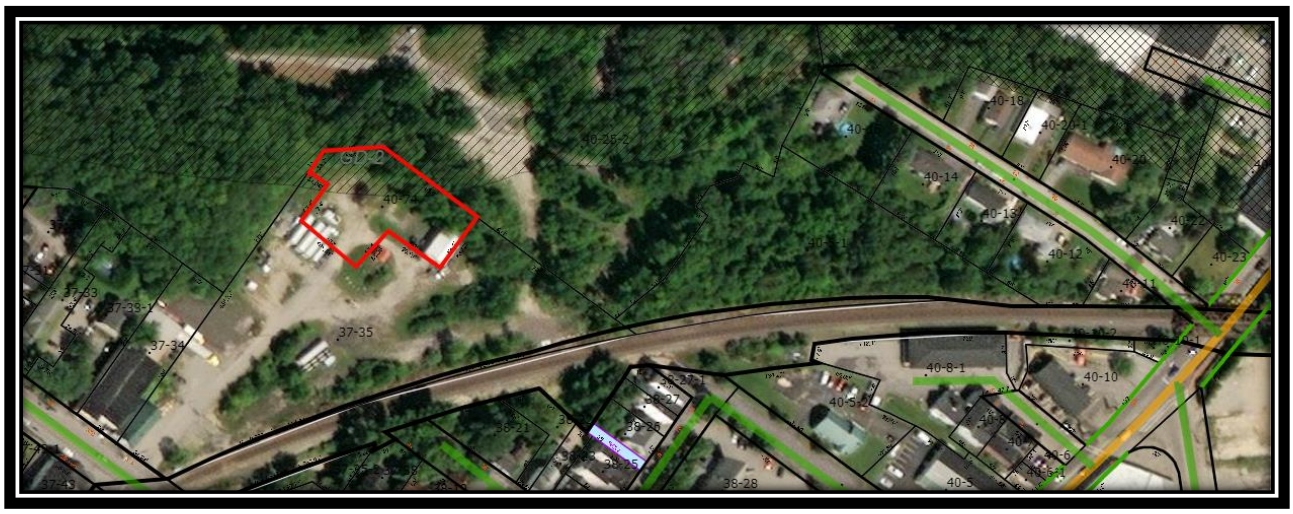
View of the two (2) buildings at Diamond Street and Elm Street proposed for demo / redevelopment

C. <u>Phase 3:</u> This phase of the development includes the construction of buildings "E" and "F" which are both five (5) story structures with understory parking. These 144,000 square foot buildings are identical and contain 154 residential units.

The Application includes three (3) commercial spaces, located in buildings A, G and between / connected to buildings E and F. These commercial uses are shown in gray on the Master Development Plan.

3. <u>ITEMS OF SIGNIFICANT IMPORTANCE:</u>

A. Brownfield's Clean-up: The subject development area includes an identified Brownfield's Site, highlighted in red below, which requires clean-up / remediation.



Brownfield's Site – Proposed Clean-up / Remediation within Project Area

B. Until recently, the property was owned, according to tax records, by Union Oil Co. of Maine (PID# Map 040 Map 074). The property has been tax delinquent for the past 12 years, although the City didn't acquire the property due to the known Brownfield's status. The City Council has approved transferring this property to the Applicant, who has agreed to provide the City full environmental indemnification. This property is now included as part of the current development proposal.

C. Sewer Easement / Issues: The subject property has a City owned existing sewer / easement that crosses project area which is being removed as part of this development proposal. For the past few months the Applicant has been meeting with Engineering and Public Works staff, on a bi-weekly basis, to make improvements to our existing drainage system and MS4 stormwater compliance.

D. The Planning Department, with other municipal departments as needed, has also been hosting bi-weekly meetings with the Applicant's development team regarding the site development design, roadway and building placement, emergency service access (for each phase of the development), tree inventory, and adhering to the various Ordinance requirements and full compliance with the Shoreland Zone requirements.

E. Traffic Movement Permit: The 1 Diamond development will require a Traffic Movement Permit (TMP) which is being coordinated with the TMP's for the 10-30 Upper Falls and Pearl Street projects.

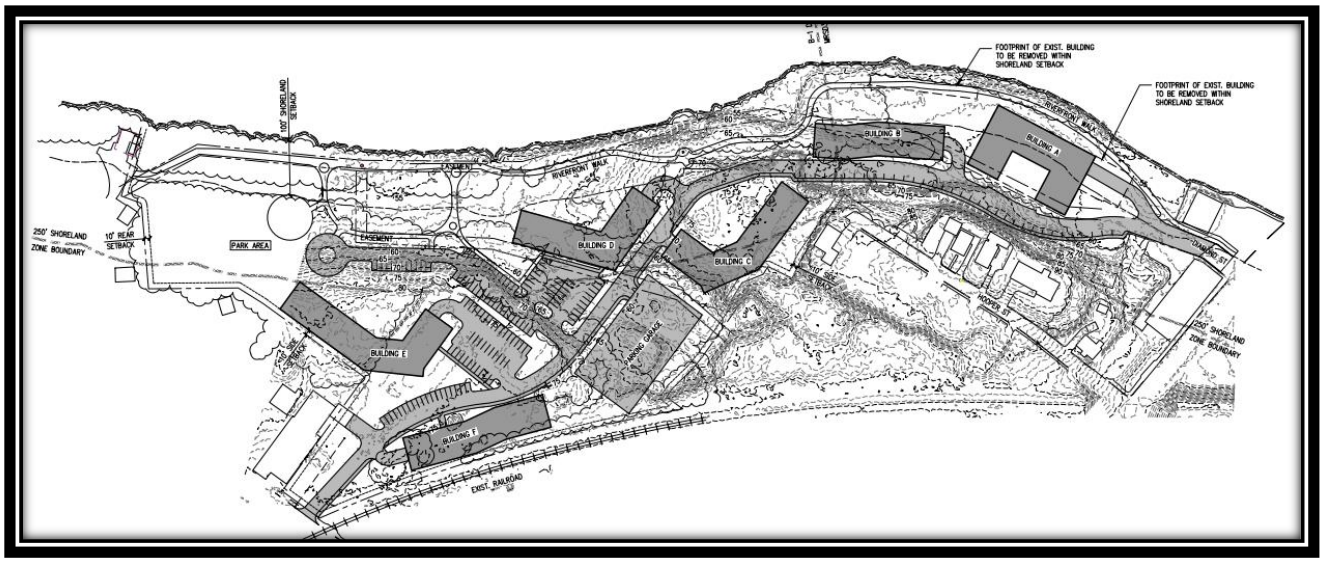
F. River Walk Master Plan: The Applicant is providing the City a pedestrian access agreement, for the extension of the River Walk the entire length of the subject property. The project design will include 2+ acres of "openspace" as required in the JDA. The Applicant is proposing to continue the same design elements, such as pedestrian scale lighting, design connectivity, public art, scenic overlooks, benches, waste receptacles, bike racks, landscape design, uniform informational and directional signage, etc. as being utilized at the adjacent development, across Elm Street at 10-30 Upper Falls Road.

4. PROJECT HISTORY:

On November 17, 2021 Harrington presented, at a public hearing, a Planning Board Introduction: See attached Staff Report to the Planning Board November 17, 2021 memo (attached). At this time the Application was assigned Case # 2021.51 for the Subdivision, Site Plan, and Shoreland Zoning Sketch Plan Review for Lord & Harrington, LLC located at 1 Diamond Street redevelopment (Tax Map 40, Lots 25-1, 25-2, and 74; Tax Map 37, Lot 35).

Case # 2023.29: One Diamond Street Development / Master Plan "Sketch Plan" Review for 477 residential units and approximately 14,125 square feet of mixed use commercial / Site Plan and Subdivision Review for the properties generally located at 1 Diamond Street.

Planning Board Hearing date: May 17, 2023.



Concept Development "Sketch Plan" Submitted to the Planning Board - November 2021

The Staff report presented to the Planning Board, provided an overview of the "Sketch Plan" which proposed "six buildings of 5-6 stories each, to be developed with a total of 496 residential units (*168 studio, 285 one-bedroom and 43 two-bedroom units*), amenity space, and active and passive recreational spaces along the Saco River. Commercial space was also proposed for some of the projects. Two of the buildings will be located in the MSRD-3 Zone and the General Development-1 Shoreland Overlay Zone, and the remaining four buildings and a parking structure will be in the B-1 Zone and General Development-2 Shoreland Overlay Zone. Each building was proposed to have subgrade parking, mixed-use space on the ground floor, and residential units on all upper floors". The development included access to the site from both Elm and Main Streets. Since the original sketch / concept plan went before the Planning Board no further submittals had been received by the City until this time.

In addition, on November 17, 2021 an "Outline of Joint Development Agreement between the City of Biddeford & Lord and Harrington LLC." was signed by the Applicant and the City Manager. The JDA included specific terms / deadlines, most notably Article II which included a deadline for submittal for Site Plan and Subdivision review, before the Planning Board, within six (6) months from signing of the JDA (November 17, 2021). Article II further included a condition that project construction begin within two (2) years of Final Planning Board approval and construction being "substantially completed by December 31, 2024. The Joint Development Agreement (JDA) between the Applicant and the City remains in place but modifications to the agreement will need to be reviewed and approved by the City Council, following a recommendation from the Planning Board. There have been a number of issues contributing to the project's delay and as such the Applicant will need to renegotiate some of the terms of the agreement as part of this application review process.

5. PROJECT DATA/INFORMATION:

1.	Applicant:	One Diamond Development, LLC 2 Livewell Drive, Suite 201 Kennebunk, ME 04043
2.	Owner of Property:	Same as applicant
3.	Agent:	Craig Burgess

		Sebago Technics, Inc. 75 John Roberts Road, Suite 4A South Portland, ME 04106
4.	Surveyor:	Sebago Technics, Inc. 75 John Roberts Road South Portland, ME 04106
5.	Project Location:	1 Diamond Street
6.	Project Tax Map #/Lot #:	Tax Maps 40 & 37, Lots 25-1,25-2,24,25,34,35
7.	Lot Size:	18.27 Acres
8.	Base Zoning:	B1 & GD 1
9.	Overlay Zoning:	WR
10.	Existing Use:	Former Diamond Match Site
11.	Proposed Use:	Mixed Use
12.	Approvals Required:	Preliminary Site Plan Review
13.	Uses in the Vicinity:	Mixed Use
14.	Waivers Needed:	None requested at this time
18.	Waivers Granted:	N/A
22.	Other Non-City Permits Required:	
23.	LDR Attachment A: Fees Paid:	Yes
25.	Planning Board Review History: 11-17-21 Sketch Plan	

6. REQUIRED AGREEMENTS / APPROVALS:

A. Joint Development Agreement (JDA): As outlined above, the Joint Development Agreement (JDA) between the Applicant and the City remains in place but amendments / modifications to the agreement will need to be reviewed and approved by the City Council, followed by Planning Board review of the project, and the conformance with the JDA, with a recommendation back to the City Council from the Planning Board.

B. Planning Board Review: The project will require Site Plan Review / Major Subdivision and Phased Development Plan approval: Per City ordinance, the project application would be subject to Site Plan Review (Land Development Regulations, Article XI) and Subdivision review and approval (Code of Ordinances, Chapter 66). Subdivision applications generally follow a three-tier approval process beginning with a Sketch Plan review, and followed by a preliminary plan review and approval and a final plan approval. Site Plan and Subdivisions may be reviewed by the Planning Board concurrently (Recommended).

C. Maine DEP Stormwater Permit: The project requires a Maine DEP Stormwater Permit.

D. Maine Site Law Review: The City of Biddeford is classified as having capacity to review projects triggering the Maine Site Location of Development Act (SLODA) in areas of the City designated for priority growth as part of the Comprehensive Plan. The City has the capacity to review authority, permits certain municipalities to review projects triggering site location reviews under their local land use regulations (i.e. site plan, subdivision, shoreland zone, etc.), without formal review by the DEP. Therefore, the project will likely be reviewed under applicable local review standards.

E. Maine Department of Transportation (MDOT) - Traffic Movement Permit (TMP): The project, as discussed, would trigger the MDOT traffic movement permit (TMP) review process. The City has a third-party traffic consultant, to participate in the TMP process and provide input to the City. Required improvements need to be implemented upon TMP approval by the Maine DOT and the City. An approved development phasing plan has been proposed to allow flexibility regarding the timing when certain elements of the approval would need to be implemented.

F. Saco River Corridor Commission (SRCC): Due to the project being proposed immediately adjacent to the Saco River the review and approval from the Saco River Corridor Commission (SRCC).

G. Biddeford Conservation Commission (BCC): The project is required to be reviewed by the Biddeford Conservation Commission (BCC), a recommending authority, who will provide comments and recommendations to the Planning Board for their consideration. Although the 18-acre parcel is located in the heart of the City the Applicant has conducted a tree inventory and, as required by Ordinance, are in the process of finalizing their tree preservation plan which is focusing on preserving the existing vegetation along the river.

7. STAFF REVIEW:

- APPLICATION COMPLETENESS: The Application before the Planning Board is for "Sketch Plan Review" so a determination of completeness, as specified under Section 66-35 (Required Information for Final Plan Submissions), can't be issued at this time.

- ZONING: With respect to applicable dimensional requirements, the project would comply with all applicable requirements, including building height, building setback, frontage, and lot coverage requirements. The proposal will also be in full compliance with the recent Shoreland Zoning requirements.

- WAIVER REQUEST: No waivers are being sought at this time.

8. RECOMMENDATION:

Staff provide this brief report to introduce the project to the Board. We recommend the Board listen to the applicant's presentation and public feedback. We also recommend the Board provide the Applicant preliminary comments and identify any areas of concerns and any specific items the Board wishes to be included with the submittal of the formal preliminary review application. It should be noted that the formal "Preliminary Application" that follows the Sketch Plan will be seeking preliminary approval of the "Conceptual Master Plan" and preliminary approval of Phase 1 of the proposal. The Planning Board does not need to formally vote on a Sketch Plan Application.

Respectfully submitted,

David C.M. Galbraith

David C.M. Galbraith, Deputy Director/City Planner

April 19, 2023
18462

David Galbraith, City Planner
City of Biddeford
205 Main Street
Biddeford, ME 04005

Sketch Plan Submission, One Diamond Street Project
One Diamond Street, Tax Map 40/Lots 25-1, 25-2, 24, and 25 and Tax Map 37/Lots 34 and 35
One Diamond Development, LLC.

Dear David:

On behalf of the applicant, One Diamond Development, LLC., we are pleased to submit the enclosed Sketch Plan Application for Phase 1 of a new mixed-use development located at 1 Diamond Street in Biddeford. The approximate 18-acre subject site extends between Elm Street and Main Street and has extensive frontage along Saco River. Phase 1 and the master plan will be constructed in a manner that generally aligns with Biddeford's vision for the growing downtown area.

Project Site: The approximate 18-acre property is identified on Tax Map 40 as Lots 25-1, 25-2, 24, and 25, and on Tax Map 37 as Lots 34 and 35. The overall property consisting of six (6) parcels is within the Business 1 (B1), High Density/Mixed Use (MSRD-3) and Waterfront Renaissance (WR) Districts. A majority of the subject site was originally developed for the Diamond Match Company in the late 1800's. At that time, the site was completely developed with a sawmill, numerous buildings and a log yard. Two fires in 1963 destroyed the industrial site and the nearby Hooper Street neighborhood. Manufacturing buildings were rebuilt and the land was gifted to the City of Biddeford in 1976. Operations continued until 1984 when another fire destroyed all the buildings. Existing today are remnants of the former manufacturing buildings, as well as newer buildings that support commercial uses. The gravel/paved access roads and laydown areas in northerly portions of the site have been used by the City of Biddeford in recent years to store materials.

Site Development Program: The overall project will be constructed in three phases as depicted in the Phasing Plan enclosed as part of the application. City permit applications are for Phase 1, but we have also included documents depicting the masterplan of the entire project for reference. Improvements in Phase 1 include:

- Building AB will consist of 146 residential units and 3,000 square feet of commercial space.
- A private roadway extending from the west side of Elm Street - the entry will be located at the current location of Diamond Street, which is directly opposite Upper Falls Road. A walkway will be constructed along the private road.
- A minimum of 130 surface level parking spaces and 76 understory parking spaces.
- A portion of the public sewer main will need to be removed and relocated around Buildings A and B.
- Water, gas, and underground utilities (power, telephone, and cable) will be extended from Elm Street.
- Other site amenities such as outdoor plazas, landscaping and lighting are proposed.
- Construction of a riverwalk trail that will connect Elm Street to the Horrigan Court area. The trail and associated open space will be for public use and has been designed to capitalize on the existing natural beauty of the Saco River. Six parking spaces have been allocated for public use to directly access the trail and open space.

The overall mixed-use development for all phases involves construction of 480 residential units and 14,125 square feet of commercial space in seven new multi-level buildings. Commercial space is proposed on the first floor of buildings A, E/F and G. The number of commercial units will be contingent on the selection of tenants and required fit up. Building locations and topographic relief across the subject site will allow for views facing north toward Saco River. Two private roadways will connect Elm Street and Main Street. Parking to support the project development will be provided through a combination of angled parking along private roadways, understory parking inside six buildings and parking lots. A total of around 630 parking spaces is anticipated to adequately meet local parking standards. Parking comprises of 436 surface level parking spaces and 194 understory parking spaces. Public water and sewer are available to serve the proposed project. Demolition and relocation of existing utility mains through the site will be necessary to accommodate site improvements.

Architectural Program: The architectural approach to the One Diamond site development is attributed to its context. The project will celebrate the historic structures within the Mill District, relate to the adjacent residential neighborhoods and create individual character within the greater urban fabric of Biddeford. Building AB is the first building to be developed and will utilize materials and architectural aesthetics that are referential to the buildings within the Mill District. Modern materials will be woven into the façade to balance the changing scale of the site in relation to its context and tee off the other buildings in the development. Building AB will act as the bridge between the One Diamond development and the downtown area of Biddeford, while the buildings on the other side of the site will create a similar connection to Main Street.

Best Management Practices: Stormwater best management practice (BMP) design will be combined with low impact development (LID) to improve water quality runoff discharged from the site. Runoff from newly developed surfaces will be generally directed toward two subsurface chamber systems and under drained soil filter basins for management of runoff through filtration and biological uptake of nutrients and other pollutants.

Joint Development Agreement: The current joint development agreement between the applicant and City will be revised so that it reflects the current building program and anticipated construction schedule. The agreement will formalize commitments to be incorporated as part of the overall project including:

- Multi-use development with a minimum 30% of units held in fee ownership
- Public riverwalk trail and passive open space for recreational purposes
- A minimum six parking spaces to be reserved for public use

Permitting: Permits from the City of Biddeford, Saco River Corridor Commission, U.S. Army Corps of Engineers, Maine Department of Environmental Protection (Maine DEP) and Maine Department of Transportation (Maine DOT) will be required.

- The City of Biddeford will require review pursuant to subdivision and site plan given the project involves a combination of residential (apartment and condominium) and commercial units. The number and type of commercial uses are undefined.
- Saco River Corridor Commission will review impacts along Saco River.
- Site Location of Development Law (Site Law) review and approval from Maine DEP will be required given that construction will involve more than three acres of new impervious surface (pavement, building, etc.).
- A Maine DEP Permit-By-Rule (PBR) through the Natural Resources Protection Act (NRPA) is also needed for the proposed stormwater culvert outlets and work adjacent to Saco River.
- U.S. Army Corps of Engineers review is required for fill placed in wetlands.
- Traffic generated from the project will exceed 100-peak hour trips necessitating Maine DOT review of the project's impact on the surrounding roadways.

Schedule: Site construction is expected to commence in Spring of 2024 upon receipt of approvals. There is much support from the City of Biddeford to have this project start construction given its positive impact on the community.

Closure: On behalf of One Diamond Development, LLC, we look forward to working with the City of Biddeford to permit this exciting project. We appreciate your attention to this project and we look forward to its successful completion. Upon your review of the enclosed applications, please contact me with any questions or if you require additional information.

Sincerely,

SEBAGO TECHNICS, INC.

Craig Burgess

Craig A. Burgess, P.E.
Senior Project Manager

Cc: One Diamond Development, LLC

CAB:me
Enc.

Sketch Plan Review Application

To:

City of Biddeford

For:

One Diamond Street Development

Biddeford, Maine

Prepared for:
Mr. Tim Harrington
One Diamond Development, LLC
2 Livewell Drive, Suite 201
Kennebunk, Maine 04043

Prepared by:
Sebago Technics, Inc.
75 John Roberts Road, Suite 1A
South Portland, Maine 04106

April 2023
18462

April 12, 2023
18462

David Galbraith, City Planner
City of Biddeford
205 Main Street
Biddeford, ME 04005

Sketch Plan Submission, One Diamond Street Project
One Diamond Street, Tax Map 40/Lots 25-1, 25-2, 24, and 25 and Tax Map 37/Lots 34 and 35
One Diamond Development, LLC.

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Sincerely,

SEBAGO TECHNICS, INC.

Craig Burgess

Craig A. Burgess, P.E.
Senior Project Manager

Cc: One Diamond Development, LLC

CAB:me
Enc.

Revised: May 17, 2022

City of Biddeford – Planning Department
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: Sketch Plan

Applicant Information:

Name: Mr. Kevin Lord - One Diamond Development, LLC
Mailing Address: 2 Livewell Drive, Suite 201 Kennebunk, Maine 04043
Telephone: (207) 467-3688
Email: klord@thomasandlord.com
What is your legal interest in the property?
☑ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: Mr. Kevin Lord - One Diamond Development, LLC
Mailing Address: 2 Livewell Drive, Suite 201 Kennebunk, Maine 04043
Telephone: (207) 467-3688
Email: klord@thomasandlord.com

Agent's Information:

Name: Sebago Technics Inc., attn: Craig Burgess PE
Mailing Address: 75 John Roberts Road Suite 4A South Portland, Maine 04106
Telephone: 207-200-2081
Email: cburgess@sebagotechnics.com

Engineer/Surveyor's Information:

Name: Sebago Technics Inc.
Mailing Address: 75 John Roberts Road Suite 4A South Portland, Maine 04106
Telephone: 207-200-2081
Email: cburgess@sebagotechnics.com

Project Location and Lot Information:

Street Address: 1 Diamond St Biddeford Drainage Watershed: Saco River
Tax Map: 40 and 37 Lot: 25-1, 25-2, 24, 25, 34, and 35
Current Zoning: B1, GD1 Shoreland Zoning: WR
Size of Lot: 18.27 ☑ acres ☐ s.f. Lot Frontage: 2190 ft
Existing Use of Property: Partially developed land located at the former Diamond Match site. Other portions of the land have been developed with paved/gravel access roads and laydown areas.

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): *Topography Varies
☑ 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
Is the project within the 100-year floodplain? ☑ (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:

Includes the construction of 477 residential units and additional commercial space in seven multi-level buildings. The number of commercial units is to be determined. Other site improvements include private roadways and walkways, angled parking along roadways, and parking lots. Site improvements will also include a river-walk and recreational open space for public use.

Property to be Serviced by:

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

Limits of Disturbance: ~ 18.06 ☑ acres ☐ s.f.
Net change in impervious cover: ~ 192,430 ± ☐ acres ☑ s.f.
Is this project part of a larger project? ☑ (Yes) ☐ (No)
Is the project proposing a new Private or Public Road? ☑ (Yes, Private) ☐ (Yes, Public) ☐ (No)
Is this project within the Urbanized Area/MS4 (*see City Drainage Map*) ☐ (Yes) ☑ (No)
Is the project proposing any Stormwater facilities/BMPs? ☑ (Yes) ☐ (No)
Will a Traffic Movement Permit (TMP) be required?: ☑ (Yes) ☐ (No)

☑ **If in a Shoreland Zone:** Note: Project is in the Waterfront Renaissance Zone - Percent of residential lot coverage max = 55%

Percent of residential lot coverage (Max 20%): 45%

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

☑ **If Subdivision Review, number of lots proposed:** 477 dwelling units within seven buildings

☑ **If a Private Way is proposed, number of lots served:** 477 dwelling units within seven buildings - not subdividing lots

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

Total new square feet footprint of structure: 114,000 SF ±

Total new square feet paving/parking: 270,800 SF ±

Waiver Requests (attach details):

1. No waivers needed
2.
3.
4.
5.

Required Submittal 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 Department – 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. Engineering Plans, as required.

F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- $75 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 its 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.

Will the proposed project cause 1 acre or more of site disturbance?: ☑(Yes) ☐(No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant: _____ **Date** 4-10-23

Signature of Property Owner: _____ **Date** 4-10-23

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

A) PDF OF SIGNED APPLICATION

B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)

- Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME[]INDIVDUAL DRAWING NAME.pdf'

B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.

C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)

- All drawings & CAD reference files must be to-scale and within the following coordinate systems:

- MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIUDAL DRAWINGS REQUIRING BOARD SIGNATURE

B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION

Table of Contents

Cover Letter
Application Form

Exhibit 1	Right, Title, & Interest
Exhibit 2	Site Location Map
Exhibit 3	Photographs of Site
Exhibit 4	Civil Sketch Plan & Architectural Renderings

Exhibit 1

Right, Title, & Interest

ONE DIAMOND PROPERTIES

Property	Tax Map / Lot	Right, Title & Interest
1 Diamond Street	40 / 25-1	Book 18913, Page 96
Off Main St. (City)	40 / 25-2	Joint Development Agreement
Off Main St. (Union Oil)	40 / 74	P&S Agreement
52 Elm Street	40 / 25	Book 18941, Page 344
68 Elm Street	40 / 24	Book 18996, Page 930
368 – 376 Main St.	37 / 35 & 35-1	Book 18941, Page 668
378 Main Street	37 / 34	Book 18941, Page 666

1 DIAMOND ST.

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18913 PG 96
Instr # 2021074361
12/29/2021 12:19:41 PM
Pages 5 YORK CO

DLN: 1002140178005

WARRANTY DEED
(Statutory Short Form Deeds Act
33 M.R.S.A. § 761 et seq.)

Prepared by
Law Office of Dawn D. Dyer, P. C.
936 Roosevelt Trail, Suite 4
Windham ME 04062-5654
(207) 893-8100

Maine R.E. Transfer Tax Paid

Gloves Etc., Inc., a corporate body duly formed and existing under the laws of the State of Maine, with offices in the City of Biddeford, County of York and State of Maine, and mailing address of 1 Diamond Street, Biddeford, Maine 04005, for consideration paid, grants to **One Diamond Development, LLC**, a limited liability company duly formed and existing under the laws of the State of Maine, with offices in the Town of Kennebunk, County of York and State of Maine, and mailing address of 2 Livewell Drive, Suite 201, Kennebunk, Maine 04043 with **warranty covenants**, the land situated in the City of **Biddeford**, County of York and State of Maine, bounded and described as follows:

Certain lots or parcels of land, together with the buildings and improvements thereon, situated in the City of Biddeford, County of York and State of Maine, viz:

Parcel A: Beginning at an iron pipe driven into the ground on the Southwesterly side of River Street at the Northerly corner of land to be conveyed by one Stimpson to Saco-Lowell Shops, said pipe being 75.63 feet Westerly from the cornerboard at the Southerly corner of the building standing on the Northeasterly side of said Street and on other land of this Grantee, and being 70 feet Southerly from the cornerboard at the Westerly corner of said building; thence Southwesterly by land this day conveyed by said Stimpson to Saco-Lowell Shops and making an included angle of 89° 23' with said Street 61.20 feet to iron pipe driven into the ground at the Northeasterly face of an old retaining wall and land of one Boucher; thence Northwesterly by said Boucher's land and by the Northeasterly face of said retaining wall and making an included angle 89° 29' with the last described line 52.85 feet to a drill hole in the Northeasterly face of said wall and other land of this Grantee; thence Northeasterly by said other land of this Grantee and making an included angle of 89° 40' and the last described line 60.14 feet to an iron pipe driven into the ground on Southwesterly side of said River Street, said line being the prolongation of fence and gate across said River Street if produced Southwesterly; thence Southeasterly by said River Street and making an included angle of 91° 28' with the last described line 51.87 feet to the point of beginning.

Parcel B: Beginning at an iron pipe driven into the ground on the southwesterly side of River Street at the easterly corner of land now or formerly of Edward Hyde or Diamond Match Company, said iron pipe being 75.63 feet westerly from the cornerboard at the southerly corner of the building now or formerly of said Diamond Match Company standing on the northeasterly side of said River Street, and being 70.33 feet southerly from the cornerboard at the westerly corner of said building; thence southwesterly by said land now or formerly of said Hyde or said Diamond Match Company and making an included angle of 90° 37' with said Street 61.20 feet to an iron pipe driven into the ground at the northeasterly face of an old retaining wall, and land now or formerly of one Boucher; thence southeasterly by said land now or formerly of said Boucher and by the northeasterly face of said retaining wall and making an included angle of 90° 31' with the last described line 11.90 feet to an iron pipe driven into the ground at the corner of said wall; thence southwesterly by said land now or formerly of said Boucher and by the face of said wall and parallel with the first described line 34.72 feet to an iron pipe driven into the ground at an angle; thence southwesterly by said land now or formerly of said Boucher and making an excluded angle of 165° 31' with the last described line 10.12 feet to an iron pipe driven into the ground and land of one Addie I. Stimpson; thence southeasterly by said land now or formerly of said Stimpson and making an included angle of 75° 37' with the last described line 42.65 feet to an iron pipe driven into the ground and land formerly of one Alphonse Goodwin or owner, said line passes 5 feet northeasterly from and parallel to the northeasterly face of the garage standing on said land now or formerly of said Stimpson; thence northeasterly by said land formerly of Goodwin or owner and making an included angle of 88° 51' with the last described line 105.52 feet to an iron pipe driven into the ground on the southwesterly side of said River Street; thence northwesterly by said River Street 50 feet to the point of beginning.

Being the lot conveyed by said Addie I. Stimpson to Saco-Lowell Shops by deed dated December 19, 1950, recorded in York County Registry of Deeds, Book 1165, Page 412.

Said lot is shown on a Plan of land on River Street, Biddeford, Maine, drawn by Libby & Dow, Engineers, dated October 11, 1950, recorded in said Registry of Deeds Plan Book 15, Page 36.

Parcel C: **A certain lot or parcel of land, situated in the City of Biddeford, County of York and State of Maine bounded and described as follows:**

Beginning at a spike driven into the pavement at the intersection of the Northeasterly side of River Street with the Northwesterly side of Elm Street; thence Northwesterly by said River Street 20 feet to the remaining land of this Grantor; thence Northeasterly by said remaining land of this Grantor and parallel to said Elm Street 10 feet; thence Southeasterly by said remaining land of this Grantor and parallel to said River Street 20 feet to said Elm Street; thence Southwesterly by said Elm Street 10 feet to the point of beginning.

Also, certain lots or parcels of land in Biddeford described in a deed from Thomas H. Cole to Joseph Hobson dated January 12, 1874 and recorded in said York County Registry of Deeds, Book 340, Page 510, as follows: First lot: A piece of land on the Northeast side of River Street as laid down on a plan of land of heirs of William P. Hooper recorded in said York County Registry of Deeds Plan Book No. 1, Page 473; beginning at an iron bolt driven into the ground one foot distant from the Westerly corner of buildings owned by said Cole; thence parallel with the Northeasterly side of said Buildings and one foot distant to West branch of Saco River; thence Northwesterly by said River to said Hobson's land; thence Southwesterly by said Hobson's land to said River Street; thence by said street Southeasterly about one hundred and ninety-two (192) feet to the place begun at. Reserving on the southeasterly end of said lot a free and common passageway thirty (30) feet in width on said River Street and extending the same width to the said river; said passageway being next and parallel with said building. Second lot: Another lot of land on the Southwesterly side of said River Street beginning at a stake driven into the ground fifteen (15) feet Northwesterly from a tenement house belonging to said Cole; thence South 36 ½° West sixty-nine and one-half (69 ½) feet to said Cole's garden fence; thence North 57° West one hundred and eighty-six and one third (186 1/3) feet to north corner of said **Cole's garden; thence on the same course by land of Haley and Getchell forty-five and one third (45 1/3) feet to an iron driven into the ground; thence South 40° West eighty-two (82) feet to Hooper Street forty-five (45) feet distant Northwesterly from West corner of said Cole's garden; thence by said Hooper Street Northwesterly one hundred and thirteen (113) feet more or less to said River Street; thence Southeasterly by said River Street to point of beginning.**

Also a certain other lot or parcel of land in said Biddeford and described in a deed from Gideon Tucker and Thomas M. Hayes to Joseph Hobson dated January 12, 1863, and recorded in said York County Registry of Deeds in Book 279, Page 192, as follows: land adjoining the western branch of Saco River, land formerly of Thomas Cutts and reserved road three rods in width, and extending down on the Northeasterly side of said reserved road three hundred and eighty-seven and four tenths (387.4) feet to an angle in said road where a stone was formerly set in the ground; and thence running North 29 ½° East to where a stone was formerly set upon the bank of said branch of said river; and from thence in the same course to the said western branch of said river. Reference being made to a plan of this and other land made by S. W. Luques, Esq., and to a deed made by Thomas H. Cole and Edward H. C. Hooper of these premises to Thomas Cutts dated March 1st, A.D. 1850 (Book 212, Page 175), for a more particular description. Also conveying to said Hobson the same rights to said reserved road and of passage to Main Street which were conveyed to said Cutts by said deed from said Cole and Hooper.

Any and all other real estate of any nature or description and any and all rights in and appurtenant to real estate of any nature or description situated in Biddeford of which it is this day seized and possessed, excepting only such premises as are conveyed by it to said The Diamond Match Company by another deed of even date herewith.

Four acres of land more or less, being all that portion of the twenty acre wood lot formerly owned by John Hooper which was not lived upon by Samuel F. Chase.

Being the same premises conveyed to Gloves, Etc., Inc., by Special Warranty Deed from 650 Management Corp., dated January 5, 1996 and recorded in York County Registry of Deeds in Book 7692, Page 164.

Witness the hand and seal of BRIAN T. NESTOR in his capacity as President of Gloves, Etc., Inc., duly authorized and acting, this date: December 29, 2021.

Gloves, Etc., Inc.

By: _____

Brian T. Nestor
President

State of Maine
York, ss.

Date: December 29, 2021

Personally appeared the above-named BRIAN T. NESTOR in his capacity as President of Gloves, Etc., Inc., and acknowledged the foregoing instrument to be his free act and deed in said capacity and individually, and the free act and deed of said Corporation.
Before me,

Notary Public / ~~Attorney at Law~~

Ralph W. Austin
NOTARY PUBLIC
State of Maine
My Commission Expires
11/03/2025

OFF MAIN ST.
(CITY PROPERTY)

JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement (the "Agreement") dated December 9, 2021 is executed by ONE DIAMOND DEVELOPMENT, **LLC, the assignee of Lord & Harrington, LLC ("One Diamond")** and the **CITY OF BIDDEFORD ("City")**. (One Diamond and the City are referred to individually as a "Party" and collectively as the "Parties.")

RECITALS

WHEREAS, One Diamond desires to develop a multi-unit, multi-building residential project with incidental commercial uses (the "Project") on property located at 1 Diamond Street, Biddeford, Maine (the "Diamond Property") and the adjacent Property owned by the City of Biddeford (Map 40, Lot 2, Block 25) (the "City Property"); and

WHEREAS, the City desires to create additional housing options in the City, including individually owned and rental units; and

WHEREAS, the City seeks to expand its RiverWalk pedestrian trail network and provide access to the RiverWalk through a portion of the Diamond Property and the City Property as well as provide passive open space for public recreational use on the Properties; and

WHEREAS, the City agrees to convey the City Property to One Diamond after One Diamond's satisfaction of the commitments contained herein; and

WHEREAS, the combined RiverWalk and the passive open space are expected to have a joint development value of $900,000.00 - $1,200,000.00;

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I

COMMITMENTS

1. **One Diamond Commitments**:

   a. One Diamond shall develop a multi-unit, multi-building residential project, with incidental commercial uses, on the Diamond Property and the City Property. The residential units shall be both ownership and rental units provided that at least 30% of the units shall be held in fee ownership.

b. One Diamond shall construct a pedestrian pathway along the entire shoreline of the Saco River along the Diamond Property and the City Property that will connect with and become a part of the City's existing RiverWalk (the "RiverWalk Extension"). One Diamond agrees that it will construct the RiverWalk Extension pursuant to plans approved by the City as to location, dimension and design. The specifications, construction components, and details shall be substantially similar to the currently existing RiverWalk. Construction of the RiverWalk Extension shall be completed prior to the first occupancy permit being granted to One Diamond, or One Diamond shall provide a Bond in a form and amount acceptable to the City to ensure the completion of the RiverWalk Extension. After completion of the RiverWalk Extension, One Diamond shall grant an easement to the City for use of the RiverWalk Extension by members of the public. The City shall be responsible for maintenance of the RiverWalk Extension in the same manner as its maintenance of the existing RiverWalk.

c. One Diamond shall develop and maintain in perpetuity a passive open space adjacent to the RiverWalk Extension (the "Open Space"). The Open Space shall be a minimum size of two (2) acres. One Diamond shall grant an easement to the City for the passive recreational use of the Open Space by members of the public. One Diamond also shall provide six (6) free public parking spaces adjacent to or in close proximity to the Open Space and RiverWalk Extension. Design of the Open Space and public parking shall be

in general accordance with the plans submitted by One Diamond to the City. After completion of construction, the Open Space and parking spaces shall be maintained by One Diamond.

d. At the closing of the City's transfer of the City Property to One Diamond (the "Closing"), One Diamond shall place the sum of $1,000,000.00 into an interest bearing escrow account maintained by the City, said sum to be held in escrow as set forth below:

(i) If One Diamond identifies a property acceptable to the City Council within one (1) year after the Closing, and submits, within an additional year, a redevelopment plan acceptable to the City Council to develop the property into a multi-unit residential and/or mixed use building, the City agrees that the $1,000,000.00 plus accrued interest held in escrow will be paid to One Diamond.

(ii) In the event that One Diamond does not identify a property acceptable to the City Council within one (1) year after the Closing, or if One Diamond fails to submit, within an additional year, a redevelopment plan acceptable to the City Council to develop said property into a multi-unit residential and/or mixed use building, One Diamond agrees that the $1,000,000.00 plus accrued interest held in escrow will be paid to the City.

2. **City Commitments**:

a. Upon One Diamond's completion of the undertakings set forth in Article I, Paragraph 1 above, the City shall convey to One Diamond, by a Municipal Release Deed, the City Property located adjacent to the Diamond Property, identified as Biddeford Tax Map 40, Lot 2, Block 25. The Parties agree that the City shall retain an easement on the City Property for any necessary stormwater/sewer maintenance and separation projects including, but not limited to, the installation of a combined sewer overflow tank, if required by the Department of Environmental Protection or other State agency, below the two (2) acre Open Space.

b. The City will actively work with One Diamond, and assist as needed, during the permit and construction period.

3. **TIF District**:

The Parties agree that there will be no credit enhancement for the benefit of One Diamond in the development of the Project. However, the Parties further understand that the City will seek approval of a TIF District encompassing the City Property and the Diamond Property, with the proceeds from the TIF District to be used to advance affordable housing within the City of Biddeford.

ARTICLE II

TIME OF PERFORMANCE

One Diamond shall file site plan and subdivision review applications with the City Planning Board, any other City agencies, and the State of Maine within six (6) months of the date of execution of this Agreement. Failure to timely submit an application shall render this Agreement null and void at the City's sole discretion. Construction of the Project must begin within two (2) years of final Planning Board approval. Construction of the Project shall be substantially completed by December 31, 2024.

ARTICLE III

LIMIT OF LIABILITY

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their Affiliates, by reason of any of their respective acts or omissions relating to the development, negotiation, design, financing, ownership, construction, operation or maintenance of the Project, or relation to any of their obligations under this Agreement, be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE IV

INDEMNIFICATION

Each Party shall indemnify, defend, and hold harmless the other Party and its agents, servants, officers, directors, employees and affiliates from and against any loss, cost, liability, claim, damage, expense (including, without limitation, all out-of-pocket expenses, reasonable attorneys' and paralegal fees, disbursements and costs), penalty or fine incurred in connection with any claim or cause of action arising from or in connection with any claim or cause of action arising from or in connection with the Project or this Agreement to the extent caused by the negligence, misrepresentation, fraud, fault or misconduct of the indemnifying Party or any of its affiliates.

ARTICLE V

MISCELLANEOUS

1. **Representations and Warranties**:

Each Party represents and warrants to the other that:

a. it is duly qualified to do business and is in good standing in the State of Maine;

b. it has full power and authority to execute, deliver and perform its obligations under this Agreement;

c. the execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and

d. the execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the charter, articles of incorporation or by-laws of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.

2. **Right to Require Performance**:

The failure of either Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce same. Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. **Governing Law**:

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. **Relationship of Parties**:

a. This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City Planning, Zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the Project or other action required under this Agreement.

b. The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City and One Diamond agree to cooperate in good faith with regard to each and every aspect required for the completion of all construction and operations contemplated by this Agreement. The Parties

recognize, however, that the land use regulatory agencies of the City must perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Agreement. The City and One Diamond further agree to negotiate in good faith and to enter such other and further agreements as may be necessary to implement any aspect of design, engineering, construction or facility operation contemplated under this Agreement.

c. This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. **Breach by One Diamond**:

a. The City shall provide notice to One Diamond of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

b. If a breach is not cured as set forth above, the City may bring an action, in law or in equity, to enforce this Agreement as for damages, or both.

c. If a breach is not cured as set forth above prior to the City's conveyance of the City Property to One Diamond, the City's obligation to convey the City Property shall be terminated.

6. **Breach by City**:

a. One Diamond shall provide notice to the City of a material breach in writing, identifying the nature of the alleged breach and requested remedy. A material breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

b. If a material breach is not cured as set forth above, One Diamond may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. **Integration**:

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the parties, and supersedes all previous understandings and agreements between the Parties,

whether oral or written. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

8. **No Oral Modifications**:

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. Except for an affiliated single purpose entity organized by L&H to construct and operate the Project, neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any Party, without the prior written consent of the other Party. This Agreement is not intended to confer any rights or benefits to any entity other than to the City and to

One Diamond, its affiliate entity organized to construct and operate the Project, and its affiliates.

9. **Mutual Cooperation and Further Agreements**:

The Parties acknowledge that the obligations set further herein may be further described in other agreements as agreed to by the Parties. The City and One Diamond agree to cooperate in good faith with regard to each and every aspect required for the completion of all construction and operations contemplated by this Agreement. The Parties recognize, however, that the land use regulatory agencies of the City must perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Agreement. The City and One Diamond further agree to negotiate in good faith and to enter such other and further agreements as may be necessary to implement any aspect of design, engineering, construction or facility operation contemplated under this Agreement.

10. **Notice**:

All notices required to be given to City or One Diamond under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal

delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

CITY: City of Biddeford
c/o James A. Bennett, (or the then current) City Manager
P.O. Box 566
205 Main Street
Biddeford, Maine 04005

With a copy to: City Attorney as designated in writing by the City

L&H: One Diamond Development, LLC
2 Livewell Drive, Suite 201
Kennebunk, ME 04043

With a copy to: One Diamond's attorney as designated in writing by L&H

11. **Severability**:

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall

continue to be valid and binding upon the parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

12. **Survival**:

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

13. **Mediation/Arbitration**:

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals as of the day, month and year first above written.

ONE DIAMOND DEVELOPMENT, LLC

Witness

By: _____
Name: Timothy Harrington
Title: Member

CITY OF BIDDEFORD

Witness

By: _____
James A. Bennett, City Manager

OFF MAIN ST.
(UNION OIL/CITY)

AGREEMENT FOR PURCHASE AND SALE

THIS AGREEMENT made this 5th day of April, 2023, by and between **CITY OF BIDDEFORD,** a municipal corporation with a place of business in Biddeford, Maine (hereinafter the "Seller") and **ONE DIAMOND DEVELOPMENT, LLC,** a Maine limited liability company with a place of business in Kennebunk, Maine (hereafter collectively referred to as "Buyer").

W I T N E S S E T H:

In consideration of the covenants hereinafter set forth, Seller and Buyer hereby agree as follows:

1) **Purchase and Sale.** Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, for the price and upon the terms and conditions hereinafter set forth, certain real property situated northerly of but not adjacent to Main Street in Biddeford, Maine, and being Lot 74 on Biddeford Assessor's Tax Map 40; and further being the same premises as described in deed from Elizabeth K. Mantis, Personal Representative of the Estate of Mary V. Kearney to Union Oil Co. of Maine, dated June 23, 1995 and recorded in the York County Registry of Deeds in Book 7465, Page 84 (hereinafter referred to as the "Property").

2) **Purchase Price.** The total purchase price for the Property shall be One Dollar ($1.00) and other consideration as set forth herein, the entire amount of which will be payable at closing.

3) **Closing.** Closing shall occur on or before May 12, 2023. The closing will be at the offices of Woodman Edmands, P.A, or at such other time and/or other place as agreed to by the Buyer and Seller.

4) **Conveyance; Title.** At the closing, Seller shall execute and deliver to Buyer a good and sufficient quitclaim deed without covenant (release deed) conveying to Buyer the Seller's interest in the Property. Seller makes no covenants or warranties as to the status of title to the Property.

5) **Environmental Indemnification.** Buyer acknowledges that the Property was formerly owned by an oil company, and that there is the possibility that the soils on the Property are contaminated by hazardous waste. Buyer agrees, as an integral part of the consideration for this Agreement, that it shall, at its sole cost and expense, indemnify, protect, defend, and save harmless Seller, and Seller's officials and employees, from and against any and all damages, losses, liabilities, obligations, penalties, claims, litigation, demands, defenses, judgments, suits, actions, proceedings, costs, disbursements and expenses (including, without limitation,

reasonable attorney's fees and expenses) of any kind or nature asserted by any person, entity, or government relating to, resulting from, or arising out of the presence of any hazardous waste (as defined in either Federal or State law or regulation) on the Property. Buyer further agrees to provide to Seller at closing a separate Environmental Indemnification Agreement, in form and substance approved by Seller.

6) **Closing Contingencies.** The Property is subject to numerous tax liens filed against it by the Seller from 2013 through 2020. This Agreement is contingent upon and subject to Seller completing the lien foreclosure process and acquiring title to the Property.

7) **Possession; Prorations; Expenses.** Full possession of the Property will be transferred to Buyer at Closing. There will be no prorations between Seller and Buyer. Seller and Buyer shall each pay their own real estate transfer tax as assessed by Maine law; and each shall be responsible for its own expenses in accordance with standard Maine real estate practice.

8) **Risk of Loss.** Not applicable.

9) **Default.** If either the Buyer or the Seller shall fail to close in accordance with this Agreement, the other party, at its election, may either (a) seek to obtain specific performance or (b) cancel this Agreement.

10) **Brokerage.** Buyer and Seller each hereby represent and warrant to the other that there are no real estate brokers involved or real estate commissions or finder fees payable in connection with the sale of the Property.

11) **State of Maine Withholding.** Not applicable.

12) **Notices.** Any notices required or permitted hereunder shall be either hand delivered or mailed by certified mail, return receipt requested as follows:

To Seller:
City of Biddeford
Attn: James A. Bennett
City Manager
205 Main Street
Biddeford, ME 04005

To Buyer:
One Diamond Development, LLC
Attn: Timothy Harrington, Manager
2 Livewell Drive, Suite 201
Kennebunk, ME 04043

13) Miscellaneous. This Agreement shall be binding upon the parties hereto and their successors and assigns. This Agreement represents the entire agreement of the parties and any modification or amendment hereto shall be in writing, signed by the parties hereto. Time is of the essence to this Agreement; wherever the term "days" is used herein, it shall refer to calendar days. This Agreement shall be interpreted in accordance with the laws of the State of Maine.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the day, month and year first above written.

SELLER:

CITY OF BIDDEFORD

Witness:

By: _____
James A. Bennett, City Manager

BUYER:

ONE DIAMOND DEVELOPMENT, LLC

Witness:

By: _____
Timothy Harrington, Manager

52 ELM ST.

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18941 PG 344
Instr # 2022005042
01/31/2022 12:41:52 PM
Pages 3 YORK CO

DLN: 1002240181741

QUITCLAIM DEED
With Covenant

KNOW ALL MEN BY THESE PRESENTS, that **RSTBR, LLC** a Maine limited liability company with a principal place of business in Scarborough, Maine, for consideration paid, grant unto **ONE DIAMOND DEVELOPMENT, LLC**, a Maine limited liability company with a mailing address of 2 Livewell Drive, Suite 201, Kennebunk, Maine 04043, with ***Quitclaim Covenants***, a certain lot or parcel of land in Biddeford, County of York, and State of Maine with all improvements thereon and all appurtenances thereto more particularly described as follows:

See Exhibit A attached hereto.

Maine R.E. Transfer Tax Paid

MEANING AND INTENDING to convey the same premises conveyed to RSTBR, LLC by deed from Robert N. Martin and Celeste Martin dated May 17, 2003 and recorded in the York County Registry of Deeds in Book 12912, Page 263.

IN WITNESS WHEREOF, the said Richard J. Flaherty, Member of RSTBR, LLC. has caused this instrument to be signed, sealed and delivered on the date indicated below.

Signed, Sealed and Delivered this 31st day of January 2022.

RSTBR, LLC

WITNESS

By: Richard J. Flaherty
Its: Member

STATE OF MAINE
York, ss.

January 31, 2022

Personally appeared the above-named Richard J. Flaherty and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary Public/Attorney-at-Law
Print Name:
My commission expires:

Ralph W. Austin
NOTARY PUBLIC
State of Maine
My Commission Expires
11/09/2025

EXHIBIT A

A certain lot or parcel of land together with all of the buildings and improvements thereon, situated on and adjacent to the northwesterly side of U.S. Route 1 in Biddeford, County of York and State of Maine, being more particularly bounded and described as follows:

Beginning at the junction of the northwesterly sideline of Elm Street and the northeasterly sideline of River Street; thence northwesterly by said River Street Forty-two and Five Tenths (42.5) feet, more or less, to an angle in said street; thence northwesterly by said River Street and deflecting to the left by an angle of 18° 22' a distance of Fifty-three and Fifty-five Hundredths (53.55) feet, more or less, to a point which is Fifty-two and Twenty-five Hundredths (52.25) feet northerly from the northerly corner of the brick garage building standing on the southwesterly side of River Street and being One (1) foot northwesterly from the northwesterly face of the building which stood on the "Clara Hyde Lot" in 1934 and which is now gone; thence northeasterly by a line which is One (1) foot northwesterly from and parallel with the northwesterly face of said Hyde building and making an included angle of 87° 34' with the last described line Seventy-two and Two Tenths (72.2) feet to an iron pipe driven into the ground at Saco River; thence continuing the same course to said River or so far as we own; thence southeasterly by said River to said Elm Street; thence southwesterly by said Elm Street Ninety-three (93) feet, more or less, to the point of beginning.

Also another certain lot or parcel of land with the buildings thereon beginning at a spike driven into the pavement on the northeasterly side of River Street at the westerly corner of other land now or formerly of Villa, Incorporated (the hereinabove described lot), said spike being Fifty-two and Six Tenths (52.6) feet northeasterly of the brickwork at the northerly corner of the building standing on the southwesterly side of said street and being Twenty-nine and Twenty-four Hundredths (29.24) feet northwesterly of the brickwork at the southerly corner of the building standing partly on land hereby conveyed; thence northwesterly by said street Thirty-three and Fifty-six Hundredths (33.56) feet to an iron pipe driven into the ground and remaining land of Diamond International Corporation; thence northeasterly by said remaining land of Diamond International Corporation and by the remains of an old fence and forming an included angle of 87° 41' with said street and by a line which passes Twenty-two and Sixteen Hundredths (22.16) feet northwesterly of the concrete blocks at the westerly corner of the building standing partly on land hereby conveyed and passes Twenty-seven and Five Hundredths (27.05) feet northwesterly of the concrete blocks at the northerly corner of said building Seventy-three and Eleven Hundredths (73.11) feet to an iron pipe driven into the ground near the top of the bank of the Saco River; thence continuing by the same course to said River or so far northeasterly as we own; thence southeasterly by said River to land now or formerly of Villa Incorporated, (the hereinabove described lot); thence southwesterly by land now or formerly of Villa Incorporated (the hereinabove described lot) to the point of beginning. The last described line makes an included angle of 92° 26' with said street.

Excepting and reserving herefrom (from the first described lot) a certain lot or parcel of land conveyed by Villa, Incorporated to Diamond International Corporation by deed dated February 5, 1973 and recorded in said Registry in Book 1980, Page 872, bounded and described in the said deed to Diamond International as follows:

Beginning at a spike driven into the pavement at the intersection of the northeasterly side of River Street with the northwesterly side of Elm Street; thence northwesterly by said River Street Twenty (20) feet to remaining land of Villa, Inc.; thence northeasterly by said remaining land of Villa, Inc., and parallel to said Elm Street Ten (10) feet; thence southeasterly by said remaining land of Villa, Inc., and parallel to said River Street Twenty (20) feet to said Elm Street; thence southwesterly by said Elm Street Ten (10) feet to the point of beginning.

68 ELM ST.

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 18996 PG 930**
Instr # 2022015639
04/07/2022 01:11:24 PM
Pages 3 YORK CO

DLN: 1002240189093

QUITCLAIM DEED

PFP Lawrence, Inc., a Massachusetts corporation, with a mailing address of 56 Kearney Road, Needham, MA

For consideration paid of **One Dollar ($1.00)**

Grant to **One Diamond Development, LLC**, a Maine limited liability company, of **2 Livewell Drive, Suite 201, Kennebunk, Maine 04043**

With *quitclaim covenants*

the following described real property located at 68 Elm Street, City of Biddeford, York County, State of Maine

A certain lot or parcel of land with all buildings thereon situated in Biddeford in the County of York and State of Maine and bounded and described as follows: Beginning at River Street at the east corner of the heirs of the late William P. Hooper; thence running westerly by said Hooper land to land of the heirs of Samuel T. Merrill; thence southerly by said Merrill land to a stone wall; thence easterly by said stone wall and in a straight line from the east end thereof to said River Street to a point one hundred and twelve (112) feet distance from said Hooper corner; thence

Maine R.E. Transfer Tax Paid

Property Address: 68 Elm Street, Biddeford, Maine

northerly by said River Street to said Hooper corner and point of beginning.

Being the same premises described in a deed from Kathryn B. Mahaney to Annie T. Mahaney and recorded in York County Registry of Deeds in Book 996, Page 208 and dated March 1, 1943.

Also another certain lot or parcel of land beginning on the southerly side of River Street, so called, at its junction with Elm Street; thence westerly by said River Street about seventy six (76) feet to land of Alphonso M. Goodwin; thence in a southwesterly direction by land of said Alphonso M. Goodwin one hundred and sixty nine (169) feet, more or less, to land now or formerly of Samuel T. Merrill; thence in a southeasterly direction and at about right angles by the land of said Merrill seventy six (76) feet, more or less, to Elm Street; thence at about right angles in a northwesterly direction by said Elm Street one hundred and eighty (180) feet, more or less, to River Street and point of beginning.

For grantor's title, see deed of Alfred E. Pill, Robert E. Pill and Selig M. Friedberg dated February 15, 2008 and recorded with the York County Registry of Deeds in Book 15374, Page 0058-0060.

Meaning and intending to describe, as to both parcels, the property described in deeds recorded in the York County Registry of Deeds in Book 1984, Page 103 and Book 1984, Page 105.

(signature page attached)

Executed this 18 day of March, 2022.

PFP LAWRENCE, INC.
By:

Alfred E. Pill, President

STATE OF FLORIDA

Palm Beach, ss.

On this 18 day of March, 2022, before me, the undersigned notary public, personally appeared Alfred E. Pill, proved to me through satisfactory evidence of identification, which was (X) a driver's license and/or ( ) _____, to be the person whose name is signed on the preceding or attached document; and acknowledged to me that he signed it voluntarily for its stated purpose.

RENE MEJIA
Notary Public - State of Florida
Commission # HH 195638
My Comm. Expires Nov 7, 2025

Notary Public
My commission expires:

368 - 376 MAIN ST

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18941 PG 668
Instr # 2022005096
01/31/2022 03:51:31 PM
Pages 6 YORK CO

DLN: 1002240181791

QUITCLAIM DEED
(With Covenant)

KNOW ALL MEN BY THESE PRESENTS

Maine R.E. Transfer Tax Paid

That, **ABILITY PROPERTIES, LLC,** a limited liability company duly organized and existing under the laws of the State of Maine with a principal place of business located in the City of Biddeford, County of York and State of Maine, 04005

for consideration paid,

hereby grants to **ONE DIAMOND DEVELOPMENT, LLC,** a limited liability company duly organized and existing under the laws of the State of Maine, with a principal place of business located in the Town of Kennebunk, County of York and State of Maine, whose mailing address is 2 Livewell Drive, Suite 201, Kennebunk, Maine 04043

with **QUITCLAIM COVENANT,**

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

Beginning at an iron rod with surveyor's cap driven into the ground on the northeasterly side of Main Street at a point located 25.00 feet northerly of the centerline of the existing railroad tracks of the Boston and Maine Corporation; said point of beginning is also located approximately 38.0 feet northerly of, and radial to, baseline station 5221+81.01; thence North 38° 27' 30" West by said northeasterly side of Main Street, a distance of 84.24 feet to a "Mag Nail" set in pavement; thence North 51° 23' 10" East partly by land described in the deed from Ladeda, Inc. to Ability Properties, LLC dated September 26, 2013 and recorded in the said Registry of Deeds in Book 16704, Page 200, and partly by land described in the deed from Diamond International Corporation to the Inhabitants of the City of Biddeford dated October 5, 1976 and recorded in the said Registry of Deeds in Book 2158, Page 491, and shown on a "Plan Showing a Survey of Land for Diamond International Corp." dated January, 1973 by Dow, Coulombe & Brown, Inc., a distance of 468.26 feet to an iron rod with surveyor's cap driven into the ground; thence by land described in the deed from Elizabeth K. Mantis, Personal Representative of the Estate of Mary V. Kearney, to Union Oil of Maine dated June 23, 1995 and recorded in the said Registry of Deeds in Book 7465, Page 84, and shown on a plan entitled "Land in Biddeford, Maine, Boston and Maine Railroad to Bugbee-Brown, Inc." dated December, 1959, file R2-98-46 and recorded in the said Registry of Deeds in Plan Book 28, Page 28, by the following six (6) described lines: South 37° 58' 50" East a distance of 31.04 feet to an iron rod with surveyor's cap driven into the ground; thence South 52° 01' 10" West a distance of 62.41 feet to an iron rod

with surveyor's cap driven into the ground; thence South 34° 06' 50" East a distance of 101.94 feet to an iron rod with surveyor's cap driven into the ground; thence North 57° 00' 20" East by a line located 4.65 feet northerly of and parallel with the centerline of existing railroad tracks located on the parcel herein described a distance of 68.36 feet to an iron rod with surveyor's cap driven into the ground; thence South 37° 59' 30" East a distance of 90.10 feet; thence North 52° 00' 30" East a distance of 88.40 feet to an iron pipe found driven into the ground at said land of the City of Biddeford; thence South 37° 59' 30" East partly by said City of Biddeford land and partly by remaining land of Boston and Maine Corporation a distance of 276.80 feet to an iron rod with surveyor's cap driven into the ground at a point located 25.00 feet northerly of the centerline of the existing railroad tracks on land of said Boston and Maine Corporation; said last described point is also located North 37° 59' 30" West a distance of 55.06 feet from baseline station 5229+05.10; thence westerly by remaining land of said Boston and Maine Corporation and by a circular curve deflecting to the left having a radius of 3296.47 feet and located 25.00 feet northerly of and concentric with the centerline of the existing railroad tracks, an arc distance of 400.66 feet to an iron rod with surveyor's cap driven into the ground (a chord between the last two described points bears North 88° 18' 05" West a distance of 400.41 feet); said last described point is located approximately 37.9 feet northerly of and radial to baseline station 5224+61.56; thence westerly by remaining land of said Boston and Maine Corporation and by a circular curve deflecting to the left having a radius of 2682.44 feet, and located 25.00 feet northerly of and concentric with the centerline of the existing railroad tracks, an arc distance of 294.42 feet to the point of beginning (a chord between the last two described points bears South 85° 04' 20" West a distance of 294.27 feet).

Containing 127,670 square feet or 2.930 acres.

Subject to driveway and easement rights described in said deed recorded at the York County Registry of Deeds in Book 7465, Page 84 and shown on said plan recorded in the said Registry of Deeds in Plan Book 28, Page 28.

The bearings used in this description refer to the 2005 Magnetic Meridian.

The baseline stationing used in this description was calculated from holding station 5229+05.10 as shown on said plan recorded in the York County Registry of Deeds in Plan Book 28, Page 28 and recited in said deed recorded in the said Registry of Deeds in Book 7465, Page 84.

Also subject to any rights for utility poles and overhead utility lines that are located on, and over the described parcel of land.

Reference is made to "Plan Showing a Boundary Survey of Land Located at 368 Main Street, Biddeford, Maine, Boston and Maine Corporation to Ability Equipment Sales, Inc." dated May 10, 2019 by Dow & Coulombe, Inc.

This conveyance is subject to the following reservations, conditions, covenants, and agreements:

1. This conveyance is made without granting any right of way, either by necessity or otherwise, over any remaining land or location of the Boston and Maine Corporation.

2. The Boston and Maine Corporation hereby reserves a permanent, exclusive right of way and easement in, on, over, under, across and through the Premises for the purpose of accessing, constructing, installing, operating, maintaining, modifying, repairing, replacing, relocating and removing a telecommunications system or other system for transmission of intelligence or information by any means, whether now existing or hereafter devised, including such poles, pipes, wires, fibers, fiber optic cables, repeater stations, attachments, appurtenances, structures or other equipment and property of any description necessary or useful for the same (the "Telecommunications Easement"). The said Boston and Maine Corporation further reserves the right to freely lease, license, mortgage, assign, pledge and otherwise alienate the telecommunications Easement. The Grantee hereby covenants with the said Boston and Maine Corporation to recognize the Telecommunications Easement and without the payment of any further consideration, to execute, acknowledge and deliver such instruments suitable for recording with the Registry of Deeds as the said Boston and Maine Corporation may reasonably require to acknowledge title to the Telecommunications Easement in the said Boston and Maine Corporation. The Boston and Maine Corporation covenants to reasonably repair and restore the surface of the easement area after any work.

3. The Boston and Maine Corporation excepts from this conveyance any and all railroad tracks, railroad track materials (including, but not limited to, ties, connections, switches and ballast) and/or related equipment of any description located in whole or in part within the Premises (the "Trackage") and this conveyance is subject to the right of the said Boston and Maine Corporation to enter the Premises from time to time and at any and all times within the ninety (90) day period commencing with and subsequent to May 15, 2019, with such men, equipment and materials as, in the reasonable opinion of the Principal Engineering Officer of the said Boston and Maine Corporation, are necessary for the removal of the Trackage. Days during the months of December, January, February, and March shall not be included in the aforesaid ninety (90) day period. If the Trackage is not removed from the Premises by the expiration of said ninety (90) day period, the Trackage shall be deemed abandoned by the said Boston and Maine Corporation and shall then become the property of the Grantee.

4. By the acceptance of this deed and as part consideration therefor, the Grantee hereby assumes any and all agreements, covenants, obligations and liabilities of the said Boston and Maine Corporation in respect to any underground facilities, drainage culverts, walls, crossings and/or other structures of any nature and description located in whole or in part within the Premises.

5. By the acceptance of this deed and as part consideration therefor, the Grantee agrees to irrevocably waive, give up and renounce any and all claims or causes of action against the said Boston and Maine Corporation in respect of claims, suits and/or enforcement actions (including any administrative or judicial proceedings and any remedial, removal or response actions) ever asserted, threatened, instituted or requested by any person and/or governmental agency on account of (a): any release of oil or hazardous materials or substances of any description on, upon or into the Premises in contravention of any ordinances, law or statute (including, but not limited to, the Comprehensive

Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601, et seq., as amended); and (b) any and all damage to real or personal property, natural resources and/or harm or injury to persons alleged to have resulted from such release of oil or hazardous materials or substances.

6. By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to build and forever maintain fences (together with any necessary gates), suitable to the Principal Engineering Officer of the said Boston and Maine Corporation, along the boundaries of the Premises which are common to remaining land or location of the Boston and Maine Corporation (the "Fences"), if Fences are ever required in the sole and reasonable opinion of said Principal engineering Officer.

7. This conveyance is subject to the following restrictions for the benefit of other land or location of the said Boston and Maine Corporation to wit: that from the date of delivery of this deed, the said Boston and Maine Corporation shall not be liable to the Grantee or any lessee or user of the Premises (or any part thereof) for any damage to any buildings or property upon them caused by fire, whether communicated directly or indirectly by or from locomotive engines of any description upon the railroad operated by the said Boston and Maine Corporation, or otherwise.

8. By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to make no use of the Premises which, in the sole and reasonable opinion of the Principal Engineering Officer of the said Boston and Maine Corporation, adversely affects, increases or decreases drainage to, from, upon or in any remaining land or location of the said Boston and Maine Corporation. The Grantee agrees to indemnify and save the said Boston and Maine Corporation harmless from and against any and all loss, cost, damage or expense including, but not limited to, the cost of defending all claims and/or suits for property damage, personal injury or death arising out of or in any way attributable to any breach of the foregoing covenant.

9. The said Boston and Maine Corporation excepts from this conveyance any and all overhead, surface or underground signal and communication line facilities of the said Boston and Maine Corporation located within the limits of the Premises and this conveyance is subject to the said Boston and Maine Corporation's use of any such facilities in their present locations and entry upon the Premises from time to time to maintain, repair, replace, renew, relay or remove such facilities.

10. Whenever used in this deed, the term "Grantor" shall not only refer to the BOSTON AND MAINE CORPORATION, but also its successors, assigns and affiliates and the term "Grantee" shall not only refer to the above named Grantee, but also the Grantee's successors, assigns and grantees, as the case may be.

11. The several exceptions, exceptions, reservations, condition, covenants and agreements contained in this deed shall be deemed to run with the land and be binding upon the Grantee forever. In addition to the acceptance and recording of this deed, the Grantee

hereby signifies assent to the said several exceptions, reservations, conditions, covenant and agreements, by joining in its execution.

Being the same premises conveyed to the Grantor herein by release deed of the Boston and Maine Corporation dated May 15, 2019 and recorded in the York County Registry of Deeds in Book 17956, Page 129.

Also a certain one and one-half story building, which includes an office, garage, and second floor storage, located at 374 Main Street, in the City of Biddeford, County of York and State of Maine, Said building or structure is located on land owned now or formerly by the Boston and Maine Railroad in accordance with a certain agreement governing the use of the said Boston and Maine Railroad and the late Harry A. Mapes, of the City of Sanford, which Agreement was assigned by said Harry A. Mapes by assignment dated June 29, 1953 from Harry A. Mapes, Inc., a corporation now known as H.A. Mapes, Inc.

Being the same premises conveyed to the Grantor herein by warranty deed of Depot Trucking of Southern Maine, Inc. and Edward A. Handlin, Jr. dated September 24, 2019 and recorded in the York County Registry of Deeds in Book 18055, Page 740.

WITNESS WHEREOF, the said Ability Properties, LLC., has caused this instrument to be signed in its limited liability company name by John Leclerc, its Member thereunto duly authorized, this 31st day of January, 2022.

Ability Properties, LLC

By John Leclerc
Its: Member

STATE OF MAINE,
YORK, SS.

January 31, 2022

Personally appeared the above named John Leclerc, Member of said grantor company as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.

Before me,

Notary Public / ~~Attorney-at-Law~~
Printed Name:

Ralph W. Austin
NOTARY PUBLIC
State of Maine
My Commission Expires
11/03/2025

378 MAIN ST.

NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED Bk 18941 PG 666
Instr # 2022005095
01/31/2022 03:51:31 PM
Pages 2 YORK CO

DLN: 1002240181785

QUITCLAIM DEED
(With Covenant)

KNOW ALL MEN BY THESE PRESENTS

Maine R.E. Transfer Tax Paid

That, **ABILITY EQUIPMENT SALES, INC.,** a corporation duly organized and existing under the laws of the State of Maine with a principal place of business located in the City of Biddeford, County of York and State of Maine, 04005

for consideration paid,

hereby grants to **ONE DIAMOND DEVELOPMENT, LLC,** a limited liability company duly organized and existing under the laws of the State of Maine, with a principal place of business located in the Town of Kennebunk, County of York and State of Maine, whose mailing address is 2 Livewell Drive, Suite 201, Kennebunk, Maine 04043

with **QUITCLAIM COVENANT,**

A certain lot or parcel of land with the buildings thereon situated on the northerly side of Main Street in the City of Biddeford, County of York and State of Maine, formerly known as the Deering Packing Company, bounded southwesterly by said Main Street, southeasterly by premises of the Boston & Maine Railroad and the Diamond Match Company; northeasterly by property formerly of the Saco River Lumber Company, now or formerly of the Diamond Match Company and northwesterly by land now or formerly of William H. Deering, et als, said building thereon being numbered 378 on Main Street.

Being the same premises conveyed to the Grantor herein by quitclaim deed of Ladeda, Inc. dated September 26, 2013 and recorded in the York County Registry of Deeds in Book 16704, Page 200.

Excepting a certain lot or parcel of land as described in Notice of Layout and Taking from the State of Maine by its Department of Transportation dated June 18, 2015 and recorded in the said Registry of Deeds in Book 17064, Page 821.

WITNESS WHEREOF, the said Ability Equipment Sales, Inc., has caused this instrument to be signed in its corporate name by John Leclerc, its President thereunto duly authorized, this 31st day of January, 2022.

Ability Equipment Sales, Inc.

By John Leclerc
Its: President

STATE OF MAINE,
YORK, SS.

