

City of Biddeford
Staff Review Committee
April 09, 2021 9:30 AM Zoom: Apr 9, 2021 09:30 AM Eastern Time (US and Canada)
Topic: Staff Review Committee-56B Alfred Street

Please click the link below to join the webinar:
<https://biddeford.zoom.us/j/99384803194?pwd=cjczUzZCc1gxN2tBQjFPWDFrakdLQT09>

Passcode: 108003

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US: +16465588656,,99384803194#,,, *108003# or
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253 215 8782 or +1 346 248 7799

Webinar ID: 993 8480 3194

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International numbers available: <https://biddeford.zoom.us/j/99384803194>

1. New Business

- 1.1. 2021.13 Conditional Use Permit for Joao C. Puati to open a reception/meeting hall at 56B Alfred Street Tax Map 38 Lot 362 in the MSRD 1 zone.
[2021.13 Puati 56B Alfred CUP FOF.pdf](#)
[2021.13 Puati 56B Alfred SR.pdf](#)
[Puati Application.pdf](#)

FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT (CUP)

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article XI (Site Plan Review), Article VII (Conditional Uses) and Article VI (Performance Standards), the Biddeford Staff Review Committee has considered the application of Joao Puati to operate a Community Center (Reception Hall/Meeting Place) at 56B Alfred Street. Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Staff Review Committee makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Joao C. Puati 12 MacArthur Circle West South Portland, ME 04106
2.	Owner of Property:	Paul Sheltra Sheltra Realty 62 Jefferson St. Biddeford, ME 04005
3.	Agent:	Joao C. Puati 12 MacArthur Circle West South Portland, ME 04106
4.	Engineer/Surveyor:	None
5.	Project Location:	56B Alfred Street
6.	Project Tax Map #/Lot #:	Tax Map 38, Lot 362
7.	Existing Zoning:	MSRD-1
8.	Overlay Zoning:	None
9.	Existing Use:	Vacant
10.	Proposed Use:	Community Center
11.	City Approvals Required:	Conditional Use Permit – Community Center
12.	Uses in the Vicinity:	Commercial, Residential, Government (Police Station)
13.	Parcel Size:	.08 Acres
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	None .08 Acres
16.	Frontage Required: Provided:	None N/A
17.	Front Setback Required: Provided:	None N/A
18.	Side Setbacks Required: Provided:	None N/A
19.	Rear Setback Requires: Provided:	None N/A

20.	Height Requirements: Provided:	Minimum 2 Stories or 26 feet. Max. 60 feet. N/A
21.	Water Supply:	Maine Water (Public)
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	Private Hauler
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None (NFIP FIRM Community Panel #230145 004 B)
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Parking Spaces Required:	Community Center is not included in Table 6-49B. Community facilities such as libraries require 1 space/500 SF. The space to be occupied is estimated less than 1,500 SF (less than 50% of the total floor area) which would require 3 parking spaces using a library standard.
29.	Parking Spaces Provided (total): # Handicapped Spaces:	0 spaces provided on-site 0 spaces provided on-site
30.	Ownership of Road:	Alfred Street is a public street.
31.	Impervious Surface Area:	N/A
32.	Estimated Site Development Costs:	None
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	1. Waiver of 3 parking spaces 2. Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)
35.	Waivers Granted:	1. Waived 3 parking spaces 2. Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)
36.	Variances Needed for Approval:	None
37.	Other Non-City Permits Required:	None
38.	Other Non-City Permits Obtained:	N/A
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	All Fees Paid
42.	Staff Review Committee Review History: Final Review:	April 9, 2021

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 project (and for fire protection purposes, if applicable.)
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, historic sites, archeological resources, 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.

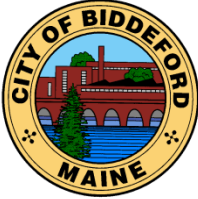
Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Staff Review Committee approves the Conditional Use Permit for the proposed project summarized above, located at 56B Alfred Street (Tax Map 38, Lot 362) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. **The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.**
2. **Standard Conditions of Approval apply.**

Staff Review Committee Chairperson

Date



CITY OF BIDDEFORD

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

STAFF REVIEW COMMITTEE REPORT

TO: Biddeford Staff Review Committee

FROM: Greg Tansley, AICP, City Planner

DATE: March 30, 2021

RE: **2021.13 Conditional Use Permit for Joao Puati to operate a “community center” (reception/meeting hall) at 56B Alfred Street (Tax Map 38, Lot 362) in the MSRD-1 Zone.**

MEETING DATE: Thursday, April 9, 2021 @ 9:30 AM.