January 31, 2022

Personally appeared the above named John Leclerc, President of said grantor corporation as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

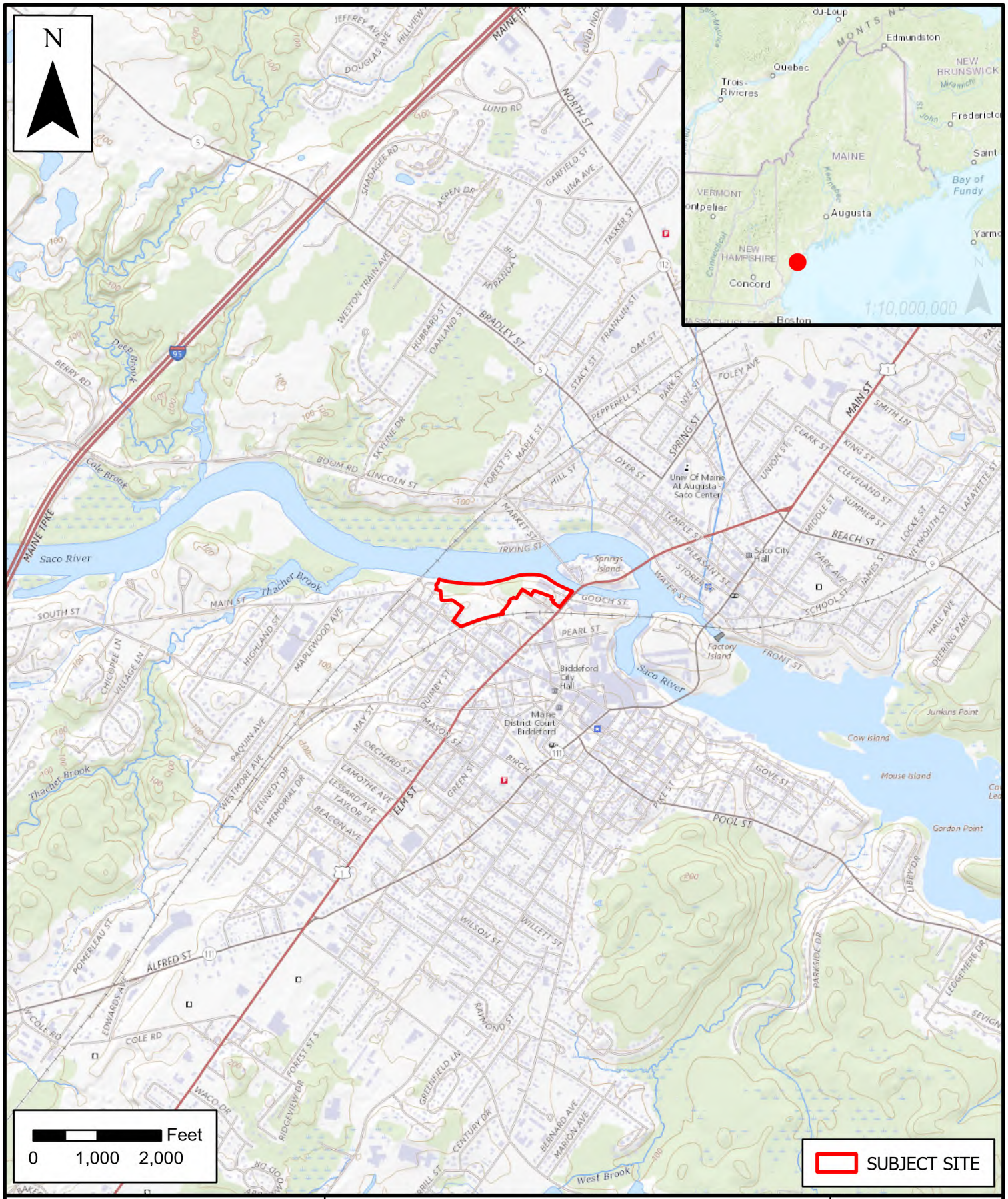
Before me,

~~Notary Public~~ / ~~Attorney-at-Law~~
Printed Name:

Ralph W. Austin
NOTARY PUBLIC
State of Maine
My Commission Expires
11/03/2025

Exhibit 2

Site Location Map



SEBAGO TECHNICS

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

LOCATION MAP

ONE DIAMOND DEVELOPMENT, LLC

SCALE:	1:24,000
DATE:	3/14/2023

LOCATION:
DIAMOND STREET
BIDDEFORD, ME

INFORMATION:
MAINE GEOLIBRARY
USGS QUADRANGLE

Location Map, 18462.aprx

Project Number: 18462

Exhibit 3

Photographs of Site

Photo 1 (11-27-2018): Photo standing in front of Existing Gloves, ETC. building, looking towards Elm Street.

Photo 2 (11-19-2021): Photo standing on property, looking towards Main Street.

Photo 3 (11-27-2018): Photo standing along river looking north.

Photo 4 (11-27-2018): Photo of future riverwalk location, standing next to existing structure.

Photo 5 (3-10-2023): Photo of existing building near Elm Street.

Photo 6 (3-10-2023): Photo of existing structure on property.

Photo 7 (3-10-2023): Photo of existing gravel road, looking east.

Photo 8 (3-10-2023): Photo standing on property, looking across train tracks.

Exhibit 4

Civil Sketch Plan & Architectural Renderings

Exhibit 4

Civil Sketch Plan & Architectural Renderings

Please see the Civil Sketch Plan & Architectural Renderings appended to the end of this Application.

One Diamond Impervious Coverage Table	
Land Cover Type	**Area (Ac)**
Impervious Area (WR-Zone)	5.48
Landscaped Area (WR Zone)	6.68
Total Impervious Area	8.84
Total Landscaped Area	9.66
Total Area Within WR Zone	12.16
Total Lot Area	18.05
Impverious Coverage Within WR Zone (55% Maximum)	45%
Total Lot Coverage Out of WR Zone (No Maximum)	53%

Parking Space Count	
Surface Parking Spaces	421
Understory Parking Spaces	194
Total	**615**

Open Space Adjacent to RiverWalk Extension = 2+ acres

GRAPHIC SCALE

(IN FEET)
1 INCH = 80 FT.

NOT FOR CONSTRUCTION

CRAIG A. BURGESS, PE 12638

STATE OF MAINE
CRAIG A. BURGESS
No. 12638
PROFESSIONAL ENGINEER

REV.	BY:	DATE:	STATUS:
B	CAB	04/12/2023	ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
A	CAB	03/28/2023	FOR JDA AGREEMENT

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, MODIFICATIONS OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite B
South Portland, ME 04106
Tel. 207-200-2100

OVERALL SITE PLAN
OF
ONE DIAMOND STREET
ELM STREET
BIDDEFORD, MAINE

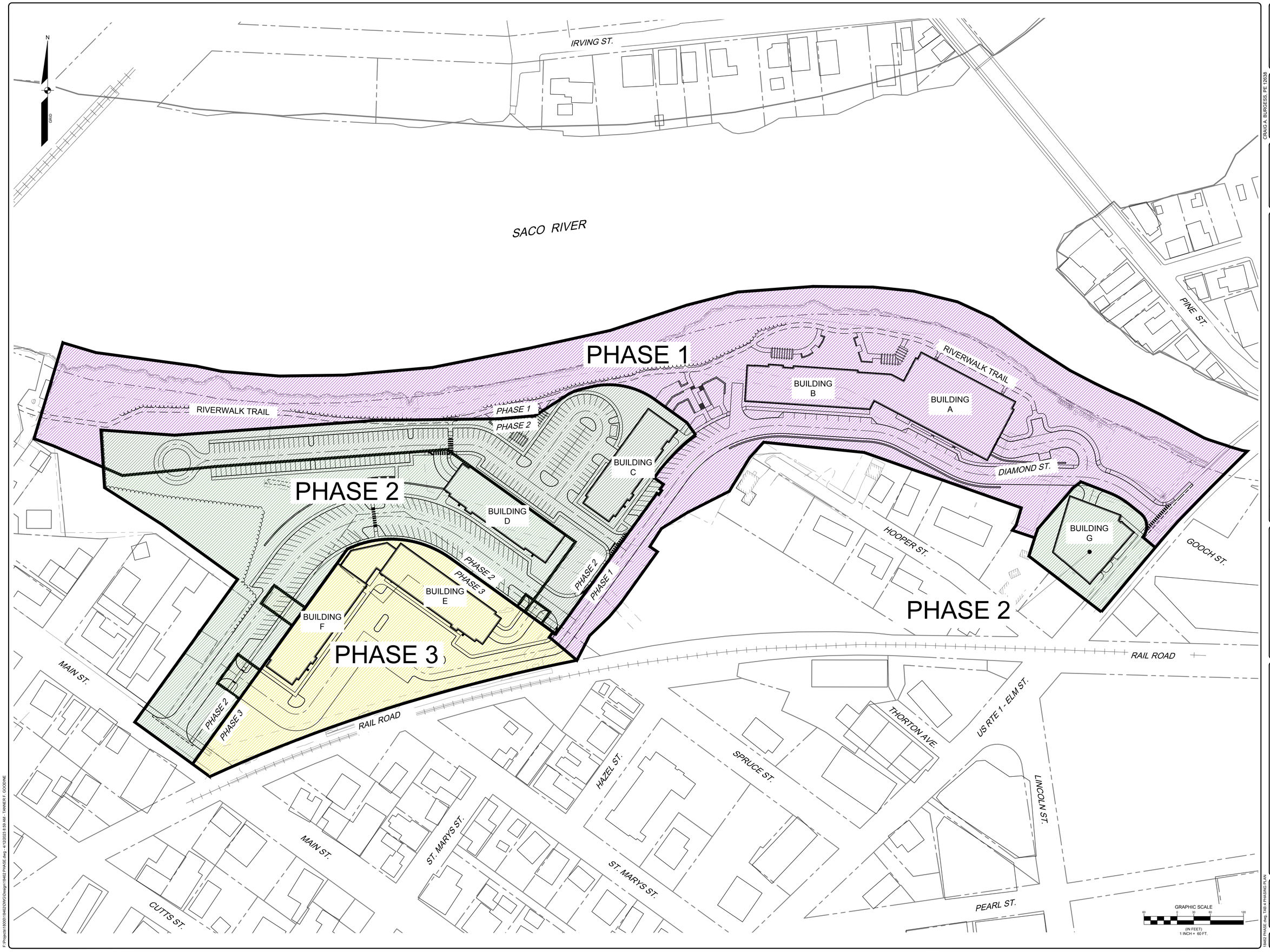
FOR:
ONE DIAMOND DEVELOPMENT, LLC
2 LIVEWELL DRIVE, SUITE 201
KENNEBUNK, ME 04043

18462 OVERALL SITE 2.dwg, TAB:OVERALL SITE PLAN

DESIGNED	TFG
DRAWN	DAB
CHECKED	CAB
DATE	04/12/2023
SCALE	1" = 80'
PROJECT	18462

SHEET 1 OF 1

F:\Projects\18000\18462\CIVIL\Design\18462 OVERALL SITE 2.dwg , 4/12/2023 10:18 AM , TANNER F. GOODONE



NOT FOR CONSTRUCTION

STATE OF MAINE
CRAIG A. BURGESS
No. 12638
PROFESSIONAL ENGINEER

CRAIG A. BURGESS, PE 12638

REV:	BY:	DATE:	STATUS:
B	CAB	04/12/2023	ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
A	CAB	03/28/2023	FOR JDA AGREEMENT

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.

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

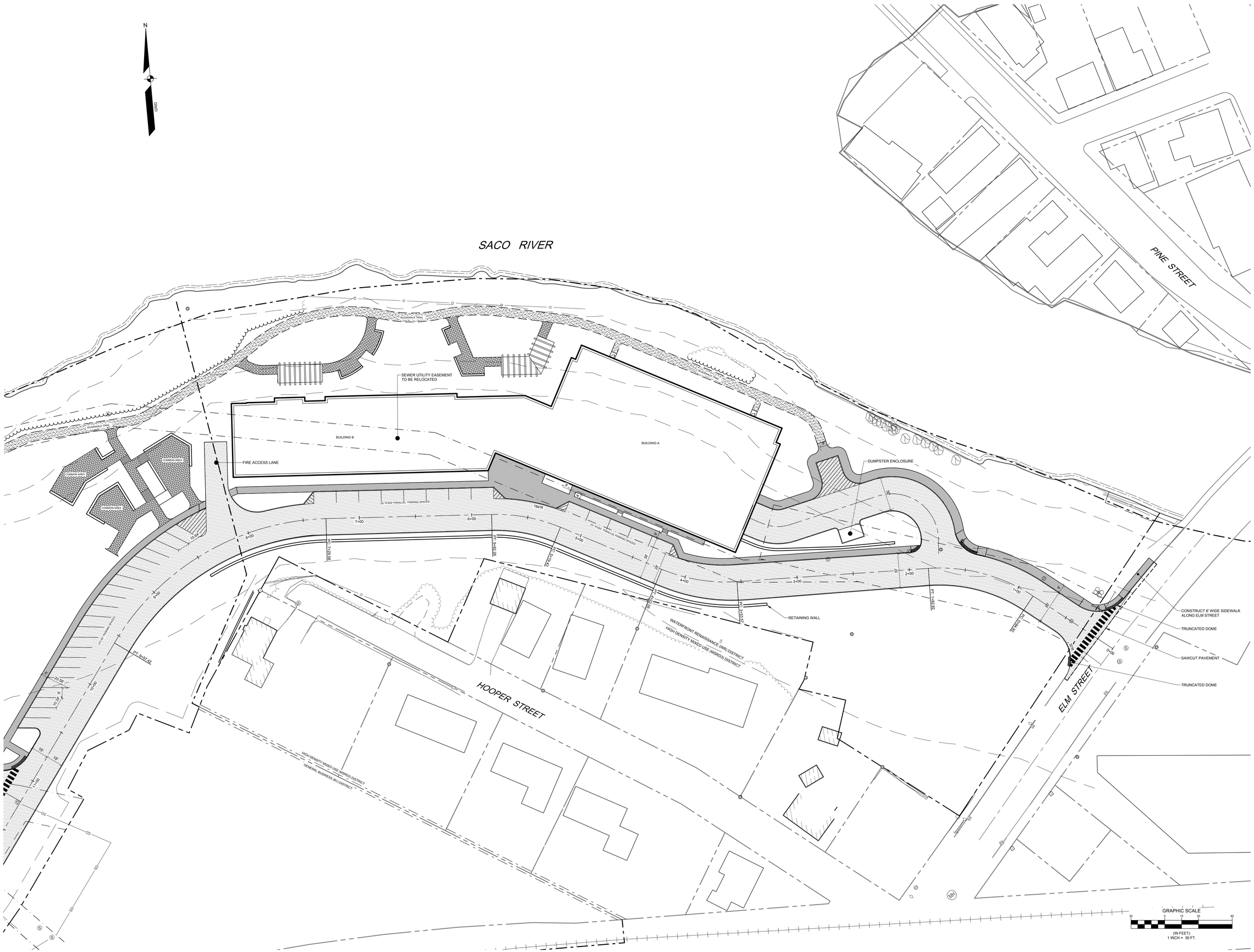
PHASING PLAN
OF
ONE DIAMOND STREET
ELM STREET
BIDDEFORD, MAINE
FOR:
ONE DIAMOND DEVELOPMENT, LLC
2 LIVEWELL DRIVE, SUITE 201
KENNEBUNK, ME 04043

DESIGNED	TFG
DRAWN	DAB
CHECKED	CAB
DATE	04/12/2023
SCALE	1" = 60'
PROJECT	18462

SHEET 4 OF 45

18462 PHASE.dwg, TAB-4 PHASING PLAN

F:\Projects\18000\18462\DWG\Design\18462 PHASE.dwg - 4/12/2023 8:59 AM - TANNER F. GOODINE



NOT FOR CONSTRUCTION

STATE OF MAINE
CRAIG A BURGESS
No. 12638
PROFESSIONAL ENGINEER

CRAIG A. BURGESS, PE 12638

REV.	BY:	DATE:	STATUS:
B	CAB	04/12/2023	ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
A	CAB	03/28/2023	FOR JDA AGREEMENT

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

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

SITE PLAN - BUILDING AB

OF:

ONE DIAMOND STREET

ELM STREET
BIDDEFORD, ME

FOR:

ONE DIAMOND DEVELOPMENT, LLC

2 LIVEWELL DRIVE, SUITE 201
KENNEBUNK, ME 04043

DESIGNED	TFG
DRAWN	DAB
CHECKED	CAB
DATE	04/12/2023
SCALE	1" = 30'
PROJECT	#####

SHEET 1 OF 1

18452 S-AB for Sketch.dwg, TAB-AB Site Plan

F:\Projects\18000\18452\DWG\Design\18452 S-AB for Sketch.dwg - 4/12/2023 8:48 AM - TANNER F. GOODINE

NORTH AERIAL VIEW

NORTHWEST AERIAL VIEW

REV.	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23

CURRENT ISSUE STATUS:

SMRT
Architecture • Engineering • Planning
SMRT Architects and Engineers
75 Washington Ave., Suite 3A
Portland, Maine 04101
1.877.700.7678
www.smrtinc.com

ONE DIAMOND - BUILDING A/B

RENDERINGS

SHEET TITLE:

0" 1/4" 1/2" 1" 2" 3"

SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	LRG		
SMRT FILE:	AB.AE700-22196	SHEET No.	

AB.AE700

COPYRIGHT 2023 SMRT INC

NOT FOR CONSTRUCTION

BUILDING A & B

SUB-GRADE PARKING: YES
RESIDENTIAL FLOORS: 7
TOTAL FLOORS: 6 + PARKING

TOTAL UNITS: 146
TOTAL PARKING SPOTS: 76

TOTAL GSF: 181, 766 GSF
PARKING GSF: 29, 767 GSF

TYPE 1B

BUILDING C

SUB-GRADE PARKING: YES
RESIDENTIAL FLOORS: 5
TOTAL FLOORS: 5 + PARKING

TOTAL UNITS: 67
TOTAL PARKING SPOTS: 23

TOTAL GSF: 65, 925 GSF
PARKING GSF: 13, 185 GSF

PODIUM + 5A

BUILDING D

SUB-GRADE PARKING: YES
RESIDENTIAL FLOORS: 5
TOTAL FLOORS: 5 + PARKING

TOTAL UNITS: 77
TOTAL PARKING SPOTS: 29

TOTAL GSF: 72, 000 GSF
PARKING GSF: 14, 400 GSF

PODIUM + 5A

BUILDING E & F

SUB-GRADE PARKING: YES
RESIDENTIAL FLOORS: 5
TOTAL FLOORS: 5 + PARKING

TOTAL UNITS: 154
TOTAL PARKING SPOTS: 54

TOTAL GSF: 144, 000 GSF
PARKING GSF: 28, 800 GSF

PODIUM + 5A

BUILDING G

SUB-GRADE PARKING: YES
RESIDENTIAL FLOORS: 4
COMMERCIAL FLOOR: 1
TOTAL FLOORS: 5

TOTAL UNITS: 36
TOTAL PARKING SPOTS: 12

TOTAL GSF: 54, 660 GSF
PARKING GSF: 6,920 GSF

PODIUM + 5A

TOTAL # OF UNITS: 480

TOTAL GSF: 518, 350 GSF
(parking not included)

PARKING REQUIREMENTS

RESIDENTIAL:
TWO SPACES PER DWELLING UNIT
ONE IF DESIGNED EXCLUSIVELY FOR,
AND OCCUPANCY IS RESTRICTED TO
SENIOR (55+) HOUSING, STUDIO
APARTMENTS OR ONE BEDROOM UNITS

OFFICE BUILDINGS, BUILDING SERVICES:
ONE SPACE FOR EVERY 300 SQUARE
FEET OF FLOOR AREA

UNIT MATRIX		PARKING SPACES REQ'D
STUDIOS:	86	86
ONE BEDROOMS:	306	306
TWO BEDROOMS:	88	176
ADA BEDROOMS: 2% OF ALL UNITS (INCLUDES ONE & TWO BEDROOMS)		
	TOTAL SPACES REQ'D:	568

COMMERCIAL SPACE

14,125 sf SPACES REQ'D: 48

CURRENT PARKING CAPACITY

SUBGRADE AT BUILDING A/B:	76
SUBGRADE AT BUILDING C:	23
SUBGRADE AT BUILDING D:	29
SUBGRADE AT BUILDING E/F:	54
SUBGRADE AT BUILDING G:	12
SURFACE SPACES:	423
TOTAL SPACES PROVIDED:	**617**

REV	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23
CURRENT ISSUE STATUS:

SMRT Architecture • Engineering • Planning
SMRT Architects and Engineers
75 Washington Ave., Suite 3A
Portland, Maine 04101
1.877.700.7678
www.smrtinc.com

ONE DIAMOND - BUILDING A/B

UNIT MATRIX
SHEET TITLE:

0" 1/4" 1/2" 1" 2" 3"
SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	SD		
SMRT FILE:	AB.GI002-22196	SHEET No.	AB.GI002

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AB PARKING FLOOR PLAN C1
1/16" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION
- COMMERCIAL

PARKING SCHEDULE

TYPE	COUNT
ADA PARKING SPOTS	4
REGULAR PARKING SPOTS	72
Grand total	76

TOTAL UNIT COUNT

# OF BEDROOMS	COUNT
ONE BEDROOM	89
ONE BEDROOM - ADA	1
STUDIO	20
TWO BEDROOM	34
TWO BEDROOM - ADA	2
Grand total: 146	

REV.	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23
CURRENT ISSUE STATUS:

PROJECT NORTH:

SMRT Architects and Engineers
75 Washington Ave., Suite 3A
Portland, Maine 04101
1.877.700.7678
www.smrtinc.com
Architecture • Engineering • Planning

ONE DIAMOND - BUILDING A/B

AB PARKING FLOOR PLAN
SHEET TITLE:

0" 1/4" 1/2" 1" 2" 3"
SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY::	CAF		
SMRT FILE:	AB.AE100-22196	SHEET No.	AB.AE100

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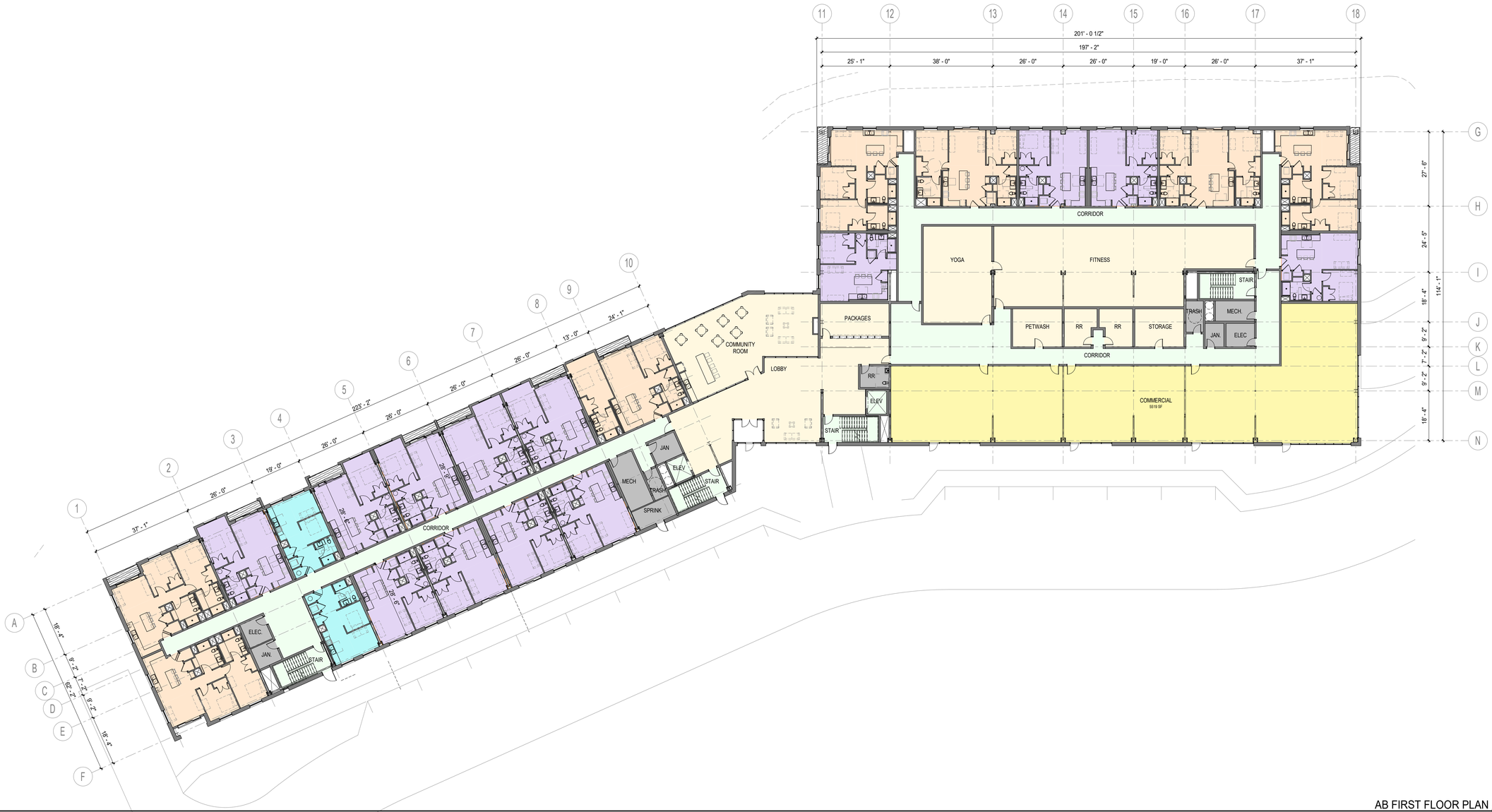

AB FIRST FLOOR PLAN (C1)

1/16" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION
- COMMERCIAL

REV	DESCRIPTION	DATE

SKETCH PLAN REVIEW
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ONE DIAMOND - BUILDING A/B

AB FIRST FLOOR PLAN

SHEET TITLE:

0' 1/4' 1/2' 1' 2' 3'

SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF	SHEET No.	AB.AE101
DRAWN BY:	CAF		
SMRT FILE:	AB.AE101-22196		

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C FIRST FLOOR PLAN (H1)
1/8" = 1'-0"

C PARKING FLOOR PLAN (A1)
1/8" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION

Parking Schedule

TYPE	COUNT
ADA PARKING SPOTS	2
REGULAR PARKING SPACES	21
Grand total	23

TOTAL UNIT COUNT

# OF BEDROOMS	COUNT
ONE BEDROOM	48
STUDIO	9
TWO BEDROOM	10
Grand total: 67	

REV	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23
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ONE DIAMOND - BUILDING C

C PARKING AND FIRST FLOOR PLAN
SHEET TITLE:

0" 1/4" 1/2" 1" 2" 3"
SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	CAF		
SMRT FILE:	C.AE100-22196	SHEET No.	C.AE100

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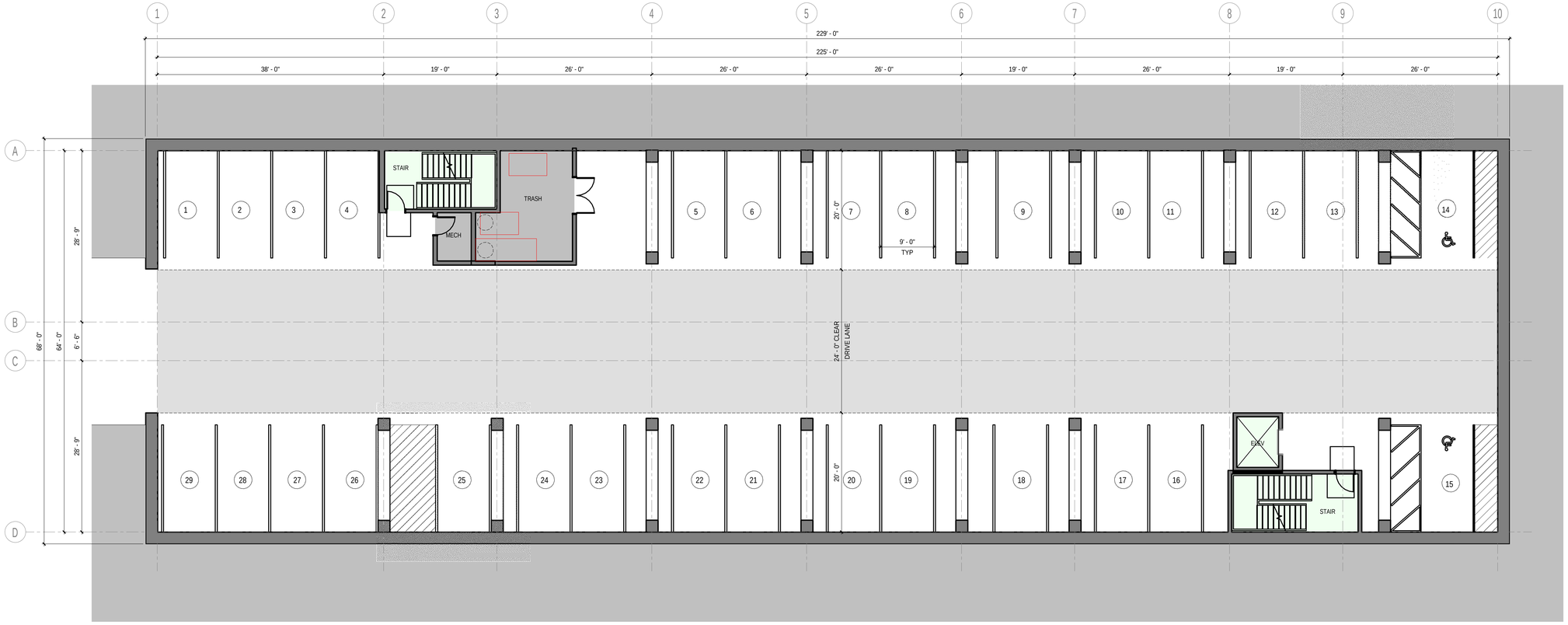
D FIRST FLOOR PLAN (H1)
1/8" = 1'-0"



D PARKING FLOOR PLAN (A1)
1/8" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION

Parking Schedule

TYPE	COUNT
ADA PARKING SPOTS	2
REGULAR PARKING SPACES	27
Grand total	29

TOTAL UNIT COUNT

# OF BEDROOMS	COUNT
ONE BEDROOM	48
STUDIO	19
TWO BEDROOM	10
Grand total: 77	

REV.	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23

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ATLANTIC HOLDINGS
ONE DIAMOND - BUILDING D

D PARKING AND FIRST FLOOR PLAN

SHEET TITLE:

SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	CAF		
SMRT FILE:	D.AE100-22196	SHEET No.	D.AE100

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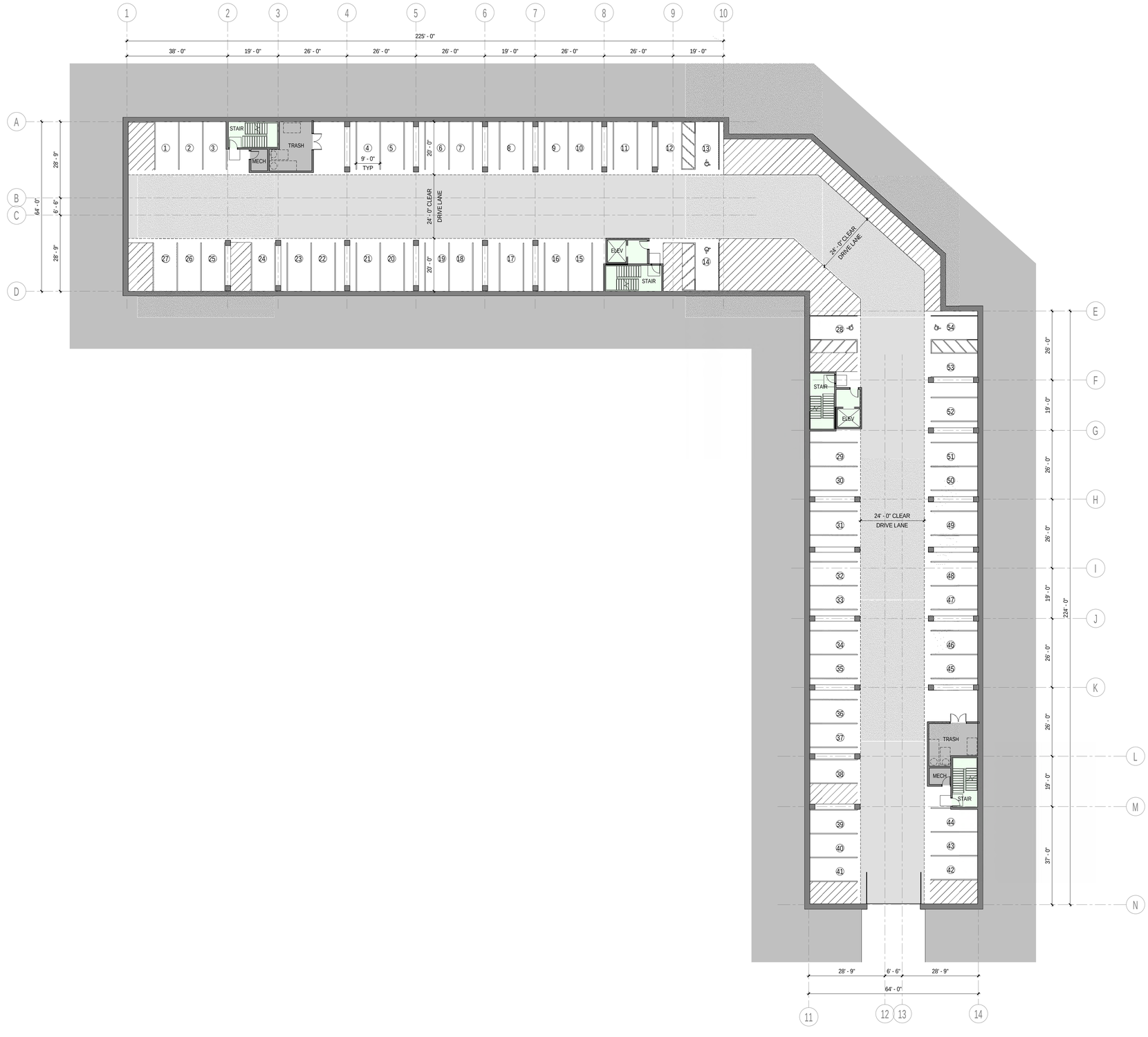

EF PARKING FLOOR PLAN (A3)
1/16" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION

PARKING SCHEDULE

TYPE	COUNT
ADA PARKING SPOTS	4
REGULAR PARKING SPOTS	50
Grand total	54

TOTAL UNIT COUNT

# OF BEDROOMS	COUNT
ONE BEDROOM	96
STUDIO	38
TWO BEDROOM	20
Grand total: 154	

REV	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23
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ONE DIAMOND - BUILDING E/F

EF PARKING FLOOR PLAN

SHEET TITLE:

SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	CAF		
SMRT FILE:	EF.AE100-22196	SHEET No.	EF.AE100

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EF FIRST FLOOR PLAN (A3)
1/16" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION

REV	DESCRIPTION	DATE

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05-03-23

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ONE DIAMOND - BUILDING E/F

EF FIRST FLOOR PLAN

SHEET TITLE:

SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	CAF		
SMRT FILE:	EF.AE101-22196	SHEET No.	EF.AE101

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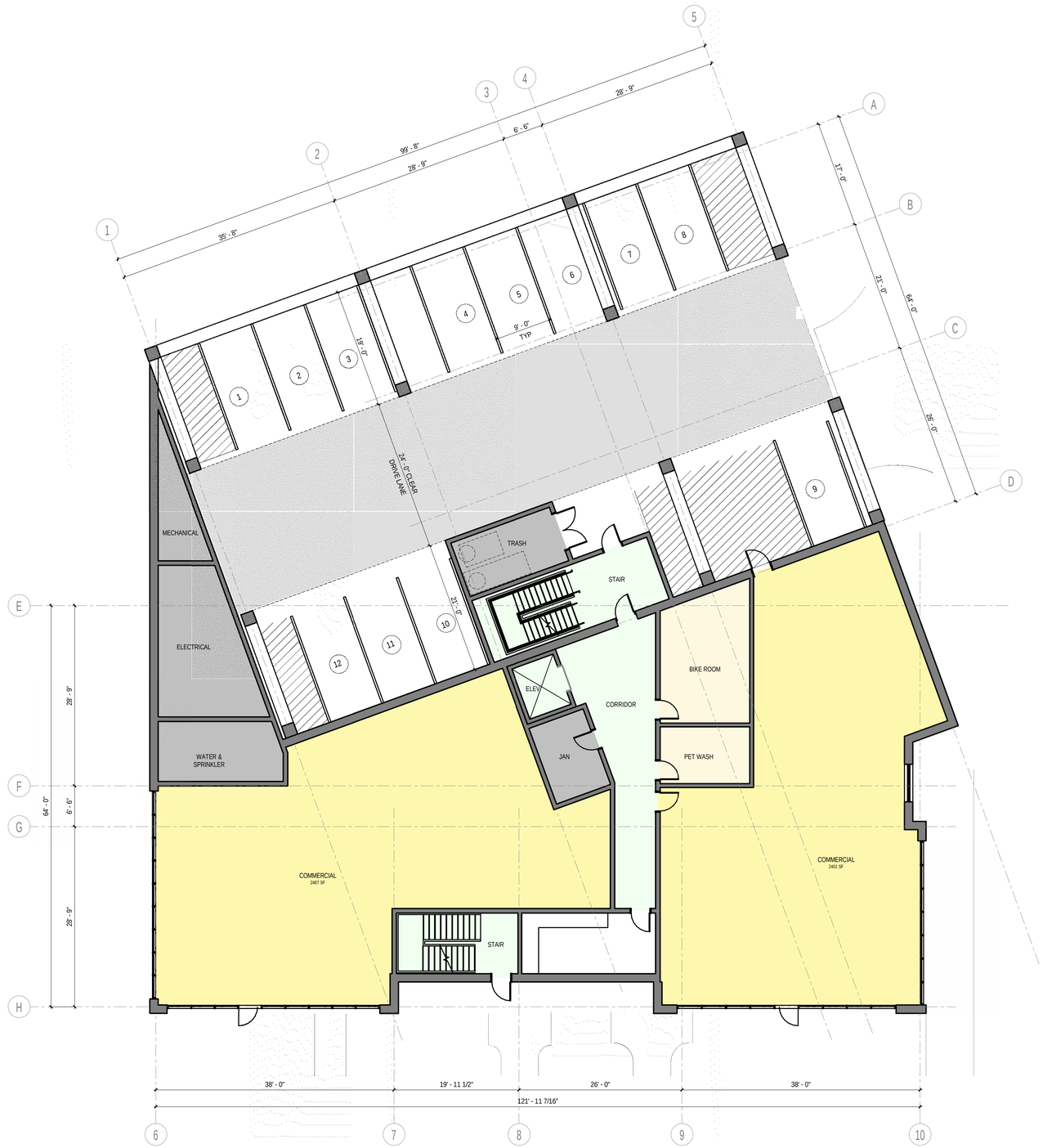

G FIRST FLOOR PLAN B5
1/8" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION
- COMMERCIAL

Parking Schedule

TYPE	COUNT
REGULAR PARKING SPACES	12
Grand total	12

TOTAL UNIT COUNT

BEDROOM TYPE	# OF BEDROOMS
ONE BEDROOM	24
TWO BEDROOM	12
Grand total: 36	

REV.	DESCRIPTION	DATE

SKETCH PLAN REVIEW
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ATLANTIC HOLDINGS
ONE DIAMOND - BUILDING G

G FIRST FLOOR PLAN
SHEET TITLE:

SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF	G.AE100	
DRAWN BY::	CAF		
SMRT FILE:	G.AE100-22196	SHEET No.	

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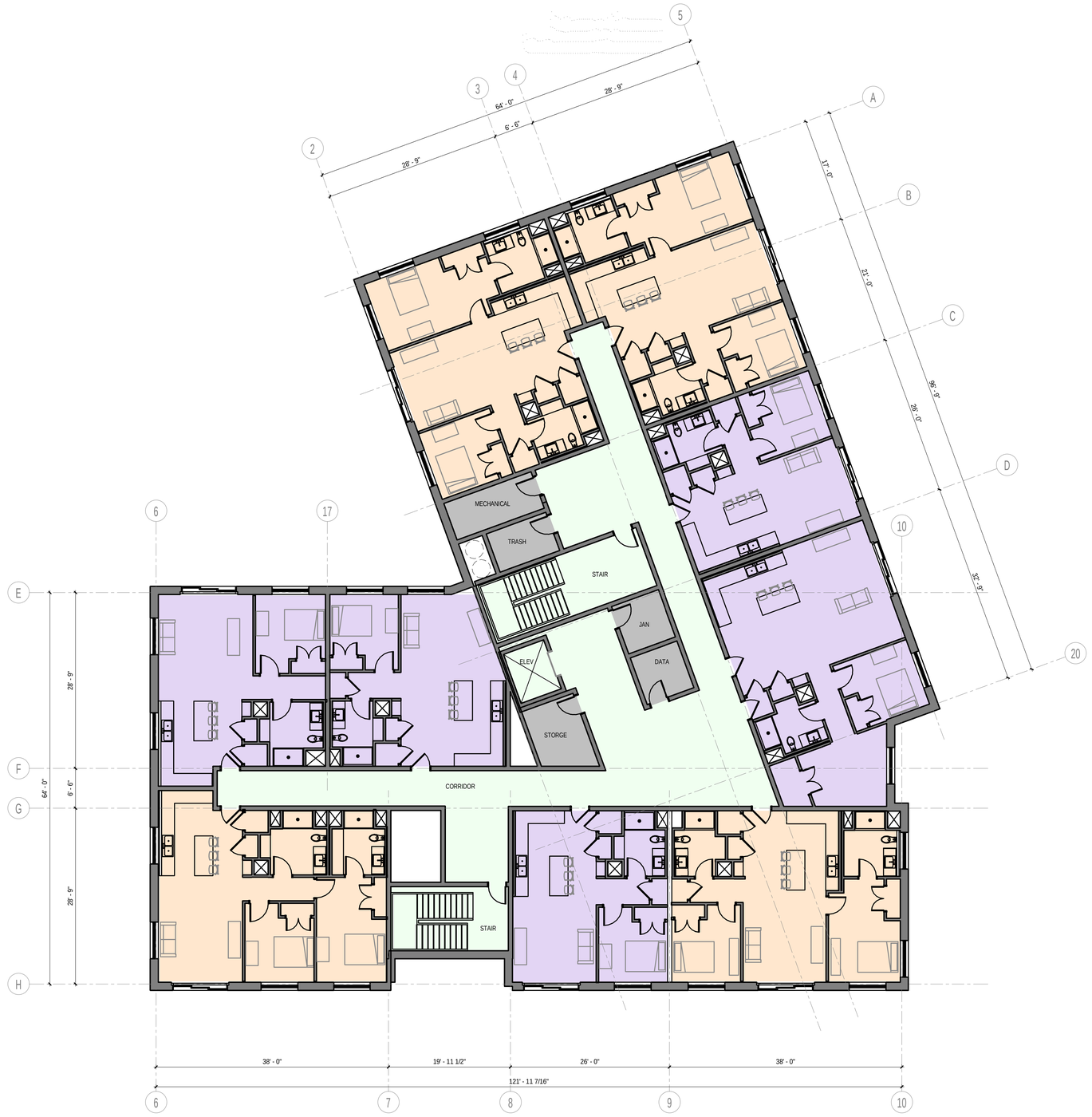

G SECOND FLOOR PLAN (B4)
1/8" = 1'-0"

FLOOR PLAN COLOR LEGEND:

- UNITS: STUDIO
- UNITS: ONE BEDROOM
- UNITS: TWO BEDROOM
- AMENITY
- SUPPORT
- CIRCULATION
- COMMERCIAL

REV	DESCRIPTION	DATE

SKETCH PLAN REVIEW
05-03-23
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ATLANTIC HOLDINGS
ONE DIAMOND - BUILDING G

G SECOND FLOOR PLAN
SHEET TITLE:

0" 1/4" 1/2" 1" 2" 3"
SCALE: AS NOTED

PROJECT MANAGER:	AJ	PROJECT NO:	22196
A/E OF RECORD:	EMW		
JOB CAPTAIN:	CAF		
DRAWN BY:	CAF		
SMRT FILE:	G.AE101-22196	SHEET No.	G.AE101

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One Diamond Impervious Coverage Table	
Land Cover Type	**Area (Ac)**
Impervious Area (WR-Zone)	5.48
Landscaped Area (WR Zone)	6.68
Total Impervious Area	8.84
Total Landscaped Area	9.66
Total Area Within WR Zone	12.16
Total Lot Area	18.05
Impervious Coverage Within WR Zone (55% Maximum)	45%
Total Lot Coverage Out of WR Zone (No Maximum)	53%

Parking Space Count	
Surface Parking Spaces	436
Understory Parking Spaces	194
Total	**630**

Open Space Adjacent to River Walk = 2+ acres

GRAPHIC SCALE
80 0 40 80 160
(IN FEET)
1 INCH = 80 FT.

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STATE OF MAINE
CRAIG A. BURGESS
No. 12638
PROFESSIONAL ENGINEER
Craig Burgess

CRAIG A. BURGESS, PE 12638

REV:	BY:	DATE:	STATUS:
C	CAB	04/18/2023	RE-ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
B	CAB	04/12/2023	ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
A	CAB	03/28/2023	FOR JDA AGREEMENT

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

OVERALL SITE PLAN
OF:
ONE DIAMOND STREET
ELM STREET
BIDDEFORD, MAINE
FOR:
ONE DIAMOND DEVELOPMENT, LLC
2 LINEWELL DRIVE, SUITE 201
KENNEBUNK, ME 04043

DESIGNED	TFG
DRAWN	DAB
CHECKED	CAB
DATE	04/12/2023
SCALE	1" = 80'
PROJECT	18462

SHEET 1 OF 1

18462-OVERALL SITE 2.dwg, TAB:OVERALL SITE PLAN

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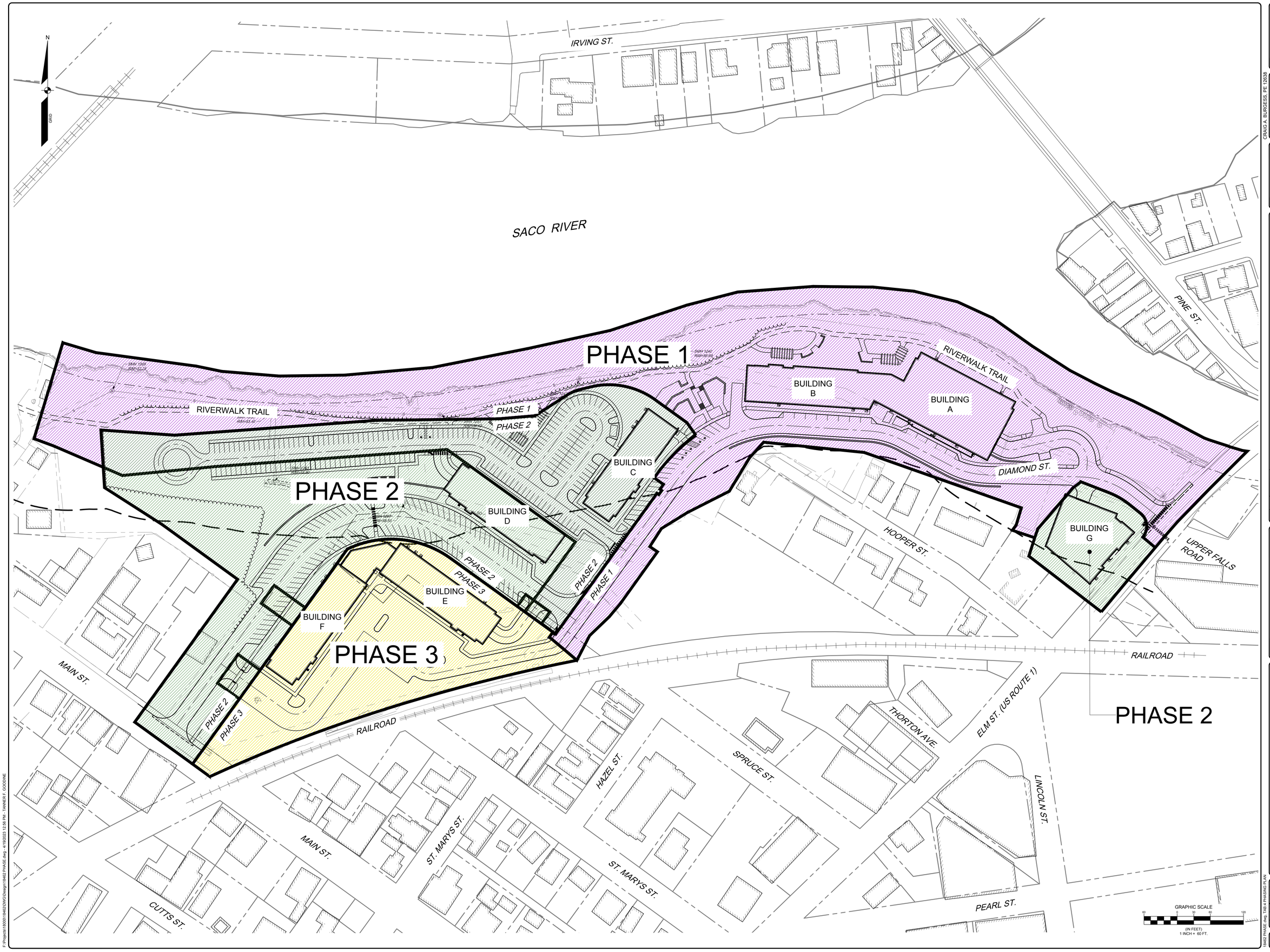

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STATE OF MAINE
CRAIG A. BURGESS
No. 12638
LICENSED PROFESSIONAL ENGINEER

CRAIG A. BURGESS, PE 12638

REV.	BY:	DATE:	STATUS:
C	CAB	04/19/2023	RE-ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
B	CAB	04/12/2023	ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
A	CAB	03/28/2023	FOR JDA AGREEMENT

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

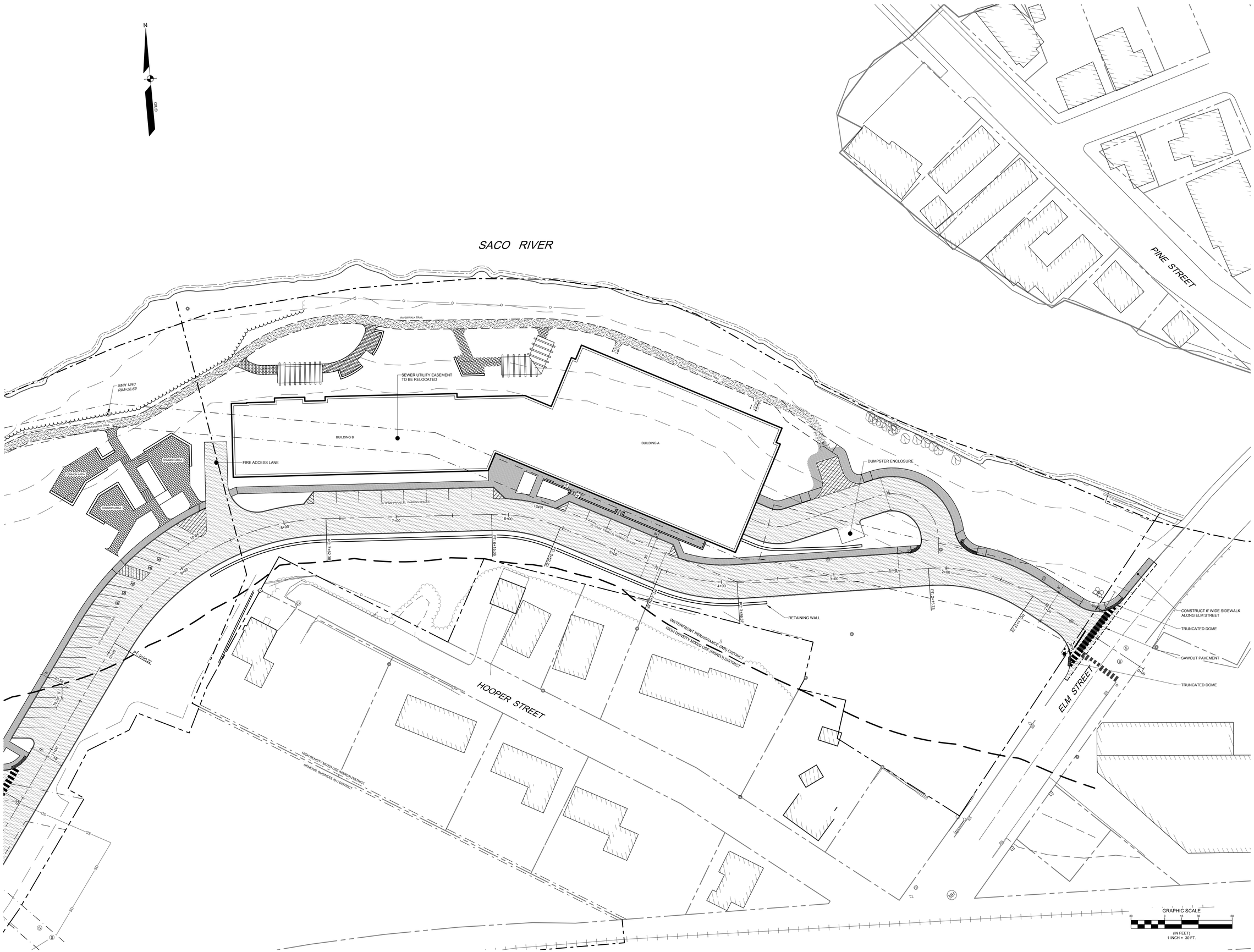
PHASING PLAN
OF
ONE DIAMOND STREET
ELM STREET
BIDDEFORD, MAINE
FOR:
ONE DIAMOND DEVELOPMENT, LLC
2 LIVEWELL DRIVE, SUITE 201
KENNEBUNK, ME 04043

DESIGNED	TFG
DRAWN	DAB
CHECKED	CAB
DATE	04/12/2023
SCALE	1" = 60'
PROJECT	18462

SHEET 4 OF 45

18462 PHASE.dwg, TAB:4 PHASING PLAN

F:\Projects\18500\18462\DWG\Design\18462 PHASE.dwg - 4/18/2023 12:56 PM - TANNER F. GOODINE



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STATE OF MAINE
CRAIG A. BURGESS
No. 12638
PROFESSIONAL ENGINEER

CRAIG A. BURGESS, PE 12638

REV.	BY:	DATE:	STATUS:
C	CAB	04/19/2023	RE-ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
B	CAB	04/12/2023	ISSUED TO CITY OF BIDDEFORD FOR SKETCH PLAN
A	CAB	03/28/2023	FOR JDA AGREEMENT

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

SITE PLAN - BUILDING AB

OF:

ONE DIAMOND STREET

ELM STREET
BIDDEFORD, ME

FOR:

ONE DIAMOND DEVELOPMENT, LLC

2 LIVEWELL DRIVE, SUITE 201
KENNEBUNK, ME 04043

DESIGNED	TFG
DRAWN	DAB
CHECKED	CAB
DATE	04/12/2023
SCALE	1" = 30'
PROJECT	#####

SHEET 1 OF 1

18452 S-AB for Sketch.dwg, TAB-AB Site Plan

F:\Projects\18000\18452\DWG\Design\18452 S-AB for Sketch.dwg - 4/19/2023 12:50 PM - TANNER F. GOODINE

CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Determination of the Required Setback to the Greatest Practical Extent

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article XIV, Shoreland Zoning, the Biddeford Planning Board has considered the application (Case# 2023.32) of Lynn Sanders and Brad Bedard **(**property owners), and granted approval of the requested determination for greatest practical extent (GPE), at 102 Hills Beach Road (Tax Map 54, Lot 84) which is located in the Coastal Residential and Shoreland Overlay Zone. The Application includes supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

---

1. FINDINGS OF FACT

1.	Applicant:	Lynn Sanders and Brad Bedard 102 Hills Beach Road Biddeford ME 04005
2.	Owner of Property:	Same as Applicant
3.	Agent:	David Szeredy Builders Inc.
4.	Surveyor:	N/A
5.	Project Location:	102 Hills Beach Rd.
6.	Project Tax Map #/Lot #:	Tax Map 54, Lot 84
7.	Lot Size:	18,037 Square feet
8.	Base Zoning:	Coastal Residential
9.	Overlay Zoning:	Limited Residential & Resource Protection
10.	Existing Use:	Single Family Home
11.	Proposed Use:	Single Family Home
12.	Approvals Required:	
13.	Uses in the Vicinity:	Residential
14.	Waivers Needed:	a. None
18.	Waivers Granted:	a. N/A
22.	Other Non-City Permits Required:	
23.	LDR Attachment A: Fees Paid:	Yes
25.	Planning Board Review History: May 17, 2023	

2. CONCLUSIONS OF LAW

The Planning Board has determined that based on the following factors, as outlined in Article XIV (Shoreland Zoning), Section 12. C.2. (Land Use Standards) of the Land Development Regulations, the proposal to relocate a non-conforming structure to meet the coastal wetland setback to the greatest practical extent at 102 Hills Beach Road (Tax Map 54, Lots 84), demonstrates the limits of the Greatest Practical Extent setback from the resource:

a. The size of the lot limits the ability to locate further from the resource;
b. The slope of the land limits the ability to locate further from the resource;
c. The potential for soil erosion limits the ability to locate further from the resource;
d. The location of other structures on the property and on adjacent properties limits the ability to locate further from the resource;
e. The location of the septic system and other on-site soils suitable for septic systems limits the ability to locate further from the resource; and
f. The type and amount of vegetation to be removed to accomplish the relocation limits the ability to locate further from the resource.

3. DETERMINATION

Based on the evidence available and the conclusions above, the Biddeford Planning Board grants the determination of the Greatest Practical Extent for the proposed project summarized above, located at 6 Sand Dollar Haven (Tax Map 54, Lots 84), in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

Conditions of Approval:

1. **Prior to the issuance of a building permit the Applicant shall install all required erosion control measures to the satisfaction of the Director of Code Enforcement.**

2. **Obtain all required permits from Maine Department of Environmental Protection and the Biddeford Code Enforcement Office.**

3. **This approval shall expire one year from the date below if a substantial start is not made in construction. If a substantial start is made within one year of the date below, the applicant shall have one additional year to complete the project, thereinafter this approval shall expire.**

_____

Larry Patoine, Planning Board Chairman

_____

Date

CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, City Planner & Deputy Director of the Planning & Development Dept.

EC: Mobile Studio Design / Catherine Sumislaski via Email: Cat@MobileStudioDesign.com.
Ms. Lynn Sanders Via Email: lynnsaund@gmail.com
Mr. Brad Bedard Via Email: bbedard@omginc.com

DATE: April 27, 2023

RE: 2023.32 Shoreland Zoning Permit Application seeking a setback determination for greatest practical extent determination (GPE) for Lynn Sanders and Brad Bedard who for their property located at 102 Hills Beach Road (Tax Map 54, Lot 84) in the Coastal Residential and Shoreland Overlay Zone.

MEETING DATE: May 17, 2023 at 6:00 PM

---

1. INTRODUCTION

The Applicant, Mobile Studio Design, authorized Agent for Lynn Sanders and Brad Bedard, the property owners, is seeking a setback determination, for greatest practical extent determination (GPE), at 102 Hills Beach Road (Tax Map 54, Lot 84) which is located in the Coastal Residential and Shoreland Overlay Zone. The Application includes detailed narrative, dated May 7, 2023, submitted by David Szeredy of Szeredy Builders Inc., and an excerpt is provided below:

> *On or about the first of February, we started the demo/ construction of 102 Hills Beach Rd. (permit # 22-02-261) for Lynn Saunders & Brad Bedard, Map 54, Lot 84. According to the blueprints provided by Mobile Studio Design, a number of walls were to remain in order to meet the zoning restrictions. However, upon exposing the existing internal construction of the house, we found the framing was compromised. The house was balloon framed and the exterior walls were bowing outwards.*
>
> *The second-floor joists were supported by a single 1x4 ledger, therefore in order to ensure the structure is strong enough to support the new second floor design, it was necessary to cut the exterior walls and install a double 2x6 top plate on the old walls. That meant the upper walls that were supposed to be re-used could not be salvaged. In addition, upon trying to re-use a couple of the old walls on the first floor and install the new window openings the walls literally just fell down due to the original framing and the spacing of the old studs leaving nothing to work with.*

2023.32 Shoreland Zoning Permit Application seeking a setback determination for greatest practical extent determination (GPE) for Lynn Sanders and Brad Bedard who for their property located at 102 Hills Beach Road (Tax Map 54, Lot 84) in the Coastal Residential and Shoreland Overlay Zone.

Planning Board Meeting Date: May 17, 2023

In my professional opinion there was no other way to move forward unless the structure was brought up to current code compliance

This matter was brought to the attention to the Planning Department by the Code Enforcement Office who had issued permits for the addition to dormers for the second floor. A valid building permit had been applied for and issued but when the contractor opened the walls of the structure they realized that the structural integrity of the house was compromised and therefore the entire second floor needed to be removed and reconstructed. The dormer additions did not require Planning Board review and approval as the cost of the work being conducted fell below the 50% house value. Once the second floor had been removed, a stop work order (SWO) was placed on the property as the reconstruction cost exceeded the 50% house value threshold. Therefore, the Applicant is seeking an after the fact GPE determination.

Pursuant to Article XIV, Section 12(C)(4) of the City of Biddeford Code of Ordinances, whenever a non-conforming structure is removed by more than 50% of its market value and is proposed for reconstruction, such reconstruction is allowed provided that the Board determines that the footprint of the structure meets the coastal wetland setback to the greatest practical extent. Accordingly, the enclosed application requests the Board's determination. The subject property is served by on-site septic system and the Applicants are proposing 25% lot coverage, which is the same lot coverage as exists today.

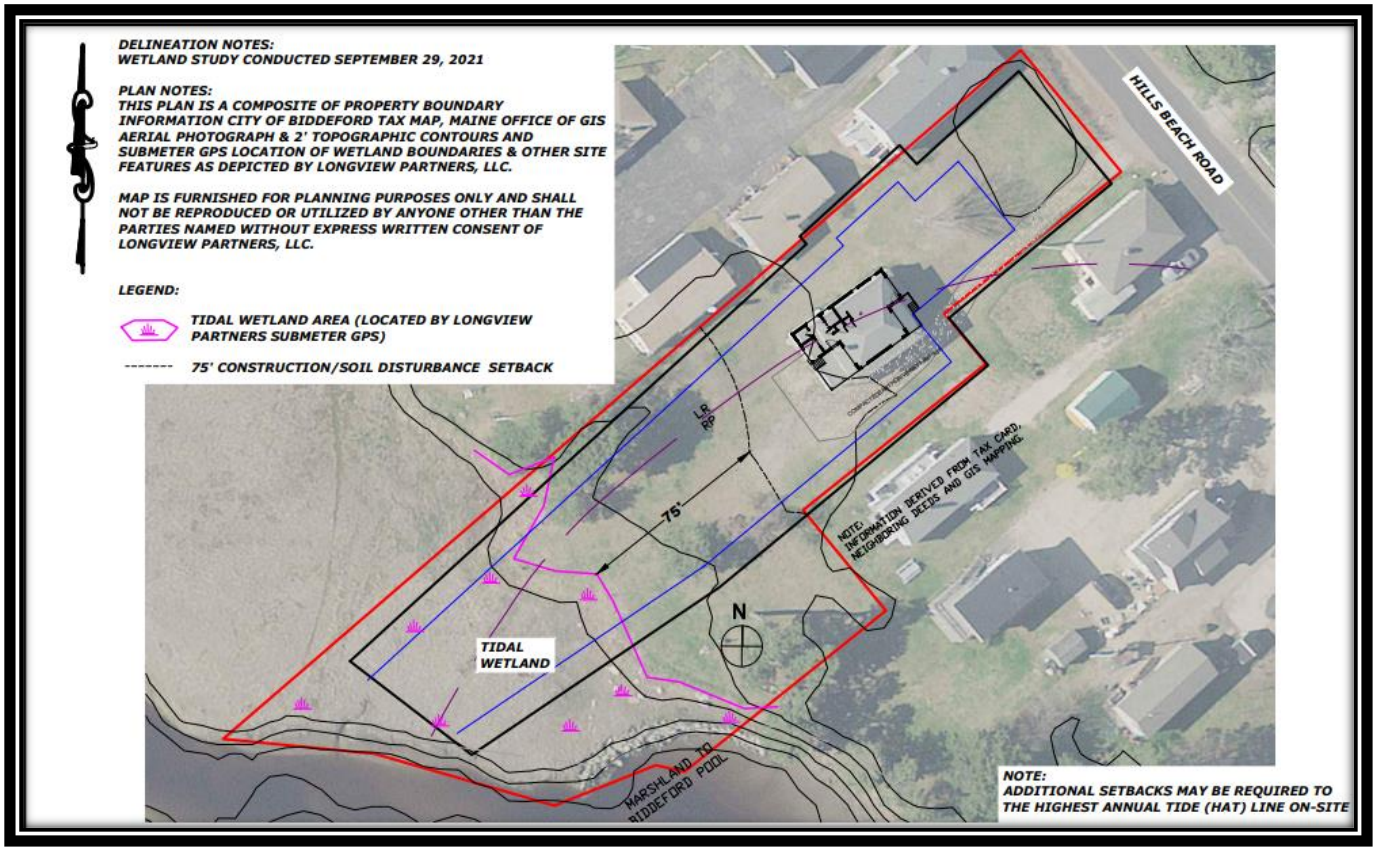
The project proposes to reconstruct the second floor over the existing first floor which is situated on a non-conforming foundation. The house is unable to relocate the structure closer to Hills Beach Road due to the existence the property's septic system being located between Hills Beach Road and the existing house.

Such projects are allowed, subject to City Code, Article XIV, Section 12(C)(4), Reconstruction or Replacement. Specifically, the Code allows the removal and reconstruction of a non-conforming structure within the shoreland zone provided that the structure's footprint is relocated to be in conformity with the shoreline setback to the greatest practical extent, as determined by the Planning Board. Greatest practical extent relocation determination by the Planning Board is the exclusive purpose of this application. Pursuant to the City's Code, when relocating a non-conforming structure in compliance with the shoreline setback to the greatest practical extent, the Planning Board shall consider 6 specific criteria (see Article XIV, Section 12 (C)(3)). These criteria include, and are limited to the following:

1) Size of the lot
2) Slope of the land
3) Potential for soil erosion
4) Location of other structures on the property and on adjacent properties
5) Location of the septic system and other on-site soils suitable for septic systems
6) The type and amount of vegetation to be removed to accomplish the relocation

2023.32 Shoreland Zoning Permit Application seeking a setback determination for greatest practical extent determination (GPE) for Lynn Sanders and Brad Bedard who for their property located at 102 Hills Beach Road (Tax Map 54, Lot 84) in the Coastal Residential and Shoreland Overlay Zone.

Planning Board Meeting Date: May 17, 2023



Relocation Summary: Due to the relatively small lot size, narrow lot width, minimum setback requirements established in the Code, location of the RP, and otherwise discussed above, it is our opinion that the existing footprint establishes the minimum shoreline setback to the greatest practical extent and utilizing the existing foundation will reduce the overall disturbance of the site. Accordingly, the applicant respectfully requests the Planning Board's grant the Applicant's request that the existing foundation meets the greatest practical extent.

2. PROJECT DATA/INFORMATION

1.	Applicant:	Lynn Sanders and Brad Bedard 102 Hills Beach Road Biddeford ME 04005
2.	Owner of Property:	Same as Applicant
3.	Agent:	David Szeredy Szeredy Builders Inc.
4.	Surveyor:	N/A
5.	Project Location:	102 Hills Beach Rd.
6.	Project Tax Map #/Lot #:	Tax Map 54, Lot 84
7.	Lot Size:	18,037 Square feet
8.	Base Zoning:	Coastal Residential
9.	Overlay Zoning:	Limited Residential & Resource Protection
10.	Existing Use:	Single Family Home

2023.32 Shoreland Zoning Permit Application seeking a setback determination for greatest practical extent determination (GPE) for Lynn Sanders and Brad Bedard who for their property located at 102 Hills Beach Road (Tax Map 54, Lot 84) in the Coastal Residential and Shoreland Overlay Zone.

Planning Board Meeting Date: May 17, 2023

11.	Proposed Use:	Single Family Home
12.	Approvals Required:	
13.	Uses in the Vicinity:	Residential
14.	Waivers Needed:	a. None
18.	Waivers Granted:	a. N/A
22.	Other Non-City Permits Required:	
23.	LDR Attachment A: Fees Paid:	Yes
25.	Planning Board Review History: May 17, 2023	

3. REVIEW PROCESS:

Per City ordinance, this application is subject to Site Plan (Land Development Regulations, Article XI) review and approval by the Planning Board.

4. PLANNING and CODE ENFORCEMENT COMMENTS:

This Application has been discussed with the Roby Fecteau, Director of Code Enforcement and he and the Planning Department agree that the proposal meets the "greatest practical extent" standards.

5. STAFF REVIEW:

A. **APPLICATION COMPLETENESS:** The applicant has submitted a complete application, featuring all required elements as specified under Section 66-35 (Required Information for Final Plan Submissions).

B. **ZONING:** The subject property has an existing non-conforming (setback) single-family home and is located within the Coastal Residential and Shoreland Overlay Zone. The proposed continued use of the property as a single-family home is a permitted use within the CR and Shoreland Overlay Zone.

6. STAFF RECOMMENDATION:

The Application includes detailed responses to the *6 specific criteria outlined with Article XIV, Section 12 (C)(3) that the Planning Board evaluates in making the requested "greatest practical extent" determination. The building permits had been applied for and issued, however the structural issues were unknown until construction began. The Applicant plans to rebuild the removed second floor while adding the dormers which were issued permits.* Staff recommends the Planning Board approve the Application.

SAMPLE MOTIONS:

A. Motion to Approve: I motion to APPROVE the Shoreland Zoning Permit (GPE) application for the proposal located on seeking a setback determination, for greatest practical extent determination (GPE), at 102 Hills Beach Road (Tax Map 54, Lot 84) which is located in the Coastal Residential and Shoreland Overlay Zone, as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA).

B. Motion to Deny I motion to DENY the requested Shoreland Zoning Permit Application (GPE) approval for the proposal located at the Shoreland Zoning Permit (GPE) application for the proposal

located on seeking a setback determination, for greatest practical extent determination (GPE), at 102 Hills Beach Road (Tax Map 54, Lot 84) which is located in the Coastal Residential and Shoreland Overlay Zone, for the following reasons:

1) _____.
2) _____.
3) _____.

C. Motion to Table: I motion to TABLE the requested Shoreland Zoning Permit Application (GPE) approval for the proposal located at the Shoreland Zoning Permit (GPE) application for the proposal located on seeking a setback determination, for greatest practical extent determination (GPE), at 102 Hills Beach Road (Tax Map 54, Lot 84) which is located in the Coastal Residential and Shoreland Overlay Zone, for the following reasons:

1) _____.
2) _____.
3) _____.

Respectfully submitted,

David C.M. Galbraith

David C.M. Galbraith
City Planner & Deputy Director of the Planning & Development Dept.

City of Biddeford – Planning Department
Planning Board Application
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

X Shoreland Zoning Permit __ Site Plan Review __ Extraction
__ Conditional Use Permit __ Subdivision __ Private Way
X Other: After the fact greatest practical extent

Applicant Information:

Name: Mobile Studio Design
Mailing Address: 128 Main St, Unit 201, Biddeford, ME 04005
Telephone: 207.494.8102
Email: Cat@MobileStudioDesign.com
What is your legal interest in the property?
X Owner __ Potential Buyer with Contract __ Lease/Rental Agreement

Owner's Information:

Name: Lynn Saunders & Brad Bedard
Mailing Address: 766 Monson Rd, Wilbraham, MA 01095
Telephone: 413.335.9977
Email: lynnsaund@gmail.com, bbedard@omginc.com

Agent's Information:

Name: Mobile Studio Design
Mailing Address: 128 Main St, Unit 201, Biddeford, ME 04005
Telephone: 207.494.8102
Email: Cat@MobileStudioDesign.com

Engineer/Surveyor's Information:

Name: _____
Mailing Address: _____
Telephone: _____
Email: _____

Project Location and Lot Information:

Street Address: 102 Hills Beach Rd Drainage Watershed: _____
Tax Map: 54 Lot: 84
Current Zoning: Coastal Residential Shoreland Zoning: LR & RP
Size of Lot: 18,037 ( )acres (X)s.f. Lot Frontage: 56'+/-
Existing Use of Property: Single Family Residential

Property currently serviced by:

X City Road __ Public Sewer X Public Water X Public Trash
__ Private Road X 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? X (Yes)__(No) if yes attach information
Is the project within the 100-year floodplain? __ (Yes) X (No) if yes attach information
Do you plan to bring fill onto the lot? __(Yes) X (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

Reconfigure 1st floor interior & deck spaces within the existing footprint plus the new roadside entry steps. Renovation of 2nd floor with better headroom, maintaining the existing ridge height.
Existing conditions of the exterior envelope revealed the structure was substandard and the 2nd floor was unable to be salvaged. See letter from General Contractor.

Property to be Serviced by:

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

Limits of Disturbance: _____ ( )acres ( )s.f.
Net change in impervious cover: _____ ( )acres ( )s.f.
Is this project part of a larger project? __(Yes) __(No)
Is the project proposing a new Private or Public Road? __(Yes, Private) __(Yes, Public) __(No)
Is this project within the Urbanized Area/MS4 (*see City Drainage Map*) __(Yes) __(No)
Is the project proposing any Stormwater facilities/BMPs? __(Yes) __(No)
Will a Traffic Movement Permit (TMP) be required?: __(Yes) __(No)

X **If in a Shoreland Zone:**
Percent of residential lot coverage (Max 20%): 15.9%
Percent of structure expansion (Max 30%): .1% for roadside entry steps
__ **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: _____
Total new square feet paving/parking: _____

Waiver Requests (attach details):

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

Required Submittal 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 Department – 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. Engineering Plans, as required.
F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- $75 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 its 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.

Will the proposed project cause 1 acre or more of site disturbance?: __(Yes) __(No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant: Catherine Sumislaski **Date** 08 May 2023

Signature of Property Owner: Letter of Authorization **Date** _____

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

A) PDF OF SIGNED APPLICATION

B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)

- Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVDUAL DRAWING NAME.pdf'

B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.

C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)

- All drawings & CAD reference files must be to-scale and within the following coordinate systems:

- MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIUDAL DRAWINGS REQUIRING BOARD SIGNATURE

B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION

102 Hills Beach Rd.
Biddeford, Maine 04005
508-612-6005
szeredybuilders@charter.net

SZEREDY BUILDERS INC.

May 7, 2023

Biddeford Planning Board

My name Is David Szeredy I have been a hands-on contractor for 50 years and have built over 250 houses and hold licenses in multiple states. I also have an associates degree in architectural design.

On or about the first of February, we started the demo/ construction of 102 Hills Beach Rd. (permit # 22-02-261) for Lynn Saunders & Brad Bedard, Map 54, Lot 84. According to the blueprints provided by Mobile Studio Design, a number of walls were to remain in order to meet the zoning restrictions. However, upon exposing the existing internal construction of the house, we found the framing was compromised. The house was balloon framed and the exterior walls were bowing outwards.

The second-floor joists were supported by a single 1x4 ledger, therefore in order to ensure the structure is strong enough to support the new second floor design, it was necessary to cut the exterior walls and install a double 2x6 top plate on the old walls. That meant the upper walls that were supposed to be re-used could not be salvaged. In addition, upon trying to re-use a couple of the old walls on the first floor and install the new window openings the walls literally just fell down due to the original framing and the spacing of the old studs leaving nothing to work with.

In my professional opinion there was no other way to move forward unless the structure was brought up to current code compliance.

Best regards;
David Szeredy
Szeredy Builders Inc.

mobile studio design

3 January 2022

To Whom It May Concern:

I hereby authorize Mobile Studio Design to act as my agent for the permitting process for the renovation of a new residence at 102 Hills Beach Rd in Biddeford Maine.

Sincerely,

Lynn Saunders

Brad Bedard or Lynn Saunders

Mobile Studio Design, Inc.
128 Main Street, Unit 201
Biddeford, Maine 04005

102 HILLS BEACH RD

Location	102 HILLS BEACH RD	**Mblu**	54/ 84/ / /
Acct#		**Owner**	BEDARD, BRADLEY S
Assessment	$328,500	**Appraisal**	$328,500
PID	5636	**Building Count**	1

Current Value

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2021	$82,600	$245,900	$328,500
Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2021	$82,600	$245,900	$328,500

Owner of Record

Owner	BEDARD, BRADLEY S	**Sale Price**	$408,000
Co-Owner	SAUNDERS, LYNN E	**Certificate**	
Address	766 MONSON RD WILBRAHAM, MA 01095	**Book & Page**	18427/639
		Sale Date	10/26/2020
		Instrument	203

Ownership History

Ownership History					
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Instrument**	**Sale Date**
BEDARD, BRADLEY S	$408,000		18427/639	203	10/26/2020
FRANCOISE I. NADEAU LIVING TRUST	$0		17915/475	1S	03/01/2019
NADEAU, FRANCOISE I &	$0		01725/0126		

Building Information

Building 1 : Section 1

Year Built:	1920
Living Area:	1,596
Replacement Cost:	$137,424
Building Percent Good:	60

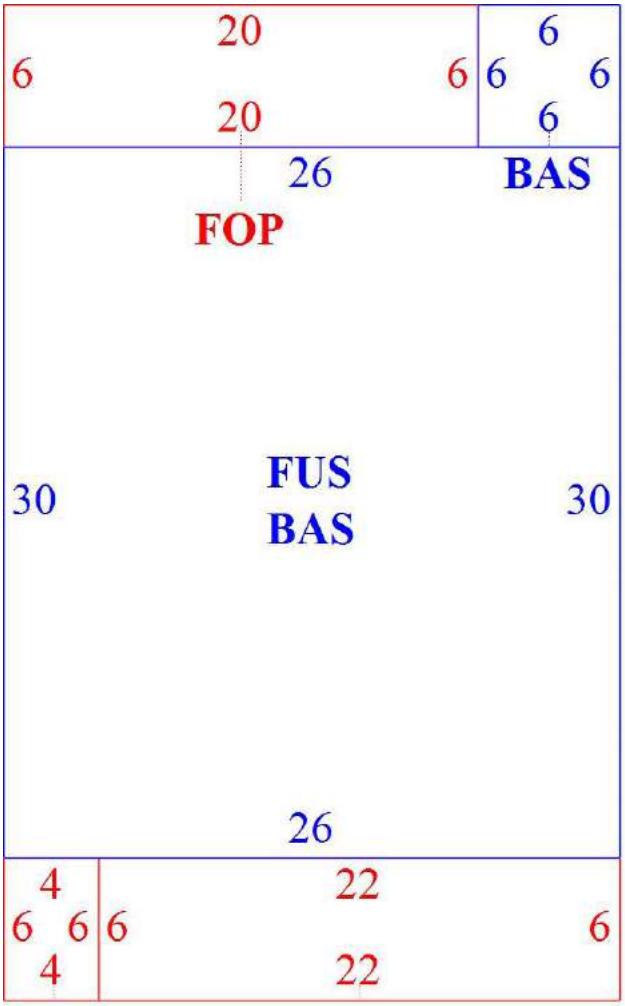
Replacement Cost
Less Depreciation: $82,500

Building Attributes	
Field	**Description**
Style:	Colonial
Model	Residential
Grade:	Average +10
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Asbest Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plywood Panel
Interior Wall 2	Wall Brd/Wood
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Coal or Wood
Heat Type:	None
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	1
Total Half Baths:	0
Total Xtra Fixtrs:	
Total Rooms:	8 Rooms
Bath Style:	Average
Kitchen Style:	Old Style
Num Kitchens	01
Cndtn	
Num Park	
Fireplaces	
MH Park	
Fndtn Cndtn	
Basement	

Building Photo

(http://images.vgsi.com/photos/BiddefordMEPhotos//\00\00\35\11.jpg)

Building Layout



(ParcelSketch.ashx?pid=5636&bid=5838)

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	816	816
FUS	Upper Story, Finished	780	780
FOP	Porch, Open, Finished	144	0
UEP	Porch, Enclosed, Unfinished	132	

		1,872	1,596

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code	1010
Description	SINGLE FAM MDL-01
Zone	CR
Neighborhood	0001
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.66
Frontage	0
Depth	0
Assessed Value	$245,900
Appraised Value	$245,900

Outbuildings

Outbuildings						Legend
Code	**Description**	**Sub Code**	**Sub Description**	**Size**	**Value**	**Bldg #**
MSC165	SHED1			1.00 UNIT	$100	1

Valuation History

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2020	$75,100	$223,600	$298,700
2019	$75,100	$223,600	$298,700
2018	$75,100	$223,600	$298,700

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2020	$75,100	$223,600	$298,700
2019	$75,100	$223,600	$298,700
2018	$75,100	$223,600	$298,700

Visit History

Visit History		
Visit Date	**Purpose of Visit**	**Notes**
4/1/2014	Outside inspection only	
8/18/2008	LETTER / STATE REQUIREMENT	
5/8/2003	RESIDENTIAL UPDATE 2003	
2/14/2001	UPDATE/COASTAL AREAS/2001-2002	

8/8/1989	MEAS & LISTD	

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NANCY E HAMMOND, REGISTER OF DEEDS
E-RECORDED **Bk 18427 PG 639**
Instr # 2020054689
10/28/2020 09:38:22 AM
Pages 2 YORK CO

After recording return to:
Bradley S. Bedard
Lynn E. Saunders
766 Monson Road
Wilbraham, MA 01095

e above reserved for recording information)

DLN:1002040117210

TRUSTEE'S DEED

Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That Francoise I. Nadeau, Trustee of the Francoise I. Nadeau Living Trust dated December 4, 2000, and any amendments thereto, with a mailing address of 2 Levi Lane, Unit 103, Biddeford, Maine 04005, by the power conferred by law, and every other power, for consideration paid, grants to Bradley S. Bedard and Lynn E. Saunders, both having a mailing address of 766 Monson Road, Wilbraham, Massachusetts 01095, with ***WARRANTY COVENANTS, as Joint Tenants with Rights of Survivorship,*** the land in the City of Biddeford in the County of York and State of Maine, described as follows:

A certain lot or parcel of land, with the cottage and garage thereon, situated at Hills Beach, so-called, in Biddeford, bounded and described as follows:

BEGINNING at a point on the southwesterly side of the Hills Beach Road, so-called, at the northwesterly corner of land of one Lacerte;

THENCE northwesterly by said Hills Beach Road sixty-six feet to land of one Cluff;

THENCE at about right angles southwesterly by land of said Cluff and other land now or formerly of Valliere to the Back Bay, so-called, at a point sixty-six feet distant northwesterly from land of said Lacerte;

THENCE southeasterly by said Back Bay to land of said Lacerte:

THENCE northeasterly by said Lacerte land to the point of beginning.

Being the same premises conveyed to Napoleon L. Nadeau by Warranty Deed of Eveline Valliere dated June 14, 1935, and recorded in the York County Registry of Deeds, Book 861, Page 258.

Also, another certain lot or parcel of land, with the garage building thereon situated in said Biddeford at Hills Beach, so-called, on the westerly side of the Hills Beach Road, so-called, and bounded and described as follows:

BEGINNING at a point on said Hills Beach Road at an iron rod and land of Grantor;

THENCE running westerly by said Grantor's land to Back Bay, so-called;

THENCE southerly by Back Bay, a perpendicular distance of sixty-six (66) feet;

Maine R.E. Transfer Tax Paid

THENCE easterly by land northerly by the Hills Beach Road sixty-six feet to the point of beginning.

Being the first parcel of land described in the deed of M. Agnes Morse to Napoleon L. Nadeau dated June 10, 1938, and recorded in the York County Registry of Deeds, Book 916, Page 360.

But excluding from the above described lot two conveyances: One to Louis A. Pariseau dated January 18, 1940, and recorded in the York County Registry of Deeds, Book 941, Page 106, and one to Joseph E. Neault dated April 5, 1940, and recorded in the York County Registry of Deeds, Book 941, Page 397, to which reference may be had.

Also conveying a right of way eight feet wide, across the land conveyed to the said Louis A. Pariseau as described in said deed dated January 18, 1940, and recorded in said Registry, Book 941, Page 106.

Being the same premises conveyed to Francoise I. Nadeau, Trustee of the Francoise I. Nadeau Living Trust by deed from Francoise I. Nadeau dated March 11, 2019, and recorded in the York County Registry of Deeds, Book 17915, Page 475.

WITNESS my hand this 26 day of October, 2020.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:

Francoise I. Nadeau Living Trust

Francoise I. Nadeau Trustee
By: Francoise I. Nadeau, its Trustee duly authorized

STATE OF MAINE
COUNTY OF YORK

October 26, 2020

Personally appeared the above named Francoise I. Nadeau, Trustee of the Francoise I. Nadeau Living Trust dated December 4, 2000, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Trust.

TIMOTHY E CORNWELL
My Commission Expires
08-04-2024
NOTARY PUBLIC

Before me,

Notary Public/Maine Attorney-At-Law

Print Name:

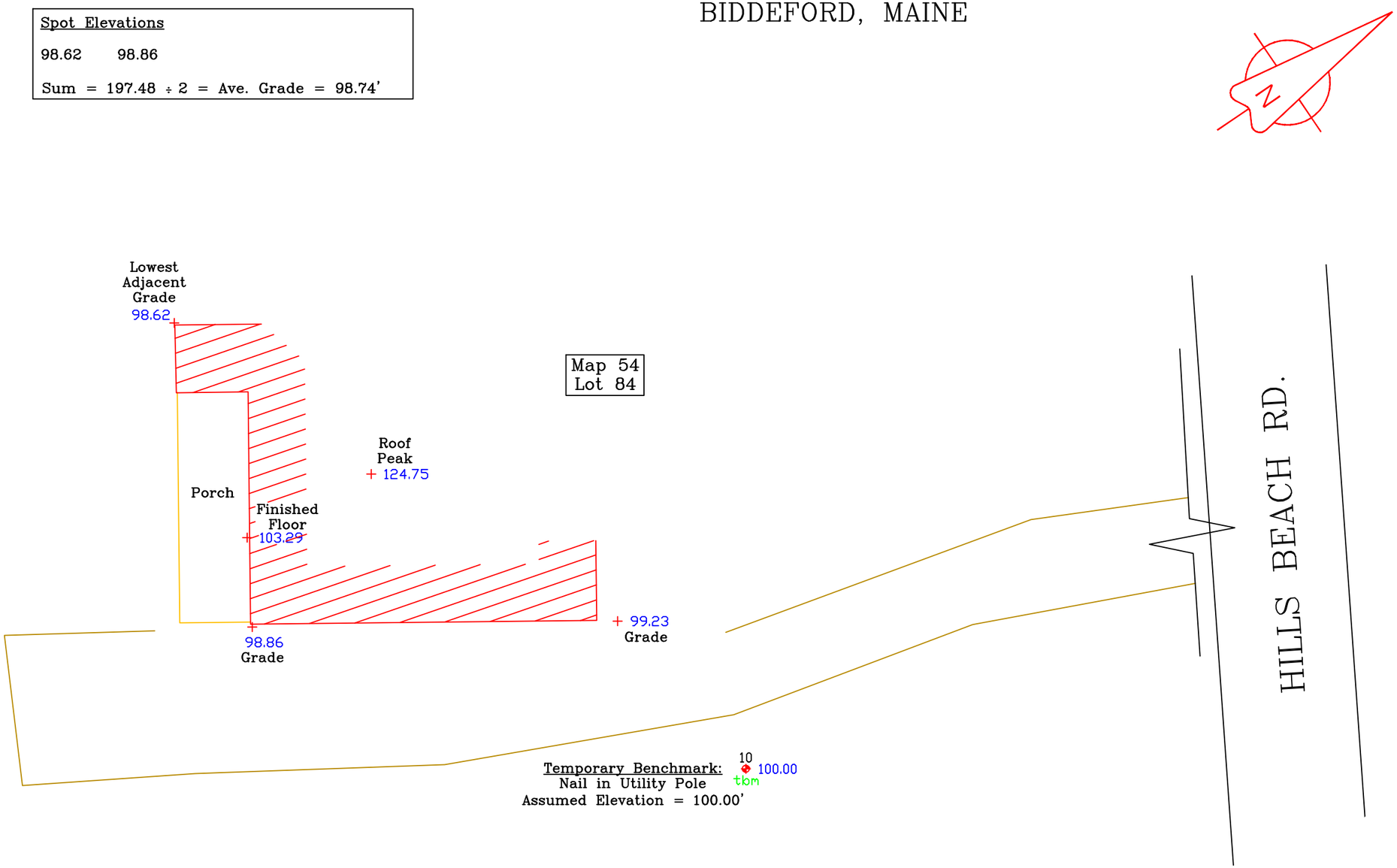
My Commission Expires:

1/7775-002/rdeed/mg

SKETCH PLAN OF PROPERTY AT 102 HILLS BEACH RD. BIDDEFORD, MAINE

AVERAGE GRADE CALCULATIONS (Shoreland Zone)

Spot Elevations	
98.62	98.86
Sum = 197.48 ÷ 2 = Ave. Grade = 98.74'	



Field Book: 499-46
Job Number: 121-91
Date: 11-2-21
Rotation = 56°

GRAPHIC SCALE 1" = 10'

Lower Village Survey Co., LLC
Land Surveyors - Foresters - Wetland Delineators
P.O. Box 2625
Kennebunkport - Maine 04046
207-967-3545

DELINEATION NOTES:
WETLAND STUDY CONDUCTED SEPTEMBER 29, 2021

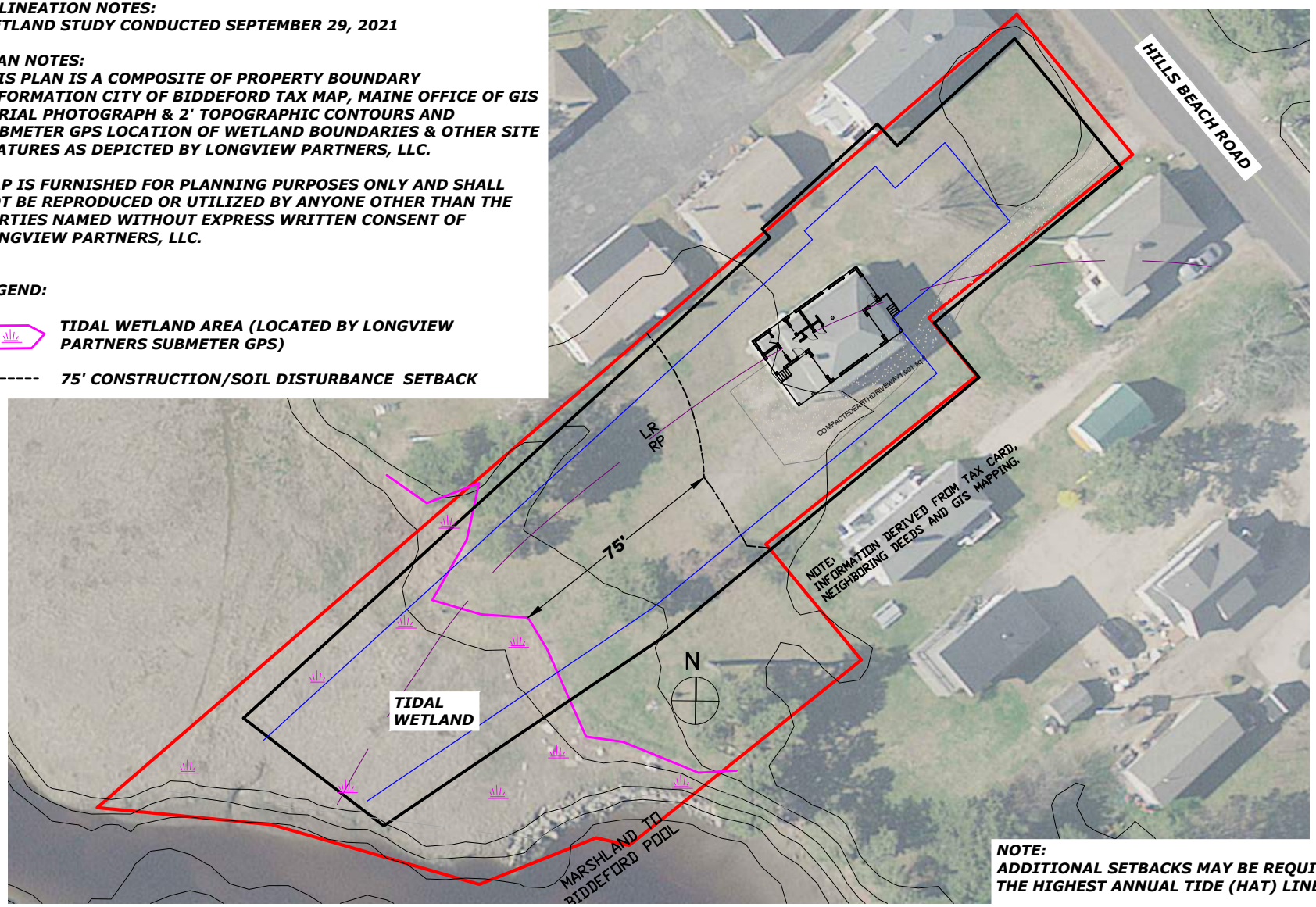
PLAN NOTES:
THIS PLAN IS A COMPOSITE OF PROPERTY BOUNDARY INFORMATION CITY OF BIDDEFORD TAX MAP, MAINE OFFICE OF GIS AERIAL PHOTOGRAPH & 2' TOPOGRAPHIC CONTOURS AND SUBMETER GPS LOCATION OF WETLAND BOUNDARIES & OTHER SITE FEATURES AS DEPICTED BY LONGVIEW PARTNERS, LLC.

MAP IS FURNISHED FOR PLANNING PURPOSES ONLY AND SHALL NOT BE REPRODUCED OR UTILIZED BY ANYONE OTHER THAN THE PARTIES NAMED WITHOUT EXPRESS WRITTEN CONSENT OF LONGVIEW PARTNERS, LLC.

LEGEND:

TIDAL WETLAND AREA (LOCATED BY LONGVIEW PARTNERS SUBMETER GPS)

------- 75' CONSTRUCTION/SOIL DISTURBANCE SETBACK



NOTE:
ADDITIONAL SETBACKS MAY BE REQUIRED TO THE HIGHEST ANNUAL TIDE (HAT) LINE ON-SITE

GRAPHIC SCALE

50 0 25 50 100

(IN FEET)
1 inch = 50 ft.

WETLAND DELINEATION PLAN
PREPARED FOR
MOBILE STUDIO DESIGN
(N/F SAUNDERS)
102 HILLS BEACH ROAD
(MAP 54, LOT 84)
BIDDEFORD, MAINE

LONGVIEW PARTNERS, LLC
ENVIRONMENTAL PERMITTING SPECIALISTS

DRAFT:	SCALE:	CHECKED:	PLAN DATE:
BO	1" = 50'	JL	10/13/21

SAUNDERS RESIDENCE

102 HILLS BEACH RD, BIDDEFORD, ME 04005

PERMIT SET

RENOVATIONS + ADDITION

THE TOTAL FOOTPRINT OF ALL STRUCTURES CANNOT EXCEED 2,500 SQ FT. THE EXISTING HOUSE FOOTPRINT IS 1,092 SQ FT. PER DEP, EXPANSION IS ALLOWABLE TOWARDS ROAD.

BECAUSE THE HOUSE IS LOCATED PRIMARILY IN THE RP DISTRICT, THE MAXIMUM BUILDING HEIGHT IS 25'-0" OR THE HEIGHT OF THE EXISTING. EXISTING FROM LOWEST ADJACENT GRADE TO ROOF PEAK IS 25'-10 1/2".

PER CITY, HOUSE OR STRUCTURES CANNOT EXTEND CLOSER TO MARSH.

LOT AREA CALCULATION BASED ON LOCATION OF WETLAND ON PROPERTY BY SOIL SCIENTIST. LOT COVERAGE EXISTING AT 15.6% ALLOWS FOR ADDITIONAL AREA FOR FRONT, UNCOVERED ENTRY STEPS.

ZONING CONSIDERATIONS

ZONE: CR - COASTAL RESIDENTIAL
RP - RESOURCE PROTECTION
LR - LIMITED RESIDENTIAL
FLOOD ZONE: ZONE C, NO RESTRICTIONS
DEP: D2 - BACK DUNE

BIDDEFORD REQUIREMENTS

DIMENSIONAL REQ. MOST RESTRICTIVE	ALLOWABLE	EXISTING
MIN LOT AREA[b]	40,000 SF	18,037 SF
FRONT SETBACK	25'-0"	+/- 89'-3"
SIDE YARD SETBACK[d]	10'-0"	+/- 21'-9"
REAR YARD SETBACK[d]	10'-0"	+/- 197'-2 1/2"
NORMAL HIGH-WATER LINE	100'-0"	+/- 87'-3"
MAX LOT COVERAGE	20% - 3,607.4 SF	15.6% SEE LOT COVERAGE TABLE FOR DETAILS
MAXIMUM HEIGHT[a] - LR	ADDITIONAL 30%	25'-10 1/2"
MAXIMUM HEIGHT[a] - RP	25'-0" OR EXISTING	25'-10 1/2"
FOOTPRINT[c], WITHIN RP	1,500 SQ FT	+/-644 SQ FT
FOOTPRINT[c], TOTAL	2,500 SF (DEP)	1,092 SF

NOTE: *REFERENCES FROM CITY OF BIDDEFORD, CODE OF ORDINANCE, LAND DEVELOPMENT REGULATIONS*
a. *ART. XIV, SEC. 17:* HEIGHT OF A STRUCTURE - VERTICAL DISTANCE BETWEEN THE MEAN ORIGINAL GRADE AT THE DOWNHILL SIDE OF THE STRUCTURE AND THE HIGHEST POINT OF THE STRUCTURE, EXCLUDING CHIMNEYS, STEEPLES, ANTENNAS, & SIMILAR APPURTENANCES
b. *ART. XIV, SEC. 17:* LOT AREA - AREA OF LAND ENCLOSED WITHIN THE BOUNDARY LINES OF A LOT, MINUS LAND BELOW THE NORMAL HIGH-WATER LINE…
c. *ART. XIV, SEC. 17:* FOOTPRINT - ENTIRE AREA OF GROUND COVERED BY THE STRUCTURE(S) ON A LOT, INCLUDING BUT NOT LIMITED TO CANTILEVERED OR SIMILAR OVERHANGING EXTENSIONS, AS WELL AS UNENCLOSED STRUCTURES, SUCH AS PATIOS AND DECKS
d. *TABLE B, NOTE O:* ANY RESIDENTIAL STRUCTURES IN EXISTENCE PRIOR TO DECEMBER 20, 1990, MAY BE EXPANDED OR ADDED TO AS LONG AS THEY MEET MINIMUM SETBACKS (FROM MAJOR ACCESS, 40FT; FROM OTHER STREETS, 25 FT; FROM SIDE AND REAR PROPERTY LINES, 10FT

LOT COVERAGE BASED ON SOIL SCIENTIST FINDINGS.

LOT COVERAGE	EXISTING		PROPOSED	
HOUSE	1,134 SQ FT	6.3%	1,134 SQ FT	6.3%
PROPOSED FRONT STEPS			22 SQ FT	0.1%
HARDSCAPE-DRIVE & PARKING	1,690 SQ FT*	9.4%	1,690 SQ FT*	9.4%
OUTDOOR SHOWER	27 SQ FT	0.2%	27 SQ FT	0.2%
TOTAL LOT COVERAGE	2,851 SF	15.8%	2,873 SF	15.9%
TOTAL COUNTABLE LOT AREA	18,037 SF		18,037 SF	

NOTE:
* DRIVE & PARKING ESTIMATED PER GIS MAPPING
* SOIL SCIENTIST TO LOCATE WETLAND TO ESTABLISH CALCULABLE LOT AREA.

DEP REQUIREMENTS - PBR 74079

BUILDING COVERAGE	EXISTING		PROPOSED	
BUILDING COVERAGE	1,134 SQ FT*	6.3%	1,156 SQ FT*	6.4%
TOTAL LOT AREA	18,037 SQ FT		18,037 SQ FT	

* MAX ALLOWABLE IS 2,500 SQ FT

DEVELOPED AREA	EXISTING		PROPOSED
DEVELOPED AREA	15,000 SQ FT*	83%	NO CHANGE
TOTAL LOT AREA	18,037 SQ FT		

* ALLOWABLE IS 40%, ESTIMATED PER GIS MAPPING TO BRUSH LINE.

SHEET INDEX

ID	Name
G-001	COVER SHEET
EX-101	EXISTING PLANS
EX-201	EXISTING ELEVATIONS
A-101	MASTERPLAN
A-102	PHASE 1 SCOPE
A-201	PROPOSED ELEVATIONS
A-301	BUILDING SECTION
A-302	SECTIONS
A-401	DETAILS
A-701	PHASE 1 SCHEDULES
S-001	FOUNDATION & FRAMING PLAN
S-002	FRAMING PLANS

LOCATION MAP

102 HILLS BEACH RD, BIDDEFORD, ME 04005

GENERAL NOTES:
1. Contractor will review all drawings and any specifications and confirm unclear information with MSD before commencing construction.

2. To ensure proper coordination, sheets are not to be separated when distributed to subcontractors.

3. Contractor is responsible for coordinating and supervising all sub-contractors. Workmanship standards shall be those generally accepted for high-grade custom residential construction.

3. Contractor is responsible for the construction of a complete weather tight building shown in accordance with the construction documents and building codes. Should the contractor discover any discrepancies or conflicts with code restrictions, he/she shall discuss with MSD.

COMMON ABBREVIATIONS

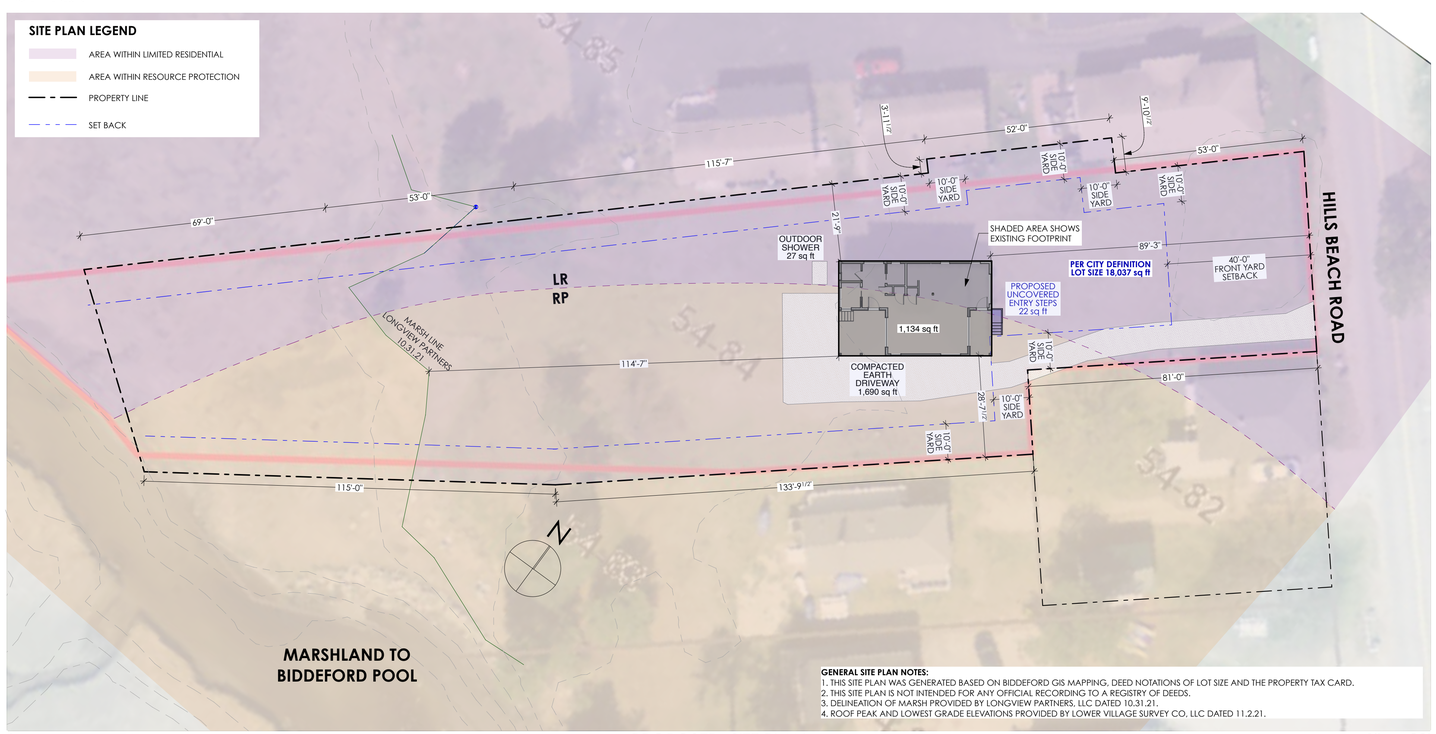
AFF	Above Finished Floor
B.O.	Bottom of
CMU	Concrete Masonry Unit
CEO	Code Enforcement Officer
CFCI	Contractor Furnished, Contractor Installed
ETR	Existing to Remain
GYP	Gypsum Board
IBC	International Building Code
IECC	International Energy Conservation Code
IRC	International Residential Code
MIN	Minimum
MAX	Maximum
MSD	Mobile Studio Design
MUBEC	Maine Uniform Building and Energy Code
OFCI	Owner Furnished, Contractor Installed
PT	Pressure-Treated
PSF	Pounds per square foot
PSI	Pounds per square inch
T.O.	Top of
TYP	Typical
VIF	Verify in Field
WD	Wood

SYMBOL LEGEND

- SECTION MARKER — Drawing Number / Sheet Number
- ELEVATION MARKER — Drawing Number / Sheet Number
- DETAIL BUBBLE
- INTERIOR ELEVATION MARKER — Drawing Number / Sheet Number
- DIMENSION LINE
- BREAK LINE
- DOOR MARKER — SEE DOOR SCHEDULE
- WINDOW MARKER — SEE WINDOW SCHEDULE
- TYPICAL NOTE
- WALL TAG

MATERIAL LEGEND

- Brick - Elevation
- Brick - Section
- Concrete - Block
- Concrete - CIP
- Earth
- Gravel
- Gypsum
- Gypsum - Fire Rating
- Insulation - Batt
- Insulation - Rigid
- Metal - Aluminum
- Metal - Steel
- Not in Contract
- Plywood
- Vegetation
- Wood - End Grain



GENERAL SITE PLAN NOTES:
1. THIS SITE PLAN WAS GENERATED BASED ON BIDDEFORD GIS MAPPING, DEED NOTATIONS OF LOT SIZE AND THE PROPERTY TAX CARD.
2. THIS SITE PLAN IS NOT INTENDED FOR ANY OFFICIAL RECORDING TO A REGISTRY OF DEEDS.
3. DELINEATION OF MARSH PROVIDED BY LONGVIEW PARTNERS, LLC DATED 10.31.21.
4. ROOF PEAK AND LOWEST GRADE ELEVATIONS PROVIDED BY LOWER VILLAGE SURVEY CO. LLC DATED 11.2.21.

1 PROPOSED- SITE PLAN 1" = 20'

ISSUE NUMBER
A
CHANGE NUMBER
CH-01

CHANGES THIS ISSUE:

ID	DESCRIPTION

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01	3/1/22	PERMIT SET

E 04005

SAUNDERS RESIDENCE
LYNN SAUNDERS & BRAD BEDARD
102 HILLS BEACH RD, BIDDEFORD, ME

MOBILE STUDIO DESIGN
128 Main Street, Unit 201
Biddeford, ME 04005
office: 207.494.8102

DATE OF ISSUE: 3/1/22

PROJECT STATUS:
CONSTRUCTION DOCUMENTS

DESIGNER:
CAT SUMISLASKI
Cat@MobileStudioDesign.com

CONSULTANTS:
SURVEYOR:
ENGINEER:

CONTRACTOR:

COVER SHEET

G-001

mobile studio design

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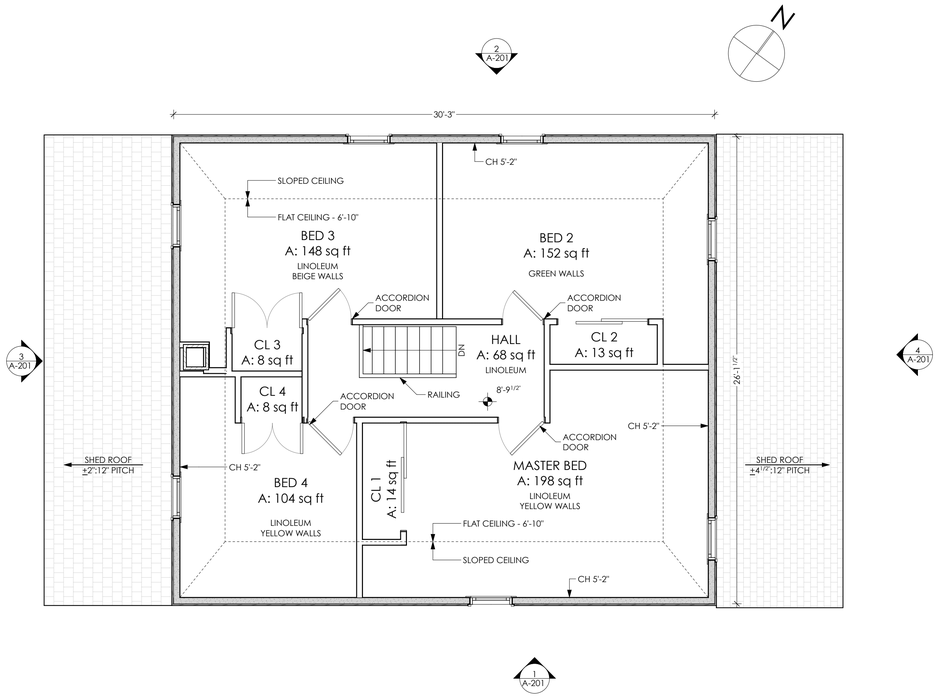

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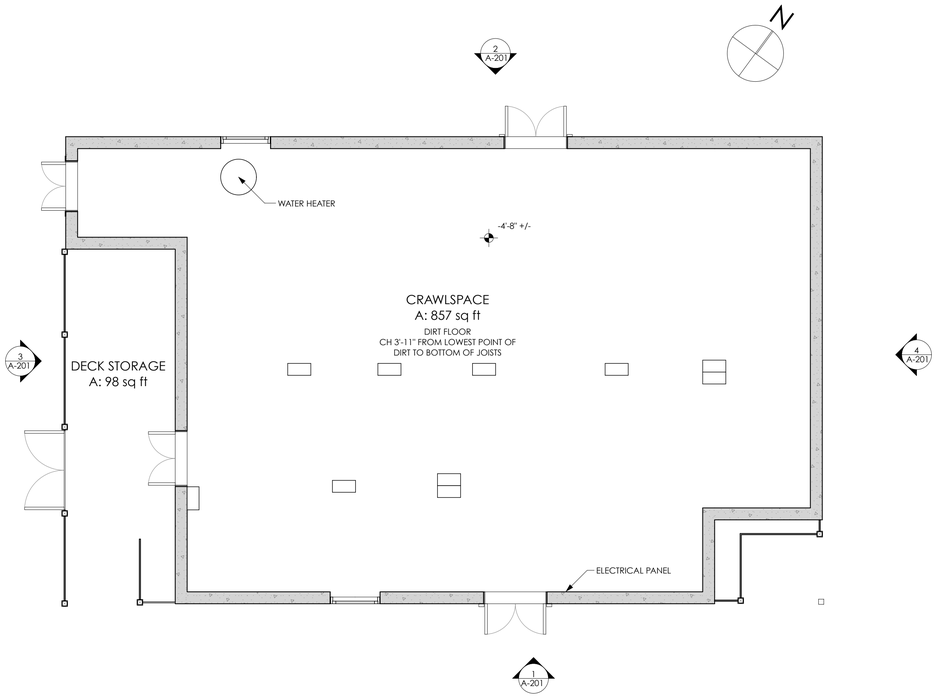
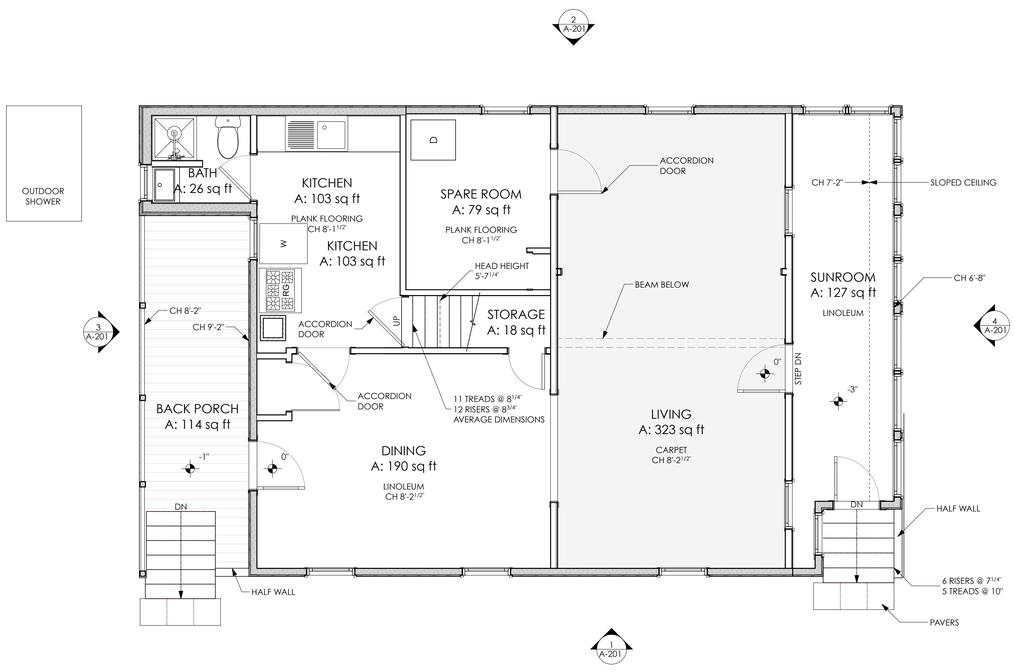


3 EXISTING- CRAWLSPACE 1/4" = 1'-0"



1 EXISTING- 1ST FLOOR 1/4" = 1'-0"

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CONTRACTOR:

EXISTING PLANS

EX-101

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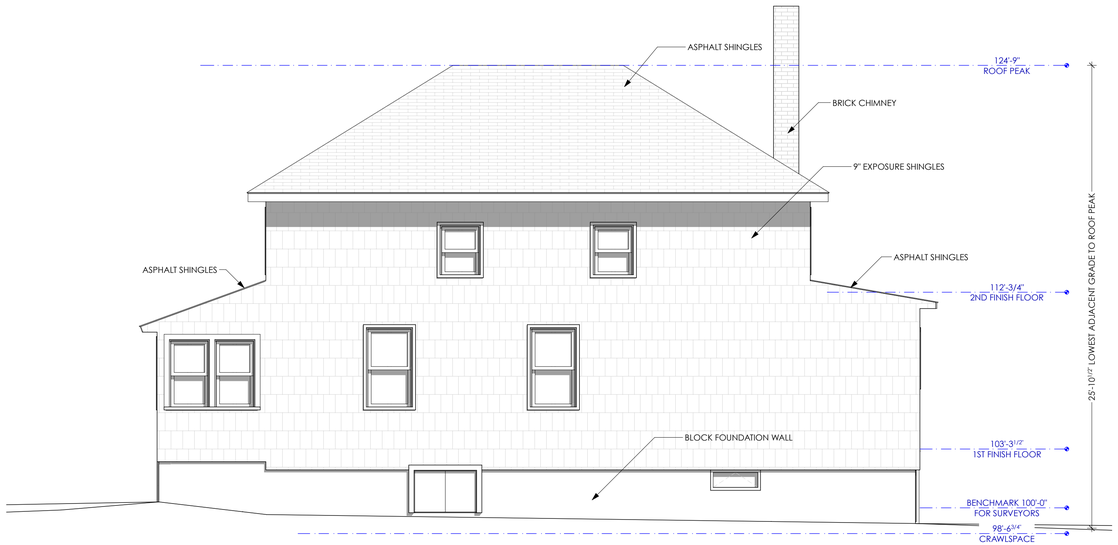
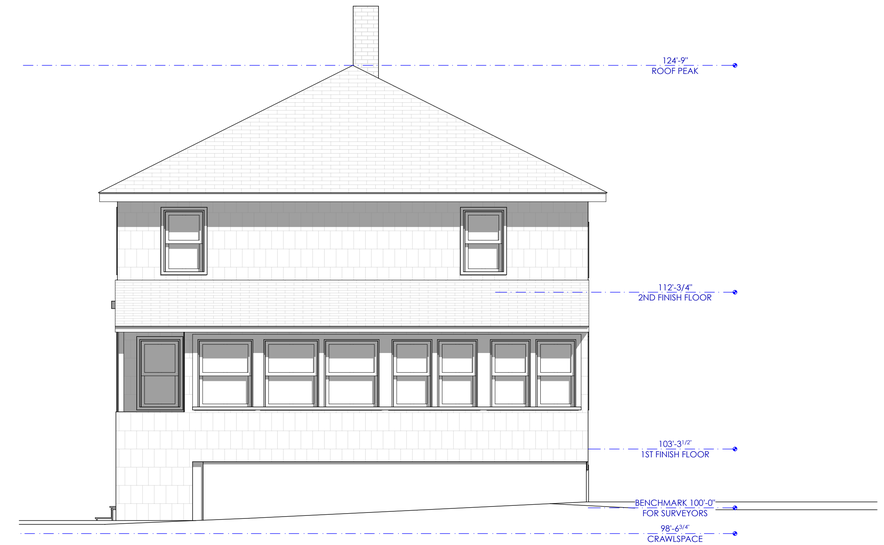
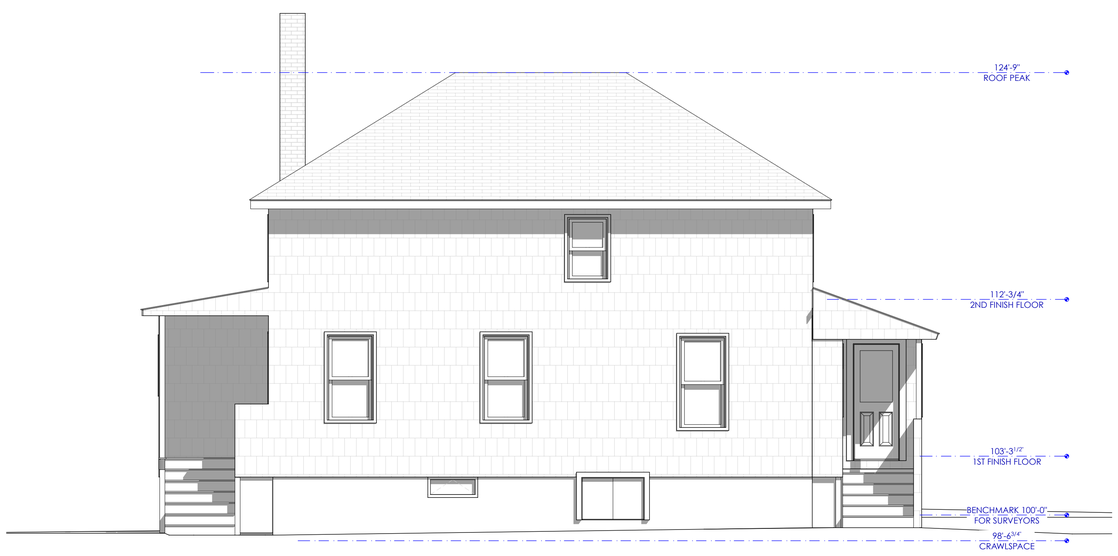


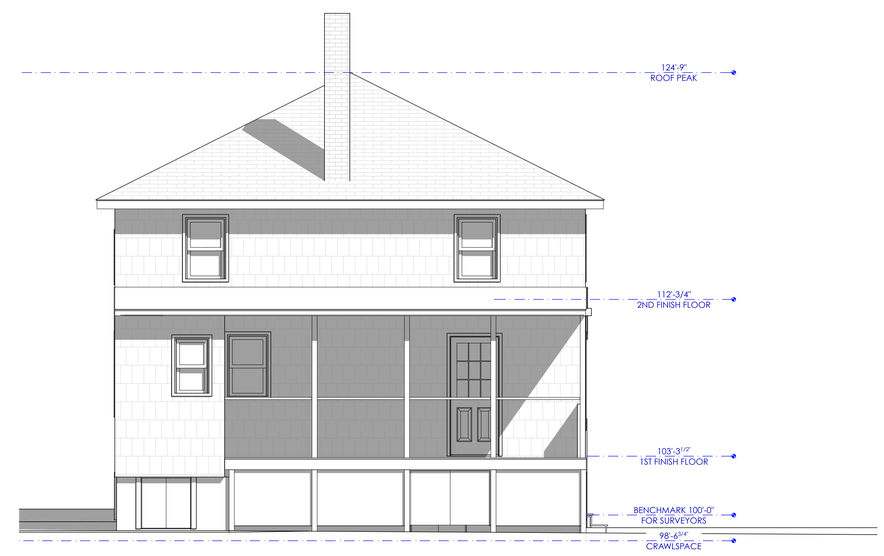
2 EXISTING- NORTH ELEVATION 1/4" = 1'-0"



4 EXISTING- EAST ELEVATION 1/4" = 1'-0"



1 EXISTING- SOUTH ELEVATION 1/4" = 1'-0"



3 EXISTING- WEST ELEVATION 1/4" = 1'-0"

PERMIT SET

ISSUE NUMBER
A
CHANGE NUMBER
CH-1

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Cat@MobileStudioDesign.com

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SURVEYOR:
ENGINEER:

CONTRACTOR:

EXISTING
ELEVATIONS

EX-201

mobile
studio
design

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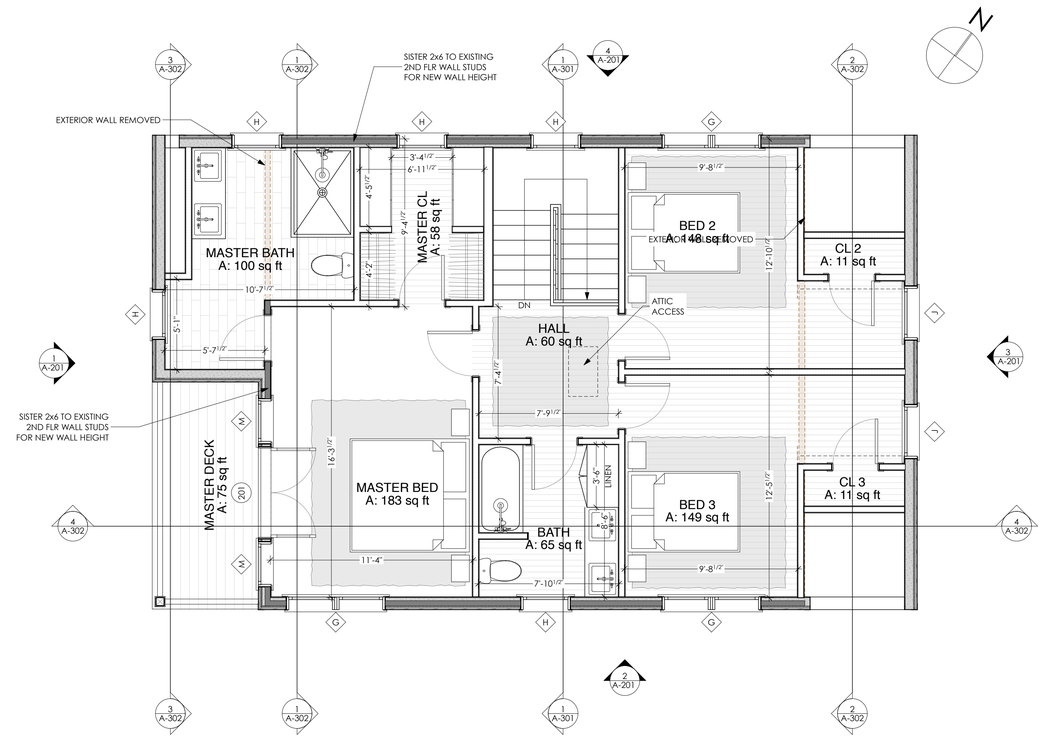
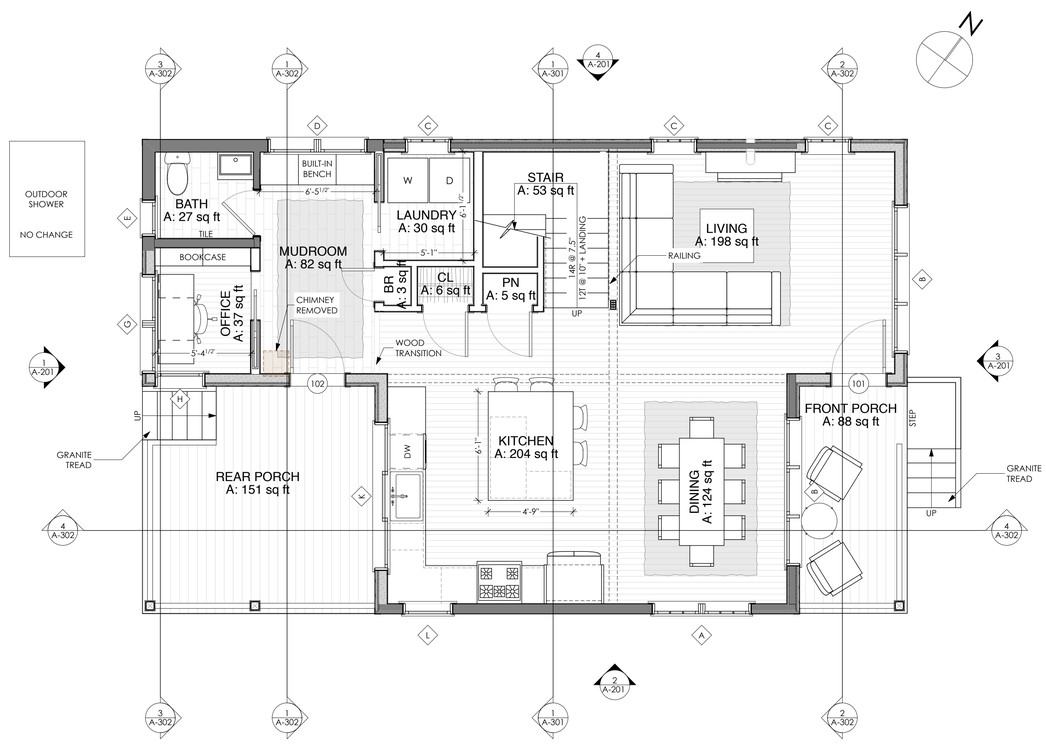


2 PROPOSED PLAN- 2ND FLOOR 1/4" = 1'-0"



1 PROPOSED PLAN- 1ST FLOOR 1/4" = 1'-0"

GENERAL PLAN NOTES

1. All work is to be completed in conformance with all local, state and federal building codes
2. All dimensions for walls are to rough framing or face of concrete of UNO.
3. All dimensions are to center lines of doors and windows UNO.

LEGEND

- XX — **DOOR MARKER** SEE DOOR SCHEDULE
- X — **WINDOW MARKER** SEE WINDOW SCHEDULE
- XX — **TYPICAL NOTE**
- 1 — **WALL TAG**

THIS SHEET REPRESENTS MASTERPLAN WHICH INCLUDES PHASE 2 (PRIMARILY INTERIOR RENOVATION).
PHASE 2 NOT INCLUDED IN THIS PERMIT.

PERMIT SET

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CHANGE
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CONTRACTOR:

MASTERPLAN

A-101

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NOTES FOR PRELIMINARY PRICING - BUILDING ENVELOPE

WINDOWS - PRICING RECEIVED AND INCLUDED IN BID DOCUMENTS

SIDING - CERTAINTEED CEDAR IMPRESSIONS DOUBLE 7" SHINGLE SIDING - PACIFIC BLUE
INCLUDING CORNER BOARDS, COLOR TBV
SIDING - AT REAR PORCH & MASTER DECK - CERTAINTEED BOARD & BATTEN
VERTICAL 7" - PACIFIC BLUE, COLOR TBV

ROOF - TRUSS AT DORMERS W/ STANDARD 2x CONSTRUCTION AT STEEP SLOPE ROOFS
ROOF - ASPHALT SHINGLES (TBD) - INSTALLED PER MANUFACTURER SPECIFICATIONS
ROOF - MIN 3'-0" HIGH TEMP ICE & WATER SHIELD FROM EAVES AT DORMER ROOFS

DECKS - TREX OR SIMILAR COMPOSITE DECKING & STAIR TREADS
DECKS - AZEK STAIR RISERS, PAINTED
DECKS - RAILING TO BE DESIGNED, ALLOWANCE $100/FT

BASEMENT - SHORE UP EXISTING STRUCTURE PENDING ENGINEER'S REPORT & STRUCTURAL DRAWINGS

NOTES FOR PRELIMINARY PRICING - FIRST FLOOR

BATH - NO CHANGE OTHER THAN WINDOW

KITCHEN - RELOCATE WASHER & DRYER
KITCHEN - RELOCATE GAS LINE FOR TEMP STOVE LOCATION
KITCHEN - REMOVE WALL CABINETS FOR WINDOW
KITCHEN - NEW BASE CABINETS IN MODIFIED CONFIGURATION
CLIQ OR SIMILAR, NEW SINK?
KITCHEN - RELOCATE FRIDGE FROM DINING
KITCHEN - REMOVE CHIMNEY CHASE
KITCHEN - REMOVE FINISH FLOOR TO EXISTING SUBFLOOR
PATCH SUBFLOOR AS NECESSARY

STAIR - NEW OAK TREADS W/ PAINTED POPLAR RISERS, RAILING TBD
STAIR - NEW SUPPORTING WALLS & PANTRY

DINING - NO CHANGE BEYOND NEW EXTERIOR WALL W/ GYP
DINING - REMOVE FINISH FLOOR TO EXISTING SUBFLOOR
PATCH SUBFLOOR AS NECESSARY

LIVING - REMOVE EXISTING CARPET TO EXISTING SUBFLOOR
PATCH SUBFLOOR AS NECESSARY
LIVING - RAISE ORIGINAL PORCH FLOOR TO MAIN HOUSE LEVEL

FRONT PORCH - COMPOSITE DECKING W/ HEMLOCK POST AND BEAMS
FRONT PORCH - RAILING - TO BE DESIGNED, ALLOWANCE $110/ FOOT

REAR PORCH - COMPOSITE DECKING W/ PVC TRIM AT POST & BEAMS
REAR PORCH - RAILING - TO BE DESIGNED, ALLOWANCE $100/ FOOT

NOTES FOR PRELIMINARY PRICING - SECOND FLOOR

HALL - NEW PERIMETER WALLS, FINISH FLOOR W/ THRESHOLDS AT
DOORS TO WHITE BOX
HALL - NEW GYP WALLS AND CEILING
HALL - NEW FLOORING, ENGINEERED WOOD

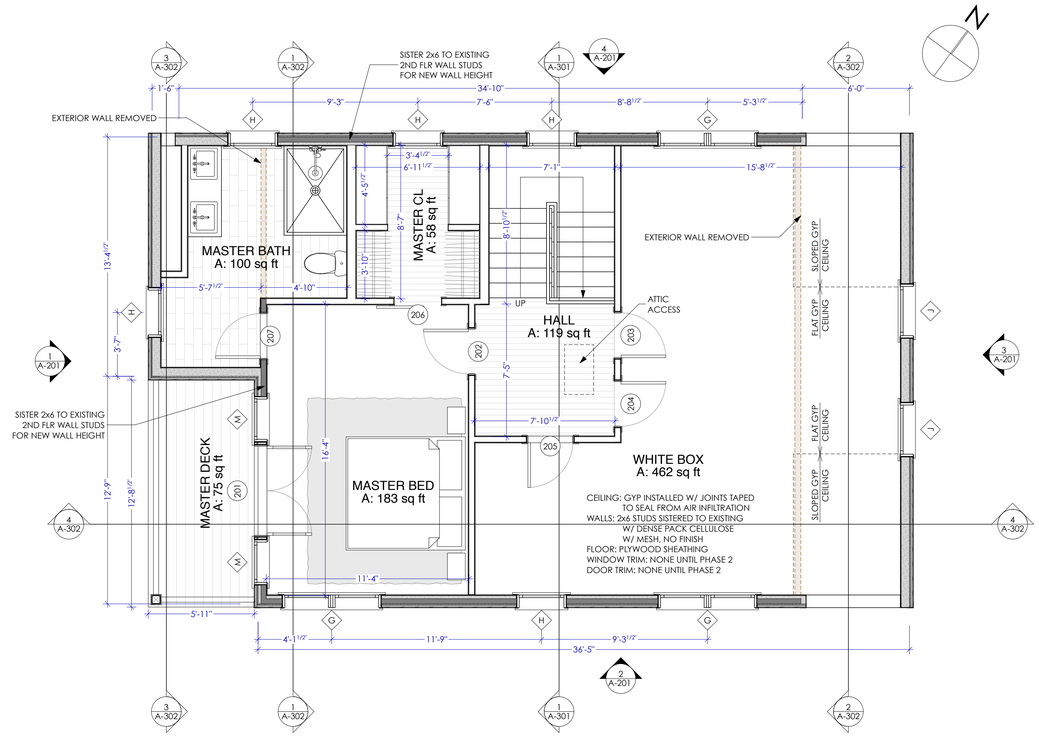
MASTER BED, BATH & CL - NEW GYP WALLS AND CEILING
MASTER BED & CL - NEW FLOORING, ENGINEERED WOOD
MASTER BATH - NEW TILE FLOORING
MASTER BATH - CUSTOM SHOWER

MASTER DECK - COMPOSITE DECKING W/ PVC TRIM AT POST & BEAMS
MASTER DECK - RAILING - TO BE DESIGNED, ALLOWANCE $110/ FOOT

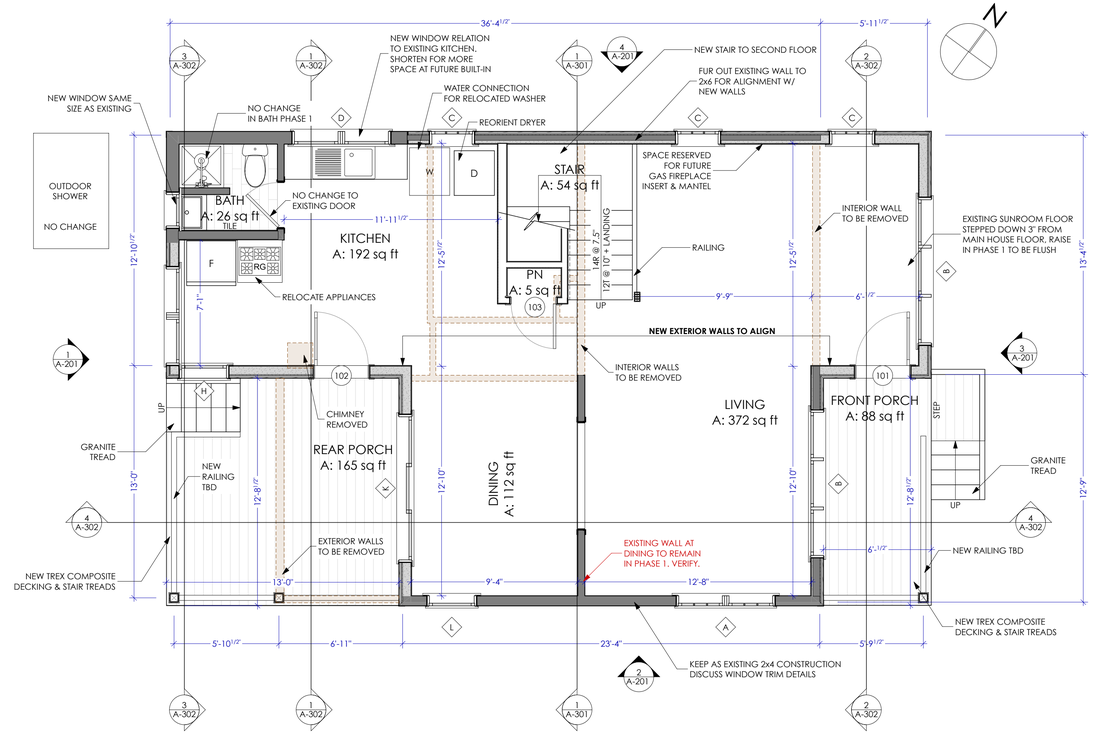
NOTES FOR PRELIMINARY PRICING - ADDITIONAL & ALLOWANCES

NEW HEATING/ COOLING SYSTEM - QUANTITY, SIZE AND LOCATIONS TO BE DETERMINED
BASED ON WALK-THRU W/ HVAC CONTRACTOR
NEW HEATING/ COOLING SYSTEM - INCLUDE MINI-SPLIT IN MASTER SUITE IN PHASE 1

EXTERIOR DOOR HARDWARE	$150/ SET
INTERIOR DOOR HARDWARE	$50/ SET
EXTERIOR RAILING	$100/ LINEAL FOOT
PLUMBING FIXTURES	$3,200
MASTER BATH VANITY	$2,000
MASTER BATH COUNTER	$100/ SQ FT, MATERIAL & INSTALL
ELECTRICAL FIXTURES	$4,000



2 PROPOSED PHASE 1 - 2ND FLR 1/4" = 1'-0"



1 PROPOSED PHASE 1 - 1ST FLR 1/4" = 1'-0"

KEY

EXISTING TO REMAIN

DEMO

PERMIT SET

ISSUE NUMBER
A - ADDED
C - CHANGED
D - DELETED

CHANGES THIS ISSUE:

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01	3/1/22	PERMIT SET

ME 04005

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office: 207.494.8102

DATE OF ISSUE: 3/1/22

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CAT SUMISLASKI
Cat@MobileStudioDesign.com

CONSULTANTS:
SURVEYOR:
ENGINEER:

CONTRACTOR:

PHASE 1 SCOPE

A-102

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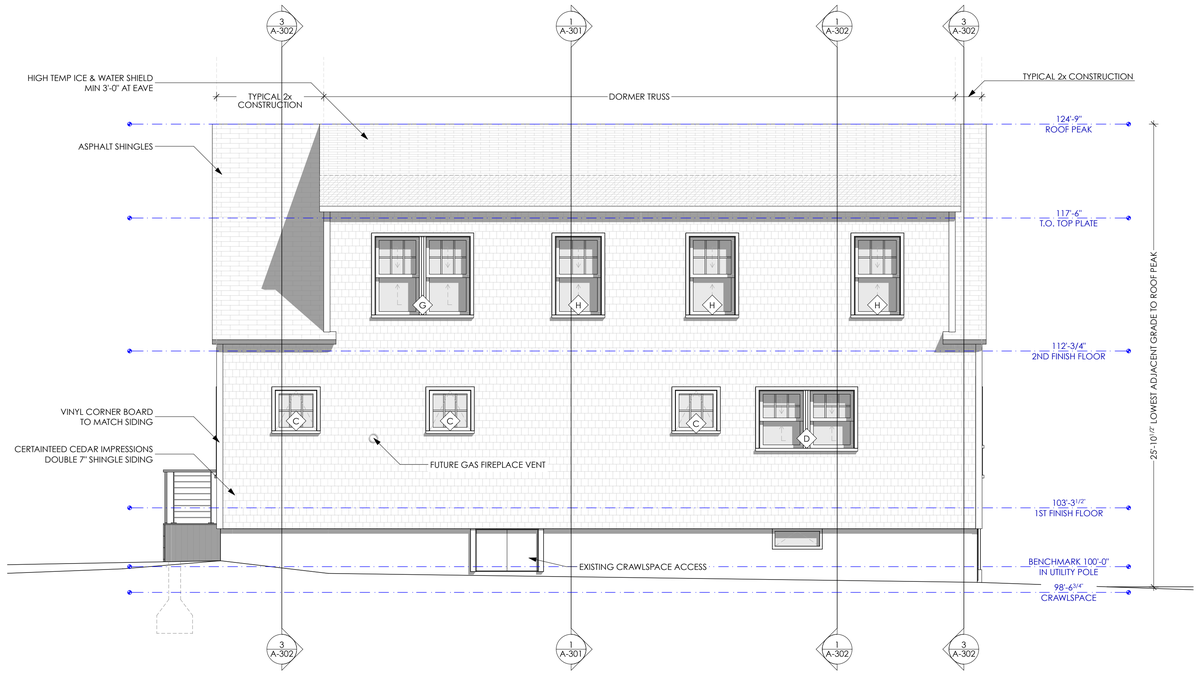
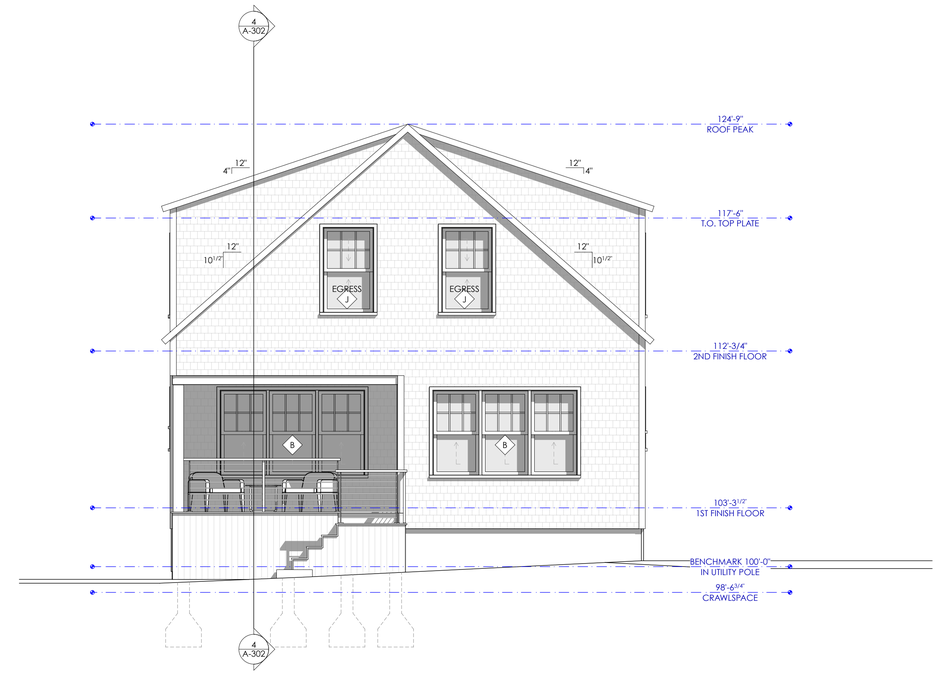
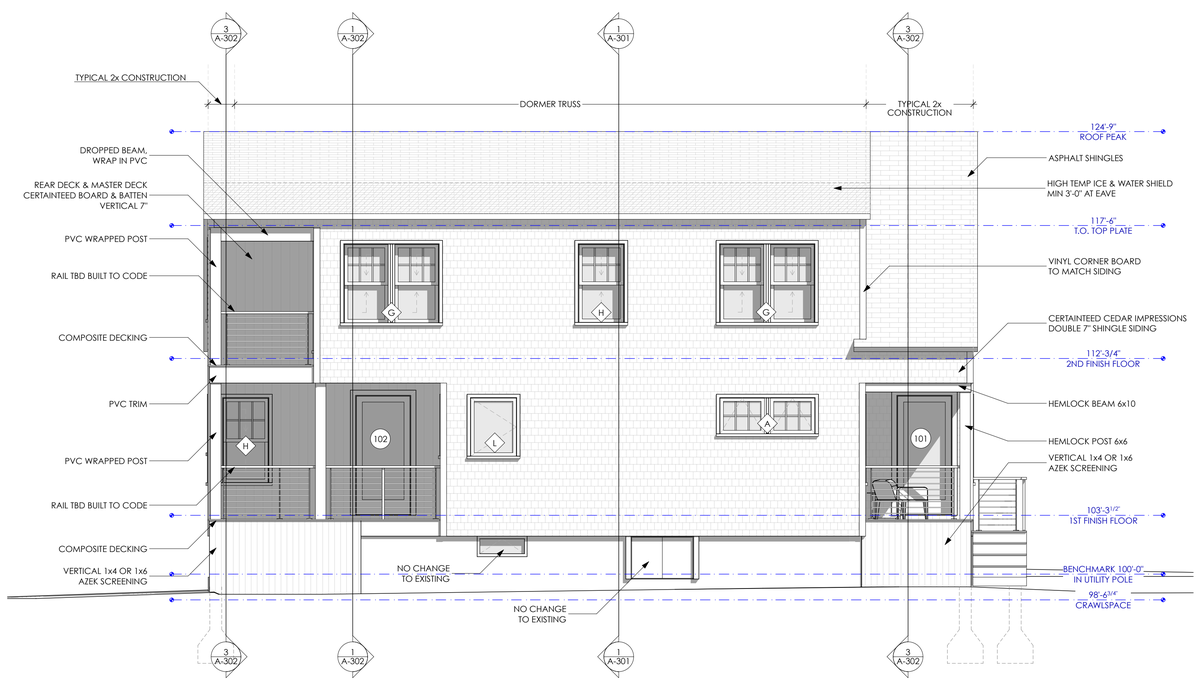


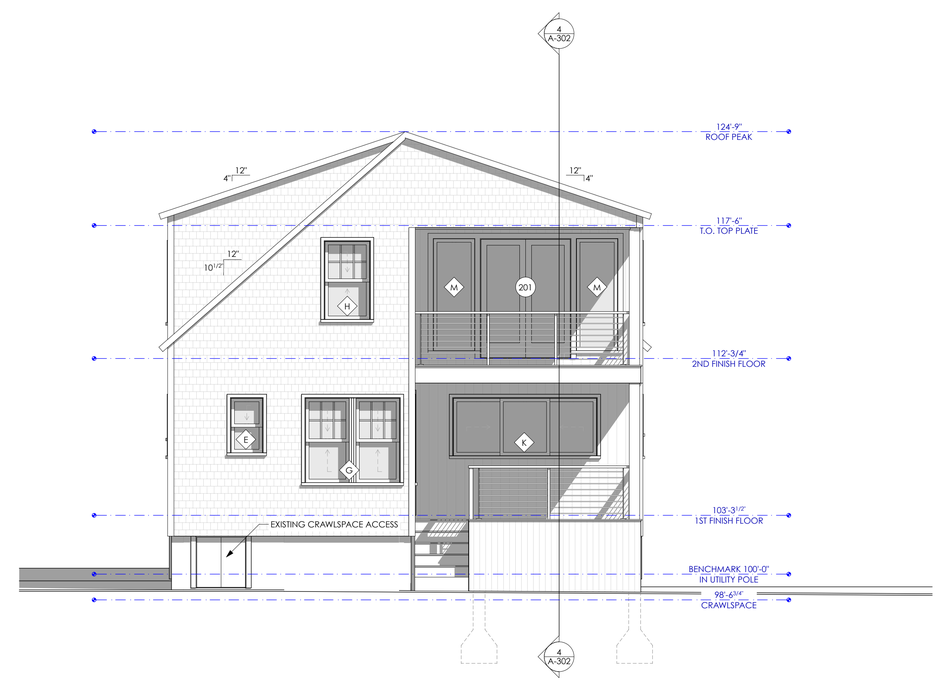
4 PROPOSED NORTH ELEVATION 1/4" = 1'-0"



3 PROPOSED EAST ELEVATION 1/4" = 1'-0"



2 PROPOSED SOUTH ELEVATION 1/4" = 1'-0"



1 PROPOSED WEST ELEVATION 1/4" = 1'-0"

PERMIT SET

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CONTRACTOR:

PROPOSED ELEVATIONS

A-201

mobile studio design

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102 Hills Beach

North & East walls from Marshland

South wall from Marshland

North & West walls from Hills Beach Rd

Existing wall between original Living and Sunroom

Existing Dining South exterior wall

New opening at stair shows new double top plate

Existing Bath on first floor, no change

CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@Biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: May 10, 2023

RE: Case # 2021.42: Hidden Hills Housing Park - Preliminary Plan Review for 195-unit manufactured housing park subdivision at 413 South Street (Tax Map 7/Lot 8) in the RF, SR-1 zones and MHP Overlay Zone.