1. INTRODUCTION

The applicant, Joao Puati, is seeking to operate a community center, which he refers to as a meeting or reception hall, at 56 Alfred Street in Suite B. The entrance to 56B is located on the front of the building, on the right-hand side. Please see the applicant's Letter of Intent for more information.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Joao C. Puati 12 MacArthur Circle West South Portland, ME 04106
2.	Owner of Property:	Paul Sheltra Sheltra Realty 62 Jefferson St. Biddeford, ME 04005
3.	Agent:	Joao C. Puati 12 MacArthur Circle West South Portland, ME 04106

4.	Engineer/Surveyor:	None
5.	Project Location:	56B Alfred Street
6.	Project Tax Map #/Lot #:	Tax Map 38, Lot 362
7.	Existing Zoning:	MSRD-1
8.	Overlay Zoning:	None
9.	Existing Use:	Vacant
10.	Proposed Use:	Community Center
11.	City Approvals Required:	Conditional Use Permit – Community Center
12.	Uses in the Vicinity:	Commercial, Residential, Government (Police Station)
13.	Parcel Size:	.08 Acres
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	None .08 Acres
16.	Frontage Required: Provided:	None N/A
17.	Front Setback Required: Provided:	None N/A
18.	Side Setbacks Required: Provided:	None N/A
19.	Rear Setback Requires: Provided:	None N/A
20.	Height Requirements: Provided:	Minimum 2 Stories or 26 feet. Max. 60 feet. N/A
21.	Water Supply:	Maine Water (Public)
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	Private Hauler
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None (NFIP FIRM Community Panel #230145 004 B)
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Parking Spaces Required:	Community Ceneter is not included in Table 6-49B. Community facilities such as libraries require 1 space/500 SF. The space to be occupied is estimated less than 1,500 SF (less than 50% of the total floor area) which would require 3 parking spaces using a library standard.
29.	Parking Spaces Provided (total): # Handicapped Spaces:	0 spaces provided on-site 0 spaces provided on-site
30.	Ownership of Road:	Alfred Street is a public street.

31.	Impervious Surface Area:	N/A
32.	Estimated Site Development Costs:	None
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	1. Waiver of 3 parking spaces 2. Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)
35.	Waivers Granted:	1. Waived 3 parking spaces 2. Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)
36.	Variances Needed for Approval:	None
37.	Other Non-City Permits Required:	None
38.	Other Non-City Permits Obtained:	N/A
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	All Fees Paid
42.	Staff Review Committee Review History: Final Review:	April 9, 2021

3. EXISTING CONDITIONS

The space in the building is less than half of the available floor area of the building. It is currently vacant and available for lease.

4. PROJECT PROPOSAL

Occupy approximately half of the 1st floor as a Community Center (Reception Hall/Meeting Place).

5. STAFF REVIEW

- a. ZONING: Community Centers are a Conditional (C) Use in the MSRD-1 Zone.
- b. REVIEW STANDARDS: Site Plan Review (Article XI), Conditional Uses (Article VII), Performance Standards (Article VI).
- c. WAIVERS:
 - i. Waive 3 parking spaces due to available on-street and nearby public parking lots.

The City Planner would like to note this is a re-use of a previously occupied space which demands very little parking. This waiver is recommended by the City Planner.

- ii. Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)

The City Planner would like to note there are no site improvements as part of this application. This waiver is recommended by the City Planner.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

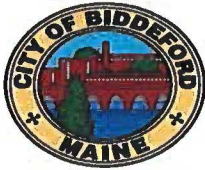
None.

6. NEXT STEPS/SUGGESTED ACTIONS

- **Recommend the Staff Review Committee grant the waiver for 3 parking spaces.**
- **Recommend the Staff Review Committee grant the waiver for a full site plan review submittal given the scale, location, and nature of the proposal.**
- **If the applicant has addressed the outstanding items to the satisfaction of the Committee, and Committee approves the project, Staff recommend doing so with the following Conditions of Approval attached:**
 - 1. **The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.**
 - 2. **Standard Conditions of Approval apply.**

ATTACHMENTS

1. Application and Letter of Intent
2. Draft Findings of Fact and Conclusions of Law



City of Biddeford
Planning Board Application

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

Fees due:
40⁰⁰ Admin
200⁰⁰ Application
240⁰⁰

Type of Application:

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

Applicant Information:

Name: JOAO C. PUATI Email: diprave@yahoo.fr
Mailing Address: 56 B Alfred St
Telephone: 207 405 7108
Email: _____

What is your legal interest in the property?