MEETING DATE: May 17, 2023

I. INTRODUCTION / UPDATE:

The project was last formerly before the Board on December 7, 2022, when the project received Preliminary Plan Review for 195-unit manufactured housing park subdivision at 413 South Street (Tax Map 7/Lot 8) in the RF, SR-1 zones and MHP overlay zone. At the last Planning Board meeting (May 3rd), under Agenda Item #4 "Planner's Business", I distributed a memorandum updating the Board on four topics. One of the items I brought forward was a request, on behalf of the Applicant (South Street Village, LLC), for Planning Board approval of a six (6) month extension of the Final Application submittal deadline to November 17, 2023. Below is the overview I provided the Board:

> ***Hidden Hills Mobile Home Park – Case # 2021.42:*** *On December 7, 2022, the Planning Board reviewed the Preliminary Subdivision Plan to create a 195-unit manufactured housing park at 413 South Street in the SR1, RF Zones and in the Mobile Home Park Overlay. This Application has experienced some delays particularly surrounding the environmental impact study conducted by the Applicant, and materials submitted by the Conservation Commission (CC) which were conducted by the Commission's third-party reviewer. The primary difference between the two studies was the project scope area. The Applicant's consultant focused their efforts on the project area (approximately 150 acres) and the Commission's consultant focused on the entire 312+/- acres. Since the Preliminary approval was granted, the ownership of the property has changed. Paul Vose and Richard Potvin, business partners in the Hidden Hills Development, sold their ownership interest in the Hidden Hills mobile home park to Matt Chamberlain who in return sold his ownership portion in the back land (undeveloped) to them.*
>
> *The Ordinance requires the applicant or his authorized agent to submit to the Planning Office a Final Plan no later than six months after the date of preliminary approval. The deadline for this submittal is May 17, 2023. Due to the various delays, the Applicant (Matt Chamberlain) requested a six (6) month extension to the preliminary approval to enable the Applicant to finalize their final site plan / subdivision. Therefore, on behalf of the Applicant, Staff is seeking Planning Board approval of a six (6) month extension of the of the Final Application submittal deadline to November*

17, 2023. This request is like other development extensions previously granted on comparable development applications and Staff is supportive of the Applicant's request.

Following my overview of the extension request, the Board asked several questions which I tried to answer but at the conclusion of the meeting I requested the Board allow me to research the issues raised and postpone Board action until the May 17th meeting. Below is an overview of the questions asked, and answers / information in which to base your decision to grant or deny the request:

1. Ownership: In my memorandum I informed the Board that the ownership of the property has changed. It should have been better stated to have said, the partners within South Street Village, LLC have changed yet South Street Village, LLC remains the Applicant with Matt Chamberlain continuing to be the representative of South Street Village, LLC.

2. Creation of a Subdivision: I informed the Board that the project area had been reduced in size and that only the project area, which is 150-acres +/-, had been split roughly in half, with the project remaining under the ownership of South Street Village, LLC. A Board member raised the issue of a portion of property that had also been split from the master parcel and sold to the Maine Turnpike Authority (MTA) and that the property split, discussed above, and therefore created a subdivision. To this point I offer the following:

   A. Maine Turnpike Authority (MTA): As I explained during the meeting, sale of land to an abutting property owner does not constitute a subdivision, therefore the land sold to the MTA would not create a lot counted towards a "subdivision". The sale of land was a strip of land approximately 25-50 feet in width, and the length of land that was immediately parallel to the South Street Village LLC property. To confirm my statements I met with Roby Fecteau, Director of Code Enforcement, who is the Certified Authority in regulating decisions such as this. Mr. Fecteau verified my position on the matter.

   B. Mr. Fecteau and I further reviewed the division of the development area from the master parcel with Deanne Cray, C.M.A., Deputy Assessor for the City. We reviewed the property transfers in the area to verify that a "subdivision", as defined by the State Law, had not been violated. Shown to the left is a map created by Ms. Cray which illustrates the division of the Hidden Hills project area (150-acres +/-) at the top right of the image. The remaining 150-acres +/- was combined / transferred to an abutting property (identified as Lot 2-22), which are under the ownership of Spang3 LLC. The three of us confirmed that the division / transfer did not constitute a subdivision. The map shows three (3) lots to the southeast and parallel to the Turnpike. The ownership of these lots, moving from north to south, is owned by the MTA, the City of Biddeford and the MTA. After reviewing the deeds related to the recent division of the 312.1-acre parcel into two (2) lots, each being approximately 150-acres, Ms. Cray, Mr. Fecteau, and I concurred that the lot transfers were not illegal nor created a "subdivision".

Assessor's Lot Division Map

C. Subdivision: The Hidden Hills application Change in Acreage: The Board discussed the impacts on the continued review process, on a project that began with 312-acres +/-, resulting in a significant reduction of the project area by half. In the original transmittal letter to Mr. Tansley, the former City Planner, dated August 11, 2021, stated that "the portion of the property that is located within the MHP is approximately 160 acres". Hidden Hills is located entirely within the MHP District, and it has been designed to meet the standards of the district within the boundaries of their project area.

3. Environmental Review: One of the main issues that has delayed this project is the two (2) environmental studies which have been reviewed by the Board. As outlined in my memorandum, the primary difference between the two studies was the project scope area. The Applicant's consultant focused their efforts on the project area (approximately 150 acres) and the Commission's consultant focused on the entire 312+/- acres. The division of the land simplifies the project as it focuses the environmental review on the actual development area rather than an additional 150-vacant acres that is not connected to the project area nor under the same ownership. Further, South Street Village does not have the authority to trespass onto other's land so it should not be required to include the excess divided land within their environmental study. The Applicant's consultant studied the land within the development area and the Board should accept their findings. However, City Staff is in favor of having a Peer Reviewer assess the Applicant's study.

4. Project Delays: As outlined in my memorandum to the Board and discussed during the meeting, this Application has experienced some ongoing delays in bringing the project to fruition. These include:

A. Environmental Studies: The two environmental studies, and the confusion that their different conclusions certainly has delayed the project. As directed, Staff issued a Request for Proposals (RFP) and the Board determined that the verbiage within the RFP didn't adequately address the Board's desires. As outlined above, the study submitted by the Conservation Commission (CC), which was conducted by the Commission's independent third-party reviewer, studied the entire 312-acre parcel rather than the actual study area. It isn't a surprise that the studies yielded different results. The Applicant's consultant is a recognized environmental specialist, who focused their study area to the development area and as such the Board should accept their findings. The Board is certainly within their rights to have a Peer Reviewer assess the Applicant's study.

B. Sidewalk Design: During the Application review process the Board desired a sidewalk be placed along South Street and on Waterworks Drive. City Staff has been working on the design of the sidewalks, which has taken longer to develop than originally anticipated primarily due to some of the steep slopes.

C. Maine Department of Environmental Protection (MDEP): The Applicant has not yet received MDEP approval of the project. The Applicant has been waiting for this approval prior submitting for Final Plan Approval.

Case # 2021.42: Hidden Hills Housing Park - Preliminary Plan Review for 195-unit manufactured housing park subdivision at 413 South Street (Tax Map 7/Lot 8) in the RF, SR-1 zones and MHP overlay zone.

Planning Board Meeting date: May 17, 2023

5. Staff Recommendation: At the May 3rd meeting the Board discussed not approving the Applicant's extension request due to the change in the scope of the project and the concern that an "illegal subdivision" had taken place. It was further discussed that the Applicant should bring the project back to the Board back as a new project, with a new case number, but restarting the review at the preliminary review stage, rather than the "sketch plan" review stage. It was also suggested that the application fees for the "new" submittal should be waived.

   Staff is of the opinion that restarting the project in this manner is unnecessary. Projects often experience delays, due to matters outside of their control, and Staff believes restarting the project is an unnecessary. It would essentially void the preliminary project approval that required the Board three (3) reviews before the preliminary plan received the approval. The Applicant for the Hidden Hills project remains South Street Village LLC., and the lot division did not create a "subdivision". The project area and design remains essentially unchanged, and Staff continues to work with the Applicant to resolve the South Street and Waterworks Drive sidewalk designs and the project has not yet received MDEP approval. Based upon the information listed above, Staff is seeking Planning Board approval of a six (6) month extension of the Final Application submittal deadline, from the date of Planning Board approval to December 7, 2023.

Recommended Motion: Motion to approve the six month time extension for the Preliminary Subdivision and Site Plan for 416 South Street, Hidden Hills Manufactured Housing Park, a 195-unit manufactured housing park (Tax Map 7/Lot 8) in the Rural Farm (RF) and Suburban Residential (SR-1) zones and Manufactured Housing Park (MHP) overlay zone.

SAMPLE MOTIONS:

A. Motion to Approve: I motion to APPROVE the *six (6) month extension of the Final Application submittal deadline, from the date of Planning Board approval to December 7, 2023*.

B. Motion to Deny I motion to DENY the *six (6) month extension of the Final Application submittal deadline, from the date of Planning Board approval to December 7, 2023*, for the following reasons:

   1) _____.
   2) _____.

C. Motion to Table: I motion to TABLE the *six (6) month extension of the Final Application submittal deadline, from the date of Planning Board approval to December 7, 2023*., for the following reasons:

   1) _____.

Respectfully submitted,

David C.M. Galbraith

David C.M. Galbraith
Deputy Director / City Planner

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: South Street Village, LLC
Applicant's Mailing Address: 762 Main Street South Portland ME 04106
Applicant's Telephone: (207) 450-7653
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: _____
Agent's Address: _____
Telephone: _____

Engineer/Surveyor: Terradyn Consultants, LLC c/o Jeff Amos P.E.
Engineer/Surveyor's Address: 41 Campus Drive, Suite 301 New Gloucester, ME 04260
Telephone: 207-926-5111

Project Location and Lot Information:

Street Address: 413 South Street
Tax Map: 7 Lot: 8
Current Zoning: SR1, RF & MHP Overlay Shoreland Zoning: no

Size of lot: 312.1 [X] acres [ ] s.f. Lot Frontage: _____
(160 in overlay)

Existing Use of Property: Vacant Land

Property currently serviced by:

- [X] City Road
- [ ] Public Sewer
- [X] Public Water
- [ ] Public Trash
- [X] Private Road
- [ ] Septic System
- [ ] Private Well
- [ ] Private Hauler

Slope Conditions in Area of Construction (if applicable):

[X] Flat (0-3 % slope) [X] Rolling (3-8% slope) [X] Hilly (8-15% slope) [ ] Steep (15% + slope)

Are there any wetlands or waterbodies on the site? [X] Yes [ ] No If yes, attach information

Do you plan to bring fill onto the lot? [X] Yes [ ] No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: 195 unit manufactured housing park please see attached cover letter

Property to be serviced by:

- [ ] City Road
- [ ] Public Sewer
- [X] Public Water
- [X] Public Trash
- [X] Private Road
- [X] Septic System
- [ ] Private Well
- [X] Private Hauler

Is this project part of a larger project? [ ] Yes [X] 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: 195

☒ If a Private Way is proposed, number of lots served: 195

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

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

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

Attachments:

A. Letters of Approval

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

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

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

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

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

C. Photographs of site.

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

E. Engineered Plans, as required.

Fees (due at time of application):

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

Required Signatures:

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

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

[x] 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: Matthew Chamberlain Date: 4/13/2022

Signature of owner of property: Matthew Chamberlain Date: 4/13/2022

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.

95
Waterworks
150ish
7-8
South street
Village LLC.
150ish.
Spring LLC
MTA
CITY OF
BIDDEFORD
95
GOLD STAR MEMORIAL HWY
Zone 2-22
2-38
MTA

Attachment 13

Habitat Assessment

BASSWOOD ENVIRONMENTAL

January 9, 2022

Mr. Jeff Amos, P.E.
Terradyn Consultants, LLC
41 Campus Drive, Suite 101
New Gloucester, ME 04260

Re: South Street Village, Biddeford: Rare Plant Habitat Assessment

Mr. Amos,

An experienced botanist with Basswood Environmental LLC (Basswood) visited the parcel identified on Biddeford Tax Maps as Lot 8 on Map 7, located on the south side of South Street, west of I-95. The purpose of the site visit was to assess the area for potential habitat for endangered plant species with an emphasis on those identified by the Maine Natural Areas program (MNAP) in their review dated November 10, 2021.

Review and Background

The approximately 160-acre site is located in Biddeford, Maine, which overlaps the northern extent of the range for many plant species considered rare by MNAP. This site is also in close proximity to a large red maple swamp that is considered by MNAP to be an exemplary natural community and contains a high potential for rare plant species. The MNAP review identified 44 occurrences of 31 total species considered rare, threatened or endangered, as well as 8 rare or exemplary natural communities that have been located by past surveys within 4 miles of the parcel. It should be noted that this proximity includes some well-known habitats for rare species that are not relevant to this survey, such as the Saco Heath (raised level bog ecosystem, Atlantic white cedar bog, pitch pine bog), the Saco River (freshwater tidal marsh), and The Kennebunk Plains (sand barren habitat, pitch pine woodland).

A 2007 survey was performed by the Biddeford Conservation Commission of the lands to the west of the site that are associated with the exemplary red maple swamp identified on the MNAP review. This survey also included a portion of the current project area (identified as the Claire Property). The reviewer indicates that much of the site is in an early-successional state and lacks the diversity of the lands to the west, but may provide good habitat for wildlife species. The extent to which the surveyor explored all areas of the site in question is unclear from this report, however it does appear that at least some evaluation was performed across much of the parcel.

Site Description

The site possesses an interspersion of upland and wetland habitats throughout the area surveyed. Broad wetland swales are present in the areas between often dramatic local relief consisting of large bedrock outcrops and hills scattered throughout the site. The majority of the site has been disturbed at some point, with the southern portions having been recently cleared for timber harvesting. Exceptions to this are areas around small streams and drainages, and stands of small diameter trees, often hemlock (*Tsuga canadensis*) that were not cut. Other small pockets of intact forest are present surrounding Thacher Brook, which passes through the eastern portion of the site.

The northern half of the site has received more disturbance and has been maintained as a patchwork of cleared fields and unmaintained roads. This portion of the site exhibits old and ongoing excavations, an old farm pond/impoundment, a development site, and a small transmission line. Having been subject to greater disturbance over a longer period of time, these areas also exhibit greater infestation from invasive plant species such as Asian bittersweet (*Celastrus orbiculatus*) and multiflora rose (*Rosa multiflora*) than recently cleared areas in the south.

The wetlands on site are typically dominated by herbaceous vegetation consisting of disturbance tolerant species such as woolly bulrush (*Scirpus cyperinus*), fringed sedge (*Carex crinita*), loosened soft rush (*Juncus effusus* ssp. *solutus*), creeping bentgrass (*Agrostis stolonifera*), and sensitive fern (*Onoclea sensibilis*). Permanently saturated areas also commonly supported broad-leaved cattail (*Typha latifolia*), blue vervain (*Verbena hastata*), and marsh fern (*Thelypteris palustris* var. *pubescens*). Some scrub-shrub wetlands are present, most notable in the floodplain area around Thacher Brook. These are dominated by a mixture of speckled alder (*Alnus incana* ssp. *rugosa*), silky dogwood (*Cornus amomum* var. *amomum*), smooth arrowwood (*Viburnum dentatum* var. *lucidum*), and meadowsweet (*Spiraea alba* var. *latifolia*). Red maple (*Acer rubrum*) saplings are common throughout both upland and wetland portions of the site in association with the recently cleared areas as well.

Uplands in the recently cleared areas are dominated by typical pioneer species such as common blackberry (*Rubus allegheniensis*), sapling red maple, quaking aspen (*Populus tremuloides*), and intermittent stands of small diameter hemlock. Intact upland forested areas, such as those surrounding some portions of Thacher Brook and other small streams on site, consist of a mixed canopy of hemlock, white pine (*Pinus strobus*), red maple, red oak (*Quercus rubra*), and balsam fir (*Abies balsamea*). Upland forests in the northern portion of the site do not appear to have been subject to a recent harvest, however the species composition is that of pioneer and secondary species such as red maple and quaking aspen, indicating that much of this area is currently in an early-successional phase. Blue Ridge sedge (*Carex lucorum*) and New England sedge (*Carex novae-angliae*) are well represented throughout the uplands on site, as well as lowbush blueberry (*Vaccinium angustifolium*) and bristly blackberry (*Rubus hispidus*).

Maintained fields are composed of typical field species including an array of goldenrods (*Solidago* spp.), asters (*Symphyotricum* and *Doellingeria* spp., in part) and grasses such as lace lovegrass (*Eragrostis capillaris*), field meadow-foxtail (*Alopecurus pratensis*), common Timothy (*Phleum pratense*), and orchard grass (*Dactylis glomerata*). Wet swales within the fields exhibit similar marsh vegetation found elsewhere on site

RTE Plant Habitat Survey Results

Of the 8 natural communities identified by MNAP as rare or exemplary, none were located during the course of the site walk. An area of mapped Adams loamy sand in the northwestern interior portion of the site was investigated for sand barren habitat but none was located. Additionally, no peatland systems were located during the course of the site walk despite the large amount of wetland areas present. Some of the wetland areas that have been subject to tree clearing may have been dominated by a red maple overstory, however these do not exhibit any discernible direct connection to the exemplary red maple swamp to the west of the site, and no other indicators of rare or exemplary habitat were found within them. Of the 31 species thus identified by MNAP as occurring in the vicinity of the project area, 19 are associated with habitat that is not present on site. The remaining 12 species documented from the area cannot be ruled out due to either the presence of their typical habitat within the project area (e.g. old fields), or because they are a generalist species at the northern edge of their natural range, such as clothed sedge (*Carex vestita*), which is found in disturbed, open areas in southern Maine. Table 1 summarizes the species that would require a formal field survey during the appropriate time to locate on site. Note that several species, including button sedge, Long's bulrush, and sweet pepper-bush are included on this list, although it is in the author's opinion that the likelihood of these species being on this site are very low due to a lack of ideal habitat.

Table 1: Species Identified by MNAP with Suitable Habitat On-site

Scientific Name	Common Name	Optimal Survey Window	Comments
Carex bullata	Button sedge	June-October	Open wetlands, acidic bogs, unlikely to occur but possible
Carex vestita	Clothed sedge	May-July	Disturbed areas, ATV trails, transmission corridors
Selaginella apoda	Creeping spike moss	May-October	Open wetlands, roadsides, disturbed wet areas
Scirpus georgianus	Georgia bulrush	June-August	Open wetlands
Scirpus longii	Long's bulrush	May-October	Unlikely - associated with fen habitat
Kalmia latifolia*	Mountain laurel	Year-round	Rocky woodland species
Platanthera flava var. herbiola	Pale green orchis	July	Wetlands throughout site may support species
Scirpus pendulus	Pendulous bulrush	July-August	Open wetlands, found associated with disturbance
Quercus coccinea	Scarlet oak	May-October	Potentially found in intact woodlands

Calamagrostis cinnoides	Small reed grass	August-October	Wetlands in old fields may provide habitat
Ilex laevigata**	Smooth winterberry holly	May-October	Suitable habitat along Thacher Brook
Clethra alnifolia	Sweet pepper-bush	July-September	Associated with calcareous soils - unlikely to occur on site

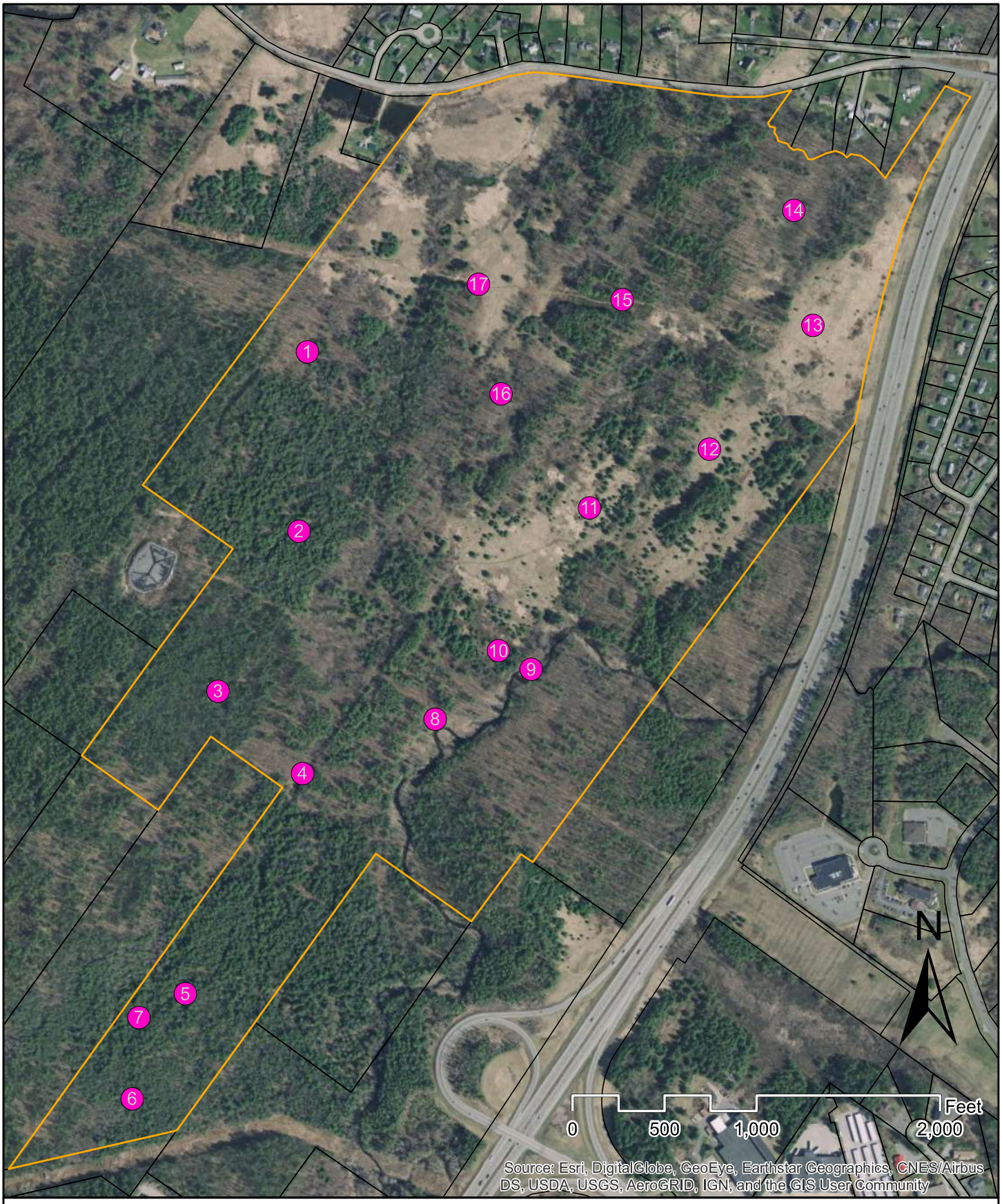
**Kalmia latifolia* is an evergreen shrub that is identifiable year-round, but was not observed during the initial site walk.
**It is possible to identify *Ilex laevigata* as long as fruit are present (through early January), although none were located during the site walk. Survey during the growing season is preferred for better possible detection.

If there is additional detail or clarity that Basswood can provide regarding the summary report, please do not hesitate to contact Erik Lema at erik@basswoodenv.com.

Best regards,

Erik Lema NHCWS#286, Owner/Principal
Basswood Environmental LLC

Attachments:
1: Index Map and Photolog
2: MNAP Review.



Proposed South Street Village

Rare Plant Species Habitat Survey

Parcel Boundary (MEGIS)

Photo Locations

Note: Aerial image taken circa 2019, prior to extensive tree clearing

BASSWOOD ENVIRONMENTAL

	Photo 1: Recently logged area, early successional shrub and forb vegetation.

	Photo 2: Typical wet swale area in the recently harvested portion of the property. Highly disturbed. Many of these areas were likely not wetlands prior to harvest and disturbance.

	Photo 3: Inundated portion of harvested area, potential vernal pool.

Photo 4: Former seldom used ATV trail according to the 2007 Biddeford Conservation Commission report, now approximately 25-foot-wide logging road.

Photo 5: Potential vernal pool, low quality, likely too shallow.

Photo 6: Naturally occurring wetland at far southern end of property, some sphagnum/peat development.

	Photo 7: Wetland impounded by adjacent logging road, some amphibian habitat.

	Photo 8: Thacher Brook from intact buffer area. Note scrub-shrub floodplain around brook.

	Photo 9: View of harvested area across Thacher Brook at crossing point. Inaccessible by foot at time of survey.

	Photo 10: Logged area in foreground leading to Thacher Brook, extensive alder swamp in rear of photo around the brook itself.

	Photo 11: Maintained field in northern portion of the site, view south.

	Photo 12: View northeast toward I-95 across maintained field.

	Photo 13: Extensive field adjacent to the transmission line.

	Photo 14: Early-mid successional forest in the northeast portion of the site.

	Photo 15: Wetland along transmission line, structurally diverse.

		Photo 16: Disturbed area with past excavations, facing south into the recently harvested areas.

		Photo 17: Old road adjacent to the transmission line. This area is highly disturbed and is under current use in conjunction with the maintained area along South Street in the northwest corner of the site.

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
177 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

November 10, 2021

Jeff Amos
Terradyn Consultants
565 Congress Street, Suite 201
Portland, ME04101

Via email: jeff@terradynconsultants.com

Re: Rare and exemplary botanical features in proximity to: Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Dear Mr. Amos:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received October 20, 2021 for information on the presence of rare or unique botanical features documented from the vicinity of the property in Biddeford, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, the property is in close proximity to a mapped Red Maple Swamp. Activities within 250-feet of wetlands associated with this Red Maple Swamp can adversely impact this exemplary wetland. MNAP recommends avoiding development activity within 250-feet of the Red Maple Swamp and its associated mapped wetlands. Please see the table below, attached map, and attached factsheet for more information.

Feature	State Status	State Rank	Global Rank	Occurrence Rank	Site
Red Maple Swamp (*Red Maple – Sensitive Fern Swamp*)	N/A	S5	G3G5	A Excellent	West Biddeford Black Gum Swamp

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM
90 BLOSSOM LANE, DEERING BUILDING

PHONE: (207) 287-8044
WWW.MAINE.GOV/DACF/MNAP

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

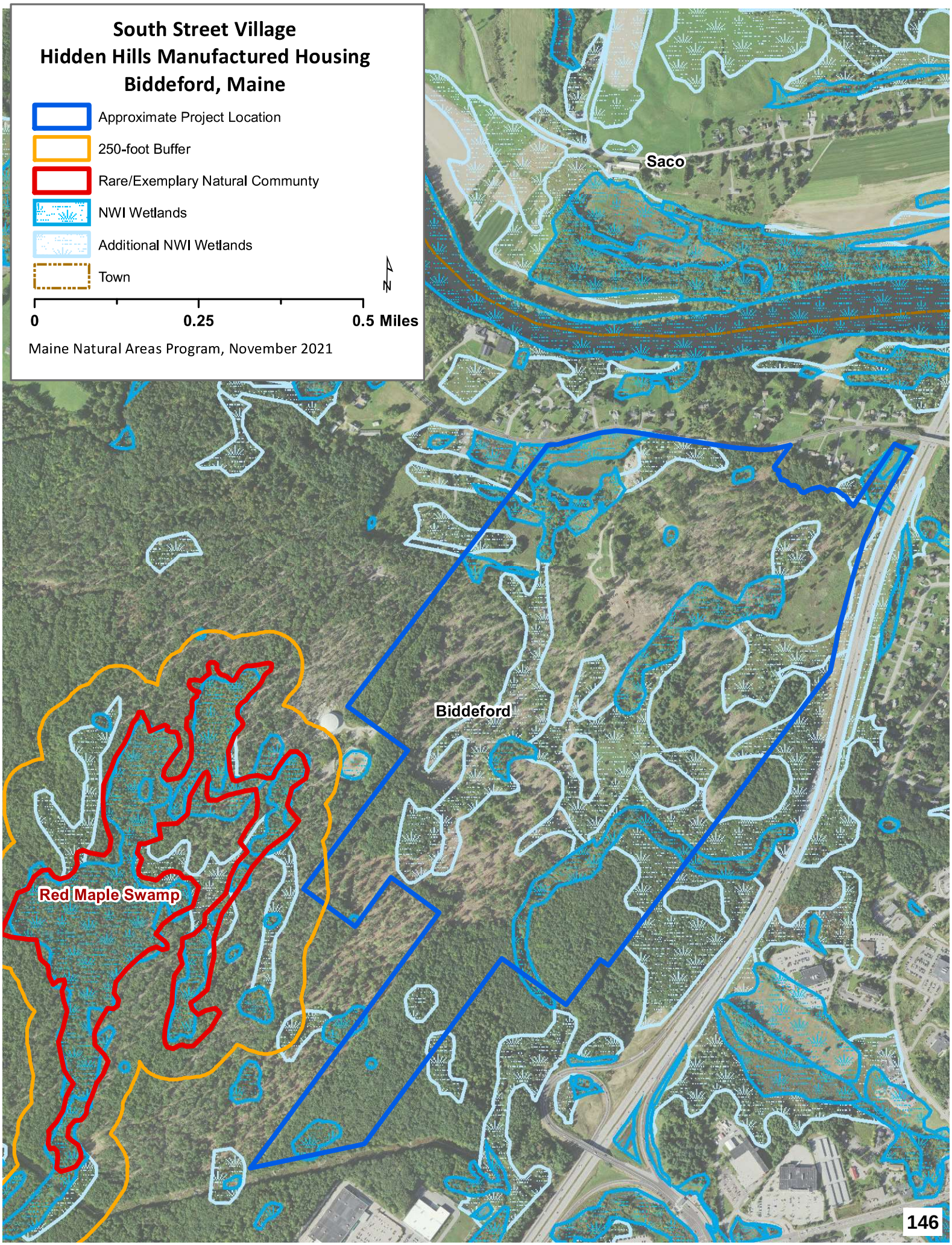
The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of $75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for $225.00 for three hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov


South Street Village
Hidden Hills Manufactured Housing
Biddeford, Maine
Approximate Project Location
250-foot Buffer
Rare/Exemplary Natural Community
NWI Wetlands
Additional NWI Wetlands
Town
N
0
0.25
0.5 Miles
Maine Natural Areas Program, November 2021
Saco
Biddeford
Red Maple Swamp

Red Maple Swamp

State Rank S5

Community Description

Red maple dominates the somewhat open to nearly closed canopy (20-90% closure), sometimes with a relatively large component (up to 40% cover) of balsam fir, red spruce, or northern white cedar. Green ash and yellow birch are common, but rarely abundant, associates. The maples may be widely spaced with multiple trunks and arching crowns. The shrub layer is patchy; winterberry is common and various other shrubs may be locally abundant. The herb layer is well developed and dominated by herbs, with dwarf shrubs <20% of herb cover. Bluejoint and sensitive fern are characteristic herbs. The bryoid layer is usually <35% cover; peat mosses are typical but do not form extensive, deep carpets as they do in peatlands.

Soil and Site Characteristics

Sites occupy mineral soils or well decomposed organic material over mineral soil on flats or gentle slopes in small basins, often on floodplains of streams to small rivers. Soils are typically 30-60 cm deep, loamy to silty in texture, sometimes with well decomposed muck over the mineral fraction, and pH 4.8-5.4.

Diagnostics

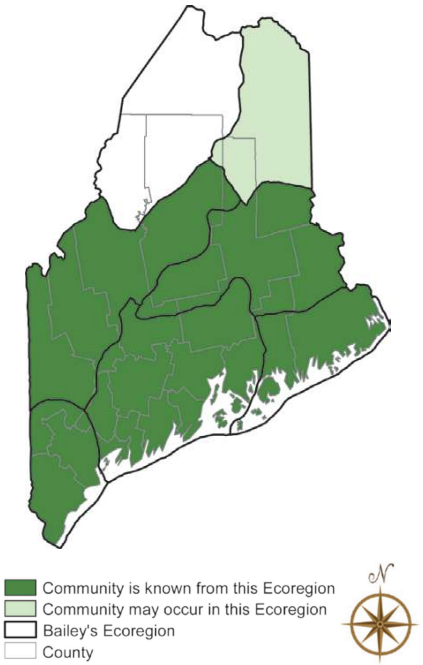
These are mineral soil wetlands in which red maple dominates the canopy or is co-dominant with conifers other than black spruce or larch. The seasonally flooded soils usually remain saturated through the growing season.

Red Maple Flowers

Similar Types

Red Maple Wooded Fens are similar, but either occur in association with large peatlands or occupy small somewhat peaty basins; they do not occur on mineral soils. Some small Northern White Cedar Swamps and Spruce - Fir - Cinnamon Fern Forests, particularly along the coast, include a fair amount of red maple but have cedar or spruce/fir, respectively, as the most abundant canopy species. Silver Maple Floodplain Forests are dominated by silver maple and generally occur along larger rivers, but the two types can intergrade on some floodplains.

Location Map



Red Maple Swamp

Conservation, Wildlife, and Management Considerations

Maintaining the hydrologic integrity of these stream drainages with upland buffers is key. These swamps typically have had few conflicting uses, although some have been recently harvested. ATV use has been observed at some sites.

Red maple swamps often provide habitat in which spotted turtles hibernate. If wet Sphagnum hummocks are present, four-toed salamanders may breed in this community. Examples that occur on floodplains of streams and small rivers may contain wood turtles, which overwinter in the stream channel and forage in the floodplain. The silver-haired bat often roosts in riparian habitats in trees with loose bark. The northern waterthrush is a common associate of this community type. In the southern part of the state, the Louisiana waterthrush and yellow-throated vireo may be associates if the canopy is closed or nearly so.

Distribution

Statewide, but most common in the southern half of state. Extends southward and southwestward from Maine; eastward distribution unknown.

Landscape Pattern: Large Patch

Characteristic Plants

These plants are frequently found in this community type. Those with an asterisk are often diagnostic of this community.

Canopy
Balsam fir
Gray birch
Northern white cedar
Red maple*
Red spruce

Sapling/shrub
Arrowwood*
Balsam fir
Gray birch*
Red spruce
Speckled alder*
Winterberry*

Herb
Bluejoint*
Flat-topped white aster*
Interrupted fern
Tussock sedge
Royal fern*
Sensitive fern*

Bryoid
Sphagnum mosses*

Associated Rare Plants

Smooth winterberry holly
Spicebush
Swamp saxifrage
Swamp white oak
Sweet pepper-bush

Associated Rare Animals

Spotted turtle
Wood turtle

Examples on Conservation Lands You Can Visit

- Kennebunk Plains Preserve – York Co.
- Mt Agamenticus – York Co.
- Steep Falls Wildlife Management Area – Cumberland Co.
- Waterboro Barrens Preserve – York Co.

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Atlantic White Cedar						
	SC	S2	G4	2017-07-26	3	Forested wetland
Atlantic White Cedar Bog						
	<null>	S1	G3G4	2017-07-26	3	Forested wetland
Beach Plum						
	E	S1	G4	1932-09	12	Rocky coastal (non-forested, upland)
	E	S1	G4	1933-06-21	9	Rocky coastal (non-forested, upland)
Brackish Tidal Marsh						
	<null>	S3	GNR	2009-07-29	1	Tidal wetland (non-forested, wetland)
Button Sedge						
	SC	S2	G5	1880-09-06	2	<null>
	SC	S2	G5	2017-07-26	5	<null>
	SC	S2	G5	2000-08-15	3	<null>
Clothed Sedge						
	E	S1	G5	2006-06-07	7	Dry barrens (partly forested, upland)
	E	S1	G5	2006-06-16	8	Dry barrens (partly forested, upland)
Creeping Spike-moss						
	E	S2	G5	1920-07-30	6	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Estuary Bur-marigold						
	SC	S3	G4	2009-07-30	35	Tidal wetland (non-forested, wetland)
Freshwater Tidal Marsh						
	<null>	S2	G4?	2009-07-30	1	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Georgia bulrush						
	SC	SU	G5	2007-08-22	4	<null>
Horned Pondweed						
	SC	S2	G5	1907-08-18	10	Tidal wetland (non-forested, wetland)
	SC	S2	G5	2000-08-28	15	Tidal wetland (non-forested, wetland)
Lilaeopsis						
	SC	S2	G5	2012-10-21	10	Tidal wetland (non-forested, wetland)
Long's Bulrush						
	T	S2	G3	2017-07-26	10	Open wetland, not coastal nor rivershore (non-forested, wetland)
Long-spined Sandbur						
	PE	SH	G5	1984	1	Rocky coastal (non-forested, upland)
Mountain-laurel						
	SC	S2	G5	1991-09-28	11	Conifer forest (forest, upland),Hardwood to mixed forest (forest, upland)
Mudwort						
	SC	S3	G5	2009-07-30	35	Tidal wetland (non-forested, wetland)
Northern Blazing Star						
	T	S1	G5?T3	1916-08-10	3	Dry barrens (partly forested, upland)
Pale Green Orchis						
	SC	S2	G4?T4Q	2008-06-27	52	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	2008-06-27	53	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	2008-06-27	54	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
Parker's Pipewort						

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
	SC	S3	G3	2017-08-31	33	Tidal wetland (non-forested, wetland)
Pendulous Bulrush						
	SC	S2	G5	2008-06-28	8	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Pitch Pine Bog						
	<null>	S2	G3G5	2017-07-26	4	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
	<null>	S2	G3G5	2015-09-29	20	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
Pitch Pine Woodland						
	<null>	S3	G2	2016-08-09	30	Rocky summits and outcrops (non-forested, upland)
Pocket Swamp						
	<null>	S2	G5	2004	18	Forested wetland,Hardwood to mixed forest (forest, upland)
Pygmyweed						
	SC	S2S3	G5	2009-07-29	25	Open water (non-forested, wetland)
Raised Level Bog Ecosystem						
	<null>	S4	GNR	2017-07-26	3	Forested wetland,Open wetland, not coastal nor rivershore (non-forested, wetland)
Red Maple Swamp						
	<null>	S5	G3G5	2007-06-05	17	Forested wetland
Saltmarsh False-foxglove						
	SC	S3	G5	1982	8	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	12	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	9	Tidal wetland (non-forested, wetland)
Scarlet Oak						
	E	S1	G5	1916-08	4	Hardwood to mixed forest (forest, upland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Schreber's Wood-aster						
	PE	SX	G4	1894-09	1	Rocky coastal (non-forested, upland)
Slender Blue Flag						
	T	S2	G4G5	1879-08	4	Tidal wetland (non-forested, wetland)
Small Reed Grass						
	SC	S3	G5	1998-01-01	9	Old field/roadside (non-forested, wetland or upland)
	SC	S3	G5	2000-08-15	12	Old field/roadside (non-forested, wetland or upland)
Smooth Winterberry Holly						
	SC	S3	G5	1916-08-10	10	Forested wetland
	SC	S3	G5	2018-09-15	24	Forested wetland
	SC	S3	G5	2009-07-05	39	Forested wetland
	SC	S3	G5	2004	36	Forested wetland
Southern Slender Ladies'-tresses						
	PE	SH	G5T4T5	1918-08-27	1	Dry barrens (partly forested, upland)
Spongy-leaved Arrowhead						
	SC	S3	G5T4	2012-10-21	42	Tidal wetland (non-forested, wetland)
Stiff Arrowhead						
	SC	S2	G5	2006-06-16	15	Tidal wetland (non-forested, wetland)
Sweet Pepper-bush						
	SC	S2	G5	1917-09	9	Hardwood to mixed forest (forest, upland),Forested wetland
Water Pimpernel						
	SC	S3	G5T5	2012-10-21	26	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
White-topped Aster						
	E	S1	G5	1916-08-10	4	Dry barrens (partly forested, upland)
Yellow Wild Indigo						
	PE	SH	G5	1960-06-21	2	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)

Conservation Status Ranks

State and Global Ranks: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of 1 to 5. Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
S1 **G1**	**Critically Imperiled** – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
S2 **G2**	**Imperiled** – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
S3 **G3**	**Vulnerable** – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
S4 **G4**	**Apparently Secure** – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
S5 **G5**	**Secure** – At very low risk or extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
SX **GX**	**Presumed Extinct** – Not located despite intensive searches and virtually no likelihood of rediscovery.
SH **GH**	**Possibly Extinct** – Known from only historical occurrences but still some hope of rediscovery.
S#S# **G#G#**	**Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
SU **GU**	**Unrankable** – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNR **SNR**	**Unranked** – Global or subnational conservation status not yet assessed.
SNA **GNA**	**Not Applicable** – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems.
Qualifier	**Definition**
S#? **G#?**	**Inexact Numeric Rank** – Denotes inexact numeric rank.
Q	**Questionable taxonomy that may reduce conservation priority** – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The "Q" modifier is only used at a global level.
T#	**Infraspecific Taxon (trinomial)** – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

State Status: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	**Endangered** – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
T	**Threatened** – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
SC	**Special Concern** – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
PE	**Potentially Extirpated** – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

Element Occurrence (EO) Ranks: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
A	**Excellent** – Excellent estimated viability/ecological integrity.
B	**Good** – Good estimated viability/ecological integrity.
C	**Fair** – Fair estimated viability/ecological integrity.
D	**Poor** – Poor estimated viability/ecological integrity.
E	**Extant** – Verified extant, but viability/ecological integrity not assessed.
H	**Historical** – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
X	**Extirpated** – Documented loss of population/destruction of habitat.
U	**Unrankable** – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
NR	**Not Ranked** – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information
http://www.maine.gov/dacf/mnap

Attachment 14

MDIF & Unusual Natural Areas Correspondence

JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
353 WATER STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041

JUDITH CAMUSO
COMMISSIONER

December 16, 2021

Craig Sweet
Terradyn
565 Congress Street, Suite 201
Portland, ME 04101

RE: Information Request – Hidden Hills Manufactured Housing Park Project, Biddeford

Dear Craig:

Per your request received on November 08, 2021, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *Hidden Hills Manufactured Housing Park* project in Biddeford. Please note that as project details are lacking our comments should be considered preliminary. Per your letter, no Significant Vernal Pools were found on site; note that all survey forms should be submitted to our Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

Our Department has not mapped any Essential Habitats that would be directly affected by your project.

Endangered, Threatened, and Special Concern Species

Bat Species – Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S §12801 - §12810. The three *Myotis* species include little brown bat (State Endangered), northern long-eared bat (State Endangered), and eastern small-footed bat (State Threatened). The five remaining bat species are listed as Special Concern: big brown bat, red bat, hoary bat, silver-haired bat, and tri-colored bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence it is likely that several of these species occur within the project area during migration and/or the breeding season. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Blanding's Turtle - Multiple occurrences of Blanding's turtles, a State Endangered species, have been documented in the immediate vicinity and within the proposed project area. In Maine, Blanding's turtles are found most frequently in complexes of small, vernal pools, acidic wetlands and larger marsh complexes in large blocks of forested habitat. Development activity that compromises riparian integrity or migration permeability among seasonally critical wetlands can lead to degradation of habitat quality and potential loss of local populations. Additionally, development projects that lead to significant increases in local traffic volume will likely lead to increased roadkill and possible extirpation of the local population. If these habitats are present in the project area, we recommend that they be avoided and adequately buffered with a 250-foot undisturbed, intact vegetative cover. MDIFW is willing to work closely with the applicant to design a project that attempts to limit potential impacts to this listed species.

Significant Wildlife Habitat

Deer Wintering Areas (DWAs) – The project search area intersects with a DWA. DWAs contain habitat cover components that provide conditions where deer find protection from deep snow and cold wind, which is important for overwinter survival. MDIFW recommends that development projects be designed to avoid losses or impacts to the continued availability of coniferous winter shelter. Any removal of vegetation should be conducted in such a way that improves the quality and vigor of the coniferous species providing this winter shelter.

Fisheries Habitat

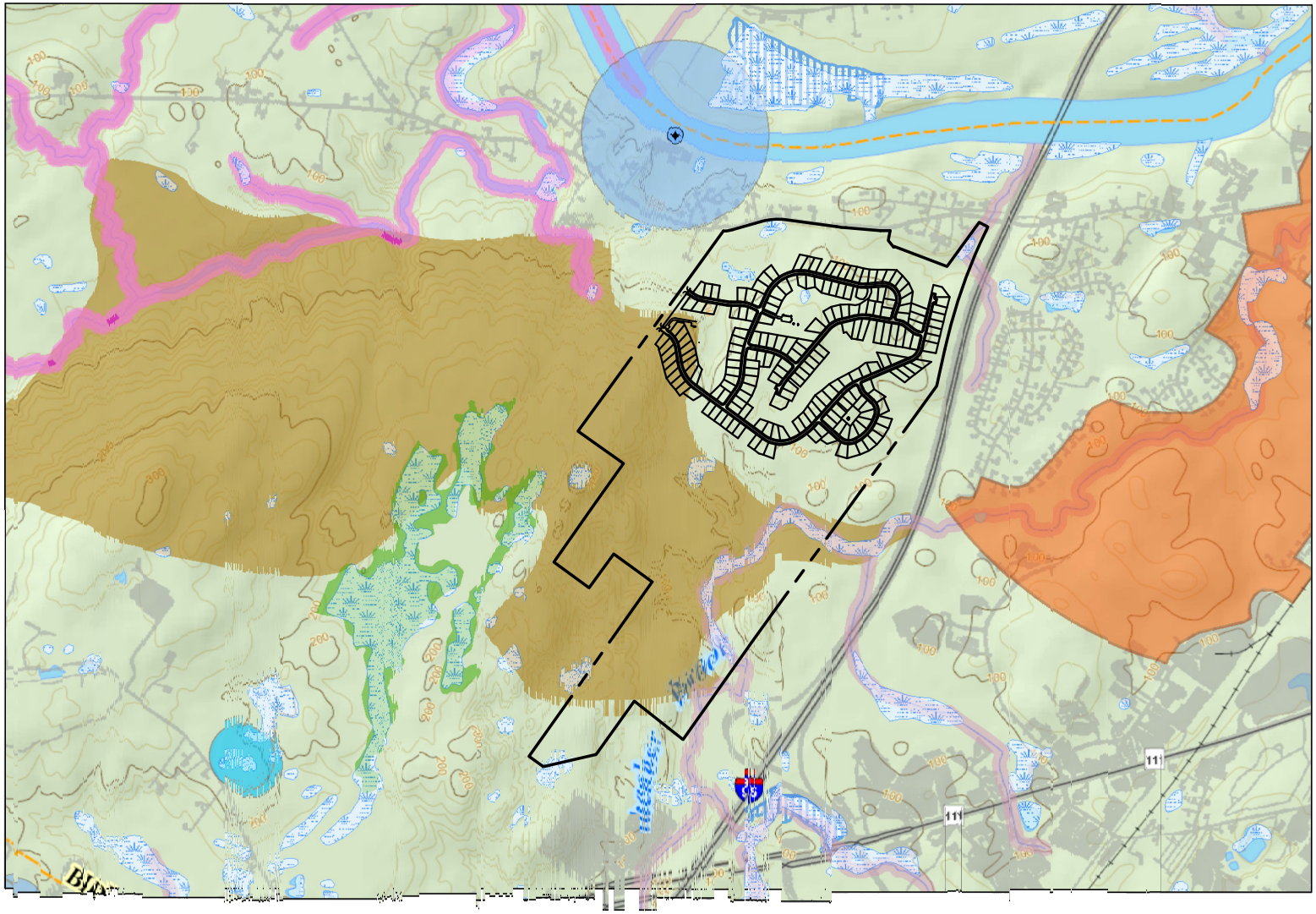
We recommend that 100-foot undisturbed vegetated buffers be maintained along streams. Buffers should be measured from the edge of stream or associated fringe and floodplain wetlands. Maintaining and enhancing buffers along streams that support coldwater fisheries is critical to the protection of water temperatures, water quality, natural inputs of coarse woody debris, and various forms of aquatic life necessary to support conditions required by many fish species. Stream crossings should be avoided, but if a stream crossing is necessary, or an existing crossing needs to be modified, it should be designed to provide full fish passage. Small streams, including intermittent streams, can provide crucial rearing habitat, cold water for thermal refugia, and abundant food for juvenile salmonids on a seasonal basis and undersized crossings may inhibit these functions. Generally, MDIFW recommends that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e. natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in not only providing habitat connectivity for fish but also for other aquatic organisms. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fisheries and aquatic habitat. In addition, we recommend that any necessary instream work occur between July 15 and October 1.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program, Maine Department of Marine Resources, and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

Becca Settele
Wildlife Biologist



BEGINNING WITH HABITAT

Legend

- City/Township
- 1
- 2
- Watershed Divide (HUC 12)
- Watershed Divide (HUC 10)
- Watershed Divide (HUC 8)
- Watershed Divide (HUC 6)
- Wetlands
- Great Ponds
- Stream_Buffers_75ft
- Shellfish Beds
- Public Water Supply Wells
- Source Protection
- Aquifers
- ETSC Animal Habitat Buffers
- Rare Plants and Natural Communities
- Natural Communities
- Wild Brook Trout Habitat
- Atlantic Salmon Rearing Habitat
- Atlantic Salmon Spawning Habitat
- Roseate Tern, Piping Plover or Least Tern Nesting Areas
- Deer Wintering
- Inland Wading Bird and Waterfowl Habitat
- Wildlife Wetlands
- Seabird Nesting Island
- Shorebird Habitat
- Tidal Wading Bird and Waterfowl Habitat
- Significant Vernal Pools
- Less than 2000 Vehicles/Day
- More than 2000 Vehicles/Day
- Less than 2000 Vehicles/Day
- More than 2000 Vehicles/Day
- Undeveloped Habitat Blocks
- Highway Bridge Connectors
- Maine Conserved Lands
- Federal
- Municipal
- Water Dist., etc.
- Private
- State
- Conserved Lands Easements
- Focus

State of Maine | The Nature Conservancy Protecting nature. Preserving life. | Maine Audubon | Maine Land Trust Heritage Trust A Statewide Land Conservation Organization | MaineDOT | Maine Endangered and Nongame Wildlife Fund

0 1,300 2,600 5,200 7,800 ft

N W E S

Supported in part by Maine Outdoor Heritage Fund lottery ticket sales

Map Prepared by Maine Department of Inland Fisheries & Wildlife
October 2021

Supported in part by Loon Conservation Plate funds

MAINE CRANK THANX A NATURAL TREASURE

Pineland
Cumberland Hall
41 Campus Drive, Suite 301
New Gloucester, ME 04260

Portland
565 Congress Street, Suite 201
Portland, ME 04101

October 20, 2021 2113

Lisa St. Hilaire, Information Manager
Maine Natural Areas Program
Department of Agriculture, Conservation and Forestry
93 State House Station
Augusta, ME 04333

REQUEST FOR PROJECT REVIEW
HIDDEN HILLS MANUFACTURED HOUSING PARK
413 SOUTH STREET, BIDDEFORD, MAINE

Dear Lisa:

Terradyn Consultants, LLC has been retained by South Street Village, LLC to prepare civil-site plans and permit applications for a proposed manufactured housing park on a portion of their property in Biddeford, Maine located on the south side of South Street, just west of the Maine Turnpike. The applicant's property is approximately 312 acres and is shown as Lot 8 on the City of Biddeford Tax Map 7, but the project is limited to approximately 160 acres that is located within a manufactured housing park overlay zone. The project will include the development of approximately 190 manufactured housing lots as well as the associated road network, utilities, stormwater facilities & amenities.

Freshwater wetlands and streams as well as a vernal pool assessment were identified on the project site by Mark Hampton Associates, Inc. There were no significant vernal pools found on the project site. Thatcher Brook is located on the back portion of the property but is not located within the development area.

We are requesting an environmental site review to determine if the project will have an impact on resources or habitat in the vicinity of the proposed project. Attached is an excerpt of the USGS topographic map with the project site identified.

Please contact me at jeff@terradynconsultants.com or (207) 272-7571 if you have any questions or if you need additional information to complete your review.

Sincerely,
TERRADYN CONSULTANTS, LLC

Jeff Amos, P.E.

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
177 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

November 10, 2021

Jeff Amos
Terradyn Consultants
565 Congress Street, Suite 201
Portland, ME04101

Via email: jeff@terradynconsultants.com

Re: Rare and exemplary botanical features in proximity to: Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Dear Mr. Amos:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received October 20, 2021 for information on the presence of rare or unique botanical features documented from the vicinity of the property in Biddeford, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, the property is in close proximity to a mapped Red Maple Swamp. Activities within 250-feet of wetlands associated with this Red Maple Swamp can adversely impact this exemplary wetland. MNAP recommends avoiding development activity within 250-feet of the Red Maple Swamp and its associated mapped wetlands. Please see the table below, attached map, and attached factsheet for more information.

Feature	State Status	State Rank	Global Rank	Occurrence Rank	Site
Red Maple Swamp (*Red Maple – Sensitive Fern Swamp*)	N/A	S5	G3G5	A Excellent	West Biddeford Black Gum Swamp

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM
90 BLOSSOM LANE, DEERING BUILDING

PHONE: (207) 287-8044
WWW.MAINE.GOV/DACF/MNAP

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

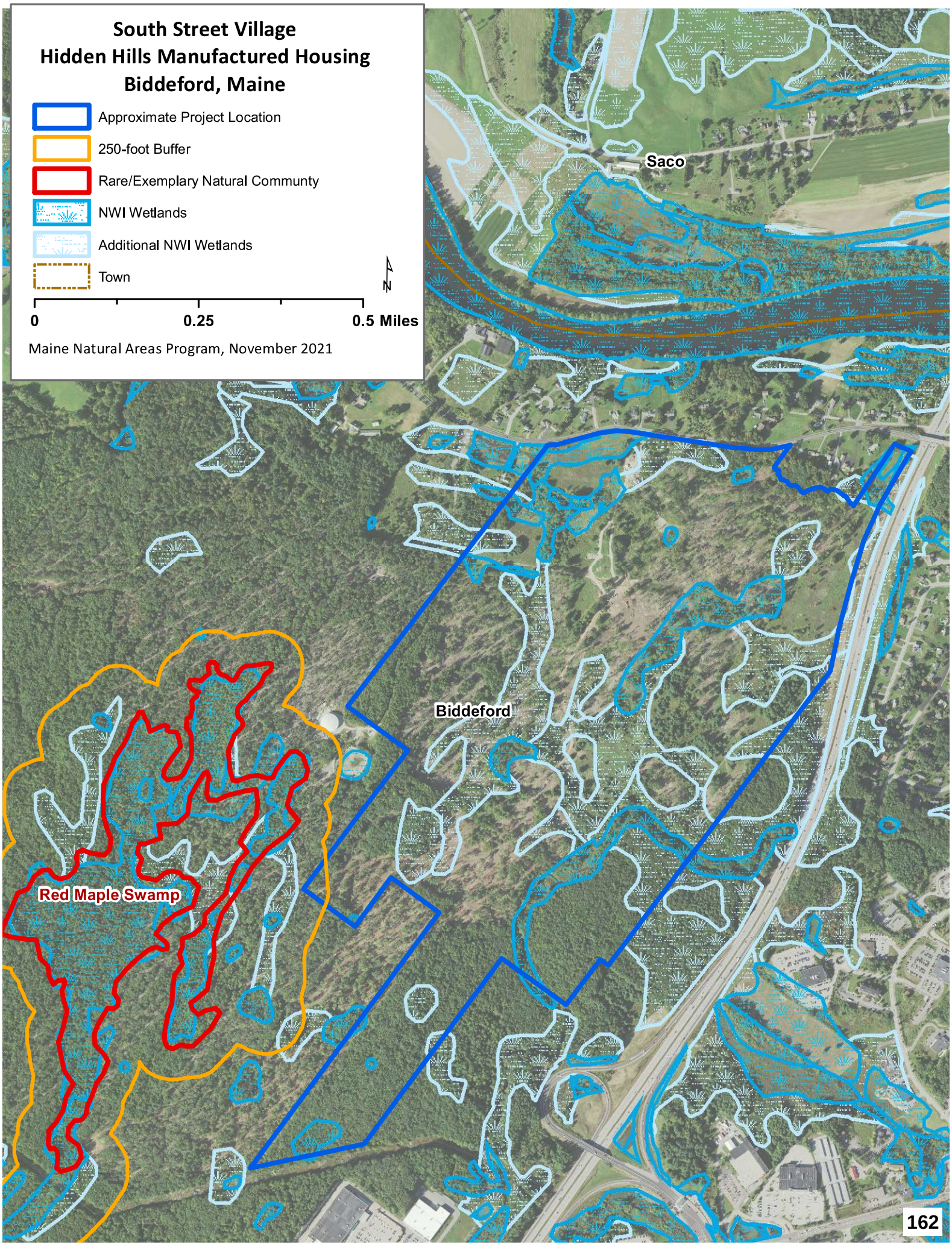
The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of $75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for $225.00 for three hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov


South Street Village
Hidden Hills Manufactured Housing
Biddeford, Maine
Approximate Project Location
250-foot Buffer
Rare/Exemplary Natural Community
NWI Wetlands
Additional NWI Wetlands
Town
N
0
0.25
0.5 Miles
Maine Natural Areas Program, November 2021
Saco
Biddeford
Red Maple Swamp

Red Maple Swamp

State Rank S5

Community Description

Red maple dominates the somewhat open to nearly closed canopy (20-90% closure), sometimes with a relatively large component (up to 40% cover) of balsam fir, red spruce, or northern white cedar. Green ash and yellow birch are common, but rarely abundant, associates. The maples may be widely spaced with multiple trunks and arching crowns. The shrub layer is patchy; winterberry is common and various other shrubs may be locally abundant. The herb layer is well developed and dominated by herbs, with dwarf shrubs <20% of herb cover. Bluejoint and sensitive fern are characteristic herbs. The bryoid layer is usually <35% cover; peat mosses are typical but do not form extensive, deep carpets as they do in peatlands.

Soil and Site Characteristics

Sites occupy mineral soils or well decomposed organic material over mineral soil on flats or gentle slopes in small basins, often on floodplains of streams to small rivers. Soils are typically 30-60 cm deep, loamy to silty in texture, sometimes with well decomposed muck over the mineral fraction, and pH 4.8-5.4.

Diagnostics

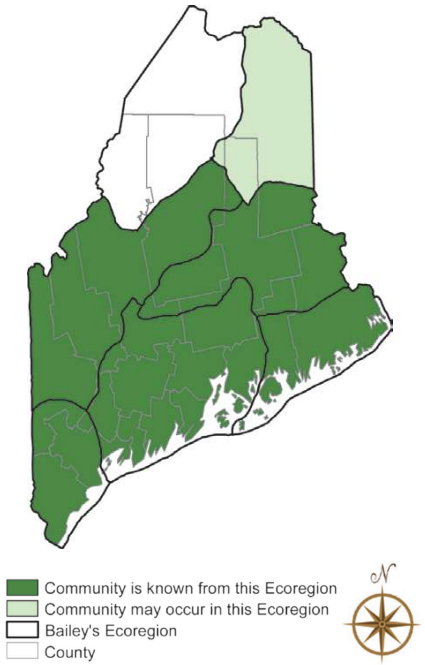
These are mineral soil wetlands in which red maple dominates the canopy or is co-dominant with conifers other than black spruce or larch. The seasonally flooded soils usually remain saturated through the growing season.

Red Maple Flowers

Similar Types

Red Maple Wooded Fens are similar, but either occur in association with large peatlands or occupy small somewhat peaty basins; they do not occur on mineral soils. Some small Northern White Cedar Swamps and Spruce - Fir - Cinnamon Fern Forests, particularly along the coast, include a fair amount of red maple but have cedar or spruce/fir, respectively, as the most abundant canopy species. Silver Maple Floodplain Forests are dominated by silver maple and generally occur along larger rivers, but the two types can intergrade on some floodplains.

Location Map



Red Maple Swamp

Conservation, Wildlife, and Management Considerations

Maintaining the hydrologic integrity of these stream drainages with upland buffers is key. These swamps typically have had few conflicting uses, although some have been recently harvested. ATV use has been observed at some sites.

Red maple swamps often provide habitat in which spotted turtles hibernate. If wet Sphagnum hummocks are present, four-toed salamanders may breed in this community. Examples that occur on floodplains of streams and small rivers may contain wood turtles, which overwinter in the stream channel and forage in the floodplain. The silver-haired bat often roosts in riparian habitats in trees with loose bark. The northern waterthrush is a common associate of this community type. In the southern part of the state, the Louisiana waterthrush and yellow-throated vireo may be associates if the canopy is closed or nearly so.

Distribution

Statewide, but most common in the southern half of state. Extends southward and southwestward from Maine; eastward distribution unknown.

Landscape Pattern: Large Patch

Characteristic Plants

These plants are frequently found in this community type. Those with an asterisk are often diagnostic of this community.

Canopy
Balsam fir
Gray birch
Northern white cedar
Red maple*
Red spruce

Sapling/shrub
Arrowwood*
Balsam fir
Gray birch*
Red spruce
Speckled alder*
Winterberry*

Herb
Bluejoint*
Flat-topped white aster*
Interrupted fern
Tussock sedge
Royal fern*
Sensitive fern*

Bryoid
Sphagnum mosses*

Associated Rare Plants

Smooth winterberry holly
Spicebush
Swamp saxifrage
Swamp white oak
Sweet pepper-bush

Associated Rare Animals

Spotted turtle
Wood turtle

Examples on Conservation Lands You Can Visit

- Kennebunk Plains Preserve – York Co.
- Mt Agamenticus – York Co.
- Steep Falls Wildlife Management Area – Cumberland Co.
- Waterboro Barrens Preserve – York Co.

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Atlantic White Cedar						
	SC	S2	G4	2017-07-26	3	Forested wetland
Atlantic White Cedar Bog						
	<null>	S1	G3G4	2017-07-26	3	Forested wetland
Beach Plum						
	E	S1	G4	1932-09	12	Rocky coastal (non-forested, upland)
	E	S1	G4	1933-06-21	9	Rocky coastal (non-forested, upland)
Brackish Tidal Marsh						
	<null>	S3	GNR	2009-07-29	1	Tidal wetland (non-forested, wetland)
Button Sedge						
	SC	S2	G5	1880-09-06	2	<null>
	SC	S2	G5	2017-07-26	5	<null>
	SC	S2	G5	2000-08-15	3	<null>
Clothed Sedge						
	E	S1	G5	2006-06-07	7	Dry barrens (partly forested, upland)
	E	S1	G5	2006-06-16	8	Dry barrens (partly forested, upland)
Creeping Spike-moss						
	E	S2	G5	1920-07-30	6	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Estuary Bur-marigold						
	SC	S3	G4	2009-07-30	35	Tidal wetland (non-forested, wetland)
Freshwater Tidal Marsh						
	<null>	S2	G4?	2009-07-30	1	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Georgia bulrush						
	SC	SU	G5	2007-08-22	4	<null>
Horned Pondweed						
	SC	S2	G5	1907-08-18	10	Tidal wetland (non-forested, wetland)
	SC	S2	G5	2000-08-28	15	Tidal wetland (non-forested, wetland)
Lilaeopsis						
	SC	S2	G5	2012-10-21	10	Tidal wetland (non-forested, wetland)
Long's Bulrush						
	T	S2	G3	2017-07-26	10	Open wetland, not coastal nor rivershore (non-forested, wetland)
Long-spined Sandbur						
	PE	SH	G5	1984	1	Rocky coastal (non-forested, upland)
Mountain-laurel						
	SC	S2	G5	1991-09-28	11	Conifer forest (forest, upland),Hardwood to mixed forest (forest, upland)
Mudwort						
	SC	S3	G5	2009-07-30	35	Tidal wetland (non-forested, wetland)
Northern Blazing Star						
	T	S1	G5?T3	1916-08-10	3	Dry barrens (partly forested, upland)
Pale Green Orchis						
	SC	S2	G4?T4Q	2008-06-27	52	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	2008-06-27	53	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	2008-06-27	54	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
Parker's Pipewort						

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
	SC	S3	G3	2017-08-31	33	Tidal wetland (non-forested, wetland)
Pendulous Bulrush						
	SC	S2	G5	2008-06-28	8	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Pitch Pine Bog						
	<null>	S2	G3G5	2017-07-26	4	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
	<null>	S2	G3G5	2015-09-29	20	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
Pitch Pine Woodland						
	<null>	S3	G2	2016-08-09	30	Rocky summits and outcrops (non-forested, upland)
Pocket Swamp						
	<null>	S2	G5	2004	18	Forested wetland,Hardwood to mixed forest (forest, upland)
Pygmyweed						
	SC	S2S3	G5	2009-07-29	25	Open water (non-forested, wetland)
Raised Level Bog Ecosystem						
	<null>	S4	GNR	2017-07-26	3	Forested wetland,Open wetland, not coastal nor rivershore (non-forested, wetland)
Red Maple Swamp						
	<null>	S5	G3G5	2007-06-05	17	Forested wetland
Saltmarsh False-foxglove						
	SC	S3	G5	1982	8	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	12	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	9	Tidal wetland (non-forested, wetland)
Scarlet Oak						
	E	S1	G5	1916-08	4	Hardwood to mixed forest (forest, upland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Schreber's Wood-aster						
	PE	SX	G4	1894-09	1	Rocky coastal (non-forested, upland)
Slender Blue Flag						
	T	S2	G4G5	1879-08	4	Tidal wetland (non-forested, wetland)
Small Reed Grass						
	SC	S3	G5	1998-01-01	9	Old field/roadside (non-forested, wetland or upland)
	SC	S3	G5	2000-08-15	12	Old field/roadside (non-forested, wetland or upland)
Smooth Winterberry Holly						
	SC	S3	G5	1916-08-10	10	Forested wetland
	SC	S3	G5	2018-09-15	24	Forested wetland
	SC	S3	G5	2009-07-05	39	Forested wetland
	SC	S3	G5	2004	36	Forested wetland
Southern Slender Ladies'-tresses						
	PE	SH	G5T4T5	1918-08-27	1	Dry barrens (partly forested, upland)
Spongy-leaved Arrowhead						
	SC	S3	G5T4	2012-10-21	42	Tidal wetland (non-forested, wetland)
Stiff Arrowhead						
	SC	S2	G5	2006-06-16	15	Tidal wetland (non-forested, wetland)
Sweet Pepper-bush						
	SC	S2	G5	1917-09	9	Hardwood to mixed forest (forest, upland),Forested wetland
Water Pimpernel						
	SC	S3	G5T5	2012-10-21	26	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
White-topped Aster						
	E	S1	G5	1916-08-10	4	Dry barrens (partly forested, upland)
Yellow Wild Indigo						
	PE	SH	G5	1960-06-21	2	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)

Conservation Status Ranks

State and Global Ranks: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of 1 to 5. Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
S1 **G1**	**Critically Imperiled** – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
S2 **G2**	**Imperiled** – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
S3 **G3**	**Vulnerable** – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
S4 **G4**	**Apparently Secure** – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
S5 **G5**	**Secure** – At very low risk or extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
SX **GX**	**Presumed Extinct** – Not located despite intensive searches and virtually no likelihood of rediscovery.
SH **GH**	**Possibly Extinct** – Known from only historical occurrences but still some hope of rediscovery.
S#S# **G#G#**	**Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
SU **GU**	**Unrankable** – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNR **SNR**	**Unranked** – Global or subnational conservation status not yet assessed.
SNA **GNA**	**Not Applicable** – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems.
Qualifier	**Definition**
S#? **G#?**	**Inexact Numeric Rank** – Denotes inexact numeric rank.
Q	**Questionable taxonomy that may reduce conservation priority** – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The "Q" modifier is only used at a global level.
T#	**Infraspecific Taxon (trinomial)** – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

State Status: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	**Endangered** – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
T	**Threatened** – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
SC	**Special Concern** – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
PE	**Potentially Extirpated** – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

Element Occurrence (EO) Ranks: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
A	**Excellent** – Excellent estimated viability/ecological integrity.
B	**Good** – Good estimated viability/ecological integrity.
C	**Fair** – Fair estimated viability/ecological integrity.
D	**Poor** – Poor estimated viability/ecological integrity.
E	**Extant** – Verified extant, but viability/ecological integrity not assessed.
H	**Historical** – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
X	**Extirpated** – Documented loss of population/destruction of habitat.
U	**Unrankable** – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
NR	**Not Ranked** – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information
http://www.maine.gov/dacf/mnap

BASSWOOD ENVIRONMENTAL

January 9, 2022

Mr. Jeff Amos, P.E.
Terradyn Consultants, LLC
41 Campus Drive, Suite 101
New Gloucester, ME 04260

Re: South Street Village, Biddeford: Rare Plant Habitat Assessment

Mr. Amos,

An experienced botanist with Basswood Environmental LLC (Basswood) visited the parcel identified on Biddeford Tax Maps as Lot 8 on Map 7, located on the south side of South Street, west of I-95. The purpose of the site visit was to assess the area for potential habitat for endangered plant species with an emphasis on those identified by the Maine Natural Areas program (MNAP) in their review dated November 10, 2021.

Review and Background

The approximately 160-acre site is located in Biddeford, Maine, which overlaps the northern extent of the range for many plant species considered rare by MNAP. This site is also in close proximity to a large red maple swamp that is considered by MNAP to be an exemplary natural community and contains a high potential for rare plant species. The MNAP review identified 44 occurrences of 31 total species considered rare, threatened or endangered, as well as 8 rare or exemplary natural communities that have been located by past surveys within 4 miles of the parcel. It should be noted that this proximity includes some well-known habitats for rare species that are not relevant to this survey, such as the Saco Heath (raised level bog ecosystem, Atlantic white cedar bog, pitch pine bog), the Saco River (freshwater tidal marsh), and The Kennebunk Plains (sand barren habitat, pitch pine woodland).

A 2007 survey was performed by the Biddeford Conservation Commission of the lands to the west of the site that are associated with the exemplary red maple swamp identified on the MNAP review. This survey also included a portion of the current project area (identified as the Claire Property). The reviewer indicates that much of the site is in an early-successional state and lacks the diversity of the lands to the west, but may provide good habitat for wildlife species. The extent to which the surveyor explored all areas of the site in question is unclear from this report, however it does appear that at least some evaluation was performed across much of the parcel.

Site Description

The site possesses an interspersion of upland and wetland habitats throughout the area surveyed. Broad wetland swales are present in the areas between often dramatic local relief consisting of large bedrock outcrops and hills scattered throughout the site. The majority of the site has been disturbed at some point, with the southern portions having been recently cleared for timber harvesting. Exceptions to this are areas around small streams and drainages, and stands of small diameter trees, often hemlock (*Tsuga canadensis*) that were not cut. Other small pockets of intact forest are present surrounding Thacher Brook, which passes through the eastern portion of the site.

The northern half of the site has received more disturbance and has been maintained as a patchwork of cleared fields and unmaintained roads. This portion of the site exhibits old and ongoing excavations, an old farm pond/impoundment, a development site, and a small transmission line. Having been subject to greater disturbance over a longer period of time, these areas also exhibit greater infestation from invasive plant species such as Asian bittersweet (*Celastrus orbiculatus*) and multiflora rose (*Rosa multiflora*) than recently cleared areas in the south.

The wetlands on site are typically dominated by herbaceous vegetation consisting of disturbance tolerant species such as woolly bulrush (*Scirpus cyperinus*), fringed sedge (*Carex crinita*), loosened soft rush (*Juncus effusus* ssp. *solutus*), creeping bentgrass (*Agrostis stolonifera*), and sensitive fern (*Onoclea sensibilis*). Permanently saturated areas also commonly supported broad-leaved cattail (*Typha latifolia*), blue vervain (*Verbena hastata*), and marsh fern (*Thelypteris palustris* var. *pubescens*). Some scrub-shrub wetlands are present, most notable in the floodplain area around Thacher Brook. These are dominated by a mixture of speckled alder (*Alnus incana* ssp. *rugosa*), silky dogwood (*Cornus amomum* var. *amomum*), smooth arrowwood (*Viburnum dentatum* var. *lucidum*), and meadowsweet (*Spiraea alba* var. *latifolia*). Red maple (*Acer rubrum*) saplings are common throughout both upland and wetland portions of the site in association with the recently cleared areas as well.

Uplands in the recently cleared areas are dominated by typical pioneer species such as common blackberry (*Rubus allegheniensis*), sapling red maple, quaking aspen (*Populus tremuloides*), and intermittent stands of small diameter hemlock. Intact upland forested areas, such as those surrounding some portions of Thacher Brook and other small streams on site, consist of a mixed canopy of hemlock, white pine (*Pinus strobus*), red maple, red oak (*Quercus rubra*), and balsam fir (*Abies balsamea*). Upland forests in the northern portion of the site do not appear to have been subject to a recent harvest, however the species composition is that of pioneer and secondary species such as red maple and quaking aspen, indicating that much of this area is currently in an early-successional phase. Blue Ridge sedge (*Carex lucorum*) and New England sedge (*Carex novae-angliae*) are well represented throughout the uplands on site, as well as lowbush blueberry (*Vaccinium angustifolium*) and bristly blackberry (*Rubus hispidus*).

Maintained fields are composed of typical field species including an array of goldenrods (*Solidago* spp.), asters (*Symphyotricum* and *Doellingeria* spp., in part) and grasses such as lace lovegrass (*Eragrostis capillaris*), field meadow-foxtail (*Alopecurus pratensis*), common Timothy (*Phleum pratense*), and orchard grass (*Dactylis glomerata*). Wet swales within the fields exhibit similar marsh vegetation found elsewhere on site

RTE Plant Habitat Survey Results

Of the 8 natural communities identified by MNAP as rare or exemplary, none were located during the course of the site walk. An area of mapped Adams loamy sand in the northwestern interior portion of the site was investigated for sand barren habitat but none was located. Additionally, no peatland systems were located during the course of the site walk despite the large amount of wetland areas present. Some of the wetland areas that have been subject to tree clearing may have been dominated by a red maple overstory, however these do not exhibit any discernible direct connection to the exemplary red maple swamp to the west of the site, and no other indicators of rare or exemplary habitat were found within them. Of the 31 species thus identified by MNAP as occurring in the vicinity of the project area, 19 are associated with habitat that is not present on site. The remaining 12 species documented from the area cannot be ruled out due to either the presence of their typical habitat within the project area (e.g. old fields), or because they are a generalist species at the northern edge of their natural range, such as clothed sedge (*Carex vestita*), which is found in disturbed, open areas in southern Maine. Table 1 summarizes the species that would require a formal field survey during the appropriate time to locate on site. Note that several species, including button sedge, Long's bulrush, and sweet pepper-bush are included on this list, although it is in the author's opinion that the likelihood of these species being on this site are very low due to a lack of ideal habitat.

Table 1: Species Identified by MNAP with Suitable Habitat On-site

Scientific Name	Common Name	Optimal Survey Window	Comments
Carex bullata	Button sedge	June-October	Open wetlands, acidic bogs, unlikely to occur but possible
Carex vestita	Clothed sedge	May-July	Disturbed areas, ATV trails, transmission corridors
Selaginella apoda	Creeping spike moss	May-October	Open wetlands, roadsides, disturbed wet areas
Scirpus georgianus	Georgia bulrush	June-August	Open wetlands
Scirpus longii	Long's bulrush	May-October	Unlikely - associated with fen habitat
Kalmia latifolia*	Mountain laurel	Year-round	Rocky woodland species
Platanthera flava var. herbiola	Pale green orchis	July	Wetlands throughout site may support species
Scirpus pendulus	Pendulous bulrush	July-August	Open wetlands, found associated with disturbance
Quercus coccinea	Scarlet oak	May-October	Potentially found in intact woodlands

Calamagrostis cinnoides	Small reed grass	August-October	Wetlands in old fields may provide habitat
Ilex laevigata*	Smooth winterberry holly	May-October	Suitable habitat along Thacher Brook
Clethra alnifolia	Sweet pepper-bush	July-September	Associated with calcareous soils - unlikely to occur on site

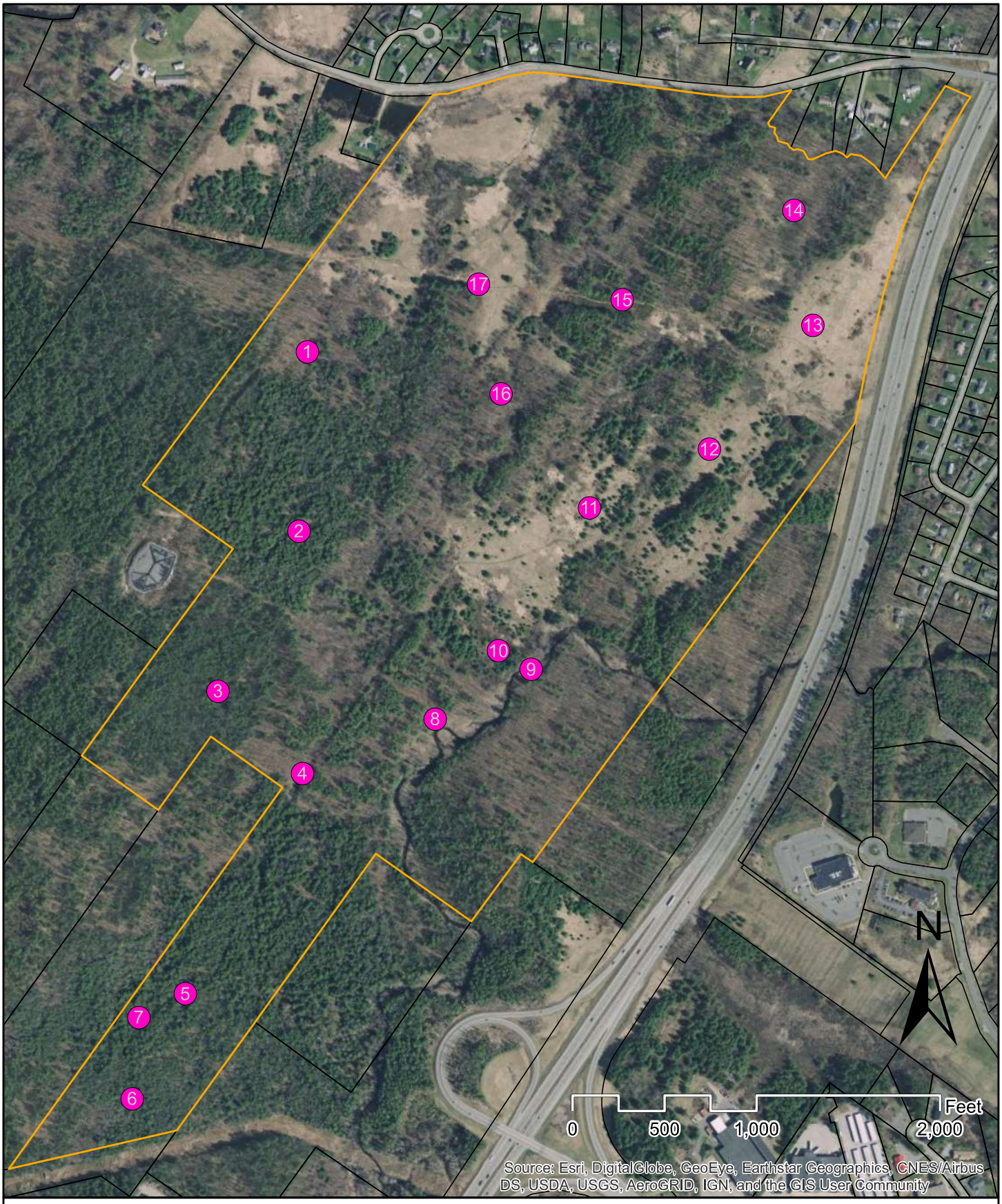
**Kalmia latifolia* is an evergreen shrub that is identifiable year-round, but was not observed during the initial site walk.
***It is possible to identify *Ilex laevigata* as long as fruit are present (through early January), although none were located during the site walk. Survey during the growing season is preferred for better possible detection.

If there is additional detail or clarity that Basswood can provide regarding the summary report, please do not hesitate to contact Erik Lema at erik@basswoodenv.com.

Best regards,

Erik Lema NHCWS#286, Owner/Principal
Basswood Environmental LLC

Attachments:
1: Index Map and Photolog
2: MNAP Review.



Proposed South Street Village

Rare Plant Species Habitat Survey

Parcel Boundary (MEGIS)

Photo Locations

Note: Aerial image taken circa 2019, prior to extensive tree clearing

BASSWOOD ENVIRONMENTAL

	Photo 1: Recently logged area, early successional shrub and forb vegetation.

	Photo 2: Typical wet swale area in the recently harvested portion of the property. Highly disturbed. Many of these areas were likely not wetlands prior to harvest and disturbance.

	Photo 3: Inundated portion of harvested area, potential vernal pool.

	Photo 4: Former seldom used ATV trail according to the 2007 Biddeford Conservation Commission report, now approximately 25-foot-wide logging road.

	Photo 5: Potential vernal pool, low quality, likely too shallow.

	Photo 6: Naturally occurring wetland at far southern end of property, some sphagnum/peat development.

	Photo 7: Wetland impounded by adjacent logging road, some amphibian habitat.

	Photo 8: Thacher Brook from intact buffer area. Note scrub-shrub floodplain around brook.

	Photo 9: View of harvested area across Thacher Brook at crossing point. Inaccessible by foot at time of survey.

	Photo 10: Logged area in foreground leading to Thacher Brook, extensive alder swamp in rear of photo around the brook itself.

	Photo 11: Maintained field in northern portion of the site, view south.

	Photo 12: View northeast toward I-95 across maintained field.

	Photo 13: Extensive field adjacent to the transmission line.

	Photo 14: Early-mid successional forest in the northeast portion of the site.

	Photo 15: Wetland along transmission line, structurally diverse.

		Photo 16: Disturbed area with past excavations, facing south into the recently harvested areas.

		Photo 17: Old road adjacent to the transmission line. This area is highly disturbed and is under current use in conjunction with the maintained area along South Street in the northwest corner of the site.

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
177 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

November 10, 2021

Jeff Amos
Terradyn Consultants
565 Congress Street, Suite 201
Portland, ME04101

Via email: jeff@terradynconsultants.com

Re: Rare and exemplary botanical features in proximity to: Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Dear Mr. Amos:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received October 20, 2021 for information on the presence of rare or unique botanical features documented from the vicinity of the property in Biddeford, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, the property is in close proximity to a mapped Red Maple Swamp. Activities within 250-feet of wetlands associated with this Red Maple Swamp can adversely impact this exemplary wetland. MNAP recommends avoiding development activity within 250-feet of the Red Maple Swamp and its associated mapped wetlands. Please see the table below, attached map, and attached factsheet for more information.

Feature	State Status	State Rank	Global Rank	Occurrence Rank	Site
Red Maple Swamp (*Red Maple – Sensitive Fern Swamp*)	N/A	S5	G3G5	A Excellent	West Biddeford Black Gum Swamp

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

MOLLY DOCHERTY, DIRECTOR
MAINE NATURAL AREAS PROGRAM
90 BLOSSOM LANE, DEERING BUILDING

PHONE: (207) 287-8044
WWW.MAINE.GOV/DACF/MNAP

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

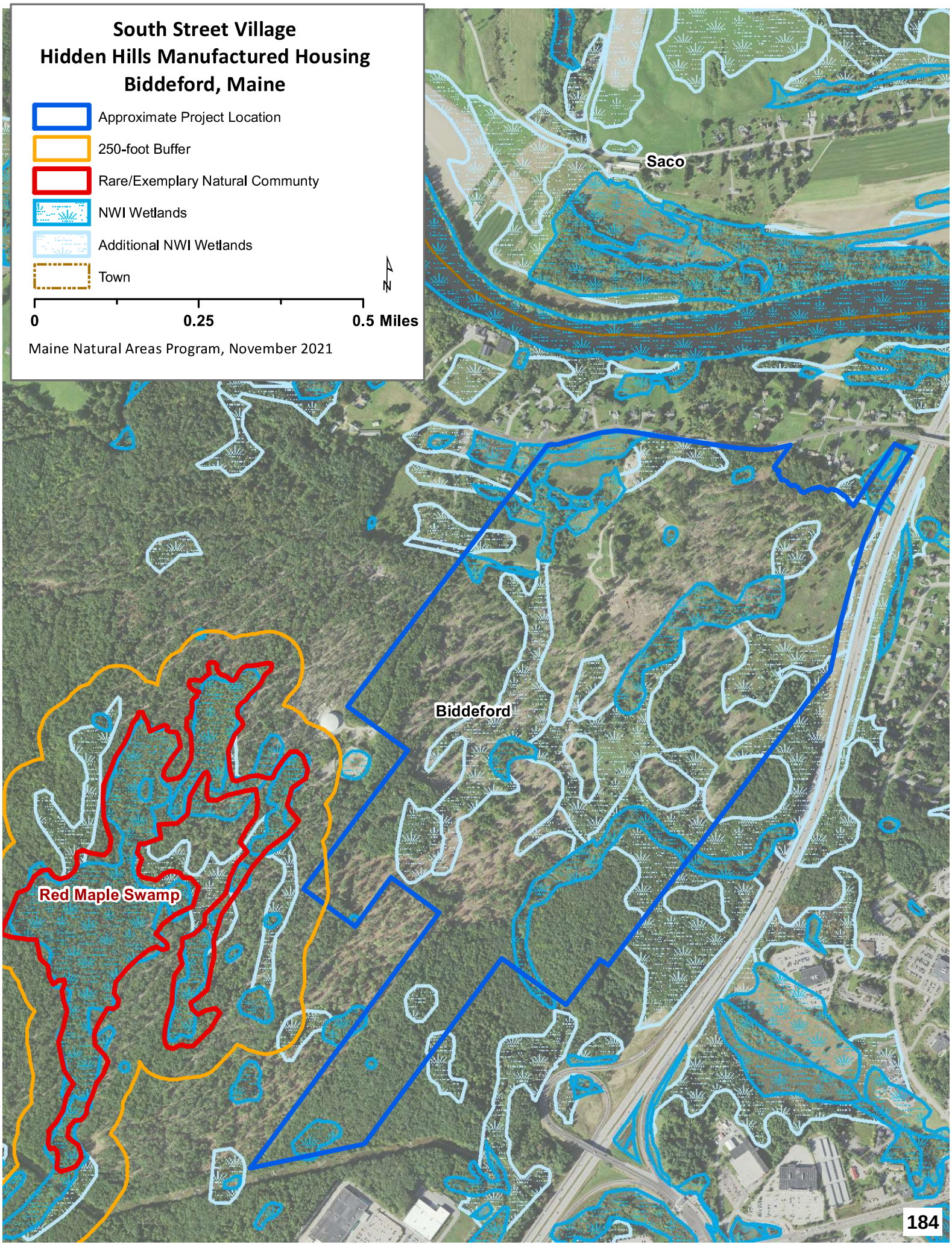
The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of $75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for $225.00 for three hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Kristen Puryear | Ecologist | Maine Natural Areas Program
207-287-8043 | kristen.puryear@maine.gov


South Street Village
Hidden Hills Manufactured Housing
Biddeford, Maine
Approximate Project Location
250-foot Buffer
Rare/Exemplary Natural Community
NWI Wetlands
Additional NWI Wetlands
Town
N
0
0.25
0.5 Miles
Maine Natural Areas Program, November 2021
Saco
Biddeford
Red Maple Swamp

Red Maple Swamp

State Rank S5

Community Description

Red maple dominates the somewhat open to nearly closed canopy (20-90% closure), sometimes with a relatively large component (up to 40% cover) of balsam fir, red spruce, or northern white cedar. Green ash and yellow birch are common, but rarely abundant, associates. The maples may be widely spaced with multiple trunks and arching crowns. The shrub layer is patchy; winterberry is common and various other shrubs may be locally abundant. The herb layer is well developed and dominated by herbs, with dwarf shrubs <20% of herb cover. Bluejoint and sensitive fern are characteristic herbs. The bryoid layer is usually <35% cover; peat mosses are typical but do not form extensive, deep carpets as they do in peatlands.

Soil and Site Characteristics

Sites occupy mineral soils or well decomposed organic material over mineral soil on flats or gentle slopes in small basins, often on floodplains of streams to small rivers. Soils are typically 30-60 cm deep, loamy to silty in texture, sometimes with well decomposed muck over the mineral fraction, and pH 4.8-5.4.

Diagnostics

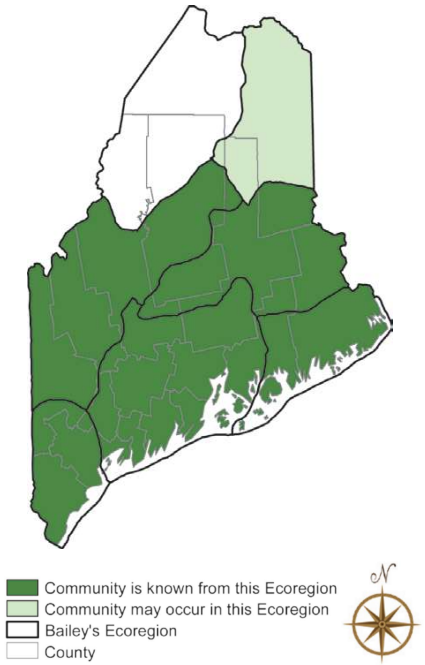
These are mineral soil wetlands in which red maple dominates the canopy or is co-dominant with conifers other than black spruce or larch. The seasonally flooded soils usually remain saturated through the growing season.

Red Maple Flowers

Similar Types

Red Maple Wooded Fens are similar, but either occur in association with large peatlands or occupy small somewhat peaty basins; they do not occur on mineral soils. Some small Northern White Cedar Swamps and Spruce - Fir - Cinnamon Fern Forests, particularly along the coast, include a fair amount of red maple but have cedar or spruce/fir, respectively, as the most abundant canopy species. Silver Maple Floodplain Forests are dominated by silver maple and generally occur along larger rivers, but the two types can intergrade on some floodplains.

Location Map



Red Maple Swamp

Conservation, Wildlife, and Management Considerations

Maintaining the hydrologic integrity of these stream drainages with upland buffers is key. These swamps typically have had few conflicting uses, although some have been recently harvested. ATV use has been observed at some sites.

Red maple swamps often provide habitat in which spotted turtles hibernate. If wet Sphagnum hummocks are present, four-toed salamanders may breed in this community. Examples that occur on floodplains of streams and small rivers may contain wood turtles, which overwinter in the stream channel and forage in the floodplain. The silver-haired bat often roosts in riparian habitats in trees with loose bark. The northern waterthrush is a common associate of this community type. In the southern part of the state, the Louisiana waterthrush and yellow-throated vireo may be associates if the canopy is closed or nearly so.

Distribution

Statewide, but most common in the southern half of state. Extends southward and southwestward from Maine; eastward distribution unknown.

Landscape Pattern: Large Patch

Characteristic Plants

These plants are frequently found in this community type. Those with an asterisk are often diagnostic of this community.

Canopy
Balsam fir
Gray birch
Northern white cedar
Red maple*
Red spruce

Sapling/shrub
Arrowwood*
Balsam fir
Gray birch*
Red spruce
Speckled alder*
Winterberry*

Herb
Bluejoint*
Flat-topped white aster*
Interrupted fern
Tussock sedge
Royal fern*
Sensitive fern*

Bryoid
Sphagnum mosses*

Associated Rare Plants

Smooth winterberry holly
Spicebush
Swamp saxifrage
Swamp white oak
Sweet pepper-bush

Associated Rare Animals

Spotted turtle
Wood turtle

Examples on Conservation Lands You Can Visit

- Kennebunk Plains Preserve – York Co.
- Mt Agamenticus – York Co.
- Steep Falls Wildlife Management Area – Cumberland Co.
- Waterboro Barrens Preserve – York Co.

Rare and Exemplary Botanical Features within 4 miles of

Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Atlantic White Cedar						
	SC	S2	G4	2017-07-26	3	Forested wetland
Atlantic White Cedar Bog						
	<null>	S1	G3G4	2017-07-26	3	Forested wetland
Beach Plum						
	E	S1	G4	1932-09	12	Rocky coastal (non-forested, upland)
	E	S1	G4	1933-06-21	9	Rocky coastal (non-forested, upland)
Brackish Tidal Marsh						
	<null>	S3	GNR	2009-07-29	1	Tidal wetland (non-forested, wetland)
Button Sedge						
	SC	S2	G5	1880-09-06	2	<null>
	SC	S2	G5	2017-07-26	5	<null>
	SC	S2	G5	2000-08-15	3	<null>
Clothed Sedge						
	E	S1	G5	2006-06-07	7	Dry barrens (partly forested, upland)
	E	S1	G5	2006-06-16	8	Dry barrens (partly forested, upland)
Creeping Spike-moss						
	E	S2	G5	1920-07-30	6	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Estuary Bur-marigold						
	SC	S3	G4	2009-07-30	35	Tidal wetland (non-forested, wetland)
Freshwater Tidal Marsh						
	<null>	S2	G4?	2009-07-30	1	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Georgia bulrush						
	SC	SU	G5	2007-08-22	4	<null>
Horned Pondweed						
	SC	S2	G5	1907-08-18	10	Tidal wetland (non-forested, wetland)
	SC	S2	G5	2000-08-28	15	Tidal wetland (non-forested, wetland)
Lilaeopsis						
	SC	S2	G5	2012-10-21	10	Tidal wetland (non-forested, wetland)
Long's Bulrush						
	T	S2	G3	2017-07-26	10	Open wetland, not coastal nor rivershore (non-forested, wetland)
Long-spined Sandbur						
	PE	SH	G5	1984	1	Rocky coastal (non-forested, upland)
Mountain-laurel						
	SC	S2	G5	1991-09-28	11	Conifer forest (forest, upland),Hardwood to mixed forest (forest, upland)
Mudwort						
	SC	S3	G5	2009-07-30	35	Tidal wetland (non-forested, wetland)
Northern Blazing Star						
	T	S1	G5?T3	1916-08-10	3	Dry barrens (partly forested, upland)
Pale Green Orchis						
	SC	S2	G4?T4Q	2008-06-27	52	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	2008-06-27	53	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
	SC	S2	G4?T4Q	2008-06-27	54	Non-tidal rivershore (non-forested, seasonally wet),Open wetland, not coastal nor rivershore (non-forested, wetland)
Parker's Pipewort						

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
	SC	S3	G3	2017-08-31	33	Tidal wetland (non-forested, wetland)
Pendulous Bulrush						
	SC	S2	G5	2008-06-28	8	Open wetland, not coastal nor rivershore (non-forested, wetland),Old field/roadside (non-forested, wetland or upland)
Pitch Pine Bog						
	<null>	S2	G3G5	2017-07-26	4	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
	<null>	S2	G3G5	2015-09-29	20	Forested wetland,Coastal non-tidal wetland (non-forested, wetland)
Pitch Pine Woodland						
	<null>	S3	G2	2016-08-09	30	Rocky summits and outcrops (non-forested, upland)
Pocket Swamp						
	<null>	S2	G5	2004	18	Forested wetland,Hardwood to mixed forest (forest, upland)
Pygmyweed						
	SC	S2S3	G5	2009-07-29	25	Open water (non-forested, wetland)
Raised Level Bog Ecosystem						
	<null>	S4	GNR	2017-07-26	3	Forested wetland,Open wetland, not coastal nor rivershore (non-forested, wetland)
Red Maple Swamp						
	<null>	S5	G3G5	2007-06-05	17	Forested wetland
Saltmarsh False-foxglove						
	SC	S3	G5	1982	8	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	12	Tidal wetland (non-forested, wetland)
	SC	S3	G5	1982	9	Tidal wetland (non-forested, wetland)
Scarlet Oak						
	E	S1	G5	1916-08	4	Hardwood to mixed forest (forest, upland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
Schreber's Wood-aster						
	PE	SX	G4	1894-09	1	Rocky coastal (non-forested, upland)
Slender Blue Flag						
	T	S2	G4G5	1879-08	4	Tidal wetland (non-forested, wetland)
Small Reed Grass						
	SC	S3	G5	1998-01-01	9	Old field/roadside (non-forested, wetland or upland)
	SC	S3	G5	2000-08-15	12	Old field/roadside (non-forested, wetland or upland)
Smooth Winterberry Holly						
	SC	S3	G5	1916-08-10	10	Forested wetland
	SC	S3	G5	2018-09-15	24	Forested wetland
	SC	S3	G5	2009-07-05	39	Forested wetland
	SC	S3	G5	2004	36	Forested wetland
Southern Slender Ladies'-tresses						
	PE	SH	G5T4T5	1918-08-27	1	Dry barrens (partly forested, upland)
Spongy-leaved Arrowhead						
	SC	S3	G5T4	2012-10-21	42	Tidal wetland (non-forested, wetland)
Stiff Arrowhead						
	SC	S2	G5	2006-06-16	15	Tidal wetland (non-forested, wetland)
Sweet Pepper-bush						
	SC	S2	G5	1917-09	9	Hardwood to mixed forest (forest, upland),Forested wetland
Water Pimpernel						
	SC	S3	G5T5	2012-10-21	26	Tidal wetland (non-forested, wetland)

Rare and Exemplary Botanical Features within 4 miles of
Project: South Street Village LLC, Hidden Hills Manufactured Housing Park, 413 South Street, Biddeford, Maine

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
White-topped Aster						
	E	S1	G5	1916-08-10	4	Dry barrens (partly forested, upland)
Yellow Wild Indigo						
	PE	SH	G5	1960-06-21	2	Dry barrens (partly forested, upland),Hardwood to mixed forest (forest, upland)

Conservation Status Ranks

State and Global Ranks: This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of 1 to 5. Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
S1 **G1**	**Critically Imperiled** – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
S2 **G2**	**Imperiled** – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
S3 **G3**	**Vulnerable** – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
S4 **G4**	**Apparently Secure** – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
S5 **G5**	**Secure** – At very low risk or extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
SX **GX**	**Presumed Extinct** – Not located despite intensive searches and virtually no likelihood of rediscovery.
SH **GH**	**Possibly Extinct** – Known from only historical occurrences but still some hope of rediscovery.
S#S# **G#G#**	**Range Rank** – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
SU **GU**	**Unrankable** – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
GNR **SNR**	**Unranked** – Global or subnational conservation status not yet assessed.
SNA **GNA**	**Not Applicable** – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems.
Qualifier	**Definition**
S#? **G#?**	**Inexact Numeric Rank** – Denotes inexact numeric rank.
Q	**Questionable taxonomy that may reduce conservation priority** – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The "Q" modifier is only used at a global level.
T#	**Infraspecific Taxon (trinomial)** – The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

State Status: Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
E	**Endangered** – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
T	**Threatened** – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
SC	**Special Concern** – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
PE	**Potentially Extirpated** – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

Element Occurrence (EO) Ranks: Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
A	**Excellent** – Excellent estimated viability/ecological integrity.
B	**Good** – Good estimated viability/ecological integrity.
C	**Fair** – Fair estimated viability/ecological integrity.
D	**Poor** – Poor estimated viability/ecological integrity.
E	**Extant** – Verified extant, but viability/ecological integrity not assessed.
H	**Historical** – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
X	**Extirpated** – Documented loss of population/destruction of habitat.
U	**Unrankable** – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
NR	**Not Ranked** – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information
http://www.maine.gov/dacf/mnap

Attachment 15

Vernal Pool Report & Wetland Delineation

MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

5365
May 18, 2020

Mr. Matthew Chamberlain
South Street Village LLC
762 Main Street
South Portland, ME 04106

Re: Vernal Pool Assessment, 175 acre portion of parcel on South Street Biddeford, ME

Dear Matthew,

I have completed a vernal pool assessment on a 175+/- acre portion of a parcel located off South Street Biddeford, ME. The vernal pool assessment was conducted in accordance with Chapter 335 Significant Wildlife Habitat, Section 9 Significant Vernal Pools for the Maine Department of Environmental Protection. This section outlines the definition of a vernal pool as well as the requirements of a vernal pool to meet the definition of significance as related to the number of amphibian egg masses counted during the breeding season.

Two site visits were made to the property over the course of six weeks beginning the first week in April. There were no vernal pools found on the property.

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

Sincerely,

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

P.O. BOX 1931 • PORTLAND, ME 04104-1931 • 207-756-2900 • mhampto1@maine.rr.com

Quality services that meet your deadline

5365 MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

November 11, 2022

Mr. Matthew Chamberlain
South Street Village LLC
762 Main Street
South Portland, ME 04106

Re: Review of "Rapid Reconnaissance Survey, September 2022"

Dear Matthew,

At your request, I have reviewed the document you forwarded to me entitled, "Rapid Reconnaissance Survey of Two Parcels in Western Biddeford, 2022", prepared by Mr. Mark Ward and prepared for the Biddeford Conservation Commission. Based upon the comments made in the report, the consultant, at the request of the Biddeford Conservation Commission, made two cursory, 1-day walkovers of two parcels totaling more than 300 acres once in 2007 and then 15 years later, in August of this year. It is clear that the consultant did not have any documents related to the project under consideration for development of the property, which were of public record at the time of the field review and which should have been the focus of his reconnaissance.

Consequently, all the comments made in this document have to be taken as a broad brush assessment, and not detailed in anyway to make any judgment of the work I completed for you. I spent more than 21 days on the northern half of the property, the location of the proposed housing development, completing a full range of natural resource assessments. All of the issues raised by the consultant noted in photos and waypoint locations shown in figures in his report are located in the southern half of the total parcel.

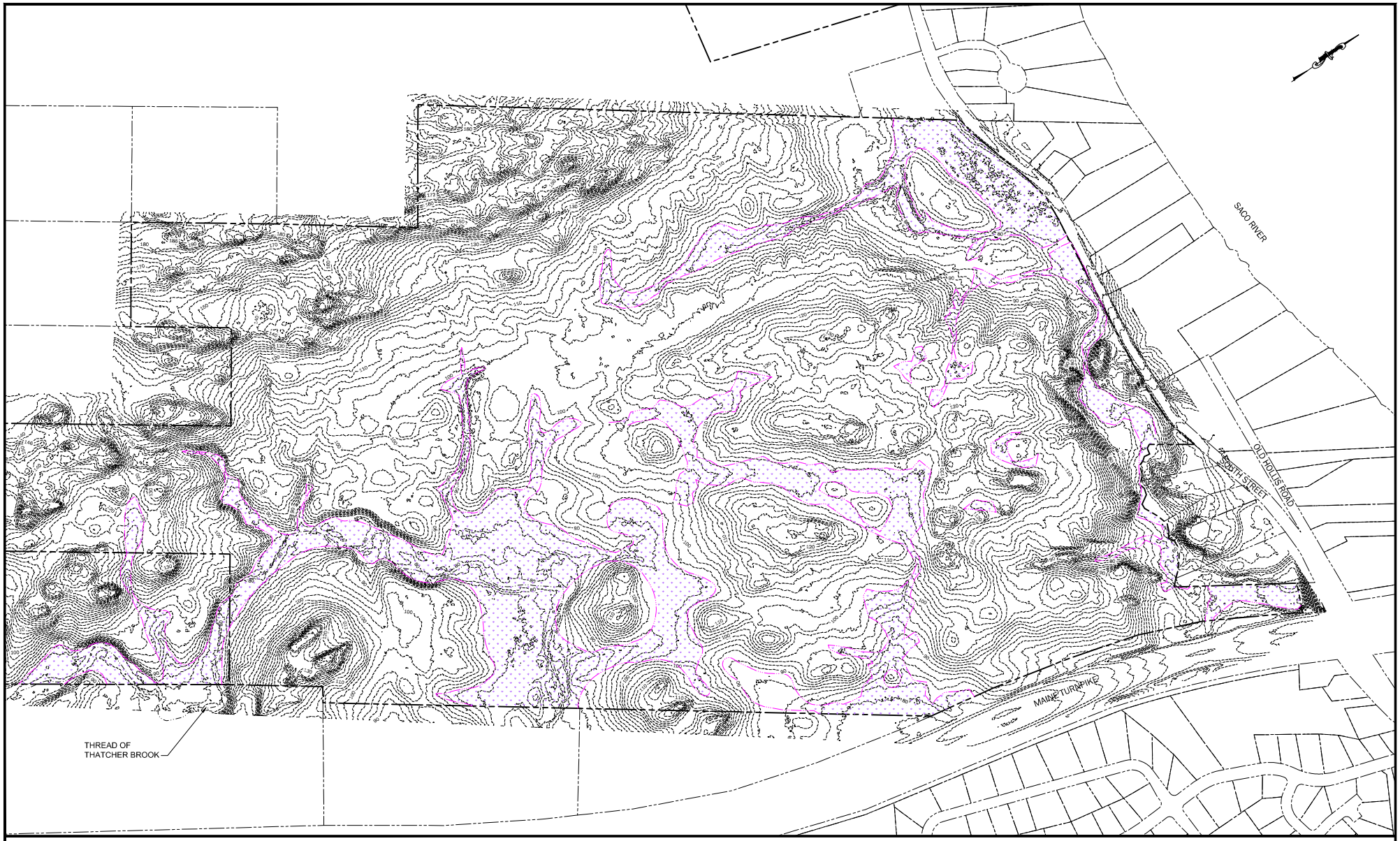
In my professional opinion, this document should not be any negative impact on the local and state review of your project. It is very clear that the consultant had few if any issues with the northern half of the overall parcel, which is exactly where your proposed project is located.

Sincerely,

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

P.O. BOX 1931 • PORTLAND, ME 04104-1931 • 207-756-2900 • mhampto1@maine.rr.com

Quality services that meet your deadline



MARK HAMPTON ASSOCIATES, INC.
P.O. BOX 1931
PORTLAND, MAINE 04104

DRAWING LEGEND

- PARCEL PROPERTY LINE
- ABUTTER PROPERTY LINE
- WETLANDS
- 100 — INDEX CONTOUR
- 101 — INTERMEDIATE CONTOUR

GRAPHIC SCALE

200 0 100 200 400 800

1 inch = 200 ft.

DATE: MAY 6, 2021

SOUTH STREET VILLAGE, LLC
762 MAIN STREET
SOUTH PORTLAND, MAINE

WETLAND DELINEATION
SOUTH STREET, BIDDEFORD, MAINE

CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

NOTICE OF DECISION

December 8, 2022

Matthew Chamberlain
South Street Village, LLC
762 Main Street
South Portland, ME 04106

RE: 2021.42 Preliminary Subdivision Plan Review for South Street Village, LLC for the Hidden Hills subdivision at 413 South Street (Tax Map 7, Lot 8).

Dear Matt,

At their meeting on December 7, 2022, the Biddeford Planning Board reviewed the Preliminary Subdivision Plan to create a 195-unit manufactured housing park at 413 South Street in the SR1, RF Zones and in the Mobile Home Park Overlay. South Street Village, LLC owns the property you and Jeff Amos fromTerradyn Consultants, LLC presented the proposal to the Planning Board.

Discussion by the Planning Board included a discussion of the traffic in the area including May Street and environmental reporting.

Following public comment and the Board's deliberation, it approved the Preliminary Plan conditioned on your addressing all outstanding Board, staff, and peer review comments.

The ordinance requires the applicant or his authorized agent to submit to the Planning Office a final plan no later than six months after the date of preliminary approval. **The deadline for this submittal is May 17, 2023**. If the final plan is not presented within the specified time limit, all plans become null and void. The applicant needs to acquire all required external permits for this application prior to final approval.

If an extension is required in order to obtain the abovementioned permits, please notify the Planning Department to be placed on an agenda prior to the expiration date to request an extension of the preliminary approval.

We will review a Final Application package once it has been submitted and will provide additional comments once our review is completed.

If you have any questions please call the Planning and Development Department at 207-284-9115.

FOR THE BIDDEFORD PLANNING BOARD

Sincerely,

Gregory Mitchell
Director of Planning & Development

CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director / City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

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

From: David C.M. Galbraith, Deputy Director / City Planner

Date: May 11, 2023

Re: 2022.37 Final Site Plan and Subdivision Review for a proposed 14-Unit Multifamily residential building at 69 Elm Street.

Meeting Date: May 17, 2023

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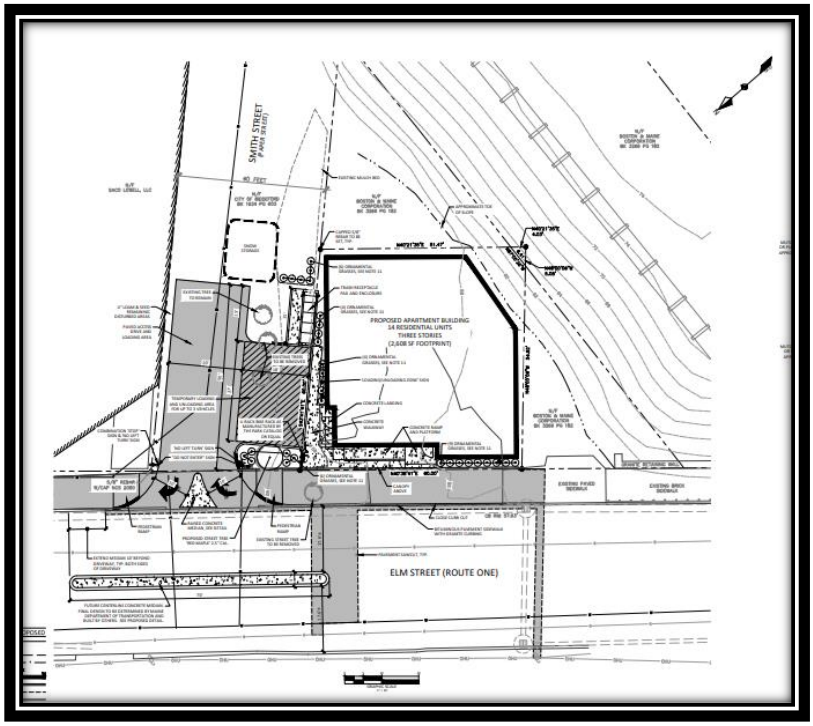
1. PROPOSAL:

This Application was last before the Planning Board on January 18, 2023 where the applicant (Plan East LLC) received approval of the requested Preliminary Site Plan and Subdivision Review for Sketch Plan Review for a proposed 14-Unit Multifamily housing complex to be located at 69 Elm Street (Tax Map 40, Lot 57). The Applicant is seeking Final Site Plan and Subdivision approval.



69 Elm Street – Revised Site Plan

As the Board is aware, Staff has been working with the Applicant to utilize a portion of Smith Street (Paper Street) to be utilized as short-term parking for the use of tenants, moving vehicles, refuse access, and emergency services access to the site. Since the Board's last meeting an agreement has been attained between the City, the Applicant and the abutting property owner (Port Properties), on an acceptable design for the site. The easement language will require City Council approval which is being made as a Condition of Approval.

The revised site design includes a raised right-in / right/out “pork chop” design and a non-mountable median has been shown on the plans. Staff has been working with MDOT regarding the Traffic Movement Permits (TMP) for the Upper Falls Road developments, the One Capital development, and the Pearl Street development in addition to the Elm Street Master Plan improvements. The 69 Elm Street project will require a non-mountable median per MDOT. However, the City has requested that the Elm Street median not be required to be constructed as part of the subject development but allow the median to be constructed as part of the Elm Street Master Plan and TMP designs of the above mentioned projects. Please find the attached revised design plans for 69 Elm Street which include:

A. A non-mountable median in the middle of Elm Street to prevent left turning movements from the site.
B. Raised median at the driveway entrance/exit with additional signage as suggested by Diane Morabito, the City’s Peer Review Traffic Engineer.
C. Revised grading of driveway based on updated existing conditions (as a result of work performed by Saco Lowell Mill project)
D. Added the note for a backflow preventer installed at the foundation drain discharge.

Front Elevation - 14-Unit Multifamily residential building - 69 Elm Street

The parcel is located in the Main Street Revitalization District 3 (MSRD-3) zone which the City's Land Use Code describes as "the high-density and mixed-use district where the intent is to preserve the historic character of buildings while facilitating the redevelopment of vacant and underused mill buildings into a vibrant residential and commercial community which contributes to the revitalization of the City's downtown".

The project consists of one, three-story residential building, approximately 40.6 feet in height. The fourteen (14) proposed residential units will be a mix of 1-bedroom and efficiency apartments.

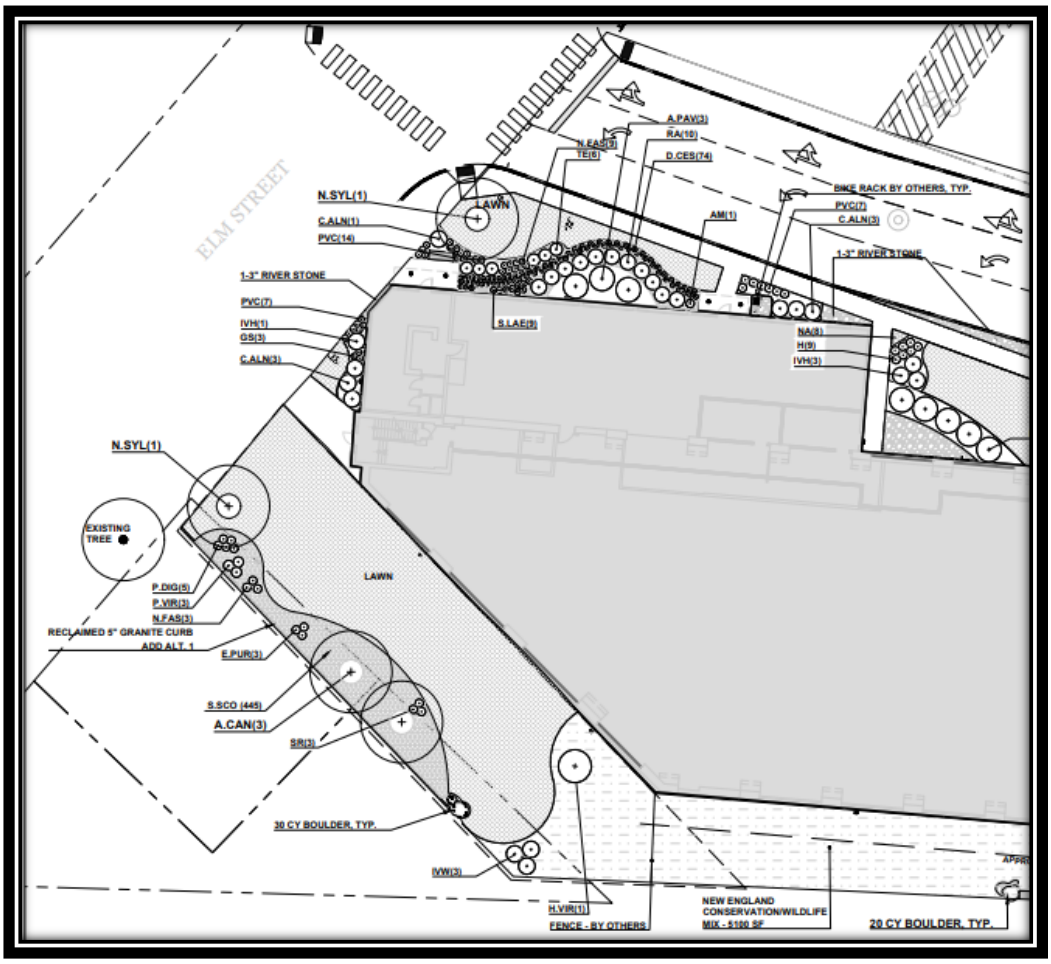
The subject property is approximately 3,445 square feet in area which is relatively flat. The proposed building footprint is 2,608 square feet. The property is bounded on two (2) sides by land owned by the Boston & Maine Railroad Corporation, whose land wraps around the proposed building to the southeast and southwest and slopes upward from the site to the railroad tracks and associated trestle bridge. Minimal grading is required on-site as the finished grades will remain relatively untouched and will match the existing grading at the toe of the slope of the Railroad property, at the shared property boundaries.

The property frontage is located on Elm Street to the northwest and "Smith Street", a remaining forty (40) foot wide paper street, to the northeast of the site. Beyond the Smith Street right-of way (ROW) is the Saco Lowell Mill (1 Upper Falls Road, formerly 1 Gooch Street) which is currently being redeveloped as a mixed-use building consisting on residential and commercial uses.

Sewer and water lines exist in Elm Street and the Applicant proposes to connect to those lines. The subject property formerly had curb-opening the majority of the lots width. This curb-cut is proposed to be removed and replaced with a sidewalk, which connects to the existing street sidewalk network, the new sidewalk network being constructed at the 10, 20, 26 and 30 Upper Falls Road project, which also features a needed multi-use path extension and connection to the River Walk. As proposed the site design does not include any on-site resident long term parking but the plans do allow short term parking as outlined above. The Applicant is proposing to provide tenant parking in the nearby city-owned parking garage on Pearl Street.

Pedestrian safety, particularly under the Trestle Bridge, was of particular concern for the Board. The Applicant is proposing a wall mounted lighting fixture directed towards sidewalk under the trestle. As previously mentioned the City has been working on the Elm Street Master Plan and new street / sidewalk lighting will be part of the plan. The trestle sidewalk is owned and maintained by the City however, the trestle bridge is not owned by the City, therefore providing lights mounted under the bridge is problematic. City Engineering and Planning Staff have met on-site on a number of occasions and believe that the proposed wall park, although not ideal, will provide additional lighting under the trestle. It should be noted that street lights exist on either side of the bridge on the north side of Elm Street which already provides some illumination to this area.

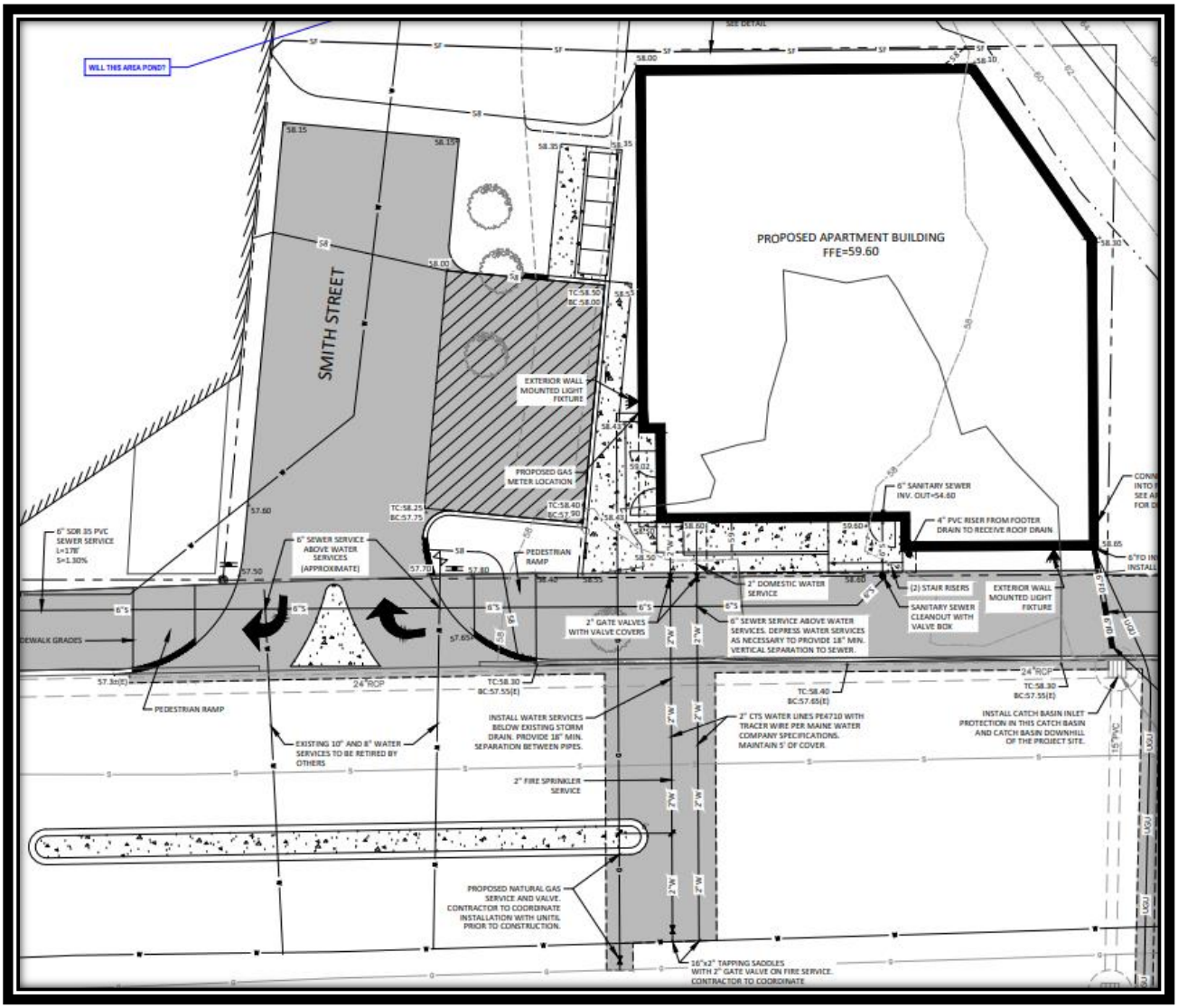
Case: 2022.37 Final Site Plan and Subdivision Review / 14-Unit Multifamily residential building at 69 Elm Street (Tax Map 40, Lot 57).
Meeting Date: May 17, 2023



Smith Street Right of Way (ROW) Redevelopment / Pocket Park

When reviewing the Application, City Staff began evaluating the existing forty (40) foot wide Smith Street ROW and how it may be utilized for the betterment of the subject application, and the adjacent Saco Lowell Mill redevelopment project. As part of the Saco Lowell Mill redevelopment, the City granted an access agreement related to the Smith Street ROW, and the Planning Board granted approval to landscape the area (see above plan detail). It should be noted that the approved planting plan had started to be installed in this area, but the new design, which provides the site access and short-term parking is a superior use of the land and the design is satisfactory to the City, the Applicant and the abutting property owner (Port Properties).

Case: 2022.37 Final Site Plan and Subdivision Review / 14-Unit Multifamily residential building at 69 Elm Street (Tax Map 40, Lot 57).
Meeting Date: May 17, 2023



Amended Site Plan Utilizing Smith Street ROW for Site Access and Short-term Parking

The Applicant will need to obtain a similar construction / maintenance agreement from the City as Port Properties needed when their use of Smith Street as openspace. Prior to the issuance of a notice to proceed with construction the Applicant will also need to provide information related to the buildings construction timeline, equipment and materials staging, scheduling, construction fencing, flagging, roadway impacts (water / sewer openings and repair) and similar.

2. PROJECT INFORMATION:

	SUBJECT	INFORMATION
1.	Applicant	Plan East LLC c/o Peter Lavoie 74 Winnocks Neck Road Scarborough, ME 04074
2.	Property Owner	Same as Applicant
3.	Engineer/Surveyor	St. Clair Associates – David St. Clair 34 Forest Ln. Cumberland, ME 04021 207-829-5558
4.	Agent	DM Roma Consulting Engineers Jason R. Haskell, P.E. P.O Box 1116 Windham, ME 04062
5.	Project Location	69 Elm St.
6.	Map/Lot	Map 40, Lot 57
7.	City Approvals Required	Site Plan, Subdivision
8.	Existing Zoning	MSRD-3
9.	Overlay Zoning	None
10.	Existing Use	Vacant
11.	Proposed Use	Multifamily Residential
12.	Uses in the Vicinity	Downtown Mixed Use
13.	Parcel Size	3,445 Sq. Ft
14.	Limits of Disturbance	3,445 Sq. Ft
15.	Drainage Watershed	Saco River
16.	Water Supply	Public Water
17.	Sewerage Disposal	Public Sewer
18.	Fire Protection	City of Biddeford

19.	Ownership of Road	Public
20.	Additional Approvals/Permits Needed	None
21.	Fees Paid (LDR Attachment A)	All Fees paid
22.	Planning Board Review History Sketch Plan Preliminary Plan Final Plan Approval	 October 5th, 2022 January 18, 2023 May 17, 2023

3. COMPLIANCE WITH CITY ORDINANCES

The Application is being reviewed per the City of Biddeford Code of Ordinances as a Site Plan (Article XI) and Major Subdivision Approval Chapter 66 *Subdivisions*, Section 30. Since this project lies within 500 feet of the Saco River, it will be subject to review by the Saco River Corridor Commission. The City advises the applicant submit an application with the SRCC at their earliest convenience. At this time the Applicant is seeking preliminary site plan and Major Subdivision approval.

4. WAIVER REQUESTS:

Biddeford Code of Ordinances Article 6, Section 49.C.3.K(2,3) the applicant is proposing to provide resident parking in the nearby city-owned parking garage on Pearl Street and as such will not provide any long term parking. The City's parking garage is in close proximity to the project site and meets the City's requirement that parking be provided within 1,000 feet from the project. This Application meets this standard.

5. RECOMMENDATION:

Staff is supportive of the proposed in-fill development project and recommends granting final major subdivision and site plan approval. Although the project has needed to overcome many obstacles (sewer connection, site design with limited access, etc.) the various issues have been / are being resolved. Staff believes utilizing the Smith Street ROW for vehicle circulation, short-term parking while providing exterior access for the maintenance and secondary emergency access to the Saco Lowell Mill and the 69 Elm Street project will benefit both properties. Staff recommends approval of the Application with the recommended Conditions of Approval (COA).

SAMPLE MOTION

A. *Motion to Approve the Final Major Subdivision and Site Plan review for a proposed 14-Unit Multifamily housing complex to be located at 69 Elm Street (Tax Map 40, Lot 57) within the Main Street Revitalization District 3 (MSRD-3) zoning district.*

B. *Motion to Deny the Final Major Subdivision and Site Plan review for a proposed 14-Unit Multifamily housing complex proposed at 69 Elm Street (Tax Map 40, Lot 57) within the Main Street Revitalization District 3 (MSRD-3) zoning district, for the following reasons:*

1) _____.
2) _____.
3) _____.

C. *<u>Motion to Table</u> the Final Major Subdivision and Site Plan review for a proposed 14-Unit Multifamily housing complex to be located at 69 Elm Street (Tax Map 40, Lot 57) within the Main Street Revitalization District 3 (MSRD-3) zoning district for the following reasons / Application Materials to be submitted:*

1) _____.
2) _____.
3) _____.

DM ROMA
CONSULTING ENGINEERS

February 8, 2023

David Galbraith, Interim Deputy Director/City Planner
City of Biddeford
205 Main Street
Biddeford, ME 04005

Re: Final Site Plan and Subdivision Submission
Elm Street Apartments, 69 Elm Street
Plan East, LLC - Applicant

Dear Mr. Galbraith:

On behalf of the applicant Plan East, LLC, we are pleased to provide the enclosed submission for Final Site Plan and Subdivision review for the proposed apartment building at 69 Elm Street. We received Preliminary Subdivision approval at the January 18, 2023 meeting and would like to move forward in the planning process. During the meeting, the Planning Board had concerns on a few items:

Adequate Lighting to Parking Garage

As currently proposed, the parking for the development will be provided in reserved parking spaces within the Pearl Street Parking Garage, an approximately 2 minute 45 second walk along existing public sidewalks. During the Planning Board meeting, a board member expressed concerns on if there was adequate lighting of the sidewalk from the parking garage to the apartment building. Along Lincoln Street, there are several utility pole mounted light fixtures illuminating the street and sidewalk, along with a utility pole mounted light fixture on the opposite side of Elm Street prior to the railroad overpass. Once you cross beneath the railroad overpass, there is a utility pole mounted light fixture across Elm Street, providing illumination of a portion of the sidewalk in front of the property. The only area that lighting is faint is beneath the railroad overpass. To enhance the lighting of the site's sidewalks and beneath the railroad overpass, building mounted lights have been proposed on the front and northeast side of the building. The full cut-off light fixtures were selected and analyzed by Swaney Lighting Associates in Scarborough, Maine. Included with this submission are the lighting fixture cut sheets along with a photometrics plan prepared by Swaney for review.

Snow Removal and Storage Areas

An additional comment from the Planning Board was location for snow storage on the property. As currently designed, the apartment building will only have concrete walkways in the front of the property, in addition to the sidewalks within the public way. There are no proposed parking areas on the property. The walkways will be shoveled by the owner or contracted property

P.O. Box 1116, Windham, Maine 04062 ○ (207) 591-5055 ○ jayson@dmroma.com

management company with the snow placed on either side of the building, outside of the limits of Elm Street.

Parking

At this time, we are still proposing to utilize the parking garage to meet the project's parking needs as it generally meets the intent of the zoning ordinance in this more urban setting and would like to receive final approval with this parking scenario.

As discussed during staff meetings and during the Planning Board meeting, there is a 40' wide unimproved paper street, identified as Smith Street, located northeasterly of the project site which could provide options for off street parking. The right of way has the potential for up to 12 spaces with a dumpster location as you indicated in the provided right of way sketch plan. This would allow for the majority of the required parking to be directly adjacent to the building, with still a minimum of two (2) additional reserved parking spaces in the parking garage to meet the parking requirement. In addition, the proposed dumpster would allow for the tenant's trash to be located outside of the building as an alternative to the trash receptacles being located within the building's common area as currently proposed. The construction of this parking area would require, at minimum, an easement from the City of Biddeford, along with coordination with the abutting Saco Lowell Mill project as they currently have an easement over this right of way for building maintenance and a landscaped/open space area benefiting their project. We are currently working with City staff and the abutting property owner on the potential for this parking area and have set up a meeting for February 15, 2023. The results of this meeting will be discussed during the next Planning Board meeting.

If it is determined that the parking area within the Smith Street right of way is a viable option, we will provide the necessary design plans to the Planning Department for review after we receive final approval.

Sewer Infrastructure Ability to Serve

As indicated in the Planning Board packet for the January 18, 2023 meeting, we have been working with City staff related to the capacity of the existing sewer infrastructure in Elm Street to accept the proposed sewer flow. The City's engineering department is concerned that the proposed building's sewer connection into the existing sewer main would be just uphill of one of the City's larger combined sewer overflow structures located at the intersection of Elm Street and Gooch Street (Upper Falls Road). There are schematic plans in place to bypass flow from our project and the neighboring Saco Lowell Mill project around the CSO structure and connect directly into the existing sewer main in Diamond Street. It is our understanding that the reconstruction of the sewer system in this area will be discussed at the February 15, 2023 meeting and will hopefully have a direction after the meeting. Since the final design plans are not in place for the reconstruction of the sewer main and our sewer service, we request that the final coordination with the Engineering Department of the sewer connection be a condition of approval.

Bike Racks

During a previous Planning Board meeting, it was recommended that the project consider bike parking. To achieve the recommended bike parking, a bike rack has been added to the design plans, located in the northerly corner of the property to be utilized by the tenants.

Additional Board Reviews

On January 24, we submitted the Application for a Certificate of Appropriateness to the Biddeford Historic Preservation Commission for review. The Commission Review meeting is tonight, February 8, 2023. In addition, we submitted for review by the Saco River Corridor Commission and are tentatively scheduled to meet with their board on February 22, 2023. Results of these meetings will be coordinated with the Planning Department and presented at the next Planning Board meeting.

Enclosed are the requested (9) copies of the design plans and supporting documents. Upon your review of this information, please let us know if you have any questions or require any additional information. We look forward to meeting with City staff at the February 15 project coordination meeting and with the Planning Board on the March 1 agenda.

Sincerely,

DM ROMA CONSULTING ENGINEERS

Jayson R. Haskell, P.E.
Senior Project Manager

prescolite

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

LBSE-RD

EDGE-LIT ROUND FIXED CCT DIRECT J-BOX MOUNT DOWNLIGHT

LITEBOX® edge-lit

FEATURES

- 4”, 6”, and 8” aperture, delivering 750-1750 lumens
- Low surface profile of ½”
- Quick snap installation with no housing required
- Installs directly to most 3-1/2” and 4” J-Boxes
- Fixed CCT (3000K or 3500K, 80+ CRI) options
- Universal 120-277V, ideal for commercial applications
- All models standard with 0-10V/Triac/ELV dimming

WET LOCATION

c ETL LISTED US Intertek

ENERGY STAR

IC

SERVICE PROGRAMS

STOCK

SPECIFICATIONS

CONSTRUCTION

- Durable cast aluminum low profile trim with ½" surface profile
- Suitable for New Construction or remodel, IC or Non-IC applications
- Eliminates the need for a recessed housing, ideal for areas with limited plenum space
- Optional non-conductive Decorative Color Trim accessories available in White, Black, Silver, and Brushed Oil Rubbed Bronze

OPTICS

- Utilizes the latest Edge-Lit LED technology
- Integral diffuse polycarbonate lens provides uniform light distribution
- Light distribution is free of distracting bright spots
- Visually comfortable with low glare

ELECTRICAL

- Edge-Lit LED array with 3 SDCM color consistency
- Long LED life: Maintains 80% of lumen output at 54,000 hours of operation, L80 at >54,000 hours (TM-21)
- Available in Fixed CCT in 3000K or 3500K, 80+ CRI
- High efficiency integral driver with universal 120V-277V, 50/60Hz

ELECTRICAL (CONTINUED)

- All models have flicker-free dimming with 120-277V 0-10V Dim to Off or 120V Triac or ELV phase cut to 5%
- See Additional Information section for a list of recommended dimmers
- EMI: Meets Class A (<24dba) noise rating, FCC CFR 47 Part 15 Class B, ≥0.9 Power Factor, <20% THD

INSTALLATION

- Installs directly to most common 3-1/2” or 4” octagonal and round junction boxes with a minimum 1-1/2” depth including fire rated (by others)
- Metal plate mounts to the J-Box and accepts snap-in spring clips for a secure fit

CERTIFICATIONS

- cETLus listed to UL1598
- Can be used in direct contact with insulation (IC Rated)
- Suitable for wet locations, covered ceiling
- Suitable for use in clothes closets when installed in accordance to N.E.C. 410.16
- ENERGY STAR® certified

WARRANTY

- 5 year warranty

KEY DATA	
Lumen Range	783-1973
Wattage Range	10.4-20.0
Efficacy Range (LPW)	75-99
Reported Life (Hours)	L80 / >54,000
Input Current (mA)	87-167 (120V)

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prescolite

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

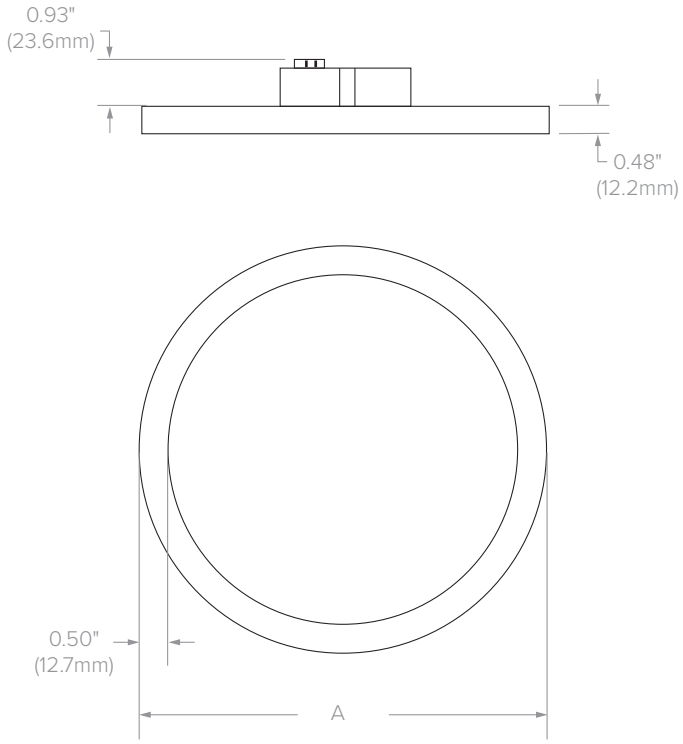
LBSE-RD

EDGE-LIT ROUND FIXED CCT DIRECT J-BOX MOUNT DOWNLIGHT

PERFORMANCE DATA TABLE

Nominal Aperture	Nominal Lumens	Cat #	CCT	CRI	Delivered Lumens	Watts	LPW
4"	750	LBSE-4RD-30K8-WH	3000K	80	783	10.4	75
		LBSE-4RD-35K8-WH	3500K		846	10.4	81
6"	1100	LBSE-6RD-30K8-WH	3000K	80	1144	12.9	89
		LBSE-6RD-35K8-WH	3500K		1237	12.9	96
8"	1750	LBSE-8RD-30K8-WH	3000K	80	1825	20.0	91
		LBSE-8RD-35K8-WH	3500K		1973	20.0	99

DIMENSIONS



Dimensional Data	
Aperture (Cat Logic)	"A"
4" (4RD)	ø4.61" (117.1mm)
6" (6RD)	ø6.00" (152.4mm)
8" (8RD)	ø8.00" (203.2mm)

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DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

LBSE-RD

EDGE-LIT ROUND FIXED CCT DIRECT J-BOX MOUNT DOWNLIGHT

PHOTOMETRY

LBSE-4RD-30K8-WH

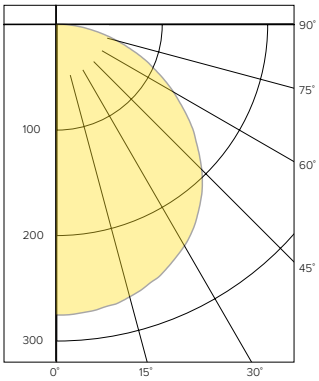
LUMINAIRE DATA

Test No.	**R20.00827-01**
Description	**4" Downlight, 3000K, 80 CRI**
Delivered Lumens	**783**
Watts	**10.4W**
Efficacy	**75.0**
Mounting	**Surface**
Spacing Criterion	**1.3**

ZONAL LUMEN SUMMARY

Zone	Lumens	% Luminaire
0-40	342	43.6
0-60	611	78.0
0-90	783	100.0
0-180	783	100.0

POLAR GRAPH



CANDELA DISTRIBUTION

Degree	Candela
0	260
5	259
15	253
25	239
35	217
45	184
55	142
65	98
75	55
85	15
90	0

LUMINANCE DATA*

Vertical Angle	Average
45°	48544
55°	46342
65°	43318
75°	39448
85°	32315

*Candela/Square Meter

LBSE-6RD-30K8-WH

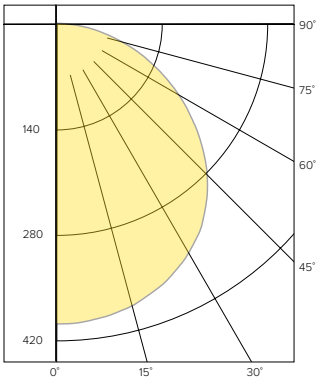
LUMINAIRE DATA

Test No.	**R20.00832-01**
Description	**6" Downlight, 3000K, 80 CRI**
Delivered Lumens	**1144**
Watts	**12.9W**
Efficacy	**89**
Mounting	**Surface**
Spacing Criterion	**1.3**

ZONAL LUMEN SUMMARY

Zone	Lumens	% Luminaire
0-40	499	43.6
0-60	891	77.9
0-90	1144	100.0
0-180	1144	100.0

POLAR GRAPH



CANDELA DISTRIBUTION

Degree	Candela
0	380
5	379
15	369
25	348
35	317
45	268
55	207
65	144
75	80
85	23
90	0

LUMINANCE DATA*

Vertical Angle	Average
45°	23513
55°	22408
65°	21066
75°	19135
85°	16235

*Candela/Square Meter

LBSE-8RD-30K8-WH

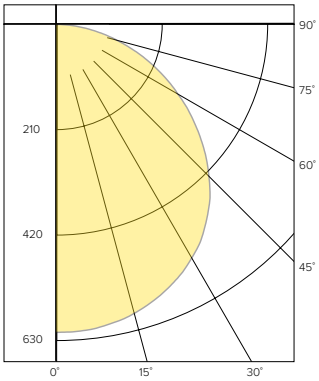
LUMINAIRE DATA

Test No.	**R20.00834-01**
Description	**8" Downlight, 3000K, 80 CRI**
Delivered Lumens	**1826**
Watts	**20W**
Efficacy	**92**
Mounting	**Surface**
Spacing Criterion	**1.3**

ZONAL LUMEN SUMMARY

Zone	Lumens	% Luminaire
0-40	798	43.7
0-60	1422	77.9
0-90	1826	100.0
0-180	1826	100.0

POLAR GRAPH



CANDELA DISTRIBUTION

Degree	Candela
0	608
5	607
15	592
25	558
35	505
45	427
55	331
65	228
75	127
85	38
90	0

LUMINANCE DATA*

Vertical Angle	Average
45°	24287
55°	23187
65°	21736
75°	19752
85°	17413

*Candela/Square Meter

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BEACON
design . performance . technology

RATIO Wall

RWL1/RWL2 LED WALLPACK

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

FEATURES

- Low profile LED wall luminaire with a variety of IES distributions for lighting applications such as retail, commercial and industrial building mount
- Featuring Micro Strike Optics which maximizes target zone illumination with minimal losses at the house-side, reducing light trespass issues
- Visual comfort standard
- Control options including photo control, occupancy sensing, NX Distributed Intelligence™, Wiscape and 7-Pin with networked controls
- Battery Backup options available for emergency code compliance
- Quick-mount adapter allows easy installation/maintenance
- 347V and 480V versions for industrial applications and Canada

C US

BUY AMERICAN SOLUTIONS
See Certification Specifications

DLC LISTED

DLC LISTED PREMIUM

CONTROL TECHNOLOGY

NX LIGHTING CONTROLS™

wiSCAPE™

SPECIFICATIONS

CONSTRUCTION

- Die-cast housing with hidden vertical heat fins that are optimal for heat dissipation while keeping a clean smooth outer surface
- Corrosion resistant, die-cast aluminum housing with powder coat paint finish
- Powder paint finish provides durability in outdoor environments. Tested to meet 1000 hour salt spray rating

OPTICS

- Entire optical aperture illuminates to create a larger luminous surface area resulting in a low glare appearance without sacrificing optical performance
- 48 or 160 midpower LEDs
- 3000K, 4000K or 5000K (70 CRI/80 CRI) CCT
- Zero uplight distributions
- LED optics provide IES type II, III and IV distributions. Type II only available in RWL2 configurations

INSTALLATION

- Quick-mount adapter provides easy installation to wall or to recessed junction boxes (4" square junction box)
- Designed for direct j-box mount.
- Integral back box contains 1/2" conduit hubs
- Integral back box standard with Dual Driver, Dual Power Feed, NX, Wiscape and battery versions (battery versions for RWL1 only)

ELECTRICAL

- 120V-277V universal voltage 50/60Hz 0-10V dimming drivers
- 347V and 480V dimmable driver option for all wattages above 35W
- Ambient operating temperature -40˚C to 40˚C
- Driver RoHS and IP66

ELECTRICAL (CONTINUED)

- Drivers have greater than .90 power factor and less than 20% Total Harmonic Distortion
- Dual Driver option provides 2 drivers within luminaire but only one set of leads exiting the luminaire, where Dual Power Feed provides two drivers which can be wired independently as two sets of leads are extended from the luminaire. Both options can not be included in one same fixture.
- Field replaceable surge protection device provides 20kA protection meeting ANSI/IEEE C62.41.2 Category C High and Surge Location Category C3; Automatically takes fixture off-line for protection when device is compromised
- Dimming drivers are standard and dimming leads are extended out of the luminaire unless control options require connection to the dimming leads. Must specify if wiring leads are to be greater than 6" standard.