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

Owner's Information:

Name: PAUL E. SHELTRA SHELTRA REALTY
Mailing Address: 62 JEFFERSON ST Biddeford ME 04005
Telephone: 207-590-3110
Email: SHELTRAREALTY@YAHOO.COM

Agent's Information:

Name: Joao Puati
Mailing Address: 56 B Alfred St Biddeford ME
Telephone: 207 405 7108
Email: diprave@yahoo.fr

Engineer/Surveyor's Information:

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

Project Location and Lot Information:

Street Address: 56 B Alfred St Biddeford ME
Tax Map: 38 Lot: 3102
Current Zoning: MSRD1 Shoreland Zoning: _____
Size of Lot: _____ () acres () s.f. Lot Frontage: _____
Existing use of Property: _____

Property currently serviced by:

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

Slope Conditions in Area of Construction (if applicable):

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

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

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

Description of proposed use of property:

Project/Proposed Use:

The Property will be a reception place for the immigrant and the people peddled culturally meeting place for exchange of community and cultural made meals and drinks.

Property to be Serviced by:

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

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

If in a Shoreland Zone:

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

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

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

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

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

Total new square feet footprint of structure: N/A

Total new square feet paving/parking: N/A

Waiver Requests (attach details):

1. N/A
2. N/A
3. N/A
4. N/A
5. N/A

Attachments:

A. Letters of Approval

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

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

Fees (Due at time of Submission):

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

Required Signatures:

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

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

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

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

Signature of Applicant: JOAO C PUGH Date 02/23/21

Signature of Property Owner: _____ Date _____

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

JOAO CHRISTIANO PUATI
12 MACARTHUR CIRCLE WEST
SOUTH PORTLAND, ME 04106
Business Phone: 207-405 7108

TO:

CITY OF BEDDEFORD MAINE,
PO BOX 586
205 Maine Street,
Biddeford, ME 04005
Phone: (207) 284-9115
Feb 19, 2021

A LETTER OF INTENT TO CITY OF BEDDEFORD PLANNING BOARD

Dear Greg D. Tansley, A.I.C.P, City Planner,

My name is Joao Chritiano Puati. I am the owner of the, *African Grilled Kitchen and Bar* (AGKAB) LLC organized under the laws of Maine, I am the sole member. This business application is addressed to City of Biddeford Maine, City Planner for the reason of a leasing/renting a building property located at this address, (I am the new leasing/renting owner of the property):

*56B Alfred Street,
Biddeford ME, 04005
Tel: 207- 405-7108*

The property owner is Paul Sheltra and his address is at, *62 Jefferson Street, Biddeford ME*. His phone number is 207 590 3110.

For the new leasing owner, Emergency contact name is Lawrence Okeyo, *phone number 214 556 7146*.

The type of Business falls categorically under hospitality and community cultural meeting place, basically this business will be a Reception Center for both immigrants living in the State of Maine and the natives of the State of Maine. There will be exchange of the State of Maine's cultural made dishes and some special dishes made with the immigrant's community living in Biddeford and the State of Maine. These already made dishes will be brought from within the communities of the city of Biddeford and the State of Maine. While soft drinks and light alcoholic drinks will be sold at the property, the reception center.

The hours of the new business Monday to Sunday, from 8:00AM To 12:00AM. However, the COVID-19 regulations according to the City of Biddeford and the State of Maine protocol will be adhered to the letter.

In conclusion, I believe this Reception Center will facilitate growth and mutual understanding between the Immigrant communities and the Residents in Biddeford and the State Maine a deep and unique cultural and transcultural understanding and appreciation. This is great for the growing city of Biddeford! Please, do not hesitate to reach me with any concern, my number is written above. I want to thank you in advance on behalf of the City of Biddeford Maine, thank you so very much!

Yours Sincerely Yours,

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

Joao Christano Puati

Tansley, Greg

From: Paul Shelters <sheltrarealty@yahoo.com>
Sent: Tuesday, March 2, 2021 6:16 PM
To: Tansley, Greg
Subject: Re: 56B Alfred Street - Biddeford

Hi Greg, this is the person that has come to me to open a reception/meeting hall. I did fill out the owner part of the paperwork, I apologize for forgetting to sign at the bottom of the page.

Thank you

Sent from my iPhone

On Mar 2, 2021, at 3:35 PM, Tansley, Greg <Greg.Tansley@biddefordmaine.org> wrote:

Hi Paul,

Attached is the application I need your authorization to proceed with. An email back from you at this time will allow me to proceed with processing it.

Thank you,

Greg

Greg Tansley, AICP
City Planner
PO Box 586
Biddeford, ME 04005
207-284-9115
Greg.Tansley@Biddefordmaine.org

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

<scan_gtansley_2021-03-02-15-32-18.pdf>