CONTROLS

- Photo control, occupancy sensor and wireless available for complete on/off and dimming control
- Button photocontrol is suitable for 120-277V operation
- 7-pin ANSI C136.41-2013 photocontrol receptacle option available for twist lock photocontrols or wireless control modules (control accessories sold separately)
- NX Distributed Intelligence™ available with in fixture wireless control module, features dimming and occupancy sensor wiSCAPE® available with in fixture wireless control module, features dimming and occupancy sensor
- Integral Battery Backup provides emergency lighting for the required 90 minute path of egress

CONTROLS (CONTINUED)

- Battery Backup suitable for operating temperatures -25˚C to 40˚C. RWL1 battery is 12.5W RWL2 battery is 18W
- Dual Driver and Dual Power Feed options creates product configuration with 2 internal drivers for code compliance
- Please consult brand or sales representative when combining control and electrical options as some combinations may not operate as anticipated depending on your application.

CERTIFICATIONS

- Listed to UL1598 and CSAC22.2#250.0-24 for wet locations
- IP65 rated housing
- This product qualifies as a "designated country construction material" per FAR 52.225-11 Buy American-Construction Materials under Trade Agreements effective 04/23/2020. See Buy American Solutions
- DLC® (DesignLights Consortium Qualified), with some Premium Qualified configurations. Please refer to the DLC website for specific product qualifications at www.designlights.org

WARRANTY

- 5 year limited warranty

KEY DATA	
Lumen Range	1,300–18,800
Wattage Range	10–155
Efficacy Range (LPW)	119–148
Weights lbs. (kg)	6.5/16.5 (2.9/7.5)

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BEACON
design . performance . technology

RATIO Wall

RWL1/RWL2 LED WALLPACK

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

ORDERING GUIDE

Example: RWL1–48L-10–3K7–2–UNV–BLS–E

CATALOG # _____ – _____ – _____ – _____ – _____ – _____ –

Series	
RWL1	Ratio Wall 1
RWL2	Ratio Wall 2

# LEDs - Wattage	
48L-10	1,000 Lumens[4]
48L-15	2,000 Lumens[4]
48L-20	2,500 Lumens[4]
48L-25	3,500 Lumens
48L-35	4,500 Lumens
48L-45	5,500 Lumens[4]
160L-45	6,500 Lumens
160L-50	7,500 Lumens
160L-65	9,500 Lumens
160L-80	11,000 Lumens
160L-95	13,000 Lumens
160L-115	15,000 Lumens
160L-135	17,500 Lumens
160L-155	19,500 Lumens

CCT/CRI	
3K7	3000K, 70 CRI
4K7	4000K, 70 CRI
5K7	5000K, 70 CRI

Distribution	
2	IES TYPE II[1]
3	IES TYPE III
4F	IES TYPE IV Forward [1]
4W	IES TYPE IV

Voltage	
UNV	120-277V
120	120V
208	208V
240	240V
277	277V
347	347V
480	480V

Color	
BLT	Black Matte Textured
BLS	Black Gloss Smooth
DBT	Dark Bronze Matte Textured
DBS	Dark Bronze Gloss Smooth
GTT	Graphite Matte Textured
LGS	Light Grey Gloss Smooth
LGT	Light Grey Matte Textured
PSS	Platinum Silver Smooth
WHT	White Matte Textured
WHS	White Gloss Smooth
VGT	Verde Green Textured
Color Option	
CC	Custom Color

Control Options Network	
NXW	NX Networked Wireless Radio Module NXRM2 and Bluetooth Programming, without Sensor
NXWS16F	NX Networked Wireless Enabled Integral NXSMP2-LMO PIR Occupancy Sensor with Automatic Dimming Photocell and Bluetooth Programming
NXWS40F	NX Networked Wireless Enabled Integral NXSMP2-HMO PIR Occupancy Sensor with Automatic Dimming Photocell and Bluetooth Programming
WIR	Wireless Controls, wiSCAPE™ [2,6]
Stand Alone Sensors	
SCP-8F	Remote control programmable line voltage sensor[3,4]
SCP-20F	Remote control programmable line voltage sensor[3,4]
BTS-14F	Bluetooth® Programmable, PIR Occupancy/Daylight Sensor [10]
BTS-40F	Bluetooth® Programmable, PIR Occupancy/Daylight Sensor [10]
BTSO-12F	Bluetooth® Programmable, PIR Occupancy/Daylight Sensor, up to 12'mounting height [10]
Control Options	
7PR_	7-Pin Receptacle[6]

Options*	
F	Fusing[3]
E	Emergency Battery Backup[7,8,9]
EH	Emergency Battery w/ Heater Option[7,8]
2DR	Dual Driver[4,6,11]
2PF	Dual Power Feed[4,6,11]
PC	Button Photocontrol[8]

Notes:

1 Only available with RWL2
2 wiSCAPE Gateway required for system programming
3 Specific voltage selection is required
4 Not available with 347/480V
5 Replace "_" with "14" for up to 14' mounting height, "40" for up to 40' mounting height
6 This item is located in the integral backbox which will be automatically added onto the fixture if chosen.
7 This item is located in the integral backbox for RWL1 configurations only.
8 Option only available at 120 or 277V
9 2DR and 2PF can't be combined with E and EH due to space limitations
10 Not available in RWL1 or 2 PF
11 Available only in UNV in 25, 35 and 45 Watt in RWL1; Not available in RWL1 10, 15 and 20 Watt.
* Based on space limitations, some options may not be able to be combined

STOCK ORDERING INFORMATION

Catalog Number	Lumens	Wattage	LED Count	CCT/CRI	Voltage	Distribution	Finish
RWL1-48L-25-4K-3	3500lm	25	48L	4000K/70CRI	120-277V	Type III	Dark Bronze Textured
RWL1-48L-25-4K-4W	3500lm	25	48L	4000K/70CRI	120-277V	Type IV Wide	Dark Bronze Textured
RWL1-48L-45-4K-3	5500lm	45	48L	4000K/70CRI	120-277V	Type III	Dark Bronze Textured
RWL1-48L-45-4K-4W	5500lm	45	48L	4000K/70CRI	120-277V	Type IV Wide	Dark Bronze Textured

CONTROLS

Control Options	
Standalone	
SCPREMOTE	Order at least one per project location to program and control

ACCESSORIES AND REPLACEMENT PATS - MADE TO ORDER

	Catalog Number	Description
☐	**WP-BB-XXX**	Accessory for conduit entry[1]

Notes:

1 replace "xxx" with color option

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RATIO Wall

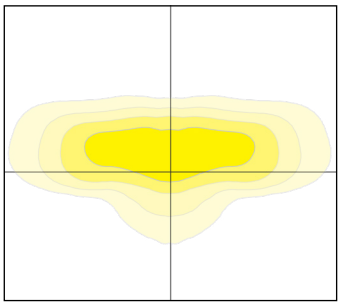
RWL1/RWL2 LED WALLPACK

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

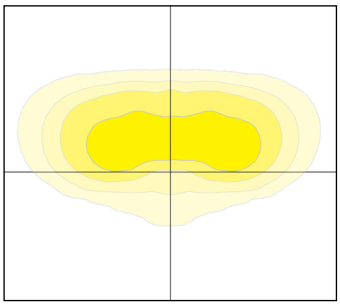
PHOTOMETRY

Mounting Height: 30ft

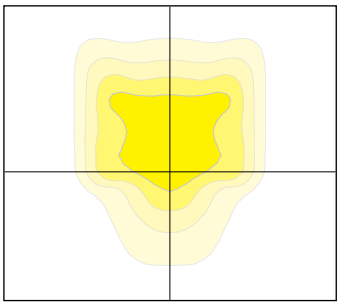
Type 2



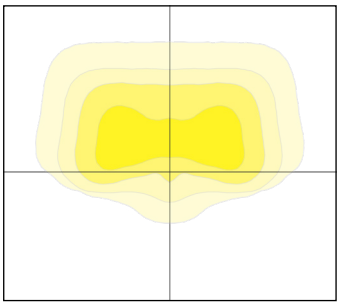
Type 3



Type 4F

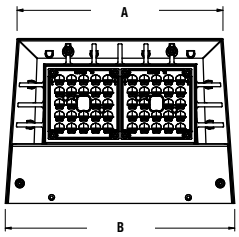


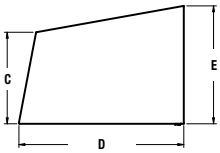
Type 4W



DIMENSIONS

RWL1

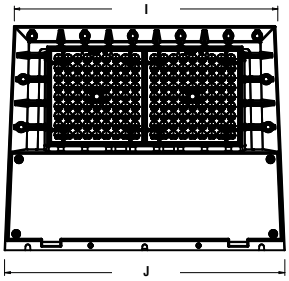


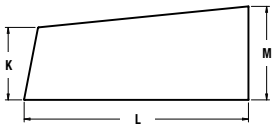


A	B	C	D	E
8.7"	9.7"	3.9"	7.0"	5.0"
221mm	246mm	99mm	178mm	127mm

Weight
6.5 lbs (2.95 kgs)

RWL2

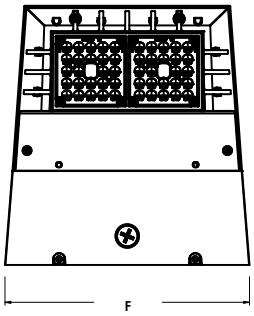


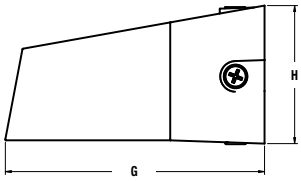


I	J	K	L	M
14.0"	15.0"	3.9"	12.0"	5.0"
356mm	381mm	99mm	305mm	127mm

Weight
16.5 lbs (7.48 kgs)

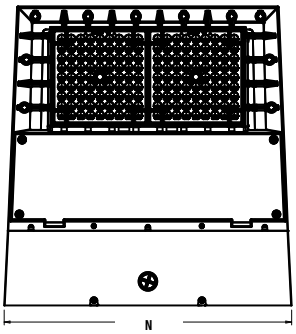
RWL1 with Integral Back Box

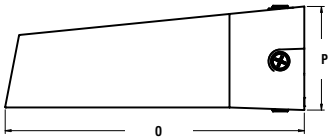




F	G	H
10.4"	11.0"	5.9"
264mm	279mm	150mm

RWL2 with Integral Back Box





N	O	P
15.4"	16.0"	5.5"
391mm	406mm	140mm

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CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Interim Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

FINDINGS OF FACT AND CONCLUSIONS OF LAW
69 Elm Street (Case # 2022.37)
Final Subdivision and Site Plan Approval

RE: 2022.37 Final Site Plan and Subdivision Review for Plan East LLC to develop a proposed 14-Unit Multifamily residential building at 69 Elm Street (Map 40, Lot 57) located within the MSRD-3 zoning district.

FINDINGS OF FACT:

Plan East LLC has proposed a 14-Unit Multi-family housing complex to be located at 69 Elm Street (Tax Map 40, Lot 57).

PROJECT DATA/INFORMATION:

	SUBJECT	INFORMATION
1.	Applicant	Plan East LLC c/o Peter Lavoie 74 Winnocks Neck Road Scarborough, ME 04074
2.	Property Owner	Same as Applicant
3.	Engineer/Surveyor	St. Clair Associates – David St. Clair 34 Forest Ln. Cumberland, ME 04021 207-829-5558
4.	Agent	DM Roma Consulting Engineers Jason R. Haskell, P.E. P.O Box 1116 Windham, ME 04062
5.	Project Location	69 Elm St.
6.	Map/Lot	Map 40, Lot 57
7.	City Approvals Required	Site Plan, Subdivision
8.	Existing Zoning	MSRD-3

9.	Overlay Zoning	None
10.	Existing Use	Vacant
11.	Proposed Use	Multifamily Residential
12.	Uses in the Vicinity	Downtown Mixed Use
13.	Parcel Size	3,445 Sq. Ft
14.	Limits of Disturbance	3,445 Sq. Ft
15.	Drainage Watershed	Saco River
16.	Water Supply	Public Water
17.	Sewerage Disposal	Public Sewer
18.	Fire Protection	City of Biddeford
19.	Ownership of Road	Public
20.	Additional Approvals/Permits Needed	None
21.	Fees Paid (LDR Attachment A)	All Fees paid
22.	Planning Board Review History Sketch Plan Preliminary Plan Final Plan Approval	 October 5th, 2022 January 18, 2023 May 17, 2023

CONCLUSIONS OF LAW:

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

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

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

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

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

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

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

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

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

10. The proposed use would be in compliance with Biddeford's Comprehensive Plan;

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

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

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

14. Adequate provision has been made to control erosion or sedimentation;

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

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

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

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

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

APPROVAL GRANTED:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the proposed project summarized within the attached Staff report and pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations, Article XI (Site Plan Review), and Article VI (Performance Standards), the Biddeford Planning Board has approved the application of Final Major

Case 2022.02: 3 Lincoln Street / Final Plan Review, Subdivision, and Shoreland Zoning (Tax Map 71, Lots 2) in the MSRD-3 zone and GD-1 Shoreland Overlay zone.
Planning Board Hearing date: February 15, 2023.

Subdivision and Site Plan review for a proposed and the recommended Findings of Fact (FOF) with the following Conditions of Approval (COA):

1. Standard Conditions of Approval apply.
2. Prior to the scheduling of the required Pre-construction meeting the Applicant shall make any required changes to the project Civil Plans for the review and approval of the Public Works Director.
3. Required Inspections
   i. Erosion & Sediment Control Inspections
      1. Needs to be completed by a City-approved 3rd Party Inspector and paid by the Applicant via the inspection fee escrow being held by the City.
      2. Initial, monthly, and final inspections
      3. Inspection reports need to be submitted to the Engineering Department

   ii. Right-of-way Inspections
      1. Needs to be completed by City Engineering Department
      2. For all public road, storm, and sewer connections

   iii. Stormwater BMP Installation Inspections
      1. Needs to be completed by the design engineer
      2. Confirming stormwater facilities installed correctly per design
      3. Inspection reports need to be submitted to the Kristie Rabasca & Engineering Department

   iv. Post-construction BMP Maintenance Annual Inspections
      1. Needs to be completed annually by the design engineer or 3rd party inspector
      2. Needs to assess the current condition of each BMP, what repairs are needed, and confirm on-going maintenance has occurred
      3. Annual inspection reports need to be submitted to the Kristie Rabasca & Engineering Department

   v. Site Punchlist Inspections
      1. Once As-Built drawings are submitted to the Planning Department (clearly identifying what deviations and variances were installed based on the approved permit drawings), the City Engineering Department will conduct an inspection.
      2. The applicant must give proper justification for any deviations from the approved plans; the City Planner should be contacted, in writing, <u>prior to construction</u> of any deviation from the approved development plans to request a de minimis change/s. Changes beyond the authority of the City Planner shall be reviewed and approved by the Planning Board.

   vi. Sewer Permits: Finalized and paid **prior to Building Permit Issuance**; payment coordination to go through Engineering Department.
   vii. As-Built Drawings and CAD Files need to be submitted to the Planning & Engineering Departments **prior to a 'Site Punchlist Inspection' and any bond release.**
   viii. York County Recorded Drawings: Applicant must submit copies of York County Registry of Deed drawings to Planning & Engineering Department **prior to Building Permit Issuance.**

4. Smith Street: The City Council shall review and approve the proposed Smith Street Easement Agreement allowing the use of Smith Street for the use of 69 Elm Street and the adjacent Port Properties lot on Upper Falls Road.

5. The Plans illustrate a non-mountable median to be installed separating the east / west traffic on Elm Street. The design illustrated on the plan is subject to MDOT review and approval. The City has requested that MDOT not require the median installation until it can be designed and incorporated into the Elm Street Master Plans.

_____
Larry Patoine
Planning Board Chair

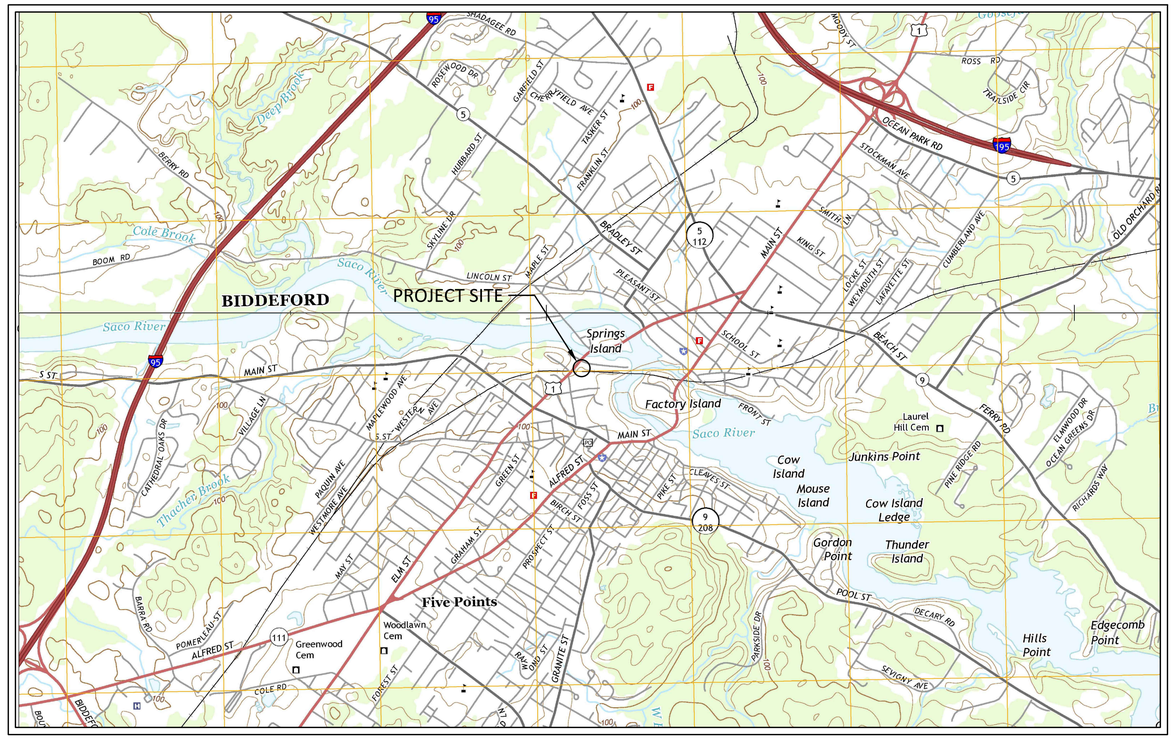
_____

ELM STREET APARTMENTS

ELM STREET & SMITH STREET
BIDDEFORD, MAINE

CONSULTANTS

CIVIL ENGINEER	DM ROMA CONSULTING ENGINEERS
LAND SURVEYOR	ST. CLAIR ASSOCIATES
ARCHITECT	DELANO ARCHITECTURE
GEOTECHNICAL ENGINEER	R.W. GILLESPIE & ASSOCIATES, INC.



PROJECT VICINITY MAP

APPLICANT:

PLAN EAST, LLC
74 WINNOCKS NECK ROAD
SCARBOROUGH, MAINE 04074

RE-ISSUED TO CITY FOR REVIEW - NOT FOR CONSTRUCTION

MAY 9, 2023

ELM STREET APARTMENTS

DRAWING SHEET INDEX

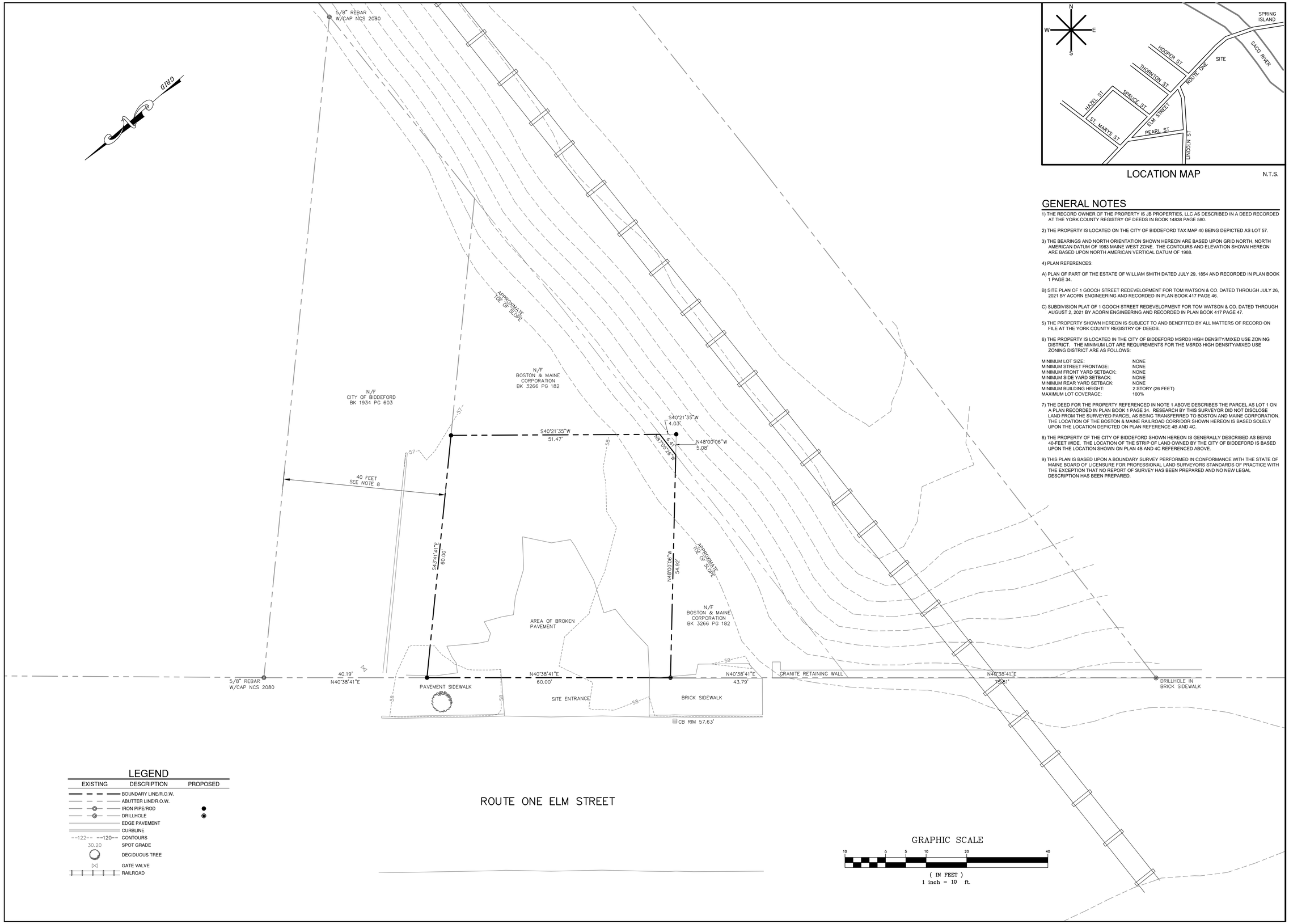
PAGE NO.	DESCRIPTION
1	TITLE SHEET
2	BOUNDARY & TOPOGRAPHIC SURVEY
3	SUBDIVISION PLAN
4	GRADING & UTILITY PLAN
5	DETAILS
6	DETAILS

PLAN ATTACHMENTS

ARCHITECTURAL DRAWINGS

PREPARED BY:

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055



LOCATION MAP N.T.S.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	BOUNDARY LINE/R.O.W.	
	ABUTTER LINE/R.O.W.	
	IRON PIPE/ROD	●
	DRILLHOLE	◉
	EDGE PAVEMENT	
	CURBLINE	
--122-- --120--	CONTOURS	
30.20	SPOT GRADE	
	DECIDUOUS TREE	
	GATE VALVE	
	RAILROAD	

GENERAL NOTES

1) THE RECORD OWNER OF THE PROPERTY IS JB PROPERTIES, LLC AS DESCRIBED IN A DEED RECORDED AT THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 14838 PAGE 580.

2) THE PROPERTY IS LOCATED ON THE CITY OF BIDDEFORD TAX MAP 40 BEING DEPICTED AS LOT 57.

3) THE BEARINGS AND NORTH ORIENTATION SHOWN HEREON ARE BASED UPON GRID NORTH, NORTH AMERICAN DATUM OF 1983 MAINE WEST ZONE. THE CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988.

4) PLAN REFERENCES:

A) PLAN OF PART OF THE ESTATE OF WILLIAM SMITH DATED JULY 29, 1854 AND RECORDED IN PLAN BOOK 1 PAGE 34.

B) SITE PLAN OF 1 GOOCH STREET REDEVELOPMENT FOR TOM WATSON & CO. DATED THROUGH JULY 26, 2021 BY ACORN ENGINEERING AND RECORDED IN PLAN BOOK 417 PAGE 46.

C) SUBDIVISION PLAT OF 1 GOOCH STREET REDEVELOPMENT FOR TOM WATSON & CO. DATED THROUGH AUGUST 2, 2021 BY ACORN ENGINEERING AND RECORDED IN PLAN BOOK 417 PAGE 47.

5) THE PROPERTY SHOWN HEREON IS SUBJECT TO AND BENEFITED BY ALL MATTERS OF RECORD ON FILE AT THE YORK COUNTY REGISTRY OF DEEDS.

6) THE PROPERTY IS LOCATED IN THE CITY OF BIDDEFORD MSRD3 HIGH DENSITY/MIXED USE ZONING DISTRICT. THE MINIMUM LOT ARE REQUIREMENTS FOR THE MSRD3 HIGH DENSITY/MIXED USE ZONING DISTRICT ARE AS FOLLOWS:

MINIMUM LOT SIZE:	NONE
MINIMUM STREET FRONTAGE:	NONE
MINIMUM FRONT YARD SETBACK:	NONE
MINIMUM SIDE YARD SETBACK:	NONE
MINIMUM REAR YARD SETBACK:	NONE
MINIMUM BUILDING HEIGHT:	2 STORY (26 FEET)
MAXIMUM LOT COVERAGE:	100%

7) THE DEED FOR THE PROPERTY REFERENCED IN NOTE 1 ABOVE DESCRIBES THE PARCEL AS LOT 1 ON A PLAN RECORDED IN PLAN BOOK 1 PAGE 34. RESEARCH BY THIS SURVEYOR DID NOT DISCLOSE LAND FROM THE SURVEYED PARCEL AS BEING TRANSFERRED TO BOSTON AND MAINE CORPORATION. THE LOCATION OF THE BOSTON & MAINE RAILROAD CORRIDOR SHOWN HEREON IS BASED SOLELY UPON THE LOCATION DEPICTED ON PLAN REFERENCE 4B AND 4C.

8) THE PROPERTY OF THE CITY OF BIDDEFORD SHOWN HEREON IS GENERALLY DESCRIBED AS BEING 40-FEET WIDE. THE LOCATION OF THE STRIP OF LAND OWNED BY THE CITY OF BIDDEFORD IS BASED UPON THE LOCATION SHOWN ON PLAN 4B AND 4C REFERENCED ABOVE.

9) THIS PLAN IS BASED UPON A BOUNDARY SURVEY PERFORMED IN CONFORMANCE WITH THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE WITH THE EXCEPTION THAT NO REPORT OF SURVEY HAS BEEN PREPARED AND NO NEW LEGAL DESCRIPTION HAS BEEN PREPARED.

STATE OF MAINE
DAVID C. ST CLAIR, JR.
2317
PROFESSIONAL LAND SURVEYOR

REV:	BY:	DATE:	STATUS:
B	DCS	01-11-2022	ADD LIDAR TOPO AT RAILROAD LINE
A	DCS	12-03-2021	FOR CLIENT REVIEW

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ST.CLAIR ASSOCIATES. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ST.CLAIR ASSOCIATES

ST.CLAIR ASSOCIATES
LAND SURVEYING AND CIVIL ENGINEERING
34 Forest Lane
Cumberland, ME 04021
Tel (207) 829-5558

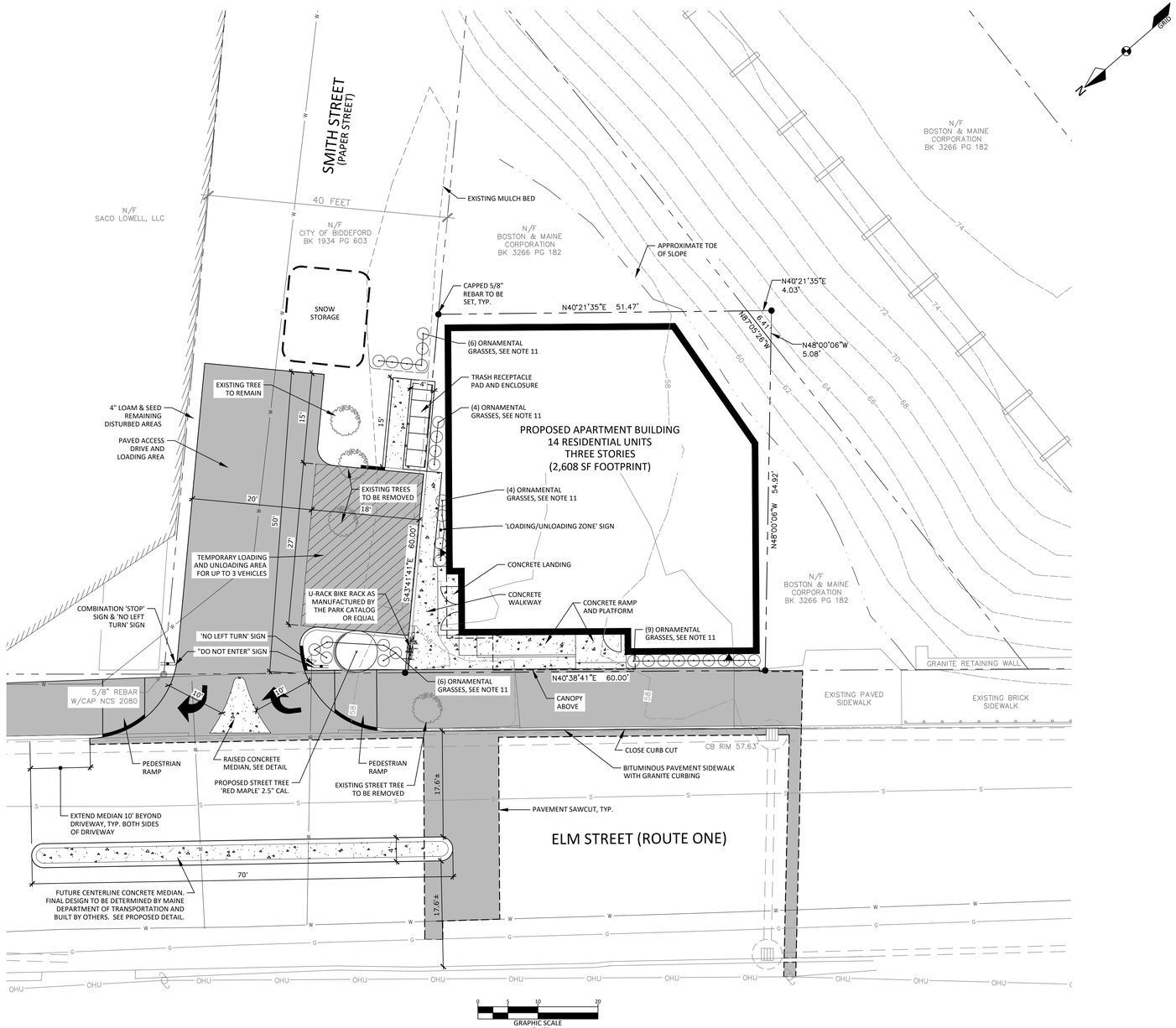
PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
21111	ELECT	.	DCS	DCS

BOUNDARY & TOPOGRAPHIC SURVEY
OF:
ELM STREET PROPERTY
69 ELM STREET
BIDDEFORD, MAINE
FOR:
PETER LAVOIE
6 WASHINGTON AVENUE
SCARBOROUGH, ME 04074

DATE	SCALE
12/03/2021	1"=10'

SHEET 1

21111EC TAB 21111EC

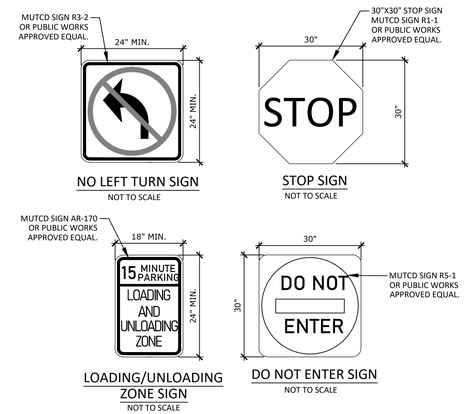


GENERAL NOTES:

1. THE OWNERS OF RECORD OF THE PROPERTY ARE PLAN EAST, LLC BY DEED RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS BOOK 19112 PAGE 498 AND PLAN WEST, LLC BY DEED RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS BOOK 19112 PAGE 500.
2. TOTAL AREA OF THE PARCEL IS APPROXIMATELY 3,445 SF.
3. PARCEL TAX MAP REFERENCE: CITY OF BIDDEFORD ASSESSORS MAP 40, LOT 57.
4. PLAN REFERENCES:
   A) BOUNDARY AND TOPOGRAPHIC SURVEY OF ELM STREET PROPERTY FOR PETER LAVOIE AS PREPARED BY ST. CLAIR ASSOCIATES DATED DECEMBER 3, 2021 AND REVISED THROUGH JANUARY 11, 2022.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
7. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON PLAN REFERENCE 4A.
8. THE PROPERTY IS LOCATED IN THE MSRD3 HIGH DENSITY/MIXED USE ZONING DISTRICT.
9. SPACE AND BULK REQUIREMENTS: MSRD3 DISTRICT

MIN LOT SIZE:	NONE
MIN STREET FRONTAGE:	NONE
MIN FRONT YARD:	NONE
MIN SIDE/REAR YARD:	NONE
MIN BUILDING HEIGHT:	2 STORIES (26 FEET)
MAX LOT COVERAGE:	100%

10. PARKING SUMMARY:
    REQUIRED PARKING SPACES: 1 SPACE PER DWELLING UNIT*
    1 SPACE X 14 UNITS = 14 PARKING SPACES
    PROVIDED PARKING SPACES: 14 PARKING SPACES WILL BE PROVIDED AND RESERVED IN THE PEARL STREET PARKING GARAGE.
    *IF DESIGNED EXCLUSIVELY FOR, AND OCCUPANCY IS RESTRICTED TO (TABLE 6-49B FROM ARTICLE VI PERFORMANCE STANDARDS)
11. ORNAMENTAL GRASSES TO BE CALAMAGROSITIS x ACUTIFLORA 'KARL FOERSTER' (KARL FOERSTER REED GRASS) 3 GALLON, OR APPROVED EQUAL



APPROVED - BIDDEFORD PLANNING BOARD:

CHAIRPERSON DATE

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER PROPERTY LINE	
	SETBACK	
	EASEMENT LINE	
	IRON PIN/DRILL HOLE	
	BUILDING	
	EDGE OF PAVEMENT/CURB	
	EDGE OF GRAVEL	
	EDGE OF CONCRETE	
200 201	CONTOUR LINE	
	CATCHBASIN	
	CULVERT/STORMDRAIN	
	SEWER MANHOLE	
S	SANITARY SEWER PIPE	
W	WATER MAIN	
WV	WATER VALVE	
	UTILITY POLE	
OHU	OVERHEAD UTILITIES	
	WALL MOUNTED LIGHT	

STATE OF MAINE
JAYSON R. HASKELL
No. 13430
LICENSED
PROFESSIONAL ENGINEER
5-9-2023

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

REV	DATE	BY	DESCRIPTION
A	12-9-22	JRH	ISSUED FOR UTILITY COORDINATION
B	12-14-22	JRH	ISSUED FOR PREL. SUBDIVISION REVIEW
C	1-31-23	JRH	ISSUED FOR SRCC REVIEW
D	2-8-23	JRH	ISSUED FOR FINAL SUBDIVISION REVIEW
E	2-24-23	JRH	ADDED LOADING AREA IN SMITH ST ROW
F	3-6-23	JRH	REVISED PER CITY REVIEW
G	5-9-23	JRH	RE-ISSUED FOR CITY REVIEW

SUBDIVISION PLAN

ELM STREET APARTMENTS
60 ELM STREET & SMITH STREET
BIDDEFORD, MAINE

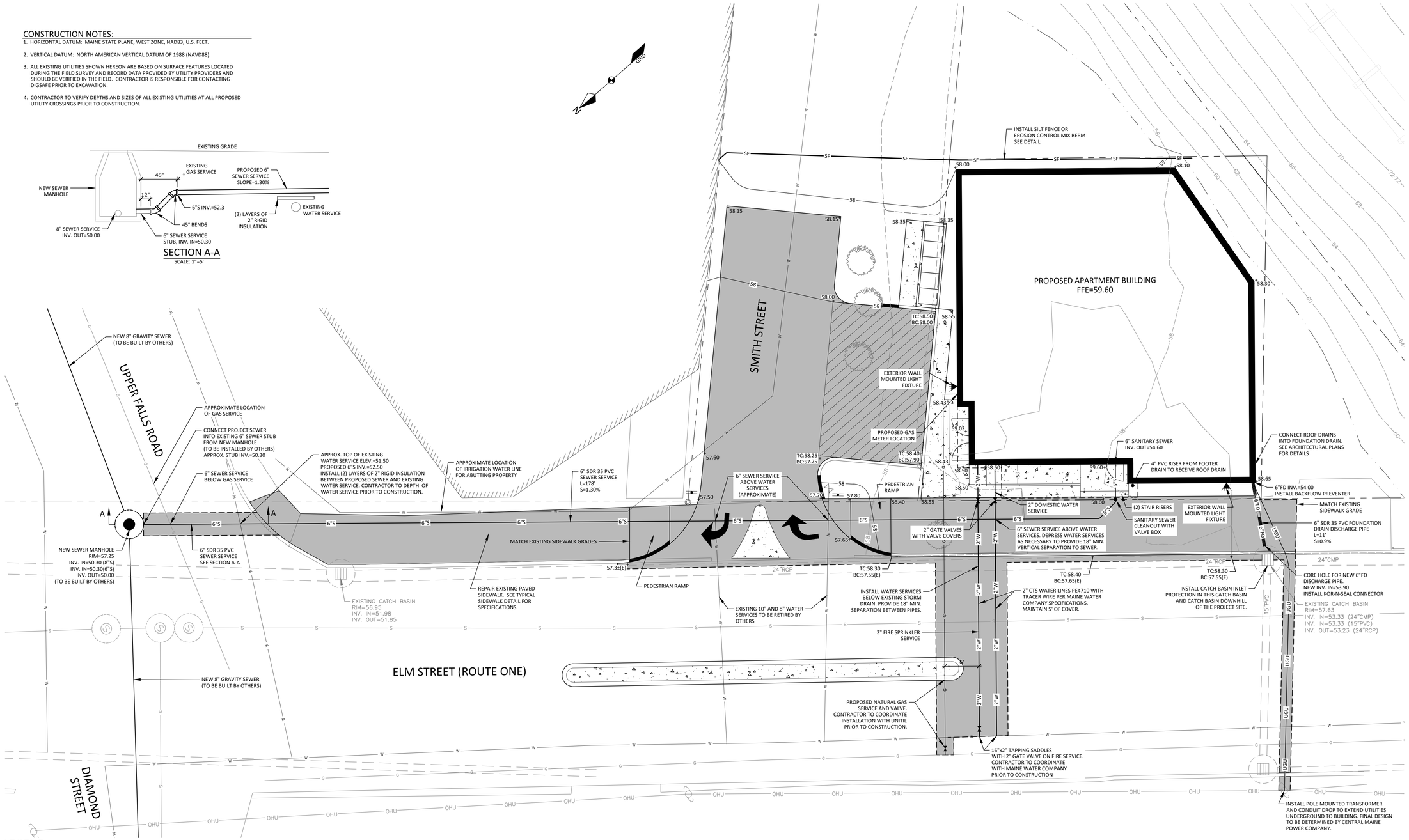
FOR RECORD OWNER:
PLAN EAST, LLC
74 WINDOCKS NECK ROAD
SCARBOROUGH, MAINE 04074

22004	JOB NUMBER:
1" = 10'	SCALE:
5-9-2023	DATE:
SHEET 3 OF 6	
SB-1	

CONSTRUCTION NOTES:

1. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
2. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. ALL EXISTING UTILITIES SHOWN HEREON ARE BASED ON SURFACE FEATURES LOCATED DURING THE FIELD SURVEY AND RECORD DATA PROVIDED BY UTILITY PROVIDERS AND SHOULD BE VERIFIED IN THE FIELD. CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIGSAFE PRIOR TO EXCAVATION.
4. CONTRACTOR TO VERIFY DEPTHS AND SIZES OF ALL EXISTING UTILITIES AT ALL PROPOSED UTILITY CROSSINGS PRIOR TO CONSTRUCTION.

SECTION A-A
SCALE: 1"=5'



LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER PROPERTY LINE	
	BUILDING	
	EDGE OF PAVEMENT/CURB	
	EDGE OF CONCRETE	
200 201	CONTOUR LINE	200 201
	CATCHBASIN	
	CULVERT/STORMDRAIN	
	SEWER MANHOLE	
S	SANITARY SEWER PIPE	S
W	WATER MAIN	W
WV	WATER VALVE	
	UTILITY POLE	
OHU	OVERHEAD UTILITIES	OHU
	SILT FENCE	SF

STATE OF MAINE
JAYSON R. HASSELL
No. 13420
LICENSED
PROFESSIONAL ENGINEER
5-9-2023

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

REV	DATE	BY	DESCRIPTION
B	12-14-22	JRH	ISSUED FOR PRELIMINARY SUBDIVISION REVIEW
C	1-31-23	JRH	ISSUED FOR SRCC REVIEW
D	2-8-23	JRH	ISSUED FOR FINAL SUBDIVISION REVIEW
E	2-24-23	JRH	ISSUED FOR CITY REVIEW
F	3-6-23	JRH	REVISED PER CITY REVIEW
G	3-29-23	JRH	REVISED ELECTRICAL SERVICE
H	5-9-23	JRH	RE-ISSUED TO CITY FOR REVIEW

GRADING AND UTILITY PLAN

ELM STREET APARTMENTS
60 ELM STREET
BIDDEFORD, MAINE

FOR:
PLAN EAST, LLC
74 WINNOCKS NECK ROAD
SCARBOROUGH, MAINE 04074

22004	JOB NUMBER:
1" = 8'	SCALE:
5-9-2023	DATE:
SHEET 4 OF 6	
GU-1	

EROSION AND SEDIMENTATION CONTROL NOTES:

EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS TO OCCUR DURING THE FOLLOWING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY.

IN ORDER TO EFFECTIVELY PREVENT AND CONTROL EROSION RELATED TO SOIL DISTURBANCE, THE FOLLOWING BEST MANAGEMENT PRACTICES (BMPS) SHALL BE EMPLOYED:

1. POLLUTION PREVENTION

MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADIENT BUFFER AREAS TO THE EXTENT PRACTICABLE. CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE SOIL EROSION. MINIMIZE THE DISTURBANCE OF STEEP SLOPES. CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOW RATES AND VOLUME, TO MINIMIZE EROSION AT OUTLETS. THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, STREAM CHANNELS OR STREAM BANKS, UPLAND, OR COASTAL OR FRESHWATER WETLANDS OFF THE PROJECT SITE.

WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 30 FEET AND 50 FEET OF ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.

2. TEMPORARY SOIL STABILIZATION BMPS

TEMPORARY MULCHING SHALL BE APPLIED IMMEDIATELY TO ANY AREAS THAT HAVE BEEN TEMPORARILY OR PERMANENTLY SEEDED. ANY DISTURBED SOIL WITHIN 75' OF A STREAM, WATER BODY OR WETLAND MUST RECEIVE TEMPORARY MULCH WITHIN 48 HOURS FOLLOWING DISTURBANCE AND BEFORE ANY STORM EVENT. ALL OTHER AREAS SHALL RECEIVE TEMPORARY MULCH WITHIN 7 DAYS OF DISTURBANCE. AREAS WHICH CANNOT BE SEEDED DURING THE GROWING SEASON SHALL BE MULCHED FOR OVER-WINTER PROTECTION. THE FOLLOWING ARE ACCEPTABLE TEMPORARY MULCHING METHODS:

HAY OR STRAW MULCHES NEED TO BE AIR-DRIED, FREE OF UNDESIRABLE SEEDS AND COARSE MATERIALS. APPLICATION RATE MUST BE 2 BALES (70-90 POUNDS) PER 1000 SQ FT OR 1.5 TO 2 TONS (90-100 BALES) PER ACRE TO COVER 75-90% OF THE GROUND SURFACE. HAY OR STRAW CAN BE DRIVEN INTO THE GROUND WITH TRACKED EQUIPMENT IF SLOPES ARE LESS THAN 3%, OR CAN BE ANCHORED WITH JUTE, WOOD FIBER OR PLASTIC NETTING ON STEEPER SLOPES.

EROSION CONTROL MIX MUST CONSIST PRIMARILY OF ORGANIC MATERIAL AND WILL INCLUDE ANY OF THE FOLLOWING: SHREDDED BARK, STUMP GRINDINGS, COMPOSTED BARK OR OTHER ACCEPTABLE PRODUCTS BASED ON A SIMILAR RAW SOURCE. WOOD OR BARK CHIPS, GROUND CONSTRUCTION DEBRIS OR REPROCESSED WOOD PRODUCTS ARE NOT ACCEPTABLE. EROSION CONTROL MIX CAN BE USED AS A STAND-ALONE REINFORCEMENT ON SLOPES OF 2 HORIZONTAL TO 1 VERTICAL OR LESS AND DRAINING IN SHEET FLOW. IT CAN BE PLACED WITH A HYDRAULIC BUCKET, WITH A PNEUMATIC BLOWER OR BY HAND, AND MUST PROVIDE 100% SOIL COVERAGE.

EROSION CONTROL MIX SHALL MEET THE FOLLOWING SPECIFICATIONS:
- -ORGANIC MATTER CONTENT SHALL BE BETWEEN 80-100%, DRY WEIGHT BASIS.
- -PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A 6 IN. SCREEN AND BETWEEN 70-85% PASSING 0.75 IN. SCREEN
- -ORGANIC PORTION NEEDS TO BE FIBROUS AND ELONGATED
- -LARGE PORTIONS OF SILTS, CLAYS OR FINE SANDS ARE NOT ACCEPTABLE IN THE MIX

WHEN USED AS MULCH, THE THICKNESS OF THE ERISION CONTROL MIX IS BASED UPON THE FOLLOWING:

LENGTH OF SLOPE	3:1 SLOPE OR LESS	BETWEEN 2:1 AND 3:1 SLOPE
LESS THAN 20 FT	2.0 IN.	4.0 IN.
BETWEEN 20 - 60 FT	3.0 IN.	5.0 IN.
BETWEEN 60 - 100 FT	4.0 IN.	6.0 IN.

CHEMICAL MULCHES AND SOIL BINDERS MAY BE USED AS DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL CONSULT WITH THE MANUFACTURER TO DETERMINE ADEQUATE APPLICATION RATES AND METHODS.

TEMPORARY MULCH SHALL BE INSPECTED FOLLOWING ANY SIGNIFICANT RAINFALL EVENT. IF LESS THAN 90% OF THE SOIL SURFACE IS COVERED BY MULCH, ADDITIONAL MULCH SHALL BE IMMEDIATELY APPLIED. ERISION CONTROL MATS AND MULCH ANCHORING MUST BE INSPECTED AFTER RAINFALL EVENTS FOR DISLOCATION OR FAILURE, AND REPAIRED IMMEDIATELY. INSPECTIONS SHALL TAKE PLACE UNTIL 95% OF THE SOIL SURFACE IS COVERED WITH PERMANENT VEGETATION. WHERE MULCH IS USED WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE, AND REPAIR AS NEEDED.

TEMPORARY VEGETATION SHALL BE ESTABLISHED ON SOILS THAT WILL NOT BE BROUGHT TO FINAL GRADE FOR A PERIOD OF MORE THAN 30 DAYS. IF TEMPORARY VEGETATION CANNOT BE ESTABLISHED PRIOR TO OCTOBER 15, TEMPORARY MULCH SHALL BE APPLIED THROUGH THE WINTER AND TEMPORARY VEGETATION SHALL BE PLANTED AT THE BEGINNING OF THE GROWING SEASON THE FOLLOWING YEAR. TO PREPARE THE SEEDBED, THE CONTRACTOR SHALL APPLY FERTILIZER AT A RATE OF 600 POUNDS PER ACRE OF 10-10-10 (N-P205-K20) OR EQUIVALENT AND LIMESTONE AT A RATE OF 3 TONS PER ACRE, IF NECESSARY. LOOSEN SOIL TO A DEPTH OF 2 INCHES IN AREAS THAT HAVE BEEN COMPACTED BY CONSTRUCTION ACTIVITIES. GRASS SEED SHALL BE SELECTED BASED UPON THE TIME OF YEAR THE PLANTING WILL TAKE PLACE AS SUMMARIZED IN THE FOLLOWING TABLE:

SEED	LB. PER ACRE	RECOMMENDED SEEDING DATES
WINTER RYE	112	8/15 - 10/1
OATS	80	4/1 - 7/1 8/15 - 9/15
ANNUAL RYEGRASS	40	4/1 - 7/1

TEMPORARY SEEDING SHALL BE PERIODICALLY INSPECTED TO MAINTAIN AT LEAST 95% VEGETATIVE COVER OF SOIL SURFACE. IF ANY EVIDENCE OF EROSION OR SEDIMENTATION IS APPARENT, REPAIRS SHALL BE MADE AND OTHER TEMPORARY MEASURES SHALL BE USED IN THE INTERIM SUCH AS TEMPORARY MULCH, FILTER BARRIERS, ETC.

3. SEDIMENT BARRIER BMPS

PRIOR TO CONSTRUCTION TEMPORARY SEDIMENT BARRIERS SHALL BE INSTALLED AT THE DOWNGRADIENT EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA . SEDIMENT BARRIERS INCLUDE ANY OF THE FOLLOWING:

FILTER BARRIER FENCE, ALSO CALLED SILT FENCE, SHALL BE INSTALLED WHERE SHOWN ON THE PLANS AND IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. THE FILTER FABRIC SHALL BE A PERVIOUS SHEET OF PROPYLENE, NYLON, POLYESTER OR ETHYLENE YARN AND SHALL PROVIDE A MINIMUM OF 6 MONTHS USABLE CONSTRUCTION LIFE INCLUDING PROTECTION AGAINST ULTRA-VIOLET LIGHT. THE HEIGHT OF THE FENCE SHALL NOT EXCEED 36 INCHES INSTALLED AND POST SPACING SHALL NOT EXCEED 6 FEET. JOINTS IN THE FENCE SHALL BE AVOIDED TO THE EXTENT POSSIBLE, AND IF NECESSARY SHALL BE SPLICED TOGETHER AT A SUPPORT POST WITH A MINIMUM 6 INCH OVERLAP. A TRENCH SHALL BE EXCAVATED APPROXIMATELY 6 INCHES WIDE AND 6 INCHES DEEP, AND THE BOTTOM 6-8 INCHES OF FABRIC SHALL BE "TOED-IN" TO THE TRENCH AND COMPACTED. THE TRENCH SHOULD BE UPHILL OF THE FABRIC PRIOR TO BURIAL.

EROSION CONTROL MIX BERMS ARE LINEAR BARRIERS COMPOSED OF EROSION CONTROL MIX AS SPECIFIED ABOVE. THE BERM MUST BE A MINIMUM OF 12 INCHES TALL AND 24 INCHES WIDE AT THE BASE IF UPHILL SLOPES ARE LESS THAN 5%. STEEPER SLOPES OR SLOPES GREATER THAN 20 FEET LONG MAY REQUIRE A LARGER WIDTH BERM. EROSION CONTROL MIX BERMS SHALL BE PROHIBITED AT THE BASE OF A LONG OR STEEP SLOPE (8% OR GREATER) WITHOUT THE ADDITIONAL SUPPORT OF A FILTER FENCE INSTALLED ON THE DOWNHILL SIDE OF THE BERM.

SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADIENT OF SOIL OR SEDIMENT STOCKPILES AND STORMWATER PREVENTED RUNNING ONTO THE STOCKPILE. SEDIMENT BARRIERS SHALL BE INSPECTED AFTER ANY SIGNIFICANT RAINFALL EVENT AND REPAIRED IMMEDIATELY IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE BARRIERS. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR EDGES OF THE BARRIER, OR IF LARGE VOLUMES OF WATER ARE IMPOUNDED BEHIND THE BARRIER, IT MAY BE NECESSARY TO INSTALL A SEDIMENT BASIN UPGRADIENT OF THE SEDIMENT BARRIER. SEDIMENT SHALL BE REMOVED ONCE IT REACHES HALF THE BARRIER HEIGHT. AFTER THE BARRIER IS REMOVED, ANY REMAINING SILT SHALL EITHER BE REMOVED OR GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

TEMPORARY EROSION CONTROL MEASURES ARE REMOVED ONCE THE SITE IS PERMANENTLY STABILIZED AND CONSTRUCTION ACTIVITY HAS BEEN COMPLETED.

4. STORM DRAIN INLET PROTECTION

STORM DRAIN INLETS THAT ARE MADE OPERATIONAL BEFORE THEIR DRAINAGE AREA IS STABILIZED SHALL BE PROTECTED WITH A FILTER UNTIL THE DRAINAGE AREA IS EITHER PAVED OR STABILIZED WITH 95% VEGETATIVE GROWTH. THE FOLLOWING ARE ACCEPTABLE BMPS ASSOCIATED WITH STORM DRAIN INLET PROTECTION:

MANUFACTURED SEDIMENT FILTERS ARE THE PREFERRED METHOD FOR PROTECTING CATCH BASIN INLETS IN PAVED OR GRAVEL ROADWAYS. THE FILTERS TYPICALLY CONSIST OF A FABRIC OR OTHER PERVIOUS MATERIAL THAT IS PLACED ABOVE OR BELOW THE GRATE THAT TRAPS SEDIMENT ON THE SURFACE AND ALLOWS WATER TO FLOW THROUGH THE GRATE. CONSIDERATIONS SUCH AS WEATHER CONDITIONS, SLOPES, TRIBUTARY WATERSHED AREA AND EXPECTED SEDIMENT ACCUMULATION SHOULD BE FACTORED INTO MAKING A DECISION ON ANY PARTICULAR PRODUCT, AND THE MANUFACTURER'S RECOMMENDATIONS ON INSTALLATION AND MAINTENANCE SHALL BE STRICTLY ADHERED TO.

5. STABILIZED CONSTRUCTION ENTRANCE/EXIT

TO REDUCE THE TRACKING OF SEDIMENT ONTO ROADWAYS, A STABILIZED CONSTRUCTION EXIT SHALL BE INSTALLED AT ALL POINTS OF EGRESS WHERE VEHICLES MAY TRAVEL FROM THE PROJECT SITE TO A PUBLIC ROAD OR OTHER PAVED AREA. THE STONE PAD SHALL CONSIST OF A MINIMUM 6-INCH DEPTH OF 2-3 INCH CRUSHED STONE, AND SHALL BE PLACED ON A GEOTEXTILE FABRIC. THE PAD SHALL EXTEND AT LEAST 50 FEET INTO THE PROJECT SITE AND BE A MINIMUM OF 10 FEET WIDE. THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, AND THE CONTRACTOR SHALL SWEEP PAVEMENT AT EXITS THAT HAVE EXPERIENCED ANY MUD-TRACKING PRIOR TO THE NEXT STORM EVENT. MAINTAIN THE PAD UNTIL ALL DISTURBED AREAS ARE STABILIZED.

6. DUST CONTROL

THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST ON THE PROJECT SITE AND ON ADJACENT ROADWAYS. EXPOSED SOIL SURFACES SHALL BE MOISTENED PERIODICALLY WITH ADEQUATE WATER TO CONTROL DUST. GRAVEL SURFACES SHALL EITHER BE TREATED WITH AN APPLICATION OF CALCIUM CHLORIDE OR COVERED WITH CRUSHED STONE IF DUST CONTROL BECOMES DIFFICULT WITH NORMAL WATER APPLICATIONS.

7. LAND GRADING AND SLOPE PREPARATION

GRADING SHALL BE PLANNED SO AS TO MINIMIZE THE LENGTH OF TIME BETWEEN INITIAL SOIL EXPOSURE AND FINAL GRADING. ON LARGE PROJECTS THIS SHOULD BE ACCOMPLISHED BY PHASING THE OPERATION AND COMPLETING THE FIRST PHASE UP TO FINAL GRADING AND SEEDING BEFORE STARTING THE NEXT PHASE. ANY EXPOSED AREA THAT WILL NOT BE FINISH GRADED WITHIN 7 DAYS SHALL BE TREATED WITH MULCH OR PLANTED WITH TEMPORARY VEGETATION. PROVISIONS SHALL BE MADE TO SAFELY CONVEY SURFACE RUNOFF TO STORM DRAINS, PROTECTED OUTLETS OR TO STABLE WATER COURSES TO ENSURE THAT SURFACE RUNOFF WILL NOT DAMAGE SLOPES OR OTHER GRADED AREAS. CUT AND FILL SLOPES THAT ARE TO BE STABILIZED WITH GRASS SHALL NOT BE STEEPER THAN 2:1. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIALS. AREAS SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 INCHES PRIOR TO PLACEMENT OF TOPSOIL. ALL FILLS SHALL BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS. FILL INTENDED TO SUPPORT BUILDINGS, STRUCTURES AND CONDUITS, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH LOCAL REQUIREMENTS OR CODES. ALL FILLS SHALL BE PLACED AND COMPACTED IN LAYERS NOT TO EXCEED 8 INCHES IN THICKNESS. FILL MATERIAL SHALL BE FREE OF STUMPS, BUILDING DEBRIS AND OTHER OBJECTIONABLE MATERIALS THAT WOULD INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY LIFTS. FROZEN MATERIAL OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED INTO FILL SLOPES OR STRUCTURAL FILLS. FILL SHALL NOT BE PLACED ON A FROZEN FOUNDATION. SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED APPROPRIATELY. ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY FOLLOWING FINISHED GRADING.

8. TOPSOIL

IF POSSIBLE, TOPSOIL SHALL BE STOCKPILED ON THE PROJECT SITE AND REUSED. HIGH QUALITY TOPSOIL SHALL BE FRIABLE AND LOAMY (LOAM, SANDY LOAM, SILT LOAM, SANDY CLAY LOAM, CLAY LOAM), AND SHALL BE FREE OF DEBRIS, TRASH, STUMPS, ROCKS, ROOTS AND NOXIOUS WEEKS. AFTER THE AREAS TO BE TOPSOILED HAVE BEEN BROUGHT TO GRADE, AND IMMEDIATELY PRIOR TO SPREADING THE TOPSOIL, THE SUBGRADE SHALL BE LOOSENED BY SCARIFYING TO A DEPTH OF AT LEAST 2 INCHES TO ENSURE BONDING WITH SUBSOIL. THE TOPSOIL SHALL BE UNIFORMLY DISTRIBUTED TO A MINIMUM COMPACTED DEPTH OF 4 INCHES. ANY IRREGULARITIES IN THE SURFACE RESULTING FROM TOPSOILING OR OTHER OPERATIONS SHALL BE CORRECTED IN ORDER TO PREVENT THE FORMATION OF DEPRESSIONS OR WATER POCKETS. IT IS NECESSARY TO COMPACT THE TOPSOIL ENOUGH TO ENSURE GOOD CONTACT WITH THE UNDERLYING SOIL, BUT UNDUE COMPACTION IS TO BE AVOIDED.

9. PERMANENT SOIL STABILIZATION

IF THE AREA WILL NOT BE WORKED FOR MORE THAN ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, THEN PERMANENTLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SOD, OR THROUGH THE USE OF PERMANENT MULCH, OR RIPRAP, OR ROAD SUB-BASE. IF USING VEGETATION FOR STABILIZATION, SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS; AMEND AREAS OF DISTURBED SUBSOILS WITH TOPSOIL, COMPOST, OR FERTILIZERS; PROTECT SEEDED AREAS WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS; AND SCHEDULE SODDING, PLANTING, AND SEEDING SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 90% COVER BY HEALTHY VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND RESTABILIZED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT. ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.

SEEDED AREAS: TO PREPARE THE SEEDBED, APPLY 10-20-20 FERTILIZER AT A RATE OF 800 POUNDS PER ACRE AND GROUND LIMESTONE AT A RATE OF 3 TONS PER ACRE. WORK THE FERTILIZER AND LIMESTONE INTO THE TOPSOIL TO A DEPTH OF 4 INCHES AND REMOVE ANY STONES, ROOTS OR OTHER VISIBLE DEBRIS. SELECT A SEED MIXTURE THAT IS APPROPRIATE FOR THE SOIL TYPE AND MOISTURE CONTENT AS FOUND AT THE SITE, AND FOR THE AMOUNT OF SUN EXPOSURE AND FOR LEVEL OF USE. REFER TO THE USDA SOIL CONSERVATION SERVICE OR THE LOCAL SOIL AND WATER CONSERVATION DISTRICT FOR APPROPRIATE SEED MIXTURES. APPLY SEED UNIFORMLY IN ACCORDANCE WITH SUPPLIER RECOMMENDATIONS AND IMMEDIATELY COVER WITH MULCH AS DESCRIBED IN THE TEMPORARY MULCHING SECTION OF THIS PLAN.

HYDROSEEDING SHALL BE DONE IN ACCORDANCE WITH SUPPLIERS RECOMMENDATIONS. FOR SEEDED AREAS TO BE PERMANENTLY STABILIZED, 90% OF THE DISTURBED SOIL SHALL BE COVERED WITH MATURE HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.

SOD STRIPS SHALL BE LAID AT RIGHT ANGLES TO DIRECTION OF SLOPE OR FLOW OF WATER STARTING AT LOWEST ELEVATION. JOINTS SHALL BE STAGGERED, AND ALL STRIPS SHALL BE ROLLED OR TAMPED INTO PLACE. ON SLOPES, SOD SHALL BE ANCHORED WITH STAPLES, WIRE OR PINS. IRRIGATE SODDED AREA IMMEDIATELY AFTER INSTALLATION. FOR SODDED AREAS TO BE PERMANENTLY STABILIZED, THE ROOTS OF THE SOD MUST BE COMPLETELY BOUND INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.

PERMANENT MULCH IS A LONG TERM COVER THAT PROVIDES A GOOD BUFFER AROUND DISTURBED AREAS. THE EROSION CONTROL MIX SHALL CONSIST PRIMARILY OF ORGANIC MATERIAL AND MAY INCLUDE SHREDDED BARK, STUMP GRINDINGS OR COMPOSTED BARK. WOOD CHIPS, GROUND CONSTRUCTION DEBRIS, REPROCESSED WOOD PRODUCTS OR BARK CHIPS ARE NOT ACCEPTABLE. THE EROSION CONTROL MIX SHALL CONTAIN A WELL-GRADED MIXTURE OF PARTICLE SIZES AND MAY CONTAIN ROCKS LESS THAN 4 INCHES IN DIAMETER. EROSION CONTROL MIX MUST BE FREE OF REFUSE, PHYSICAL CONTAMINANTS AND MATERIAL TOXIC TO PLANT GROWTH.

RIPRAP STONE SHALL CONSIST OF SUB-ANGULAR FIELD STONE OR ROUGH UNEVEN QUARRY STONE OF APPROXIMATELY RECTANGULAR SHAPE. THE DEPTH OF STONE SHALL BE A MINIMUM OF 2.2 TIMES THE MAXIMUM STONE DIAMETER. A GRAVEL OR GEOTEXTILE FILTER BLANKET SHALL BE PLACED BETWEEN THE RIPRAP AND UNDERLYING SOIL SURFACE. GRAVEL FILTER BLANKETS SHALL MEET MDOT TYPE-C UNDERDRAIN MATERIAL SPECIFICATIONS AND BE AT LEAST 6 INCHES THICK. GEOTEXTILE FILTER BLANKETS SHALL BE SPECIFIED BASED ON SITE CONDITIONS. RIPRAP SLOPES SHALL BE TOED INTO THE BASE OF THE EMBANKMENT BY EXCAVATING A TRENCH AT THE BOTTOM OF THE SLOPE AND INSTALLING A STABLE BASE OF RIPRAP TO GRADE.

DITCHES, CHANNELS AND SWALES ARE CONSIDERED PERMANENTLY STABILIZED WHEN THE CHANNEL HAS 90% COVER OF HEALTHY VEGETATION WITH A WELL GRADED RIPRAP LINING, EROSION CONTROL BLANKET, OR WITH ANOTHER NON-EROSIVE LINING SUCH AS CONCRETE OR ASPHALT PAVEMENT. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE CHANNEL LINING, UNDERCUTTING OF THE BANKS, OR DOWNCUTTING OF THE CHANNEL.

10. STORMWATER CHANNELS

EACH CHANNEL SHOULD BE CONSTRUCTED IN SECTIONS SO THAT THE SECTION'S GRADING, SHAPING, AND INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED THE SAME DAY. IF A CHANNEL'S FINAL GRADING OR LINING INSTALLATION MUST BE DELAYED, THEN DIVERSION BERMS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNEL, PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED IN THE CHANNEL TO SLOW THE WATER VELOCITY, AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING.

WINTER EROSION AND SEDIMENTATION CONTROL NOTES:

THE WINTER CONSTRUCTION PERIOD TYPICALLY BEGINS IN EARLY NOVEMBER AND ENDS IN MID APRIL. IF A CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE OR RIPRAP BY NOVEMBER 15 THEN THE SITE NEEDS TO BE PROTECTED WITH OVER-WINTER STABILIZATION. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS TO OCCUR DURING THE FOLLOWING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. AN AREA SHALL BE CONSIDERED DENUDED UNTIL THE SUBBASE GRAVEL IS INSTALLED IN THE ROADWAY AREAS OR THE AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDED AND MULCHED. A COVER OF EROSION CONTROL MIX IS THE PREFERRED TEMPORARY MULCH DURING WINTER CONDITIONS.

1. NATURAL RESOURCE PROTECTION

ANY AREAS WITHIN 75 FEET FROM ANY REGULATED NATURAL RESOURCES SHALL BE MULCHED BY DECEMBER 1 AND ANCHORED WITH PLASTIC NETTING OR PROTECTED WITH AN EROSION CONTROL COVER. DURING WINTER CONSTRUCTION, A DOUBLE ROW OF SEDIMENT BARRIERS (FOR EXAMPLE, SILT FENCE BACKED WITH HAY BALES OR EROSION CONTROL MIX) WILL BE PLACED BETWEEN ANY REGULATED NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE REGULATED NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE. EXISTING PROJECTS NOT STABILIZED BY DECEMBER 1 SHALL BE PROTECTED WITH THE SECOND LINE OF SEDIMENT BARRIER TO ENSURE FUNCTIONALITY DURING THE SPRING THAW AND RAINS.

2. SEDIMENT BARRIERS

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS MAY CONSIST OF EROSION CONTROL MIX BERMS OR ANY OTHER RECOGNIZED SEDIMENT BARRIERS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES OR SILT FENCES.

3. MULCHING

ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 3 TONS PER ACRE (TWICE THE NORMAL ACCEPTED RATE) AND SHALL BE PROPERLY ANCHORED. EROSION CONTROL MIX MUST BE APPLIED WITH A MINIMUM 4 INCHES THICKNESS. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. SNOW MUST BE REMOVED DOWN TO A ONE-INCH DEPTH PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA WILL BE PROPERTY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED OR ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER MULCH NETTING, TRACKING OR WOOD CELLULOSE FIBER. THE COVER WILL BE CONSIDERED SUFFICIENT WITH THE GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. AFTER NOVEMBER 1ST, MULCH AND ANCHORING OF ALL EXPOSED SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORKDAY.

4. SOIL STOCKPILING

STOCKPILES OF SOIL OR SUBSOIL WILL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RAT EOR WITH A FOUR-INCH LAYER OF EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STACKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED WITHIN 100 FEET FROM ANY REGULATED NATURAL RESOURCE.

5. SEEDING

BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1 AND IF THE EXPOSED AREA HAS BEEN LOOMED, FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. IF DORMANT SEEDING IS USED, ALL DISTURBED AREAS SHALL RECEIVE 4 INCHES OF LOAM AND SEED AT AN APPLICATION RATE OF 5 LBS PER 1,000 S.F. ALL AREAS INSUFFICIENTLY VEGETATED (LESS THAN 75%) IN THE SPRING SHALL BE REVEGETATED.

6. OVER-WINTER STABILIZATION OF DITCHES AND CHANNELS

ALL STONE-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED BY NOVEMBER 1. ALL GRASS-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED BY SEPTEMBER 1. IF A GRASS-LINED DITCH OR CHANNEL IS STABILIZED BY SEPTEMBER 1, THEN EITHER A SOD LINING SHALL BE INSTALLED PRIOR TO OCTOBER 1 OR THE DITCH MUST BE LINED WITH STONE RIPRAP BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE PRIOR TO NOVEMBER 1.

7. OVER-WINTER STABILIZATION OF DISTURBED SLOPES

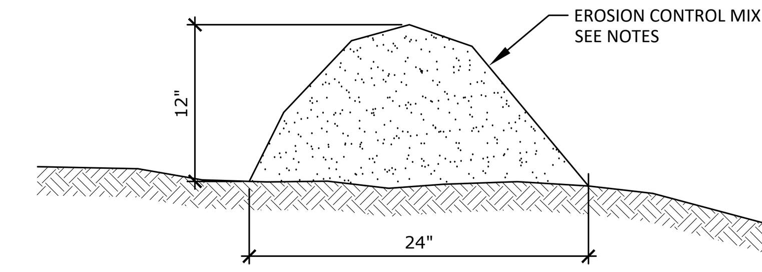
ALL STONE-COVERED SLOPES MUST BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15. ALL SLOPES TO BE VEGETATED MUST BE SEEDED AND MULCHED BY SEPTEMBER 1. ALL AREAS HAVING A GRADE STEEPER THAN 8% SHALL BE CONSIDERED A SLOPE. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1, THEN THE SLOPE SHALL EITHER BE STABILIZED WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS BY OCTOBER 1, SOD BY OCTOBER 1, EROSION CONTROL MIX BY NOVEMBER 1 OR STONE RIPRAP BY NOVEMBER 15. SEE APPLICABLE SECTIONS UNDER EROSION AND SEDIMENTATION CONTROL NOTES FOR PROPER INSTALLATION METHODS.

8. OVER-WINTER STABILIZATION OF DISTURBED SOILS

BY SEPTEMBER 15, ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15% MUST BE SEEDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN THE AREA SHALL EITHER BE STABILIZED WITH TEMPORARY VEGETATION BY OCTOBER 1, SOD BY OCTOBER 1, OR MULCH BY NOVEMBER 15. SEE APPLICABLE SECTIONS UNDER EROSION AND SEDIMENTATION CONTROL NOTES FOR PROPER INSTALLATION METHODS.

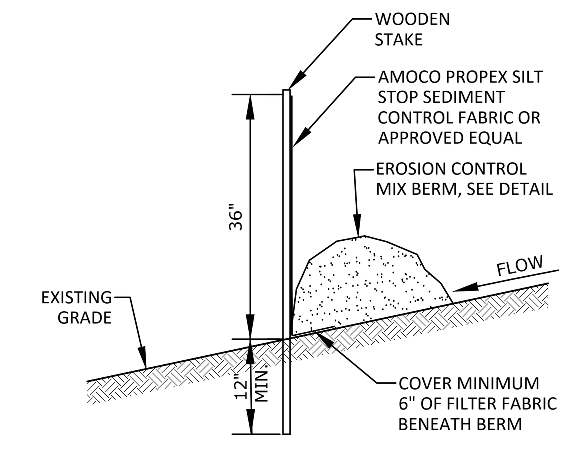
9. MAINTENANCE

MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AFTER EACH RAINFALL, SNOW STORM, PERIOD OF THAWING AND RUNOFF AND AT LAST ONCE A WEEK, THE SITE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM REPAIRS AS NEEDED TO INSURE THEIR CONTINUOUS FUNCTION. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDING AND MULCHING, THE CONTRACTOR SHALL, IN THE SPRING, INSPECT AND REPAIR ANY DAMAGES AND/OR BARE SPOTS. AN ESTABLISHED VEGETATIVE COVER MEANS A MINIMUM OF 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH.

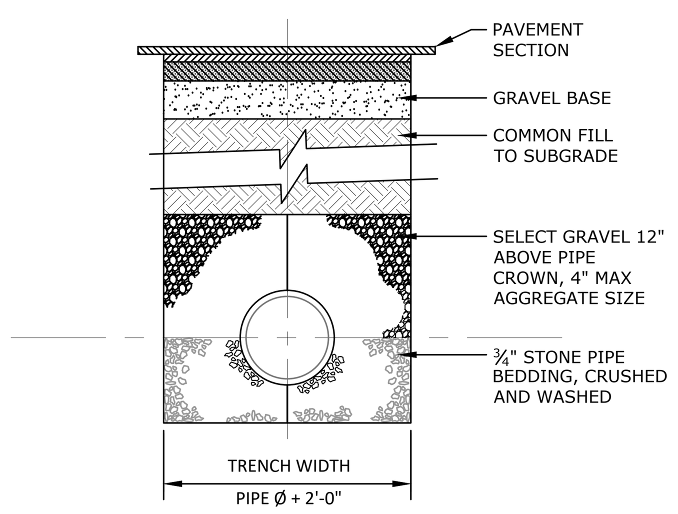


NOTES:
1. EROSION CONTROL MIX BERM INSTALLED 12" HIGH AND 24" WIDE CONSISTING OF STUMP GRINDINGS WITH NO ROCKS GREATER THAN 4" OR LARGE AMOUNTS OF FINES.
2. SEE SECTION 3 OF THE EROSION AND SEDIMENTATION CONTROL NOTES, THIS SHEET, FOR INSTALLATION LOCATION REQUIREMENTS AND ADDITIONAL DETAIL..

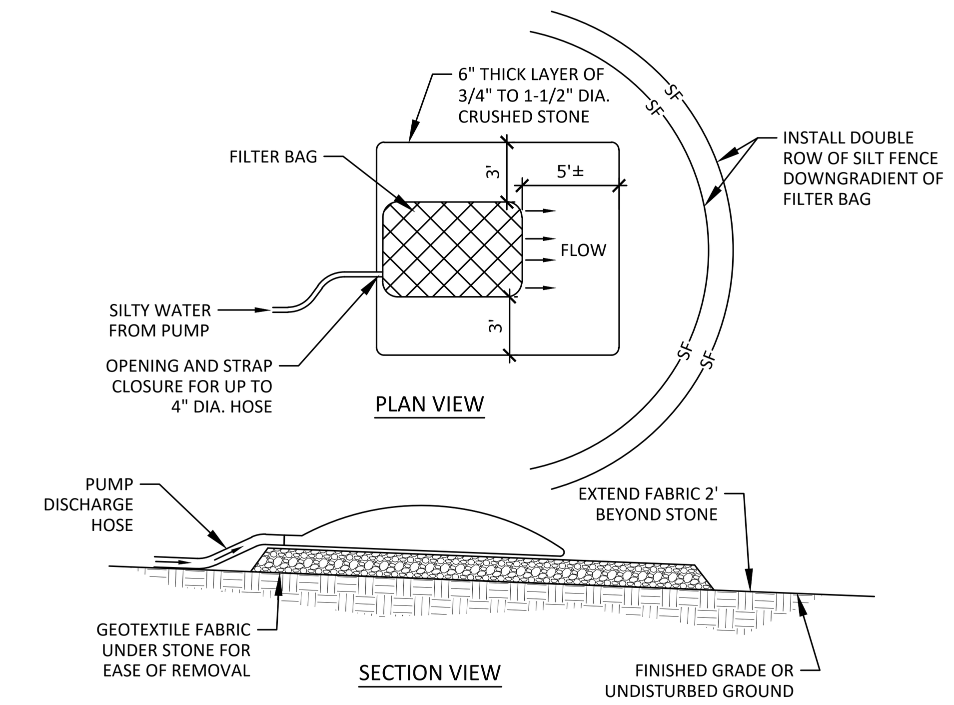
EROSION CONTROL MIX BERM
NOT TO SCALE



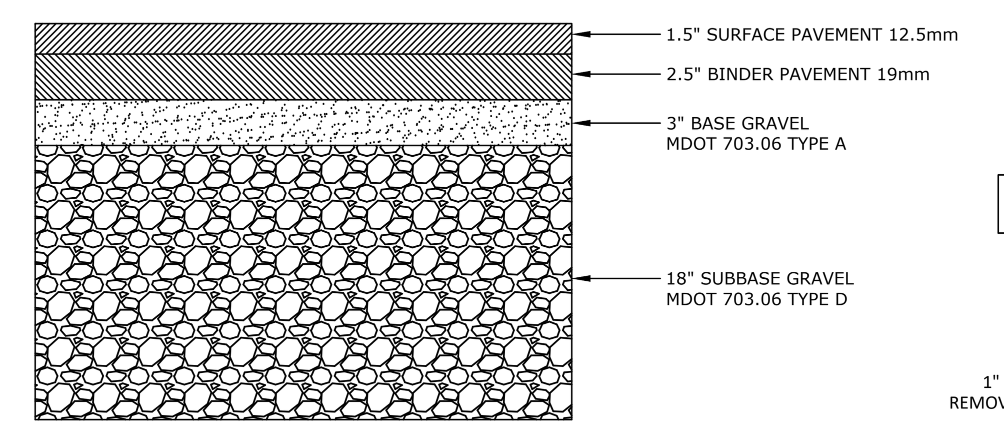
FILTER BARRIER
NOT TO SCALE



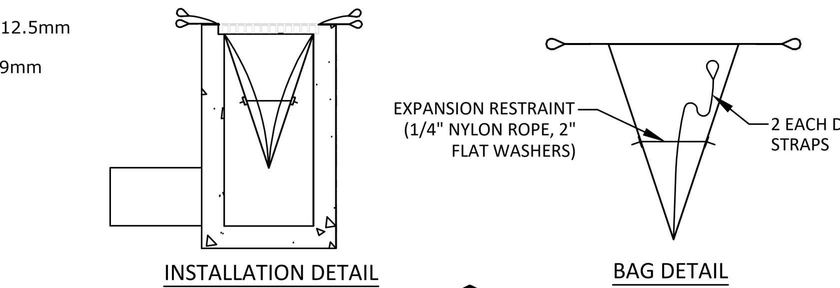
TYPICAL TRENCH SECTION
NOT TO SCALE

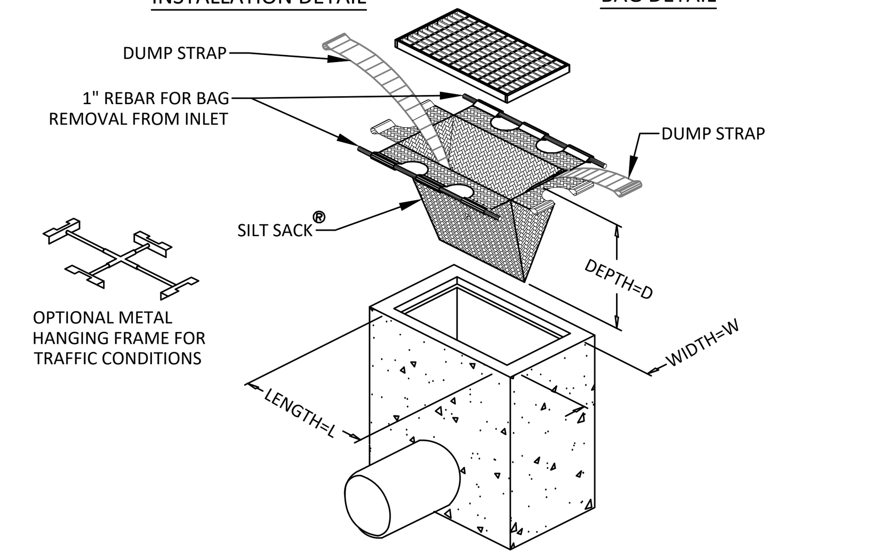


DEWATERING GEOTEXTILE FILTER BAG
NOT TO SCALE

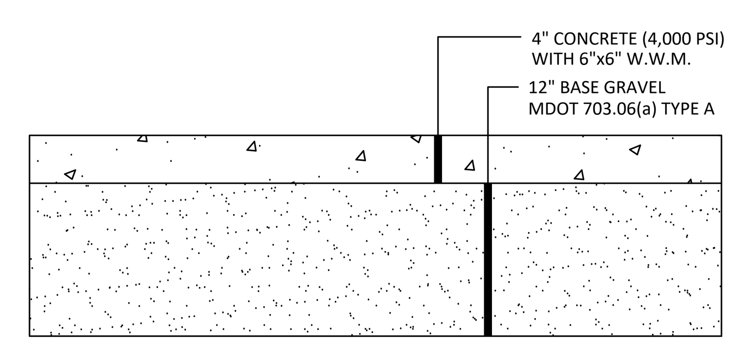


TYPICAL PAVEMENT REPAIR SECTION
NOT TO SCALE

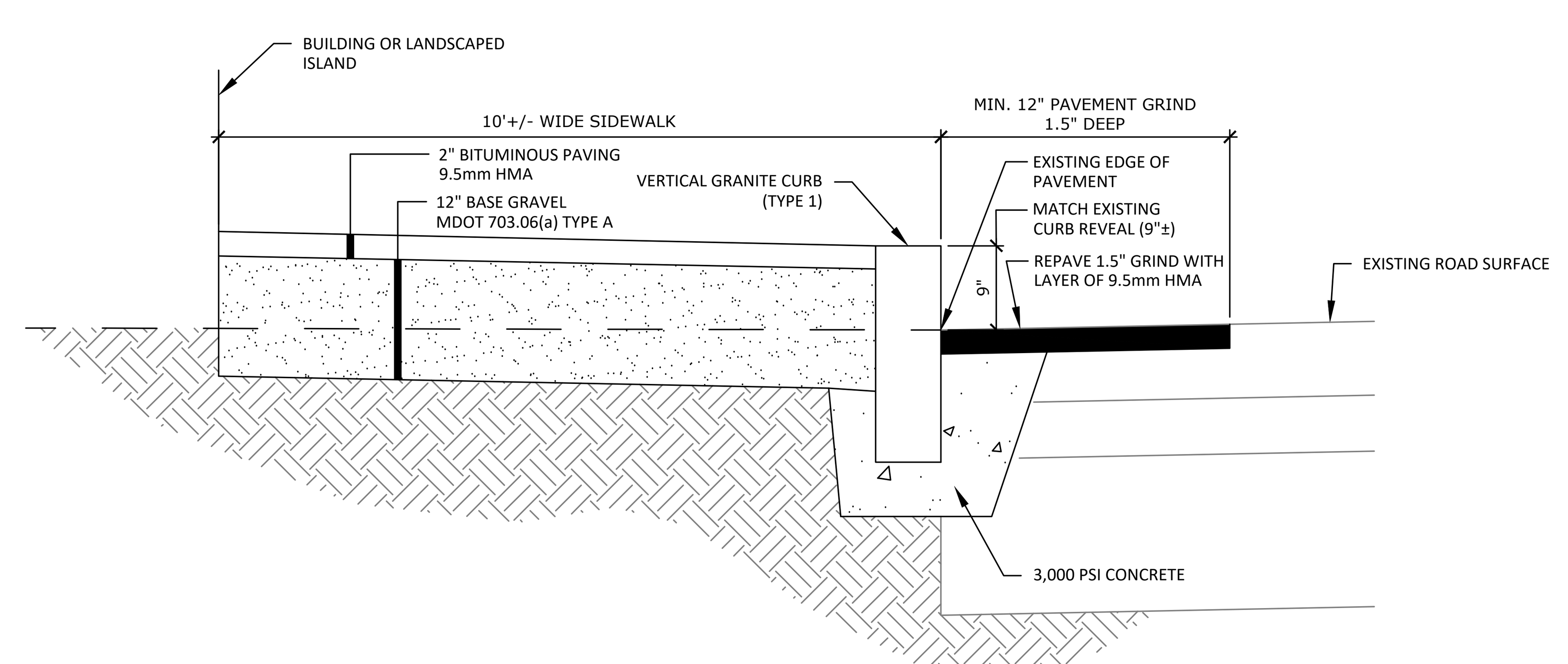




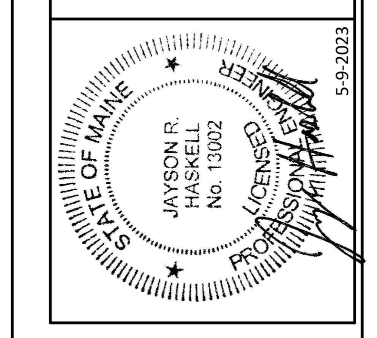
CATCH BASIN INLET PROTECTION
NOT TO SCALE



TYPICAL CONCRETE WALKWAY SECTION
NOT TO SCALE



TYPICAL SIDEWALK AND CURB SECTION
NOT TO SCALE



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CONSULTING ENGINEERS
P.O. BOX 1116
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(207) 591-5055

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DETAILS

ELM STREET APARTMENTS
69 ELM STREET & SMITH STREET
BIDDEFORD, MAINE
FOR RECORD OWNER:
PLAN EAST, LLC
74 WINNOCKS NECK ROAD
SCARBOROUGH, MAINE 04074

22004
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DATE:

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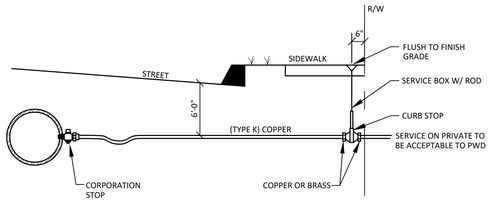
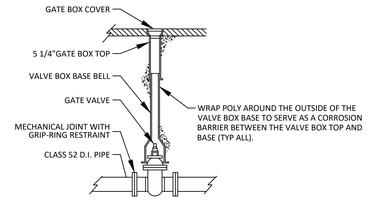
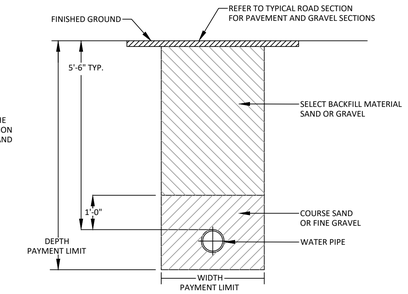


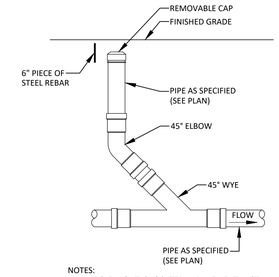
TYPICAL SERVICE CONNECTION
NOT TO SCALE



GATE VALVE
NOT TO SCALE

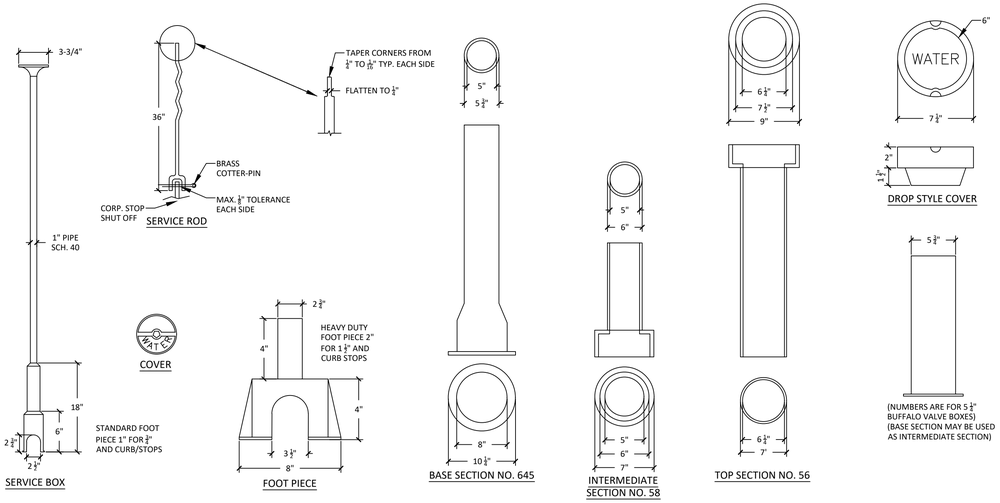


WATERMAIN TYPICAL TRENCH CROSS-SECTION
NOT TO SCALE

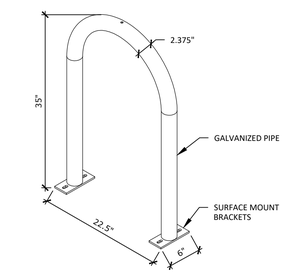


NOTES:
1. IF CLEANOUT IS LOCATED IN PAVEMENT, INSTALL CLEANOUT BOX ASSEMBLY OVER CLEANOUT AND SET AT FINISHED PAVEMENT GRADE. BOX ASSEMBLY TO BE PRODUCT NO. 00156452W01 AS MANUFACTURED BY EAST JORDAN IRON WORKS, INC. OR APPROVED EQUAL.

SANITARY/UNDERDRAIN CLEANOUT DETAIL
NOT TO SCALE

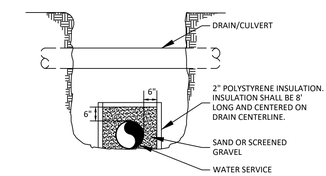


VALVE BOX & COVER
NOT TO SCALE



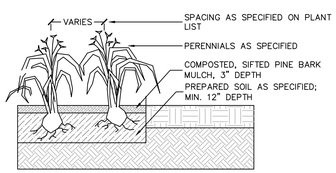
NOTES:
1. BIKE RACK SHALL BE A U RACK BIKE RACK AS MANUFACTURED BY THE PARK AND FACILITIES CATALOG OR APPROVED EQUAL

BIKE RACK DETAIL
NOT TO SCALE



NOTES: INSULATION IS REQUIRED AT ALL DRAIN & CULVERT CROSSINGS THAT DO NOT PROVIDE A MINIMUM OF 18" OF VERTICAL SEPARATION

INSULATION DETAIL
NOT TO SCALE



PERENNIALS INSTALLATION DETAIL
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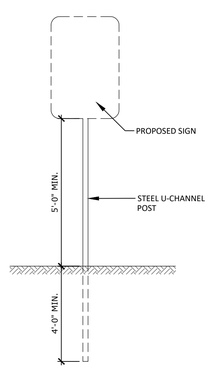
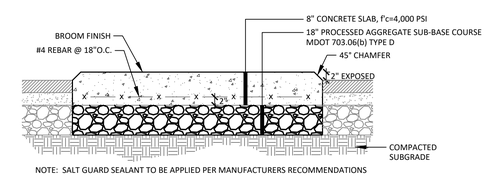
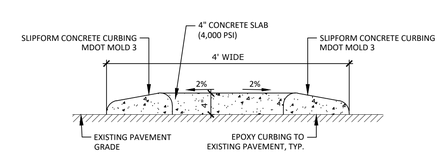


SIGN INSTALLATION
NOT TO SCALE



NOTE: SALT GUARD SEALANT TO BE APPLIED PER MANUFACTURERS RECOMMENDATIONS

RAISED CONCRETE MEDIAN
NOT TO SCALE



CENTERLINE CONCRETE MEDIAN
NOT TO SCALE

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CONSULTING ENGINEERS
P.O. BOX 1116
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(207) 591-5055

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DETAILS

ELM STREET APARTMENTS
60 ELM STREET & SMITH STREET
BIDDEFORD, MAINE

FOR RECORD OWNER:
PLAN EAST, LLC
74 WINNOCKS NECK ROAD
SCARBOROUGH, MAINE 04074

22004
JOB NUMBER:

AS NOTED
SCALE:

5-9-2023
DATE:

SHEET 6 OF 6

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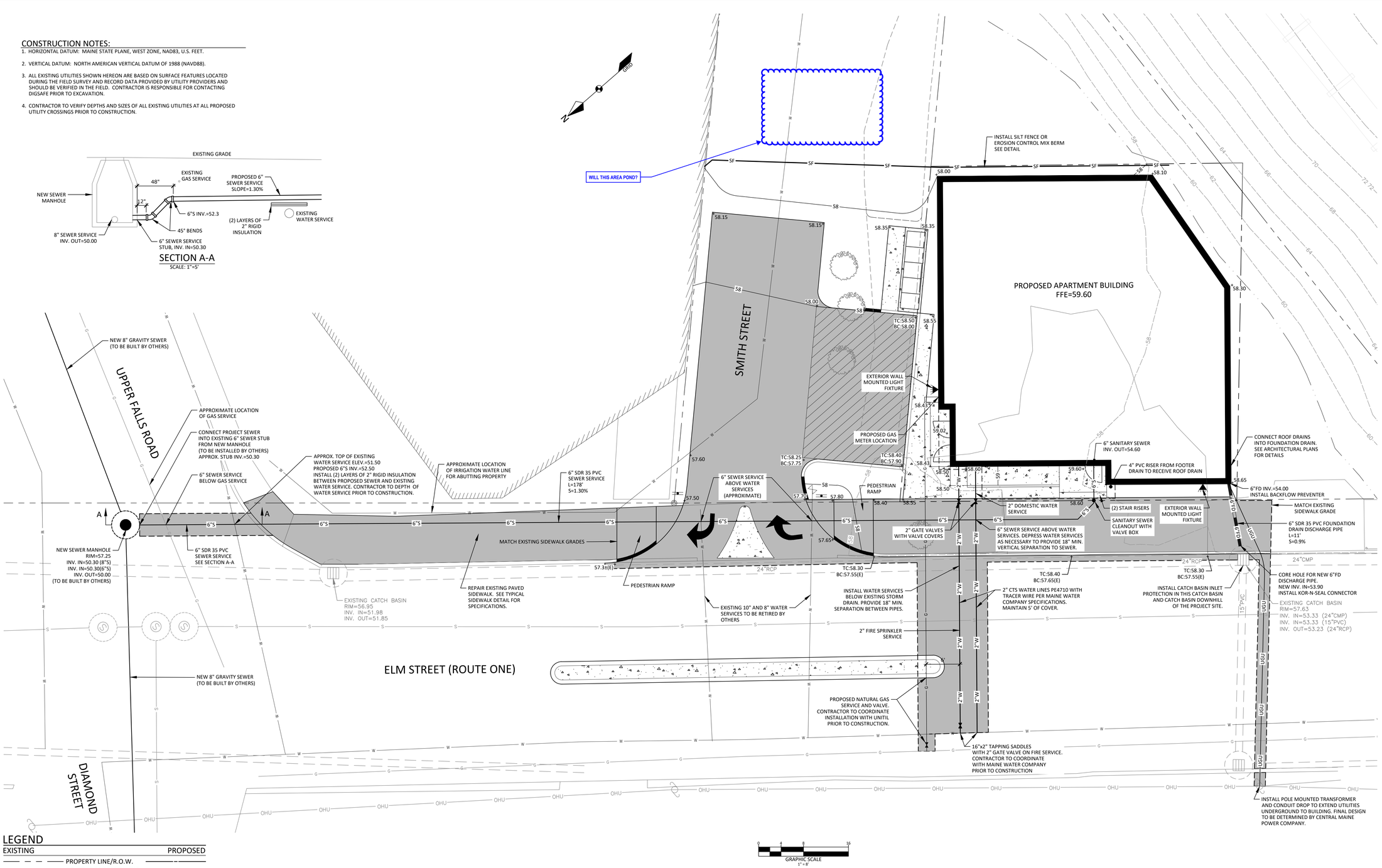
CONSTRUCTION NOTES:

1. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
2. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. ALL EXISTING UTILITIES SHOWN HEREON ARE BASED ON SURFACE FEATURES LOCATED DURING THE FIELD SURVEY AND RECORD DATA PROVIDED BY UTILITY PROVIDERS AND SHOULD BE VERIFIED IN THE FIELD. CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIGSAFE PRIOR TO EXCAVATION.
4. CONTRACTOR TO VERIFY DEPTHS AND SIZES OF ALL EXISTING UTILITIES AT ALL PROPOSED UTILITY CROSSINGS PRIOR TO CONSTRUCTION.



LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER PROPERTY LINE	
	BUILDING	
	EDGE OF PAVEMENT/CURB	
	EDGE OF CONCRETE	
200 201	CONTOUR LINE	200 201
	CATCHBASIN	
	CULVERT/STORMDRAIN	
	SEWER MANHOLE	
S	SANITARY SEWER PIPE	S
W	WATER MAIN	W
WV	WATER VALVE	
	UTILITY POLE	
OHU	OVERHEAD UTILITIES	OHU
	SILT FENCE	SF

STATE OF MAINE — JAYSON R. HASKELL No. 13420 — LICENSED PROFESSIONAL ENGINEER — 5-9-2023

DM ROMA
CONSULTING ENGINEERS
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E	2-24-23	JRH	ISSUED FOR CITY REVIEW
F	3-6-23	JRH	REVISED PER CITY REVIEW
G	3-29-23	JRH	REVISED ELECTRICAL SERVICE
H	5-9-23	JRH	RE-ISSUED TO CITY FOR REVIEW

GRADING AND UTILITY PLAN

ELM STREET APARTMENTS
60 ELM STREET
BIDDEFORD, MAINE

FOR:
PLAN EAST, LLC
74 WINDICKS NECK ROAD
SCARBOROUGH, MAINE 04074

22004
JOB NUMBER:

1" = 8'
SCALE:

5-9-2023
DATE:

SHEET 4 OF 6

GU-1

CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Interim Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Interim Deputy Director/City Planner

DATE: May 17th, 2023

RE: 2022.11 Site Plan and Subdivision Amendment Review for Tom Watson & Co. at 10, 20, 26 and 30 Upper Falls Way (formerly Gooch Street) (Tax Map 40, Lots 55, 55-3, and 56-1) in the MSRD-3 zone and GD-1 Shoreland Overlay zone.

MEETING DATE: May 17th, 2023 at 6:00 PM

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1. INTRODUCTION

Tom Watson & Co., have submitted an amendment application including revised plans and documents related to the redevelopment of 10, 20, 26, and 30 Upper Falls Way (formally known as Gooch Street). The parcels are mapped as Map: 40, Block: 55, 55-3, 56-1 and located in the Main Street Revitalization District – High Density / Mixed-Use (MSRD-3), and the newly created Waterfront Renaissance (WR) Shoreland Overlay Zoning Districts. The project proposes to construct a 6-story building containing 56 residential units with a restaurant space on 10 Upper Falls Way, a 5-story, 20-unit residential building on 20 Upper Falls Way, 11 townhome units on 26 Upper Falls Way, and a partial demolition and redevelopment of the existing building located at 30 Upper Falls Way to accommodate a commercial use (potentially a brewery/taproom/restaurant). The project will include associated parking and landscaped areas.

The amendment to the application includes increasing the unit count at 20 Upper Falls Road from the previously approved 16-unit building to 20-units. The revised building will include (12) 2-bedroom units and (8) 1-bedroom units. Additionally, a division of land to formally divide 26 Upper Falls Road from 20 Upper Falls Road is included as part of the amendment request. 26 Upper Falls Road will be the location of the previously approved (11) townhomes. As part of this revision to the application we have reached out the Maine Water Company and the City of Biddeford Department of Public Works to obtain updated ability to serve letters for the revised unit count. Additionally, the increased unit count will result in additional residential parking requirements. The applicant is coordinating with the City's Pearl Street Parking Garage manager to secure an agreement for 7 parking spaces to satisfy the residential parking requirement for 10 and 20 Upper Falls Road.

Case 2022.11: 10, 20, 26 and 30 Upper Falls Road Site Plan Amendment (Tax Map 40, Lots 55, 55-3, and 56-1) in the MSRD-3 zone and GD-1 Shoreland Overlay zone.
Planning Board Hearing date: May 17th, 2023.

10 Upper Falls Way- 6-story building containing 55 residential units with a restaurant space (No change)

20 Upper Falls Way - 5-story, 16-unit residential building
(Reconfigured interior, no external change)

Case 2022.11: 10, 20, 26 and 30 Upper Falls Road Site Plan Amendment (Tax Map 40, Lots 55, 55-3, and 56-1) in the MSRD-3 zone and GD-1 Shoreland Overlay zone.
Planning Board Hearing date: May 17th, 2023.

26 Upper Falls Way - 11 townhome units (Subdivision)

30 Upper Falls Road- Partial demolition and redevelopment of existing building located at, to accommodate a commercial use (Photos: L to R: Historic, Existing & Proposed). (No Change)

Joint Development Agreement with the City of Biddeford

The City Council has entered into a Joint Development Agreement (JDA) with the applicant in support of this project. See attached JDA. On December 20, 2022, the City Council approved an amendment to the JDA to provide the applicant the city-owned property located at the end of Upper Falls Road which is included in this project in exchange for the applicant constructing the Riverwalk through the applicant's site along with adjusting developer performance timeframes. A copy of the City Council approved JDA Amendment is attached. The JDA Amendment is in the process of being signed.

2. PROJECT DATA/INFORMATION

1.	Applicant:	Tom Watson & Co. 188 State Street Portland, ME 04101
2.	Owner of Property:	Same as Applicant
3.	Agent:	Peter Heil, P.E. Acorn Engineering

		500 Washington Ave, Suite #202 Portland, ME 04103
4.	Surveyor:	Owen Haskell 390 US Route 1. Unit #10 Falmouth, ME 04105
5.	Project Location:	10, 20 & 30 Upper Falls Way
6.	Project Tax Map #/Lot #:	Tax Map 40, Lot 55, 55-3, 56-1
7.	Lot Size:	2.49 acres (All 3 properties)
8.	Base Zoning:	MSRD-3
9.	Overlay Zoning:	GD-1 Shoreland – Proposed Waterfront Renaissance
10.	Existing Use:	Parking Lots/Existing Commercial Buildings
11.	Proposed Use:	Mixed-use Residential and Commercial
12.	Approvals Required:	Site Plan Amendment. Subdivision Amendment
13.	Uses in the Vicinity:	City of Biddeford Downtown and Mill District, Mixed-Use
14.	Waivers Needed:	a. None
18.	Waivers Granted:	a. None
22.	Other Non-City Permits Required:	Maine DEP Stormwater, Maine DOT Traffic Movement Permit (TMP)
23.	LDR Attachment A: Fees Paid:	Yes
25.	Planning Board Review History: Sketch Plan Review - February 2, 2022; Preliminary Review November 2, 2022; Final Plan Review January 18, 2023.	

3. REVIEW PROCESS

Per City ordinance, this application is subject to Subdivision review and approval (Code of Ordinances, Chapter 66). Subdivision applications generally follow a three-tier approval process beginning with a Sketch Plan review, and followed by a preliminary plan review and approval and a final plan approval. The Planning Board is now considering an Amendment to the Site Plan and Subdivision approved by the Board on January 18th, 2023.

4. STAFF REVIEW

- **APPLICATION COMPLETENESS:** The applicant has submitted a complete application, featuring all required elements for a Site Plan and Subdivision Amendment.
- **ZONING:** The proposed uses, Commercial, Residential, and Restaurant, are permitted uses within the MSRD-3 Zone, and the proposed Waterfront Renaissance Shoreland Zone Overlay District. Similarly, with respect to applicable dimensional requirements, the project would comply with all applicable requirements, including building height, building setback, frontage, and lot coverage requirements.

- **REVIEW STANDARDS:**

  In general, staff found the application to satisfy City subdivision and site plan requirements. The major site details such as building, parking, landscaping, designs and locations have been finalized so the plan being reviewed the Board are what will be constructed on the face of the earth. However, City Staff and the City's engineer, identified a number of technical plan elements related to stormwater and drainage which need to be addressed by the Applicant in a future Planning Board meeting.

- Maine DEP Stormwater Permit: The project requires a Maine DEP Stormwater Permit. The Applicant has the City a copy of the application for the City's records.

- Maine Site Law Review: The City of Biddeford is classified as having capacity to review projects triggering the Maine Site Location of Development Act (SLODA) in areas of the City designated for priority growth as part of the Comprehensive Plan. As clarified in a recent email by Maine DEP, capacity review authority, permits certain municipalities to review projects triggering site location reviews under their local land use regulations (i.e. site plan, subdivision, shoreland zone, etc.), without formal review by the DEP. Therefore, the project was reviewed under applicable local review standards.

- Traffic Movement Permit (TMP): The applicant has initiated the traffic movement permit (TMP) process with Maine DOT, and has held the required Scoping Meeting for the project, which is detailed in the submitted application. The City has engaged a third-party traffic consultant, to participate in the TMP process and provide input to the City. These improvements will be implemented upon TMP approval by the Maine DOT and the City.

- Off-Street Parking Requirements: The applicant is requesting a waiver from the Planning Board for its commercial off-street parking requirements. The ordinance requires that an applicant provide 1 space per dwelling unit, plus an additional 5% for visitors, plus 1 space per every 3 restaurant seats. Based upon the development program, this equates to 120 spaces. The plans provided indicate that there will be 108 on-site parking spaces distributed across the development site, with additional parking located within a City lot at the end of Upper Falls Way. The applicant is requesting a parking waiver for its commercial uses, to allow for those required spaces to be met through the adjacent off-site parking. Staff is supportive of this waiver request.

- WAIVERS: The applicant has requested a waiver of the off-street parking requirements as detailed above. Staff are also recommending that the Planning Board waive the open space requirement for new residential development, as required by the City's site plan ordinance.

- Engineering Review Comments: The City's third party reviewer has provided comments on this application, many of which are covered as part of staff's report to the Planning Board. The majority of comments are technical in nature, and can be seen in the comment letter from Site Design Associates. As indicated by the City's Peer Review Engineer, Engineering Director and the Director of Public Works the plan and material revisions in response to these comments should not impact the overall design of the project or delay the approval of this application.

5. STAFF RECOMMENDATION

Staff is comfortable moving forward with the Board's approval of the amended Site Plan and Subdivision application, with the understanding that the remaining engineering issues will be resolved to the satisfaction of the Public Works Director and Engineering Director staff and by the Planning Board prior to a Preconstruction Meeting being scheduled.

Case 2022.11: 10, 20, 26 and 30 Upper Falls Road Site Plan Amendment (Tax Map 40, Lots 55, 55-3, and 56-1) in the MSRD-3 zone and GD-1 Shoreland Overlay zone.
Planning Board Hearing date: May 17th, 2023.

SAMPLE MOTIONS

A. *Motion to Approve: I motion to APPROVE the Final Site Plan and Subdivision amendment for the proposal located at 10, 20, 26 & 30 Upper Falls Road (Tax Map 40, Lots 55, 55-3, and 56-1), within the Main Street Revitalization District 3 (MSRD-3) zoning district*

B. *Motion to Deny I motion to DENY Final Site Plan and Subdivision amendment for the proposal located at 10, 20, 26 & 30 Upper Falls Road (Tax Map 40, Lots 55, 55-3, and 56-1), within the Main Street Revitalization District 3 (MSRD-3) zoning district, for the following reasons:*

   1) _____.
   2) _____.
   3) _____.

A. *Motion to Table: I motion to TABLE the Site Plan and Subdivision amendment approval for the proposal to be located at 10, 20, 26 & 30 Upper Falls Road (Tax Map 40, Lots 55, 55-3, and 56-1), within the Main Street Revitalization District 3 (MSRD-3) zoning district, for the following reasons:*

   1) _____.
   2) _____.
   3) _____.

ACORN ENGINEERING, INC.

Planning Board & Planning Department
Attn: David Galbraith
City of Biddeford, Maine
205 Main Street
Biddeford, ME 04005

April 3, 2023

Subject: Subdivision & Site Plan Application Amendment
Redevelopment of 10, 20, 26 and 30 Upper Falls Way, Biddeford

Members of the Board, & Mr. Galbraith:

On behalf of Tom Watson & Co., we are pleased to submit an amendment application including revised plans and documents related to the redevelopment of 10, 20, 26, and 30 Upper Falls Way (formally known as Gooch Street). The parcels are mapped as Map: 40, Block: 55, 55-3, 56-1 and located in the Main Street Revitalization District – High Density / Mixed-Use (MSRD-3), and the newly created Waterfront Renaissance (WR) Shoreland Overlay Zoning Districts. The project proposes to construct a 6-story building containing 56 residential units with a restaurant space on 10 Upper Falls Way, a 5-story, 20-unit residential building on 20 Upper Falls Way, 11 townhome units on 26 Upper Falls Way, and a partial demolition and redevelopment of the existing building located at 30 Upper Falls Way to accommodate a commercial use (potentially a brewery/taproom/restaurant). The project will include associated parking and landscaped areas.

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Sincerely,

William H. Savage, P.E.
Principal
Acorn Engineering, Inc.

Peter F. Heil P.E.
Project Manager
Acorn Engineering, Inc.

TABLE OF CONTENTS

Revised Plans:

Civil:

Site Plan – 1
Site Plan – 2
Subdivision Plat

Architectural

20 Upper Falls Road Floor Plans and Elevations

Revised Documents:

Section 16: Water Supply
Section 17: Wastewater Disposal
Section 28: Traffic Overview

SITE PLAN APPLICATION AMENDMENT

10, 20, 26 & 30
UPPER FALLS WAY REDEVELOPMENT
CITY OF BIDDEFORD, MAINE

Prepared By:

ACORN ENGINEERING, INC.

For:

TOM WATSON & CO.

April, 2023

A C O R N Engineering, Inc. • www.acorn-engineering.com
207-775-2655 • PO Box 3372 • Portland • Maine • 04104

City of Biddeford – Planning Department
Planning Board Application
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

X Shoreland Zoning Permit X Site Plan Review __ Extraction
__ Conditional Use Permit X Subdivision X Private Way
X Other: Amendment Application to 10,20,30 Upper Falls Road Revelopment (2022.11)

Applicant Information:

Name: Tom Watson & Co.
Mailing Address: 188 State Street, Portland, ME 04101
Telephone: 207-699-2219
Email: john@bushwatson.com
What is your legal interest in the property?
X Owner __ Potential Buyer with Contract __ Lease/Rental Agreement

Owner's Information:

Name: Same as Applicant
Mailing Address: _____
Telephone: _____
Email: _____

Agent's Information:

Name: Acorn Engineering - Peter F. Heil, PE, CPESC
Mailing Address: 500 Washington Avenue, Suite #202 Portland, ME, 04103
Telephone: 207-775-2655
Email: pheil@acorn-engineering.com

Engineer/Surveyor's Information:

Name: Acorn Engineering / Owen Haskell
Mailing Address: 500 Washington Avenue, Suite #202 Portland, ME, 04103 / 390 U.S. Rt 1. Unit #10 Falmouth, ME, 04105
Telephone: 207-775-2655 / 207-774-0424
Email: rloubier@owenhaskell.com

Project Location and Lot Information:

Street Address: 10,20,26, and 30 Upper Falls Road Drainage Watershed: Saco River - Main Stem
Tax Map: 40 Lot: 55,55-3,56-1
Current Zoning: MSRD3 Shoreland Zoning: YES
Size of Lot: See Site Plan ( )acres ( )s.f. Lot Frontage: See Site Plan
Existing Use of Property: Vacant Industrial buildings adjacent to the Saco River.

Property currently serviced by:

__ City Road X Public Sewer X Public Water __ Public Trash
X Private Road __ Septic System __ Private Well __ Private Hauler

Slope Conditions in Area of Construction (if applicable):

X Flat (0-3% slope) __Rolling (3-8% slope) __Hilly (8-15% slope) X Steep (15%+ Slope)

Are there any wetlands or waterbodies on the site? __ (Yes) X (No) if yes attach information
Is the project within the 100-year floodplain? X (Yes) __(No) if yes attach information
Do you plan to bring fill onto the lot? X (Yes) __(No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

See the attached cover letter for the proposed use and the Amendment request.

Property to be Serviced by:

__ City Road X Public Sewer X Public Water __ Public Trash

X Private Road __ Septic System __ Private Well X Private Hauler

Limits of Disturbance: 3.33 (x)acres ( )s.f.

Net change in impervious cover: -0.4 (x)acres ( )s.f.

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

Is the project proposing a new Private or Public Road? __(Yes, Private) __(Yes, Public) X (No)

Is this project within the Urbanized Area/MS4 (*see City Drainage Map*) X (Yes) __(No)

Is the project proposing any Stormwater facilities/BMPs? X (Yes) __(No)

Will a Traffic Movement Permit (TMP) be required?: X (Yes) __(No)

__ **If in a Shoreland Zone:**

Percent of residential lot coverage (Max 20%): See Sheet C-10

Percent of structure expansion (Max 30%): _____

__ **If Subdivision Review, number of lots proposed:** 4

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

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

Total new square feet footprint of structure: Net = -1,218 sf

Total new square feet paving/parking: Net = -26,053 sf

Waiver Requests (attach details):

1. See Section 34. Waivers
2. _____
3. _____
4. _____
5. _____

Required Submittal Attachments:

A. Letters of Approval
   - X Fire Department – Contact Chief or Deputy Chief – 282-9986
   - X Ability to Serve for Water Service – Maine Water – 282-1543
   - X Ability to Serve for Sewer Service – Engineering Department – 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. Engineering Plans, as required.

F. Stormwater Management Report, as required.

Fees (Due at time of Submission):

- $75 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 its 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.

Will the proposed project cause 1 acre or more of site disturbance?: X (Yes) __(No)

- **If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.**

Signature of Applicant: _____ **Date** 4.3.2023

Signature of Property Owner: _____ **Date** 4.3.2023

DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:

A) PDF OF SIGNED APPLICATION

B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:

A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)

- Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME_INDIVDUAL DRAWING NAME.pdf'

B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.

C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINEWORK)

- All drawings & CAD reference files must be to-scale and within the following coordinate systems:

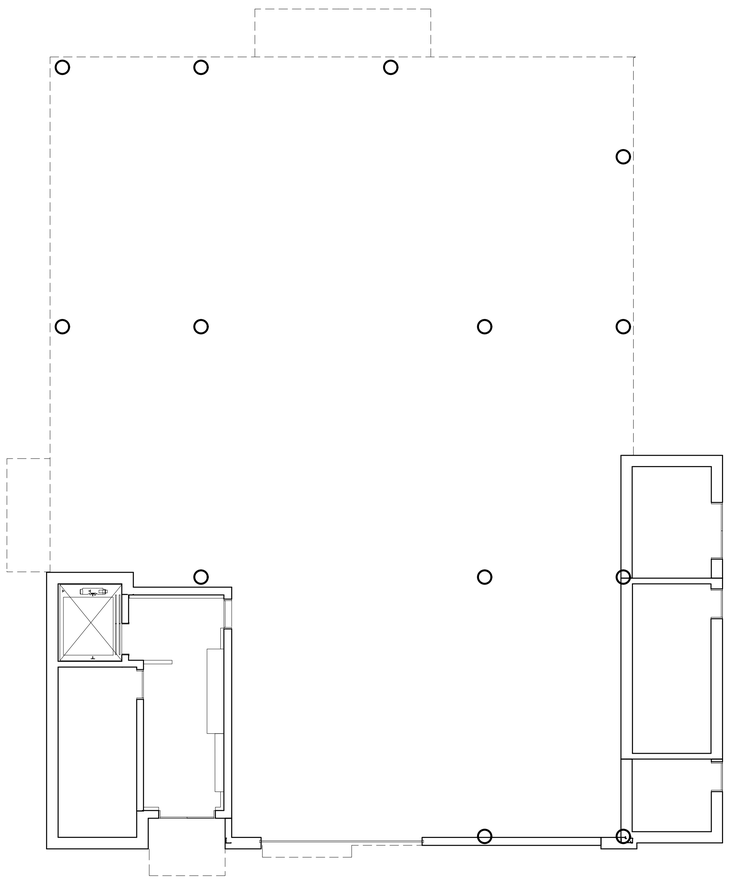
- MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:

A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIUDAL DRAWINGS REQUIRING BOARD SIGNATURE

B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION



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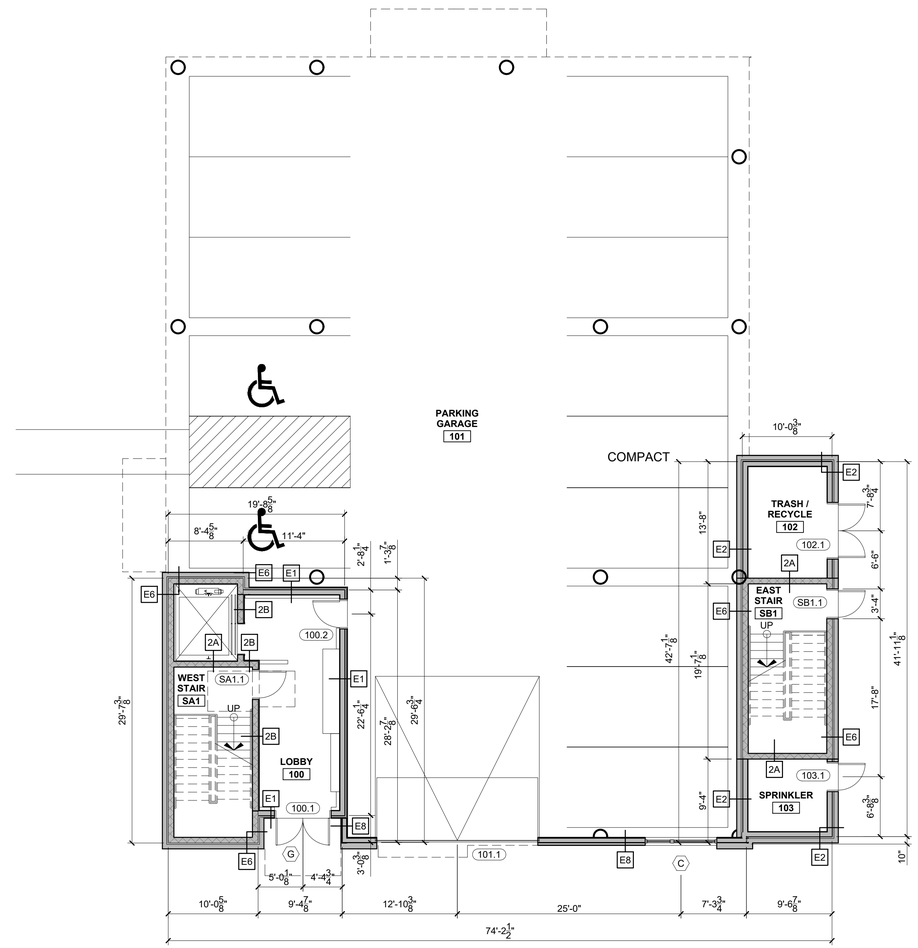

1 FIRST FLOOR PLAN
1/8" = 1'-0"

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RESIDENTIAL BUILDING

20 UPPER FALLS ROAD
BIDDEFORD, MAINE

RSA
RYAN SENATORE
ARCHITECTURE
500 CONGRESS STREET, SUITE 2
PORTLAND, MAINE 04101
O: 207-747-5159
C: 207-650-6414
senatorearchitecture.com

CONSULTANTS:

REVISIONS:

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03-29-23

DATE:	
PROJECT No.	2256
DRAWN BY:	ES
CHECKED BY:	RJS
SCALE:	AS NOTED

SHEET TITLE:
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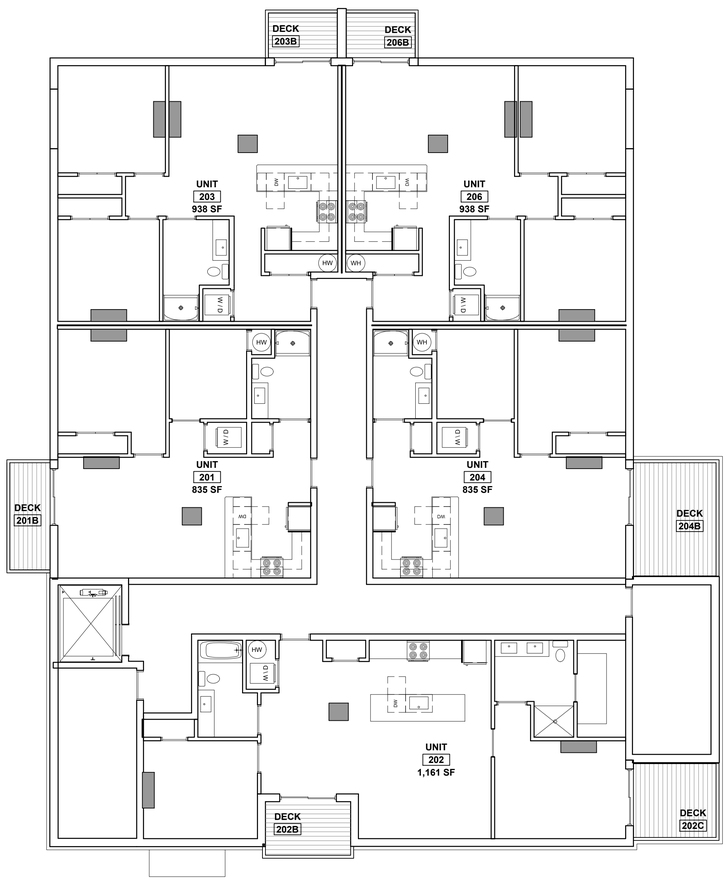
A1-1



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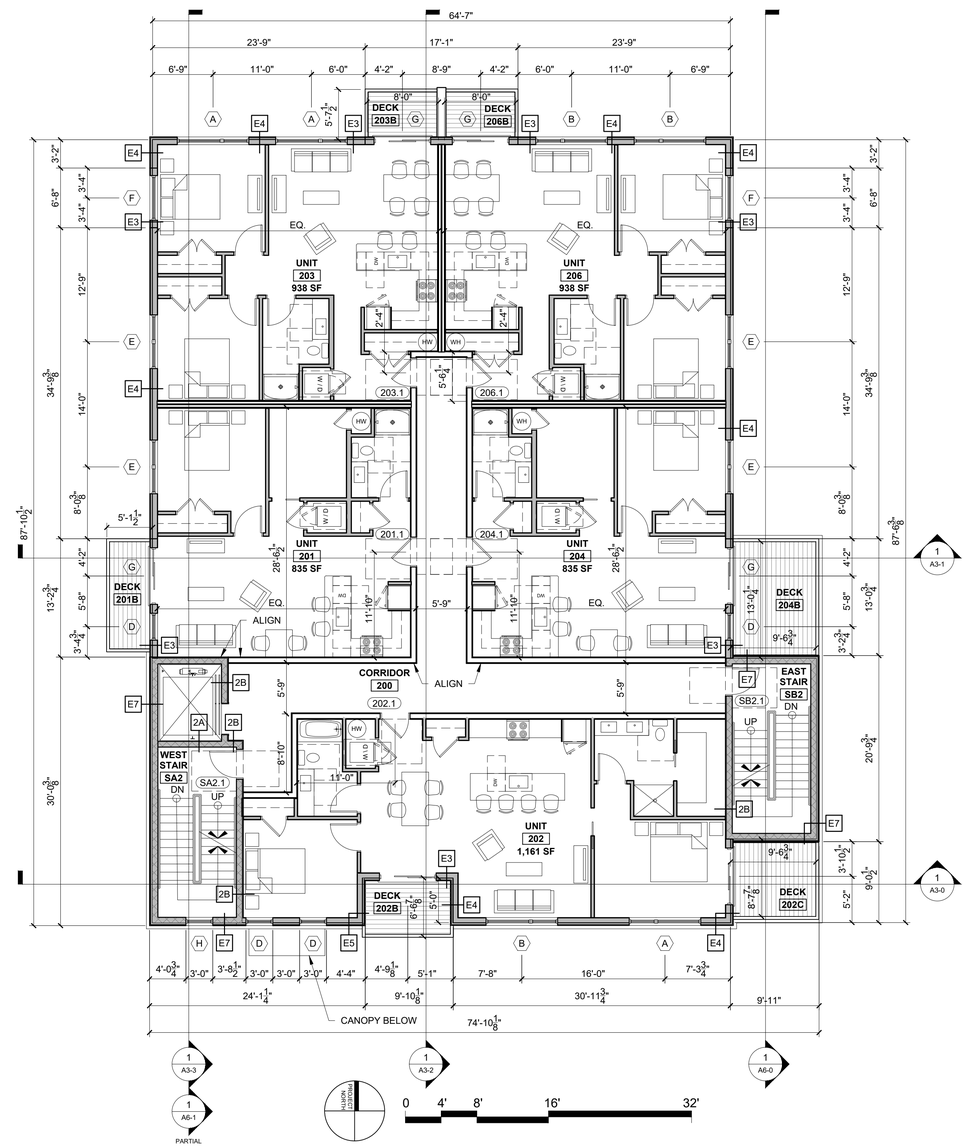

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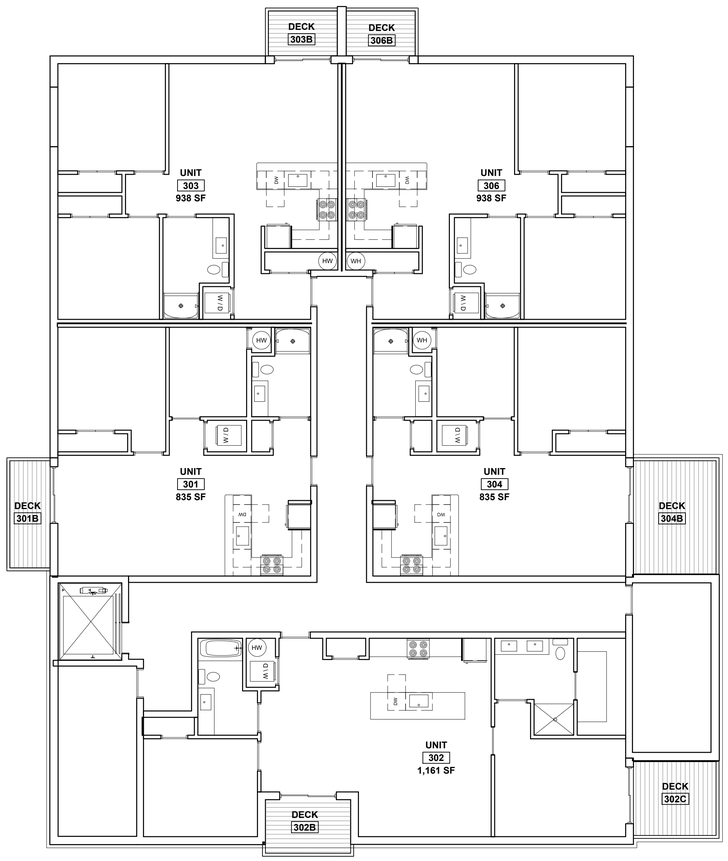

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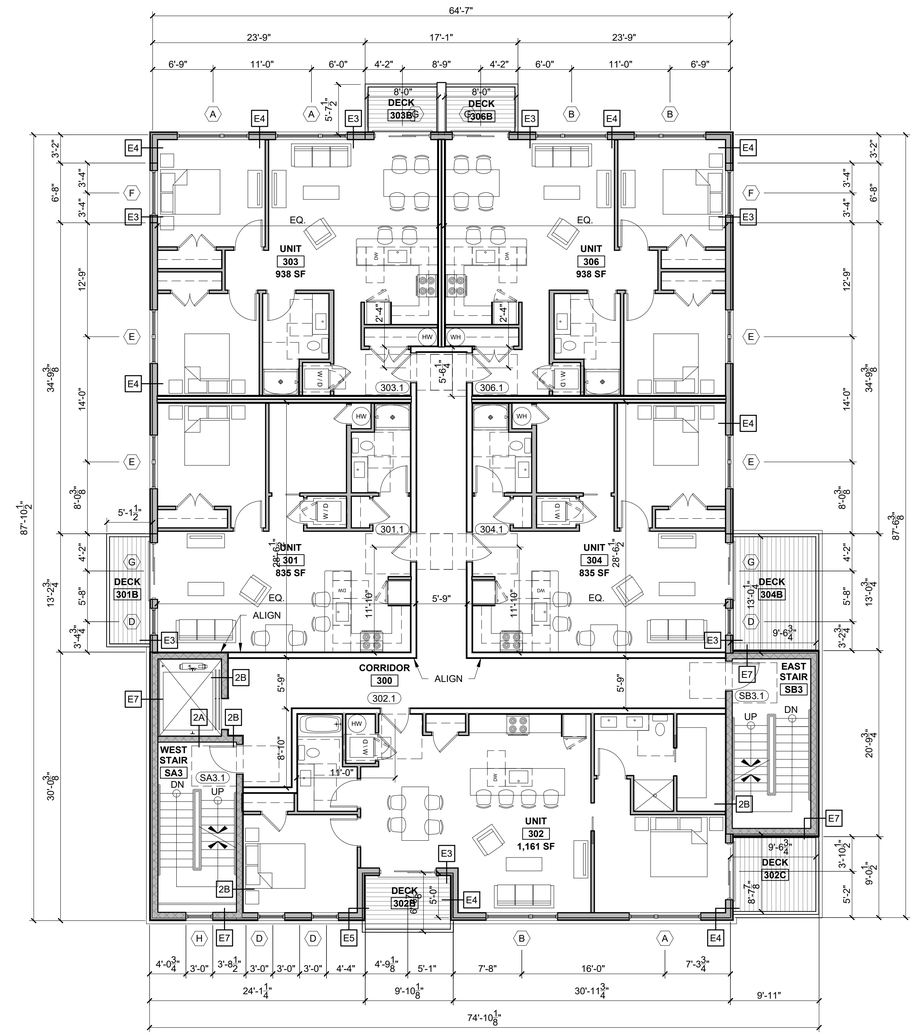

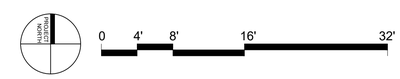

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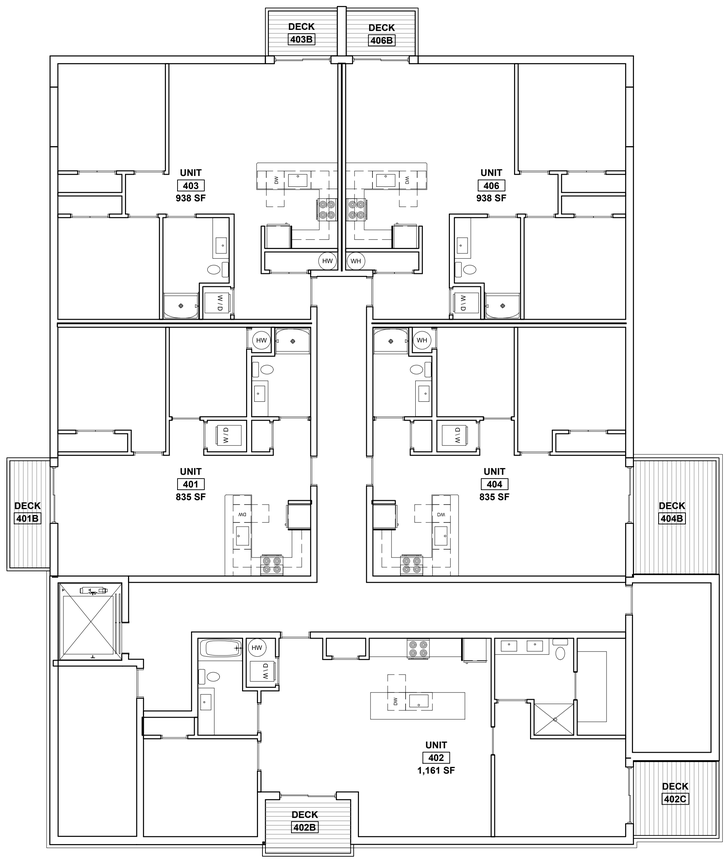

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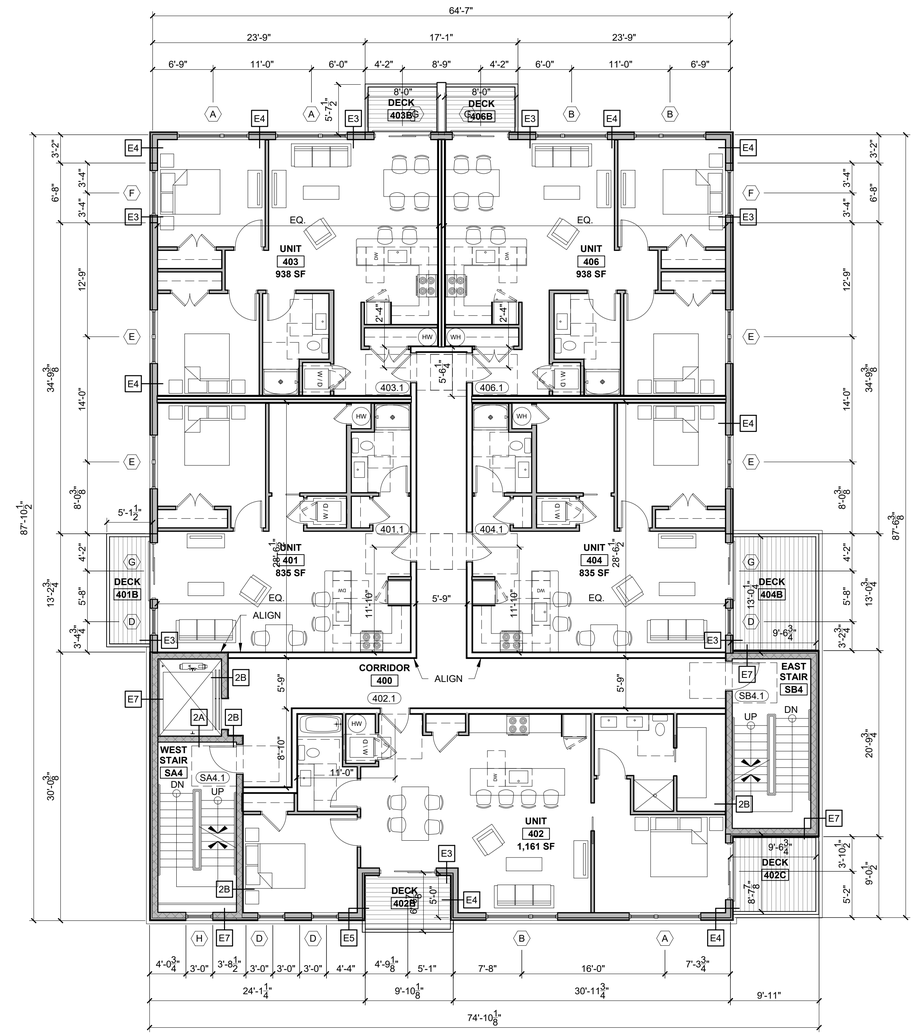

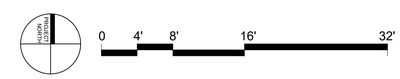

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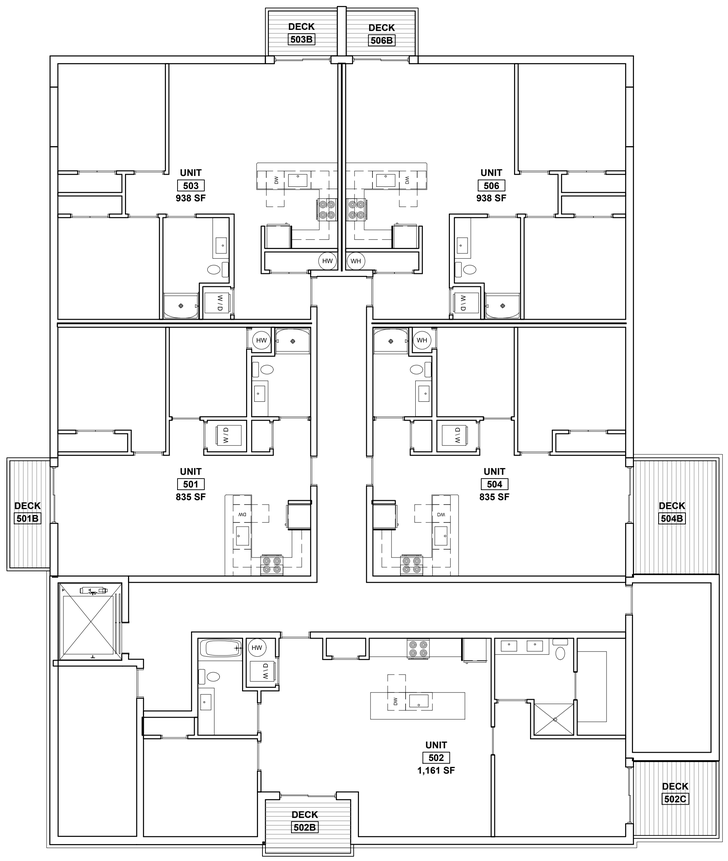

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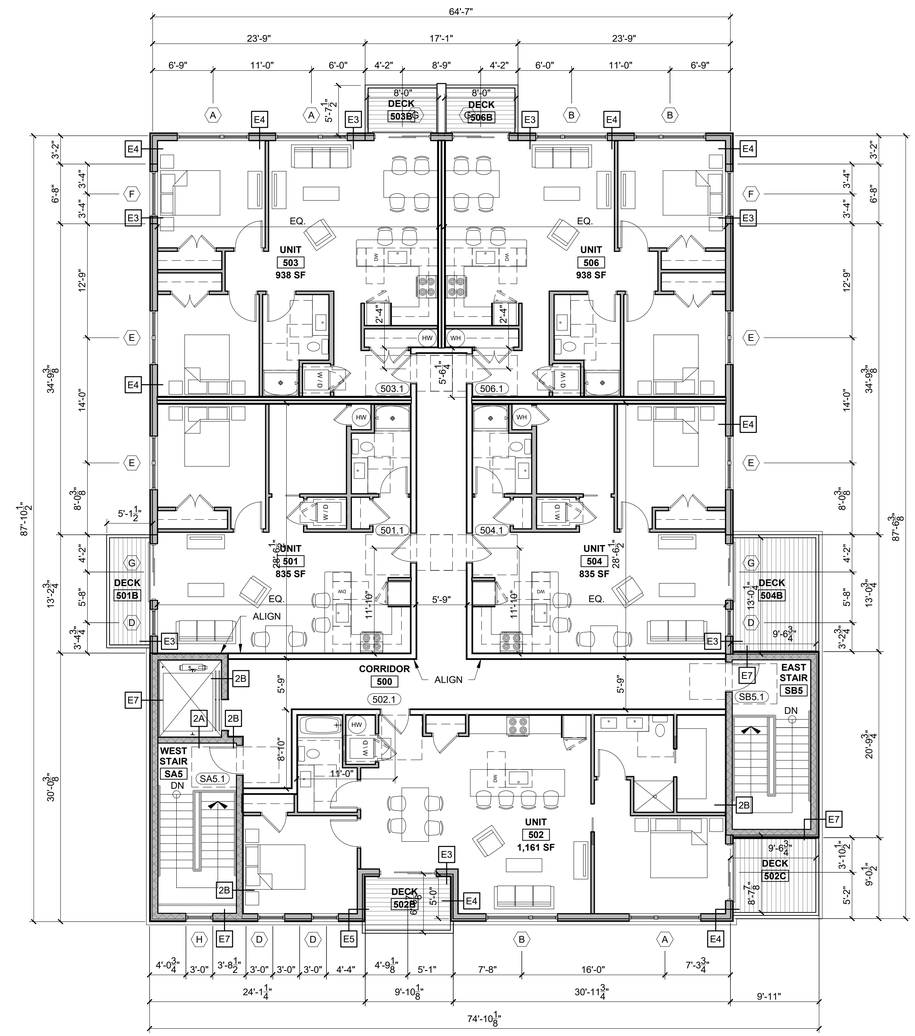

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RESIDENTIAL BUILDING

20 UPPER FALLS ROAD
BIDDEFORD, MAINE

RSA
RYAN SENATORE
ARCHITECTURE
500 CONGRESS STREET, SUITE 2
PORTLAND, MAINE 04101
O: 207-747-5159
C: 207-650-6414
senatorearchitecture.com

CONSULTANTS:

REVISIONS:

PROGRESS PRINT ONLY
Not for Construction
03-29-23

DATE:	
PROJECT No.	2256
DRAWN BY:	ES
CHECKED BY:	RJS
SCALE:	AS NOTED

SHEET TITLE:
FIFTH FLOOR PLAN

A1-5

1 SOUTH ELEVATION
1/4" = 1'-0"

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DATE:	
PROJECT No.	2256
DRAWN BY:	ES
CHECKED BY:	RJS
SCALE:	AS NOTED

SHEET TITLE:
ELEVATIONS

A2-0

1 EAST ELEVATION
1/4" = 1'-0"

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RESIDENTIAL BUILDING

20 UPPER FALLS ROAD
BIDDEFORD, MAINE

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RYAN SENATORE
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PROJECT No.	2256
DRAWN BY:	ES
CHECKED BY:	RJS
SCALE:	AS NOTED

SHEET TITLE:
ELEVATIONS

A2-1

1 NORTH ELEVATION
1/4" = 1'-0"

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RESIDENTIAL BUILDING

20 UPPER FALLS ROAD
BIDDEFORD, MAINE

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RYAN SENATORE
ARCHITECTURE
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PORTLAND, MAINE 04101
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CONSULTANTS:

REVISIONS:

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03-29-23

DATE:	
PROJECT No.	2256
DRAWN BY:	ES
CHECKED BY:	RJS
SCALE:	AS NOTED

SHEET TITLE:
ELEVATIONS

A2-2

1 WEST ELEVATION
1/4" = 1'-0"

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ARCHITECTURE

RESIDENTIAL BUILDING

20 UPPER FALLS ROAD
BIDDEFORD, MAINE

RSA
RYAN SENATORE
ARCHITECTURE
500 CONGRESS STREET, SUITE 2
PORTLAND, MAINE 04101
O: 207-747-5159
C: 207-650-6414
senatorearchitecture.com

CONSULTANTS:

REVISIONS:

PROGRESS PRINT ONLY
Not for Construction
03-29-23

DATE:	
PROJECT No.	2256
DRAWN BY:	ES
CHECKED BY:	RJS
SCALE:	AS NOTED

SHEET TITLE:
ELEVATIONS

A2-3

GENERAL NOTES:

1. ALL SIDEWALK AND VERTICAL GRANITE CURB TO BE REPLACED SHALL BE REBUILT TO CITY OF BIDDEFORD STANDARD.
2. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF BIDDEFORD STANDARDS.
3. ANY ASPHALT AND CONCRETE TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
4. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
6. ALL SITE SIGNAGE & PAVEMENT MARKINGS TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
7. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, TRASH REMOVAL AND SNOW REMOVAL.
8. PER SECTION 66–20 OF THE SUBDIVISION ORDINANCE, NO CITY SERVICES SHALL BE PROVIDED TO LOTS FRONTING UPPER FALLS ROAD, AS IT IS A PRIVATE WAY.
9. UPPER FALLS ROAD IS CURRENTLY PRIVATE AND IS NOT ANTICIPATED TO BE SUBMITTED FOR PUBLIC ACCEPTANCE IN THE FUTURE.

PLAN REFERENCES:

1. "ALTA/NSPS LAND TITLE SURVEY" PREPARED BY OWEN HASKELL, INC., DATED DECEMBER 23, 2020 AND LAST REVISED MAY 26, 2021
2. "ATLA / NSPS LAND TITLE SURVEY" PREPARED BY NORTHEAST CIVIL SOLUTIONS, DATED 11/20/2020
3. "LOT SPLIT PLAN" PREPARED BY NORTHEAST CIVIL SOLUTIONS, DATED 12/18/2020.

10 UPPER FALLS ROAD PARKING SUMMARY

USE	UNITS	SPACES REQUIRED	PROPOSED
RESIDENTIAL	56	1 SPACE / DWELLING UNIT (EXCLUSIVELY FOR & OCCUPANCY RESTRICTED) = 56 SPACES	–
MULTIFAMILY DEVELOPMENTS	–	INCREASE OF 5% (OF 56 SPACES) TO ALLOW FOR VISITORS = 3 SPACES	–
RESTAURANT**	–	1 SPACE / 3 SEATS x 49 SEATS = 17 SPACES**	–
ADA (8'X18')	–	–	3
STANDARD (9'X18')	–	–	36
60 DEGREE (8.5'X18.42')	–	–	22
TOTAL SPACES	–	76	61*

*5 SPACES LOCATED AT 10 UPPER FALLS ROAD TO BE DESIGNATED FOR 20 UPPER FALLS ROAD APARTMENT BUILDING

**WAIVER FOR COMMERCIAL PARKING SPACES TO BE REQUESTED. 3 PARKING SPACES TO BE REQUESTED FROM THE CITY OF BIDDEFORD PARKING GARAGE TO SATISFY THE PARKING REQUIREMENT FOR 10 UPPER FALLS ROAD.

10 UPPER FALLS ROAD SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	47,138 SF	47,138 SF
MINIMUM STREET FRONTAGE	NONE	–	371.24'	371.24'
MINIMUM FRONT YARD SETBACK	NONE	–	34.88'	6.56'
MINIMUM REAR YARD SETBACK	NONE	–	13.33'	17.43'
MINIMUM SIDE YARD SETBACK	NONE	–	23.89'	24.30'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 FEET	–	–	6 STORIES 70'
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	–	–
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	10.71'	26.33'
MAXIMUM UNITS PER LOT AREA	–	1 UNIT PER 425 SF = 110 UNITS	–	56 UNITS
MAX LOT COVERAGE	100%	–	79.6%	73.6%
SHORELAND ZONE MAX LOT COVERAGE	–	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	79.6% (37,526 SF)	72.9% (34,360 SF)

20 UPPER FALLS ROAD PARKING SUMMARY

USE	UNITS	SPACES REQUIRED	PROPOSED
RESIDENTIAL	20	1 SPACE / DWELLING UNIT (EXCLUSIVELY FOR & OCCUPANCY RESTRICTED) = 20 SPACES	–
MULTIFAMILY DEVELOPMENTS	–	INCREASE OF 5% (OF 20 SPACES) TO ALLOW FOR VISITORS = 1 SPACES	–
ADA (8'X18')	–	–	2
STANDARD (9'X18')	–	–	10
60 DEGREE (8.5'X18.42')	–	–	–
TOTAL SPACES	–	21	12*

*5 SPACES AT 10 UPPER FALLS ROAD TO BE DESIGNATED FOR 20 UPPER FALLS ROAD APARTMENT BUILDING

**4 PARKING SPACES TO BE REQUESTED FROM THE CITY OF BIDDEFORD PARKING GARAGE TO SATISFY THE PARKING REQUIREMENT FOR 20 UPPER FALLS ROAD.

26 UPPER FALLS ROAD PARKING SUMMARY

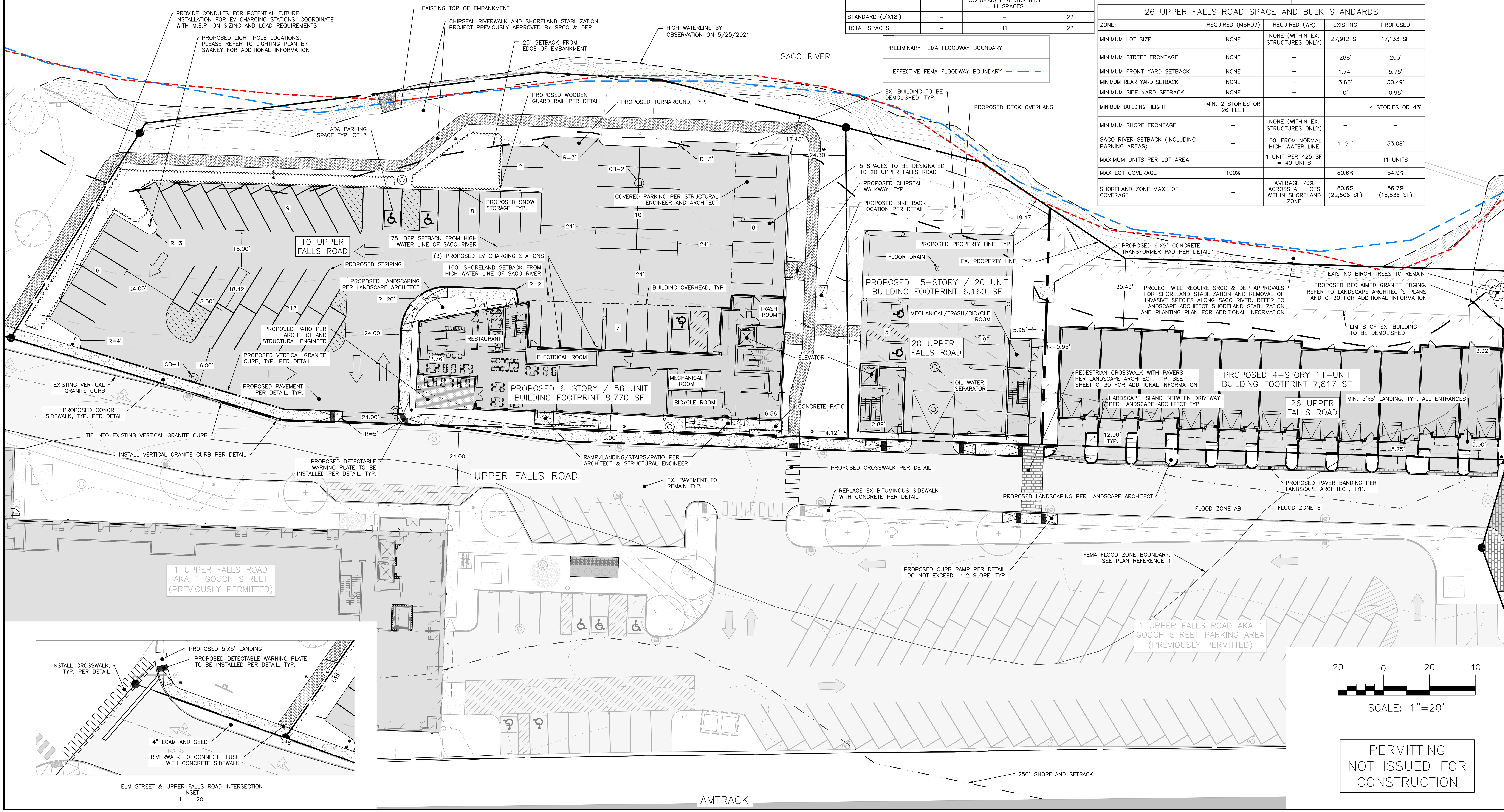
USE	UNITS	SPACES REQUIRED	PROPOSED
RESIDENTIAL	11	1 SPACE / DWELLING UNIT (EXCLUSIVELY FOR & OCCUPANCY RESTRICTED) = 11 SPACES	–
STANDARD (9'X18')	–	–	22
TOTAL SPACES	–	11	22

20 UPPER FALLS ROAD SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	27,912 SF	10,780
MINIMUM STREET FRONTAGE	NONE	–	288'	85'
MINIMUM FRONT YARD SETBACK	NONE	–	1.74'	2.89'
MINIMUM REAR YARD SETBACK	NONE	–	3.60'	18.47'
MINIMUM SIDE YARD SETBACK	NONE	–	0'	4.12'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 FEET	–	–	5 STORIES OR 60'
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	–	–
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	11.91'	25.17'
MAXIMUM UNITS PER LOT AREA	–	1 UNIT PER 425 SF = 25 UNITS	–	20 UNITS
MAX LOT COVERAGE	100%	–	80.6%	54.9%
SHORELAND ZONE MAX LOT COVERAGE	–	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	80.6% (22,506 SF)	56.7% (15,836 SF)

26 UPPER FALLS ROAD SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	27,912 SF	17,133 SF
MINIMUM STREET FRONTAGE	NONE	–	288'	203'
MINIMUM FRONT YARD SETBACK	NONE	–	1.74'	5.75'
MINIMUM REAR YARD SETBACK	NONE	–	3.60'	30.49'
MINIMUM SIDE YARD SETBACK	NONE	–	0'	0.95'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 FEET	–	–	4 STORIES OR 43'
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	–	–
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	11.91'	33.08'
MAXIMUM UNITS PER LOT AREA	–	1 UNIT PER 425 SF = 40 UNITS	–	11 UNITS
MAX LOT COVERAGE	100%	–	80.6%	54.9%
SHORELAND ZONE MAX LOT COVERAGE	–	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	80.6% (22,506 SF)	56.7% (15,836 SF)



ELM STREET & UPPER FALLS ROAD INTERSECTION INSET 1" = 20'

SCALE: 1"=20'

PERMITTING NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY / DATE
SKETCH	PFH 3/23/2022
PRELIMINARY	PFH 10/5/2022
COMMENT RESPONSE	PFH 10/27/2022
DEP SW APP	PFH 11/9/2022
FINAL SITE PLAN	PFH 12/14/2022
SITE PLAN AMENDMENT	PFH 3/29/2023

DRAWING NAME: SITE PLAN – 1

PROJECT NAME/ADDRESS: 10, 20, & 30 UPPER FALLS ROAD REDEVELOPMENT – BIDDEFORD

CLIENT/OWNER OF RECORD: TOM WATSON & CO. 188 STATE STREET, 3RD FLOOR, PORTLAND ME 04101

ACORN ENGINEERING, INC.
ACORN ENGINEERING, INC. PO BOX 3372, PORTLAND MAINE 04101 (207) 775–2655

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FILE: 1093.11_CIVIL
JN: 1093.11
SCALE: AS NOTED
DESIGNED BY: PFH
DRAWN BY: ZMS
CHECKED BY: WHS

STATE OF MAINE PETER F. HEIL 15318 LICENSED PROFESSIONAL ENGINEER 3/17/23

DRAWING NO. C-10

GENERAL NOTES:

1. ALL SIDEWALK AND VERTICAL GRANITE CURB TO BE REPLACED SHALL BE REBUILT TO CITY OF BIDDEFORD STANDARD.
2. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF BIDDEFORD STANDARDS.
3. ANY ASPHALT AND CONCRETE TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
4. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
6. ALL SITE SIGNAGE & PAVEMENT MARKINGS TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
7. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SITE LIGHTING, TRASH REMOVAL AND SNOW REMOVAL.

PLAN REFERENCES:

1. "ALTA/NSPS LAND TITLE SURVEY" PREPARED BY OWEN HASKELL, INC., DATED DECEMBER 23, 2020 AND LAST REVISED MAY 26, 2021
2. "ATLA / NSPS LAND TITLE SURVEY" PREPARED BY NORTHEAST CIVIL SOLUTIONS, DATED 11/20/2020
3. "LOT SPLIT PLAN" PREPARED BY NORTHEAST CIVIL SOLUTIONS, DATED 12/18/2020.

PRELIMINARY FEMA FLOODWAY BOUNDARY	
EFFECTIVE FEMA FLOODWAY BOUNDARY	

30 UPPER FALLS ROAD SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	33,401 SF	33,401 SF
MINIMUM STREET FRONTAGE	NONE	–	330'	330'
MINIMUM FRONT YARD SETBACK	NONE	–	0.43'	0.43'
MINIMUM REAR YARD SETBACK	NONE	–	2.59'	2.59'
MINIMUM SIDE YARD SETBACK	NONE	–	5.81'	5.81'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 '	–	TBD	TBD
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	397'±	397'±
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	17.94'	41.13'
SACO RIVER NO–CUT ZONE (SRCC)	–	75'	–	–
MAX LOT COVERAGE	100%	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	87.5% (29,236 SF)	74.4% (24,851 SF)

30 UPPER FALLS ROAD PARKING SUMMARY

USE	UNITS	SPACES REQUIRED	PROPOSED
RESTAURANT	–	1 SPACE / 3 SEATS x 123 SEATS = 39 SPACES	–
ADA (8'X18')	–	–	1
STANDARD (9'X18')	–	–	12
TOTAL SPACES	–	41	13

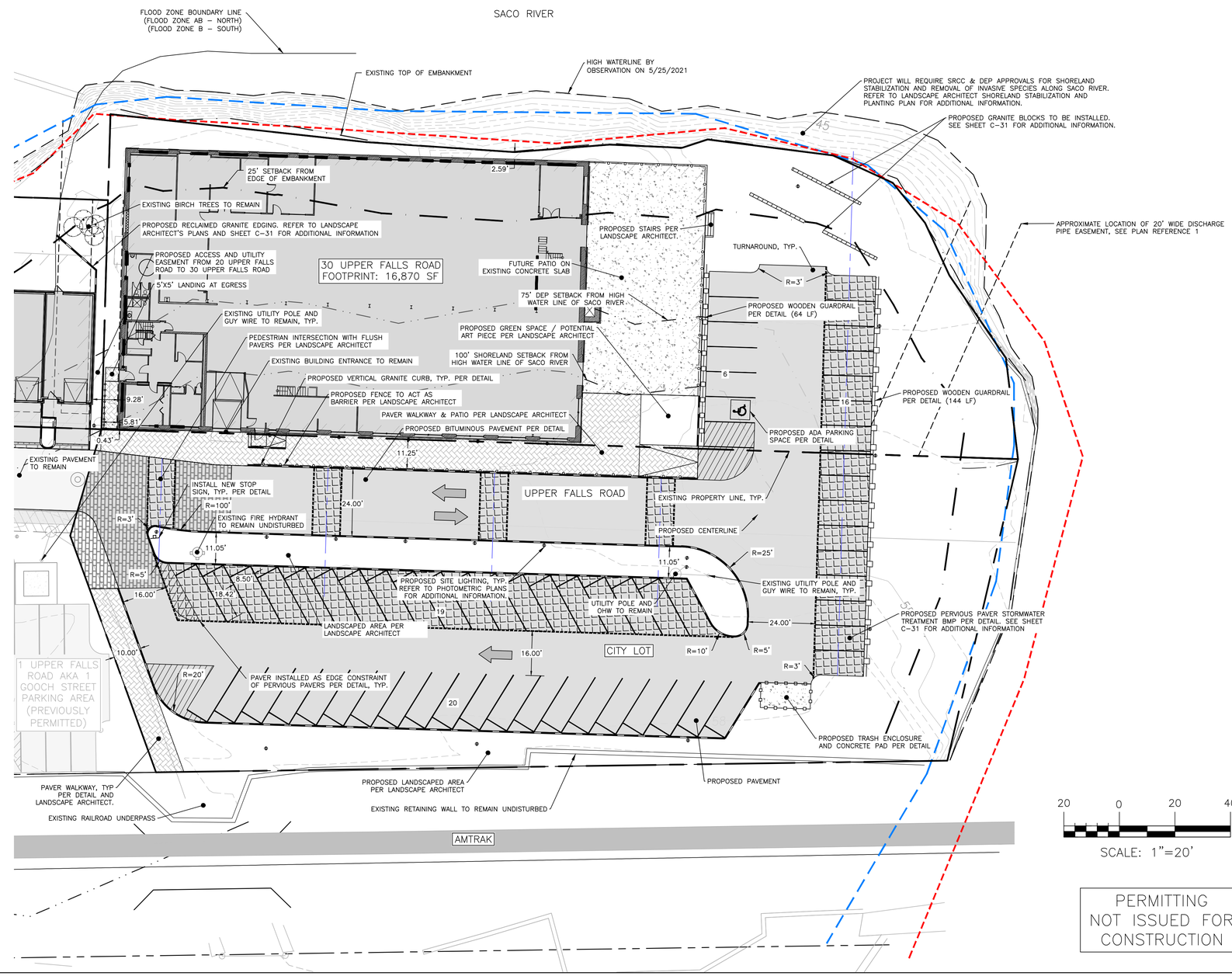
*WAIVER FOR RESTAURANT SPACE TO BE REQUESTED.

CITY LOT SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	36,748 SF	36,748 SF
MINIMUM STREET FRONTAGE	NONE	–	330'±	330'±
MINIMUM FRONT YARD SETBACK	NONE	–	N/A	N/A
MINIMUM REAR YARD SETBACK	NONE	–	N/A	N/A
MINIMUM SIDE YARD SETBACK	NONE	–	N/A	N/A
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 '	–	N/A	N/A
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	113'±	113'±
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	9.65'	42.20'
SACO RIVER NO–CUT ZONE (SRCC)	–	75'	–	–
MAX LOT COVERAGE	100%	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	80.9% (29,713 SF)	69.9% (25,693 SF)

CITY LOT PARKING SUMMARY

	EXISTING	PROPOSED
STANDARD (9'X18')	30±	9
60 DEGREE (8.5'X18.42')	N/A	39
TOTAL SPACES		48



20 0 20 40

SCALE: 1"=20'

PERMITTING NOT ISSUED FOR CONSTRUCTION

ISSUED FOR	BY DATE
SKETCH	PFH 1/23/2022
PRELIMINARY	PFH 10/5/2022
COMMENT RESPONSE	PFH 10/27/2022
DEP SW APP	PFH 11/9/2022
FINAL SITE PLAN	PFH 12/14/2022
SITE PLAN AMENDMENT	PFH 3/29/2023

DRAWING NAME: SITE PLAN – 2

PROJECT NAME/ADDRESS: 10, 20, & 30 UPPER FALLS ROAD REDEVELOPMENT – BIDDEFORD

CLIENT/OWNER OF RECORD: TOM WATSON & CO. 188 STATE STREET, 3RD FLOOR, PORTLAND ME 04101

ACORN ENGINEERING, INC.

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ACORN ENGINEERING, INC.
PO BOX 3422
PORTLAND, MAINE 04101
(207) 775–2655

FILE:	1093.11_CIVIL
JN:	1093.11
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

STATE OF MAINE
PETER F. HEIL
15318
LICENSED
PROFESSIONAL ENGINEER

DRAWING NO.

C-11

GENERAL NOTES:

1. ALL SIDEWALK AND VERTICAL GRANITE CURB TO BE REPLACED SHALL BE REBUILT TO CITY OF BIDDEFORD STANDARD.
2. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF BIDDEFORD STANDARDS.
3. ANY ASPHALT AND CONCRETE TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
4. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. ALL RAMPS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
6. ALL SITE SIGNAGE & PAVEMENT MARKINGS TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
7. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, TRASH REMOVAL AND SNOW REMOVAL.
8. PER SECTION 66–20 OF THE SUBDIVISION ORDINANCE, NO CITY SERVICES SHALL BE PROVIDED TO LOTS FRONTING UPPER FALLS ROAD, AS IT IS A PRIVATE WAY.
10. THE CITY OF BIDDEFORD SHALL NOT BE RESPONSIBLE FOR THE COST OF MATERIALS, INSTALLATION, MAINTENANCE, OR POWER FOR STREET LIGHTING. THE OWNER SHALL ASSUME ALL COSTS ASSOCIATED WITH THE LIGHTING SYSTEM.

PLAN REFERENCES:

1. "ALTA/NSPS LAND TITLE SURVEY" PREPARED BY OWEN HASKELL, INC., DATED DECEMBER 23, 2020 AND LAST REVISED ON MAY 26, 2021
2. "ATLA / NSPS LAND TITLE SURVEY" PREPARED BY NORTHEAST CIVIL SOLUTIONS, DATED 11/20/2020
3. "LOT SPLIT PLAN" PREPARED BY NORTHEAST CIVIL SOLUTIONS, DATED 12/18/2020.

APPROVED: BIDDEFORD PLANNING BOARD

CHAIRPERSON: DATE:

10 UPPER FALLS ROAD SPACE AND BULK STANDARDS

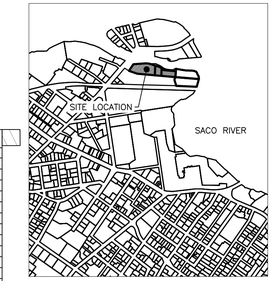
ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	47,138 SF	47,138 SF
MINIMUM STREET FRONTAGE	NONE	–	371.24'	371.24'
MINIMUM FRONT YARD SETBACK	NONE	–	34.88'	6.04'
MINIMUM REAR YARD SETBACK	NONE	–	13.33'	17.43'
MINIMUM SIDE YARD SETBACK	NONE	–	23.89'	24.30'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 FEET	–	–	6 STORIES 70'
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	–	–
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	10.71'	26.33'
MAXIMUM UNITS PER LOT AREA	–	1 UNIT PER 425 SF = 110 UNITS	–	56 UNITS
MAX LOT COVERAGE	100%	–	79.6%	73.6%
SHORELAND ZONE MAX LOT COVERAGE	–	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	79.6% (37,526 SF)	72.9% (34,360 SF)

20 UPPER FALLS ROAD SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	27,912 SF	10,780 SF
MINIMUM STREET FRONTAGE	NONE	–	288'	85'
MINIMUM FRONT YARD SETBACK	NONE	–	1.74'	2.89'
MINIMUM REAR YARD SETBACK	NONE	–	3.60'	18.47'
MINIMUM SIDE YARD SETBACK	NONE	–	0'	4.12'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 FEET	–	–	5 STORIES OR 60'
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	–	–
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	11.91'	25.17'
MAXIMUM UNITS PER LOT AREA	–	1 UNIT PER 425 SF = 25 UNITS	–	20 UNITS
MAX LOT COVERAGE	100%	–	80.6%	54.9%
SHORELAND ZONE MAX LOT COVERAGE	–	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	80.6% (22,506 SF)	56.7% (15,836 SF)

26 UPPER FALLS ROAD SPACE AND BULK STANDARDS

ZONE:	REQUIRED (MSRD3)	REQUIRED (WR)	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	NONE (WITHIN EX. STRUCTURES ONLY)	27,912 SF	17,133 SF
MINIMUM STREET FRONTAGE	NONE	–	288'	203'
MINIMUM FRONT YARD SETBACK	NONE	–	1.74'	5.75'
MINIMUM REAR YARD SETBACK	NONE	–	3.60'	30.49'
MINIMUM SIDE YARD SETBACK	NONE	–	0'	0.95'
MINIMUM BUILDING HEIGHT	MIN. 2 STORIES OR 26 FEET	–	–	4 STORIES OR 43'
MINIMUM SHORE FRONTAGE	–	NONE (WITHIN EX. STRUCTURES ONLY)	–	–
SACO RIVER SETBACK (INCLUDING PARKING AREAS)	–	100' FROM NORMAL HIGH–WATER LINE	11.91'	33.08'
MAXIMUM UNITS PER LOT AREA	–	1 UNIT PER 425 SF = 40 UNITS	–	11 UNITS
MAX LOT COVERAGE	100%	–	80.6%	54.9%
SHORELAND ZONE MAX LOT COVERAGE	–	AVERAGE 70% ACROSS ALL LOTS WITHIN SHORELAND ZONE	80.6% (22,506 SF)	56.7% (15,836 SF)



VICINITY MAP
SCALE 1" = 1000'

OWNER:

TOM WATSON & CO.
PORTLAND, MAINE
CONTACT: JOHN LALIBERTE
82 HANOVER STREET
PORTLAND, ME 04101

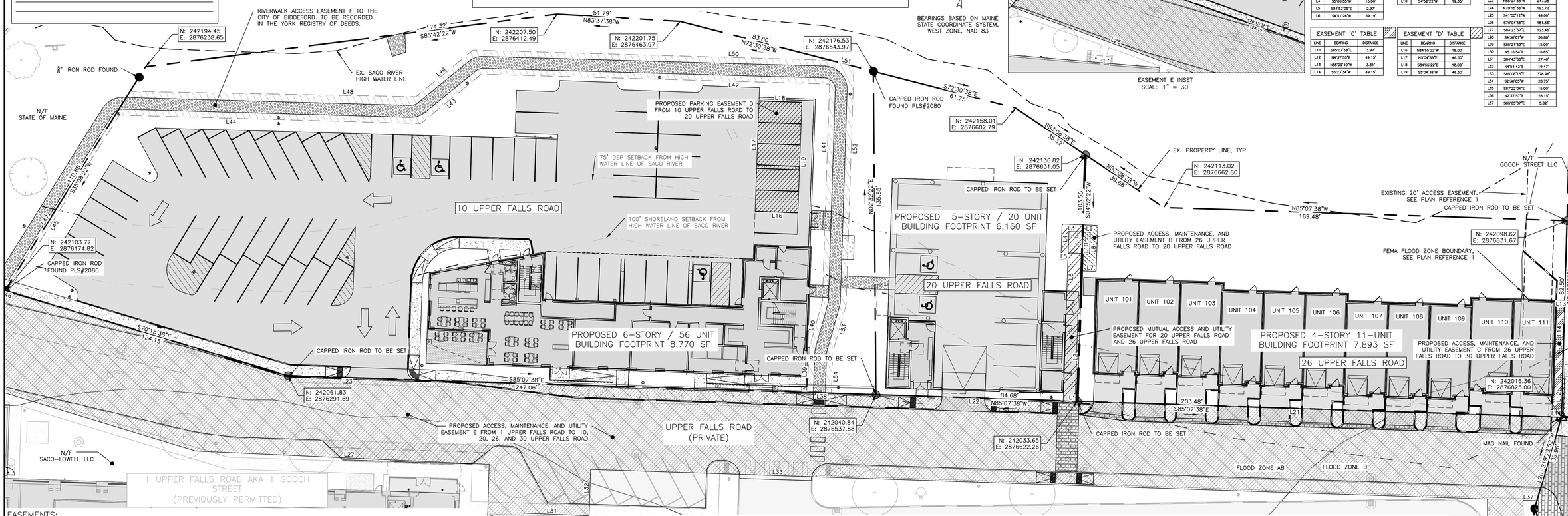
CIVIL/SITE ENGINEER:

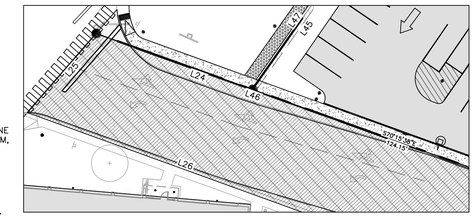
ACORN ENGINEERING, INC.
PORTLAND, MAINE
CONTACT: PETER HEIL, P.E.
500 WASHINGTON AVENUE
PORTLAND, ME 04103

SURVEYOR

OWEN HASKELL, INC.
FALMOUTH, MAINE
CONTACT: RANDY LOUBIER, P.L.S.
390 U.S RT 1, SUITE 10
FALMOUTH, ME 04105

BEARINGS BASED ON MAINE STATE COORDINATE SYSTEM, WEST ZONE, NAD 83





EASEMENT E INSET
SCALE 1" = 30'

EASEMENT 'F' TABLE		
LINE	BEARING	DISTANCE
L38	N85°08'07"W	10.00'
L39	N4°52'44"E	18.24'
L40	N18°47'22"E	20.79'
L41	N4°52'44"E	91.38'
L42	N85°22'54"W	146.36'
L43	S53°49'13"W	32.82'
L44	N85°22'53"W	126.61'
L45	S35°08'22"W	87.51'
L46	N70°15'38"W	1.56'
L47	N35°08'27"E	98.76'
L48	S85°55'30"E	120.12'
L49	N53°49'13"E	30.93'
L50	S85°22'54"E	150.20'
L51	S72°30'38"E	10.17'
L52	S4°52'44"W	100.36'
L53	S18°46'45"W	20.81'
L54	S4°52'44"W	17.02'

EASEMENT 'A' TABLE		
LINE	BEARING	DISTANCE
L1	S85°07'38"E	5.91'
L2	N4°52'22"E	74.14'
L3	N84°53'05"W	8.83'
L4	S5°06'55"W	15.00'
L5	S84°53'05"E	2.97'
L6	S4°51'26"W	59.19'

EASEMENT 'B' TABLE		
LINE	BEARING	DISTANCE
L7	S85°30'55"E	6.09'
L8	N10°06'50"E	19.29'
L9	N84°53'05"W	6.17'
L10	S4°52'22"W	19.35'

EASEMENT 'E' TABLE		
LINE	BEARING	DISTANCE
L20	N19°22'32"E	36.55'
L21	N85°07'38"W	203.48'
L22	N85°07'38"W	84.68'
L23	N85°07'38"W	247.06'
L24	N70°15'38"W	193.72'
L25	S41°00'13"W	44.00'
L26	S70°04'56"E	181.56'
L27	S84°23'57"E	123.46'
L28	S4°38'07"W	36.88'
L29	S85°21'53"E	15.00'
L30	N5°16'54"E	18.85'
L31	S84°43'06"E	27.40'
L32	N4°54'43"E	19.47'
L33	S85°06'15"E	376.96'
L34	S2°36'05"W	28.75'
L35	S87°22'04"E	15.00'
L36	N2°37'57"E	28.15'
L37	S85°05'07"E	5.82'

EASEMENT 'C' TABLE		
LINE	BEARING	DISTANCE
L11	S85°07'38"E	3.97'
L12	N4°37'55"E	49.15'
L13	N85°09'40"W	3.31'
L14	S5°23'34"W	49.15'

EASEMENT 'D' TABLE		
LINE	BEARING	DISTANCE
L16	N84°55'22"W	18.00'
L17	N5°04'38"E	46.50'
L18	S84°55'22"E	18.00'
L19	S5°04'38"W	46.50'

EASEMENTS:

EXISTING:

1. RIGHTS, EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS SET FORTH IN QUITCLAIM DEED GRANTED BY SACO–LOWELL SHOPS TO BIDDEFORD & SACO DEVELOPMENT CORPORATION DATED APRIL 9, 1959 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1398, PAGE 145.
2. RIGHTS AND EASEMENTS GRANTED BY BIDDEFORD & SACO DEVELOPMENT CORPORATION TO CENTRAL MAINE POWER COMPANY BY INSTRUMENT DATED MARCH 22, 1961 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1461, PAGE 460. –NO POLE NUMBERED REFERENCED IN DOCUMENT, EXISTING POLES SHOWN
3. RIGHTS AND EASEMENTS GRANTED BY BIDDEFORD & SACO DEVELOPMENT CORPORATION TO CENTRAL MAINE POWER COMPANY BY INSTRUMENT SACO–LOWELL SHOPS TO CENTRAL MAINE POWER COMPANY BY INSTRUMENT DATED JUNE 23, 1944 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1017, PAGE 409.
4. RIGHTS, EASEMENTS, COVENANTS, CONDITIONS, AND TERMS SET FORTH IN DEED GRANTED BY BIDDEFORD & SACO DEVELOPMENT CORPORATION TO GRONDIN SUPPLY CO. INC. DATED JANUARY 18, 1962 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1478, PAGE 465.
5. RIGHTS OF OTHERS AND TERMS AND CONDITIONS PURSUANT TO THE FOLLOWING:
   - 5.1. AGREEMENT BY AND BETWEEN CENTRAL MAINE POWER COMPANY AND STORAGE REALTY CORP., DATED APRIL 1, 1971 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1907, PAGE 182;
   - 5.2. AGREEMENT BY AND BETWEEN BIDDEFORD & SACO DEVELOPMENT CORPORATION AND STORAGE REALTY CORP., DATED MARCH 10, 1971 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1907, PAGE 186;
   - 5.3. AGREEMENT BY AND BETWEEN METAL–TECH INC. AND STORAGE REALTY CORP., DATED MARCH 25, 1971 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1907, PAGE 190; AND
   - 5.4. AGREEMENT BY AND BETWEEN GRONDIN SUPPLY CO. AND STORAGE REALTY CORP. DATED MARCH 23, 1971 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1907, PAGE 195.
6. RIGHTS, EASEMENTS, CONDITIONS, AND RESTRICTIONS SET FORTH IN WARRANTY DEED GRANTED BY METAL–TECH INC. DATED JANUARY 2, 1974 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 2023, PAGE 253.
7. RIGHTS AND EASEMENTS GRANTED BY PRECISION SCREW MACHINE PRODUCTS INC. TO CENTRAL MAINE POWER AND NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY BY INSTRUMENT DATED AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS 2375, PAGE 50.
8. EASEMENT DEED GRANTED BY PRECISION SCREW MACHINE PRODUCTS, INC. TO MAINE ENERGY RECOVERY COMPANY DATED APRIL 14, 1987 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 4248, PAGE 112.
9. RIPARIAN RIGHTS OF OTHERS IN AND TO THE SACO RIVER AS THE SAME PASSES THROUGH OR BY THE INSURED PREMISES.
10. SUCH STATE OF FACTS INCLUDING NOTES DISCLOSED ON PLAN ENTITLED "PLAN OF LAND OF THE SACO–LOWELL SHOPS AND THE PEPPERELL MANUFACTURING CO., BIDDEFORD, MAINE, PREPARED BY LIBBY & DOW ENGINEER'S DATED JUNE, 1929, LAST S DATED JUNE, 1929, LAST REVISED APRIL 24, 1930 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 11, PAGE 31. – ALL PERTINENT INFORMATION SHOWN HEREON
11. SUCH STATE OF FACTS INCLUDING NOTES DISCLOSED ON UNRECORDED PLAN ENTITLED "PLAN PLAN SHOWING LAND SURVEYED FOR MAINE ENERGY RECOVERY COMPANY" BY DOWN & COULOMBE BY DOWN & COULOMBE INC. DATED JANUARY 15, 1985 WITH FINAL REVISION DATED OF JANUARY 30, 1985. – ALL PERTINENT INFORMATION SHOWN HEREON
12. SUCH STATE OF FACTS INCLUDING NOTES DISCLOSED ON PLAN ENTITLED "PLAN SHOWING PLAN SHOWING LAND SOLD BY BIDDEFORD & SACO DEVELOPMENT CORP. TO GRONDIN SUPPLY CO. INC., PREPARED BY LIBBY & DOW ENGINEERS, DATED JANUARY 18, 1962 AND RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 32, PAGE 12. – ALL PERTINENT INFORMATION SHOWN HEREON
13. RIGHTS OF OTHERS IN AND TO THE APPURTENANT EASEMENTS KNOWN AS UPPER FALLS ROAD TO BE INSURED.

PROPOSED:

1. PROPOSED ACCESS, MAINTENANCE, AND UTILITY EASEMENT A FROM 26 UPPER FALLS ROAD TO 20 UPPER FALLS ROAD
2. PROPOSED ACCESS, MAINTENANCE, AND UTILITY EASEMENT B FROM 20 UPPER FALLS ROAD TO 26 UPPER FALLS ROAD
3. PROPOSED ACCESS, MAINTENANCE, AND UTILITY EASEMENT C FROM 26 UPPER FALLS ROAD TO 30 UPPER FALLS ROAD
4. PROPOSED PARKING EASEMENT D FROM 10 UPPER FALLS ROAD TO 20 UPPER FALLS ROAD
5. PROPOSED ACCESS, MAINTENANCE, AND UTILITY EASEMENT E FROM 1 UPPER FALLS ROAD TO 10, 20, 26, AND 30 UPPER FALLS ROAD
6. PROPOSED ACCESS EASEMENT F FROM TOM WATSON & CO. TO THE CITY OF BIDDEFORD.

WAIVERS:

SEE BELOW FOR THE PROPOSED WAIVERS

1. A WAIVER IS REQUESTED TO ELIMINATE THE PARKING REQUIREMENT FOR THE COMMERCIAL USES

10 UPPER FALLS ROAD UNIT TABULATION	
UNIT NUMBER	SIZE (SF)
101,204–209,304–309, 404–409,504–509,603–609	486
102	593
201,501	652
202,302,402,502,602	604
203,303,403,503	552
210,310,410	679
211,311,411	653
301,401	652
510	562
511	558
601	504
610	830

*TABULATION VALUES AS PROVIDED BY RYAN SENATORE ARCHITECTURE.

20 UPPER FALLS ROAD UNIT TABULATION	
UNIT NUMBER	SIZE (SF)
201,301,401,501	835
202,302,402,502	1,161
203,303,403,503	938
204,304,404,504	835
206,306,406,506	938

*TABULATION VALUES AS PROVIDED BY RYAN SENATORE ARCHITECTURE.

26 UPPER FALLS ROAD UNIT TABULATION	
UNIT NUMBER	SIZE (SF)
101	2,462
102–110	2,435
111	2,460

*TABULATION VALUES AS PROVIDED BY RYAN SENATORE ARCHITECTURE.

CONDITIONS OF APPROVAL:

FOLLOWING THE APPROVAL OF THE WAIVERS, THE PLANNING BOARD, BASED ON THE PRESENTATION, MATERIALS SUBMITTED, AND PUBLIC COMMENT, APPROVED THE SITE PLAN, SUBDIVISION AND SHORELAND ZONING PERMIT, APPROVED THE FINDINGS OF FACT, AND AUTHORIZED THE CITY PLANNER TO SIGN THE PLANS, WITH THE APPROVAL CONDITIONED ON THE FOLLOWING:

1. STANDARD CONDITIONS OF APPROVAL APPLY.
2. MULTIPLE SMALL PUMP STATIONS SHARE A FORCE MAIN. A PUMP STATION MAINTENANCE PLAN/AGREEMENT BY THE PROPERTY OWNERS SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A LAND DEVELOPMENT PERMIT AND NOTICE TO PROCEED.
3. PRIOR TO THE ISSUANCE OF A LAND DEVELOPMENT PERMIT AND NOTICE TO PROCEED. THE FOLLOWING ITEMS SHALL BE SUBMITTED:
   - 3.1. A SALT MANAGEMENT PLAN SHOULD BE PROVIDE.
   - 3.2. A SEWER IMPACT FEE TOTALING $XXX (TBD).
   - 3.3. ALTA SURVEYS/LOT SPLIT PLAN
     - 3.3.1. PLANS SHOULD SHOW THE FULL EXTENT OF DEVELOPMENT, INCLUDING THE END OF THE CITY'S PROPERTY
     - 3.3.2. CLARIFY ON THE PLANS THE ACQUISITION INTENT FOR THE CITY'S REAR LOT; PROVIDE FORMAL DOCUMENTATION FROM THE CITY APPROVING THE LOT'S ACQUISITION/USE.
     - 3.3.3. AS–BUILT PLANS ARE STILL NEEDED FOR PHASE 1 (1 UPPER FALLS ROAD) OF THE REDEVELOPMENT
   - 3.4. A STORMWATER MAINTENANCE MANUAL REQUIRING ANNUAL REPORTING OF ALL SWM BMPS (INSPECTIONS AND REPAIRS) IS REQUIRED.
   - 3.5. CLARIFY THE WINTER MAINTENANCE OPERATIONS FOR THE RIVERWALK 'CHIPSEAL' WALKING PATH.
   - 3.6. PHASE 1'S GRAVITY SEWER CONNECTION TIES DIRECTLY INTO ONE OF THE CITY'S LARGEST COMBINED–SEWER–OVERFLOW (CSO) STRUCTURES; THIS SHOULD HAVE BEEN CAUGHT DURING PHASE 1'S DEVELOPMENT. TO AVOID ALL THE ADDITIONAL SEWER FLOW FROM THIS DEVELOPMENT POTENTIALLY OVERFLOWING INTO THE RIVER, THE GRAVITY SEWER CONNECTION SHOULD BE EXTENDED ACROSS ELM STREET (TOWARDS DIAMOND STREET) AND TIED INTO THE NEXT DOWNSTREAM STRUCTURE. FINAL CORRECTIVE DESIGN PLANS, ADDRESSING THE REMAINING DESIGN DETAILS SHALL BE SUBMITTED FOR THE REVIEW AND APPROVAL OF THE DIRECTOR OF PUBLIC WORKS PRIOR TO THE SCHEDULING OF A PRE–CONSTRUCTION MEETING.

STATE OF MAINE, YORK, ss
REGISTRY OF DEEDS

RECEIVED _____

AT ____ hr. ____ min. ____ m AND RECORDED

IN PLAN BOOK _____, PAGE _____

ATTEST: _____
REGISTER

PROPOSED CONCRETE
PROPOSED PAVEMENT
BUILDING
EX. PROPERTY LINE
PR. PROPERTY LINE
STRIPING
CAPPED IRON ROD TO BE SET
EXISTING ROD/NAIL FOUND

20 0 20 40
SCALE: 1"=20'

THIS SURVEY CONFORMS TO THE CURRENT STANDARDS OF PRACTICE SET FORTH BY THE MAINE STATE BOARD OF LICENSURE FOR LAND SURVEYORS.

RANDY R. LOUBIER, MAINE P.L.S. #2407 DATE:
OWEN HASKELL, INC.

DRAFT
NOT ISSUED
FOR RECORDING

ISSUED FOR	BY	DATE
RECORDING	PFH	3/8/2023

DRAWING NAME:

PROJECT NAME AND ADDRESS:
SUBDIVISION PLAT
10, 20, 26 UPPER FALLS ROAD REDEVELOPMENT –
BIDDEFORD, MAINE 04005

CLIENT/OWNER OF RECORD:
TOM WATSON & CO.
188 STATE STREET, 3RD FLOOR, PORTLAND ME 04101

ACORN ENGINEERING, INC.

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY MODIFICATIONS, WITHOUT PERMISSION OR, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
PO BOX 3297, PORTLAND, MAINE 04101
(207) 775–2655

FILE:	1093.11_CIVIL
JN:	1093.11
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	ZMS
CHECKED BY:	WHS

DRAWING NO.
PLAT - 1

Section 28: Traffic & Parking Overview

The project proposes to construct a 6-story building containing 56 residential units with a restaurant space on 10 Upper Falls Road, a 5-story 20-unit residential building on 20 Upper Falls Road, 11 townhome units on 26 Upper Falls Road, and a partial demolition and change of use to the existing building located at 30 Upper Falls Road to accommodate a commercial use (potentially a brewery). The project will include associated parking and landscaped areas.

The preliminary trip generation for the proposed project has been estimated using the Institute of Transportation Engineers (ITE) "Trip Generation" 10th Edition publication. The land uses utilized in the calculations include: Land Use Code 221 Multifamily housing (mid-rise) apartments and Land Use Code 932 High-Turnover (Sit-Down Restaurant). Accordingly, the preliminary trip analysis yields a weekday AM peak hour increase of approximately 61 trips and a weekday PM peak hour increase of approximately 220 trips, and 225 trips during the Saturday peak hour. As the project is expected to generate over 100 peak hour trips, a Traffic Movement Permit (TMP) from the Maine Department of Transportation (MDOT) is required. Please see attached. The applicant, in conjunction with the City, MaineDOT, and surrounding developments are also preparing concept designs for the Route 1 corridor to address an increase in anticipated trip generations associated with the multiple developments going through the permitting process at the same time. Further information will be provided as designs progress.

In accordance with the City's Land Development Regulations, Performance Standards for off-street parking and loading, Table 6-49B: Parking space requirements, the project parking demand requires 1 space per dwelling unit (with the residential spaces designed exclusively for, and occupancy restricted to each unit), an increase of 5% of total spaces for multifamily developments, and 1 space per 3 restaurant seats, resulting in a total of 149 spaces required. For 10 Upper Falls Road: ((1 space/D.U. x 56) + (0.05 x 56)) + (1space/3seats x 49 seats) = 76 spaces. For 20 Upper Falls Road Parking: ((1 space/D.U. x 20) + (0.05 x 20)) = 21 spaces. For 26 Upper Falls Road Parking: (1 space/D.U. x 11) = 11 spaces. For 30 Upper Falls Road Parking: (1space/3seats x 123 seats) = 41 spaces.

The project proposes to construct a total of 156 parking spaces to serve the development. Please refer to the space and bulk tables provided on Sheet C-10 and C-11 for a breakdown of each lots available parking spaces. 5 of the spaces located within the 10 Upper Falls Road parking lot are to be designated for the 20 Upper Falls Road Apartment Building. The applicant is coordinating with the City's Pearl Street Parking Garage manager to secure an agreement for 7 parking spaces to satisfy the residential parking requirement for 10 and 20 Upper Falls Road.

The applicant will be requesting a waiver for parking requirements for the proposed the multi-family residential visitors and commercial uses. It should be noted that the City Lot located at the End of Upper Falls Road contains 48 parking spaces and per the City's Joint Development Agreement with the developers, will be available to accommodate parking for the multi-family residential visitors and commercial uses.

Whitten, Nan

From: Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Sent: Friday, April 28, 2023 2:37 PM
To: Pete Heil; Richardson, Marybeth; Aubrey Strause
Cc: William Savage; Zach Stevens; Michael Barton; John Laliberte; Chekan, Craig; roby.fecteau
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

Hi Peter,

Thank you for the revised design; no Corps permit will be required. We'll get you an official letter indicating as such as soon as possible.

--
Colin M. Greenan
Senior Project Manager
Maine Project Office
U.S. Army Corps of Engineers
442 Civic Center Drive, Suite 350
Augusta, Maine 04330

desk (978) 318-8676

In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at https://regulatory.ops.usace.army.mil/customer-service-survey/

From: Pete Heil <pheil@acorn-engineering.com>
Sent: Friday, April 28, 2023 12:03 PM
To: Richardson, Marybeth <Marybeth.Richardson@maine.gov>; Aubrey Strause <astrause@acorn-engineering.com>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>; Chekan, Craig <Craig.Chekan@Biddefordmaine.org>; roby.fecteau <roby.fecteau@biddefordmaine.org>
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Upper Falls Road (aka Gooch Street) permitting

Hi Marybeth & Colin,

Thanks for your quick responses. Per the attached (Colin, I'll upload the plan and letter to the portal link you sent yesterday), we have revised the outfall to pull back the end of the outlet pipe and associated plunge pool/level lip spreader to avoid installation of any rip rap at the rivers edge (and below the HWL). Also attached is an updated cover letter for the NPRA PBR, formally requesting a reduction of the full buffer strip and provides a narrative as to why a full buffer strip would be impractical due to existing conditions.

We appreciate your review and consideration. Please let us know if there are any recommendations that should be incorporated into the proposed design as you outline below. If agreeable, please confirm no additional permitting will be required for the proposed project. We're also happy to have a meeting or schedule a zoom call if it would be beneficial to review together. Thanks,

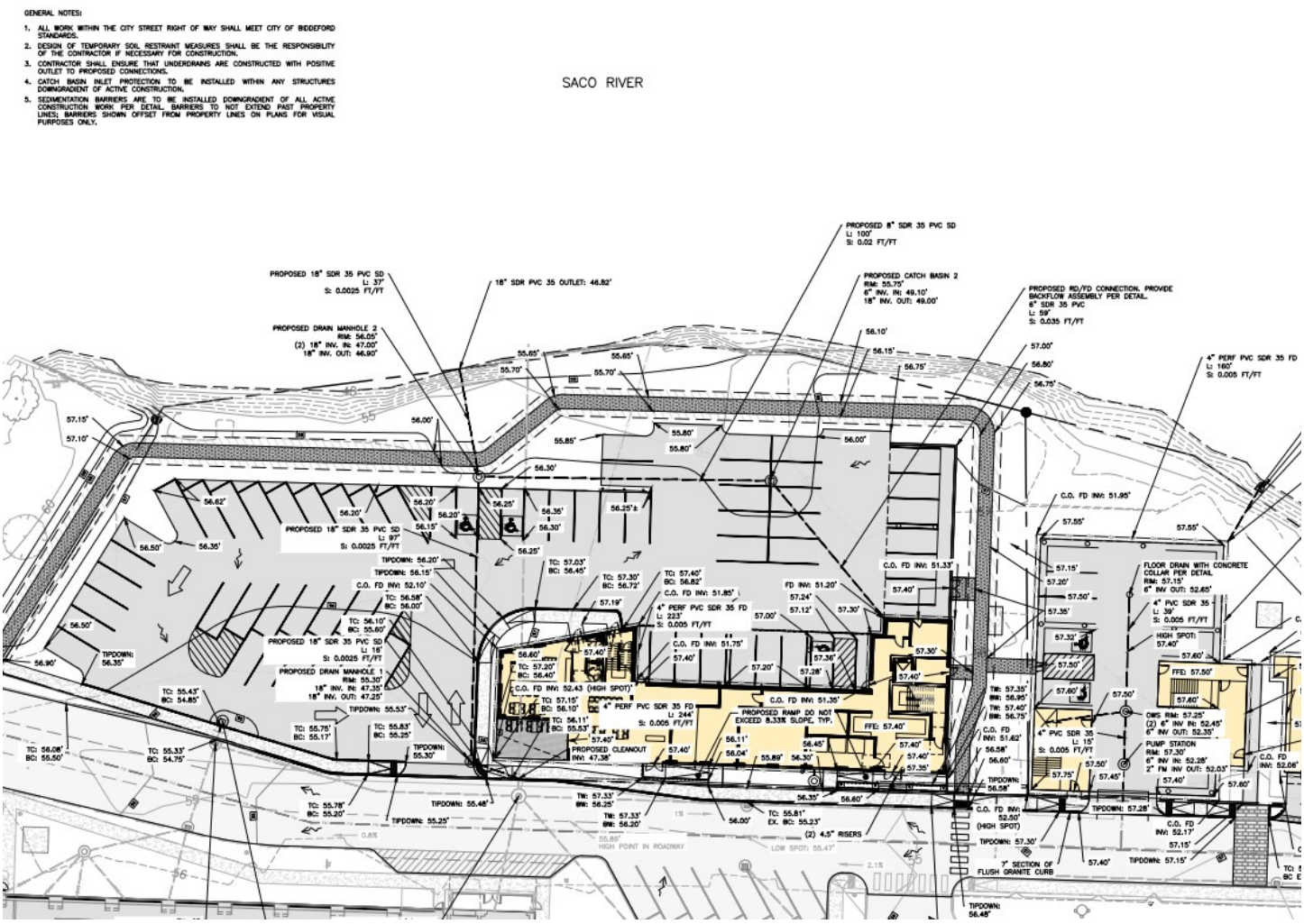
Peter F. Heil, PE

Acorn Engineering, Inc

B. 207.775.2655
C. 802.238.7409

From: Richardson, Marybeth <Marybeth.Richardson@maine.gov>
Sent: Thursday, April 27, 2023 3:07 PM
To: Aubrey Strause <astrause@acorn-engineering.com>; Pete Heil <pheil@acorn-engineering.com>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>; Chekan, Craig <Craig.Chekan@Biddefordmaine.org>; roby.fecteau <roby.fecteau@biddefordmaine.org>
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

Hello – the plans submitted with the stormwater application lacked the specific details of the outfall:



The NRPA, Chapter 305(7) states:

(2) Stormwater outfalls, whether a pipe or trench, must utilize velocity reducing structures and/or rock aprons to prevent erosion. A vegetative filter strip of at least 25 feet long must be established and maintained between the outfall structure and the resource unless a different standard is required pursuant to the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, or the Storm Water Management Law, 38 M.R.S.A. Section 420-D. The DEP may approve a reduction in width of the vegetated buffer if:

(a) The applicant demonstrates in writing that the full buffer width is not practicable;

(b) Any recommendations from the DEP are incorporated into the activity; and

(c) Approval of the reduction is from the DEP in writing.

The cover letter that accompanied the PBR notification did not include a narrative specific to the impracticability of not incorporating a 25-foot wide strip, just a general statement that the proposed condition will be an improvement. Absent that, the activity must conform to the performance standards. I'm happy to consider a different outfall design if it is presented as described above.

Marybeth Richardson (she/her Why Pronouns Matter)
Maine Department of Environmental Protection
Director, Southern Maine Regional Office
c (207)592-1692; land (207) 822-6317
www.maine.gov/dep

From: Aubrey Strause <astrause@acorn-engineering.com>
Sent: Thursday, April 27, 2023 2:44 PM
To: Pete Heil <pheil@acorn-engineering.com>; Richardson, Marybeth <Marybeth.Richardson@maine.gov>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
To add a nuance to Pete's email below: the City has informed us that the proposed work requires an **Individual NRPA permit** and a **USACE permit** *in addition to* the Stormwater Law and NRPA PBR that were already issued by Maine DEP.

That has us confused, and is specifically what we would appreciate clarification on.

-als

Aubrey L. Strause, PE
Municipal Services Coordinator

C. 207.641.7704

From: Pete Heil <pheil@acorn-engineering.com>
Sent: Thursday, April 27, 2023 2:37 PM
To: Marybeth Richardson <Marybeth.Richardson@maine.gov>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: Aubrey Strause <astrause@acorn-engineering.com>; William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>
Subject: Upper Falls Road (aka Gooch Street) permitting

Hi Marybeth & Colin,

As you may be aware, we've been working on the Upper Falls Road redevelopment project in Biddeford and was hoping to set a meeting with you both to review the regulatory requirements for the project, including the stormwater outfall into the river. We've received our DEP stormwater permit (attached) and submitted a DEP NRPA PBR (cover letter and form attached from Nov. 2022), which we never received comment back on (permit became effective 14 days after the Nov. 11 submission). The latest permitting plan set can be downloaded from the link below as a reference. Can you please let us know your availability so we can schedule a meeting next week, as I understand Colin's last day with the Maine office will be May 12th. Please let me know if you need anything else ahead of the meeting. Thanks and look forward talking with you both.

https://we.tl/t-N50we4o5qA

Peter F. Heil, PE
Project Manager

Licensed in Maine, Vermont, & New Hampshire

Acorn Engineering, Inc
PO Box 3372
Portland, Maine 04104

Website | LinkedIn | Instagram

B. 207.775.2655
C. 802.238.7409

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Whitten, Nan

From: Richardson, Marybeth <Marybeth.Richardson@maine.gov>
Sent: Friday, April 28, 2023 2:50 PM
To: Pete Heil; Aubrey Strause; Greenan, Colin M CIV USARMY CENAE (USA)
Cc: William Savage; Zach Stevens; Michael Barton; John Laliberte; Chekan, Craig; roby.fecteau; Kalinich, Jeffrey C
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

Peter – based on the existing conditions at the site and the reconstruction plan I concur that it would be impracticable to maintain a 25-foot setback. Therefore no additional NRPA permitting is required for the outfall.

Marybeth Richardson (she/her Why Pronouns Matter)
Maine Department of Environmental Protection
Director, Southern Maine Regional Office
c (207)592-1692; land (207) 822-6317
www.maine.gov/dep

From: Pete Heil <pheil@acorn-engineering.com>
Sent: Friday, April 28, 2023 12:03 PM
To: Richardson, Marybeth <Marybeth.Richardson@maine.gov>; Aubrey Strause <astrause@acorn-engineering.com>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>; Chekan, Craig <Craig.Chekan@Biddefordmaine.org>; roby.fecteau <roby.fecteau@biddefordmaine.org>
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Hi Marybeth & Colin,

Thanks for your quick responses. Per the attached (Colin, I'll upload the plan and letter to the portal link you sent yesterday), we have revised the outfall to pull back the end of the outlet pipe and associated plunge pool/level lip spreader to avoid installation of any rip rap at the rivers edge (and below the HWL). Also attached is an updated cover letter for the NPRA PBR, formally requesting a reduction of the full buffer strip and provides a narrative as to why a full buffer strip would be impractical due to existing conditions.

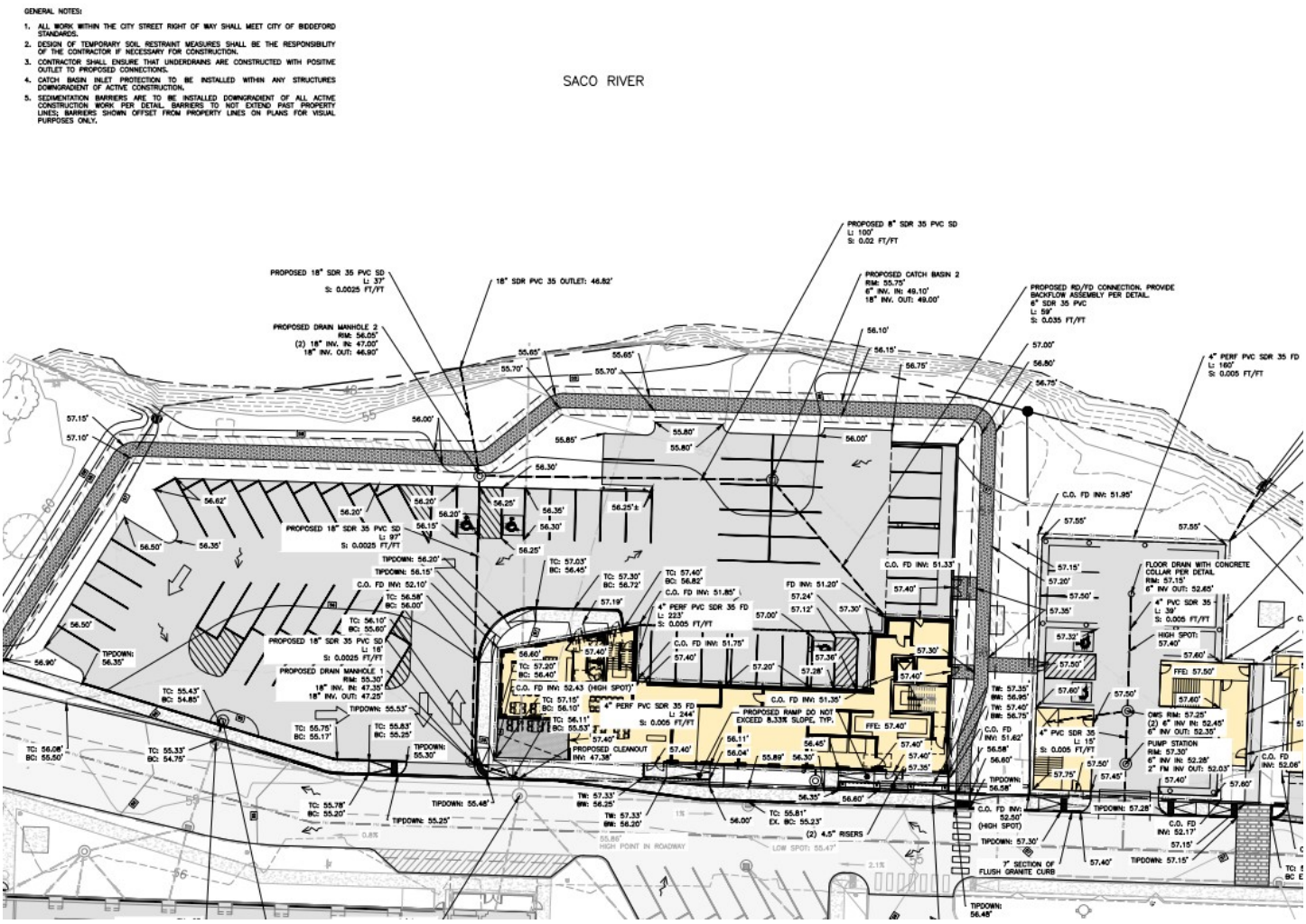
We appreciate your review and consideration. Please let us know if there are any recommendations that should be incorporated into the proposed design as you outline below. If agreeable, please confirm no additional permitting will be required for the proposed project. We're also happy to have a meeting or schedule a zoom call if it would be beneficial to review together. Thanks,

Peter F. Heil, PE

Acorn Engineering, Inc
B. 207.775.2655
C. 802.238.7409

From: Richardson, Marybeth <Marybeth.Richardson@maine.gov>
Sent: Thursday, April 27, 2023 3:07 PM
To: Aubrey Strause <astrause@acorn-engineering.com>; Pete Heil <pheil@acorn-engineering.com>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>; Chekan, Craig <Craig.Chekan@Biddefordmaine.org>; roby.fecteau <roby.fecteau@biddefordmaine.org>
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

Hello – the plans submitted with the stormwater application lacked the specific details of the outfall:



The NRPA, Chapter 305(7) states:

(2) Stormwater outfalls, whether a pipe or trench, must utilize velocity reducing structures and/or rock aprons to prevent erosion. A vegetative filter strip of at least 25 feet long must be established and maintained between the outfall structure and the resource unless a different standard is required pursuant to the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, or the Storm Water Management Law, 38 M.R.S.A. Section 420-D. The DEP may approve a reduction in width of the vegetated buffer if:

(a) The applicant demonstrates in writing that the full buffer width is not practicable;

(b) Any recommendations from the DEP are incorporated into the activity; and

(c) Approval of the reduction is from the DEP in writing.

The cover letter that accompanied the PBR notification did not include a narrative specific to the impracticability of not incorporating a 25-foot wide strip, just a general statement that the proposed condition will be an improvement. Absent that, the activity must conform to the performance standards. I'm happy to consider a different outfall design if it is presented as described above.

Marybeth Richardson (she/her Why Pronouns Matter)
Maine Department of Environmental Protection
Director, Southern Maine Regional Office
c (207)592-1692; land (207) 822-6317
www.maine.gov/dep

From: Aubrey Strause <astrause@acorn-engineering.com>
Sent: Thursday, April 27, 2023 2:44 PM
To: Pete Heil <pheil@acorn-engineering.com>; Richardson, Marybeth <Marybeth.Richardson@maine.gov>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>
Subject: RE: Upper Falls Road (aka Gooch Street) permitting

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.
To add a nuance to Pete's email below: the City has informed us that the proposed work requires an **Individual NRPA permit** and a **USACE permit** *in addition to* the Stormwater Law and NRPA PBR that were already issued by Maine DEP.

That has us confused, and is specifically what we would appreciate clarification on.

-als

Aubrey L. Strause, PE
Municipal Services Coordinator

C. 207.641.7704

From: Pete Heil <pheil@acorn-engineering.com>
Sent: Thursday, April 27, 2023 2:37 PM
To: Marybeth Richardson <Marybeth.Richardson@maine.gov>; Greenan, Colin M CIV USARMY CENAE (USA) <Colin.M.Greenan@usace.army.mil>
Cc: Aubrey Strause <astrause@acorn-engineering.com>; William Savage <wsavage@acorn-engineering.com>; Zach Stevens <zstevens@acorn-engineering.com>; Michael Barton <mbarton@bushwatson.com>; John Laliberte <john@bushwatson.com>
Subject: Upper Falls Road (aka Gooch Street) permitting

Hi Marybeth & Colin,

As you may be aware, we've been working on the Upper Falls Road redevelopment project in Biddeford and was hoping to set a meeting with you both to review the regulatory requirements for the project, including the stormwater outfall into the river. We've received our DEP stormwater permit (attached) and submitted a DEP NRPA PBR (cover letter and form attached from Nov. 2022), which we never received comment back on (permit became effective 14 days after the

Nov. 11 submission). The latest permitting plan set can be downloaded from the link below as a reference. Can you please let us know your availability so we can schedule a meeting next week, as I understand Colin's last day with the Maine office will be May 12th. Please let me know if you need anything else ahead of the meeting. Thanks and look forward talking with you both.

https://we.tl/t-N50we4o5qA

Peter F. Heil, PE
Project Manager

Licensed in Maine, Vermont, & New Hampshire

Acorn Engineering, Inc
PO Box 3372
Portland, Maine 04104

Website | LinkedIn | Instagram

B. 207.775.2655
C. 802.238.7409

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Section 17

Wastewater Disposal

17. Wastewater Disposal

A. On-Site Subsurface Wastewater Disposal System

The project will not be serviced by individual on-site subsurface sewage disposal systems. However, pump stations will be included in the design to route sewage to the existing municipal sewer system.

B. Nitrate-Nitrogen Impact Assessment

Not applicable.

C. Municipal Facility or Utility Company Letter

An Ability to Serve Letter from the City's Engineering Department is attached. The proposed project includes multiple pump stations to be installed to convey sewage to the existing force main within Upper Falls Road. See the Civil Plan Set for additional information.

D. Wastewater discharge information

Not applicable.

E. Storage or Treatment Lagoons

Not applicable.

Based upon the Section 4 of the Maine Subsurface Water Disposal Rules, the project anticipates the following design flows:

Estimate of Anticipated Daily Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Existing Flow				
10 Upper Falls Road				
Warehouse	N/A	1	100	100
Total Gallons per Day (Existing)				100
20 Upper Falls Road				
Manufacturing Operations	18,185sf	1	50gpd/1,000sf	910
Total Gallons per Day (Existing)				910
30 Upper Falls Road				
Manufacturing Operations	40,815sf	1	50gpd/1,000sf	2,040
Total Gallons per Day (Existing)				2,040
Total Gallons per Day (Existing)				**3,050 GPD**
Proposed Flow				
10 Upper Falls Road				
Residential Units	Studio / 1-Bedroom	56	200	11,200
Commercial Use	Restaurant	~49 seats ~4 Employees,	20gpd per seat + 12gpd per employee	1,028
Total Gallons per Day (Proposed)				12,228
20 Upper Falls Road				
Residential Units	2-Bedroom	12	200	2,400
Residential Units	1-Bedroom	8	200	1,600
Residential Units	Townhomes	11	200	2,200
Total Gallons per Day (Proposed)				6,200
30 Upper Falls Road				
Commercial Use	Restaurant	41 seats 10 Employees,	20gpd per seat + 12gpd per employee	940
Commercial Use	Restaurant	41 seats 4 Employees	20gpd per seat + 12gpd per employee	868

Commercial Use*	Brewery	41 seats 10 Employees	20gpd per seat + 2,500gpd* + 12gpd per employee	3,440
Total Gallons per Day (Proposed)				5,248
Total Gallons per Day (Proposed)				**23,676 GPD**
Net Change				**20,626 GPD**
* Values obtained directly from potential Brewery				

Section 16

Water Supply

16. Water Supply

A. Water Supply Method

The development will be serviced by the existing 12" ductile iron water main that transitions to an 8" water main within Upper Falls Road supplied by the Maine Water Company. An ability to serve letter from Maine Water Company is attached.

B. Subsurface Wastewater Disposal

Not applicable. The development will be serviced by a 3" force main sewer within Upper Falls Road that transitions to a gravity main prior to connecting to the municipal system within Elm Street.

C. Total Usage

This project anticipates an estimated water supply of 21,936 (net change 18,886) gallons per day (GPD).

Based upon the Section 4 of the Maine Subsurface Water Disposal Rules, the project anticipates the following design flows:

Estimate of Anticipated Daily Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Existing Flow				
10 Upper Falls Road				
Warehouse	N/A	1	100	100
Total Gallons per Day (Existing)				100
20 Upper Falls Road				
Manufacturing Operations	18,185sf	1	50gpd/1,000sf	910
Total Gallons per Day (Existing)				910
30 Upper Falls Road				
Manufacturing Operations	40,815sf	1	50gpd/1,000sf	2,040
Total Gallons per Day (Existing)				2,040
Total Gallons per Day (Existing)				**3,050 GPD**
Proposed Flow				
10 Upper Falls Road				
Residential Units	Studio / 1-Bedroom	56	180	10,080
Commercial Use	Restaurant	~49 seats ~4 Employees,	20gpd per seat + 12gpd per employee	1,028
Total Gallons per Day (Proposed)				11,108
20 & 26 Upper Falls Road				
Residential Units	2-Bedroom	12	180	2,160
Residential Units	1-Bedroom	8	180	1,440
Residential Units	Townhomes	11	180	1,980
Total Gallons per Day (Proposed)				5,580
30 Upper Falls Road				
Commercial Use	Restaurant	41 seats 10 Employees,	20gpd per seat + 12gpd per employee	940

Commercial Use	Restaurant	41 seats 4 Employees	20gpd per seat + 12gpd per employee	868
Commercial Use*	Brewery	41 seats 10 Employees	20gpd per seat + 2,500gpd* + 12gpd per employee	3,440
Total Gallons per Day (Proposed)				5,248
Total Gallons per Day (Proposed)				**21,936 GPD**
Net Change				**18,886 GPD**
* Values obtained directly from potential Brewery				