City of Biddeford
Planning Board
April 05, 2017 6:00 PM City Hall
Council Chambers,

1. **PLEDGE OF ALLEGIANCE**
2. **DECLARATION OF QUORUM/VOTING MEMBERS**
3. **ADJUSTMENTS TO THE AGENDA**
4. **PLANNER'S BUSINESS**
5. **CONSENT AGENDA**
   - 5.A. A. Consideration of Minutes: March 1, 2017
     March 1, 2017.doc
6. **UNFINISHED BUSINESS**
7. **NEW BUSINESS**
   - 7.A. A. 2017.13 Determination of Greatest Practical Extent: for AC Properties who proposes the demo of the existing home and rebuild a new one in its place at 1 Edgewater Place (Tax Map 55, Lot 23) in the CR, RP and LR Zones.
     2017.13 AC Properties GPE SR.docx
   - 7.B. B. 2017.10 Final Site Plan and Conditional Use Permit Review: for Westfield Inc. for the construction of two truck docks and the expansion/reconstruction of impervious surface to accommodate truck parking at 20 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.
     2017.10 Westfield Final SR 040517.docx
   - 7.C. C. 2017.14 Conditional Use Permit: for Luke Morong to add a medical marijuana caregiver growing facility to an already light industrial multi-tenanted space located at 414 Hill Street (Tax Map 74, Lot 5) in the I-2 zone.
     2017.14 Morong CUP 414 Hill St SR.docx
   - 7.D. D. 2017.15 Conceptual Subdivision/Conditional Use Permit Review and Amendment to a Previously Approved Subdivision (Lot 1 of Riverview Farms Subdivision): for Jason Labonte who is proposing a 9-lot Residential Cluster Subdivision located at 34 Buzzell Road (Tax Map 6, lot 43) in the RF zone.
     2017.15 Labonte Subdivision Concept SR 040517.docx
8. **OTHER BUSINESS**
9. **ADJOURN**

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

Planning Board Agenda Item Report

Agenda Item No. 2016-827
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: April 5, 2017

SUBJECT
A. Consideration of Minutes: March 1, 2017

Recommendation:

ATTACHMENTS
- March 1, 2017.doc

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD
MINUTES

Date: Wednesday, March 1, 2017
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE
2. DECLARATION OF QUORUM/VOTING MEMBERS
   A. Quorum Present: Chair Larry Patoine, Richard Potvin, II, Matthew Boutet, Jennifer Burke, Clement Fleurent (Alt Voting Member), Roch Angers (Alt non-Voting Member).
3. ADJUSTMENTS TO THE AGENDA
4. PLANNER'S BUSINESS
   Greg Tansley, Planner: Two things 1) The City Council passed our two items. 2) Our May 3 meeting will be held on May 17th.
5. CONSENT AGENDA
   A. Consideration of Minutes: February 1, 2017
   MOTION:
   - o Potvin
   - Motion: to Approve Consent Agenda.
   - o Fleurent
   - Second.
   - o Chair Patoine – Call for Vote
   - Unanimous Approval (4-0) passed.
6. UNFINISHED BUSINESS
7. NEW BUSINESS
   A. 2017.05 Determination of Greatest Practical Extent: for Matthew & Robin Freeman to reconstruct a house and garage at 14 Mile Stretch Road (Tax Map 62, Lot 16) in the CR and LR zones.
   Greg Tansley, Planner: Brief report.
   Mike, Kennebunk River Associate's: Brief statement.
   Discussion between the Board, Staff and Applicant.
   MOTION:
   - o Boutet
   - Motion: to approve the Determination of Greatest Practical Extent for Matthew and Robin Freeman based on the approved plans for 14 Mile Stretch Road (Tax Map 62, Lot 16) approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated February 21, 2017.
   - o Burke

- Second.
  - Chair Patoine – Call for Vote
- Unanimous Approval (4-0) passed.

B. 2017.08 Determination of Greatest Practical Extent: for Thomas & Mary Hatch to reconstruct a garage at 187 Hills Beach Road (Tax Map 55, Lot 26) in the CR and RP zones.
Greg Tansley, Planner: Brief report.
Mike, Kennebunk River Associate's: Brief statement.
Discussion between the Board, Staff and Applicant.

MOTION:
- Boutet
- Motion: to approve the Determination of Greatest Practical Extent for Thomas and Mary Hatch based on the approved plans for 187 Hills Beach Road (Tax Map 55, Lot 26) approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated February 21, 2017.
- Burke
- Second.
- Chair Patoine – Call for Vote
- Unanimous Approval (4-0) passed.

C. 2017.09 Determination of Greatest Practical Extent: for Kathryn Gay to remove her existing home and replace it with a new structure located at 115 Hills Beach Road (Tax Map 54, Lot 63) in the CR and RP zones.
Greg Tansley, Planner: Brief report.
Tony Covino, Saco Bay Builder's: Brief Statement.
Discussion between the Board, Staff and Applicant.

MOTION:
- Boutet
- Motion: to approve the Determination of Greatest Practical Extent for Kathryn (Reilly) Gay based on the approved plans for 115 Hills Beach Road (Tax Map 54, Lot 63) approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated February 21, 2017.
- Burke
- Second.
- Chair Patoine – Call for Vote
- Unanimous Approval (4-0) passed.

D. 2016.25 Site Plan Review: for Five Star Holdings, LLC to construct an 1,800 SF building to house a Star Bucks Coffee Shop on Alfred Road (Tax Map 27, Lots 167, 168 and 169) in the B-2 zone.
Greg Tansley, Planner: Brief report.
Bill Thompson, BH2M Engineers: Brief presentation.
Jennifer Harnish, 3 Summit Street: A few questions regarding Dumpster, Green Space, Signage.
Bill Thompson, BH2M Engineers: Answered all her questions.
Jeremy Bourque, 6 Summit Street: Traffic

Discussion between the Board, Staff and Applicant: Regarding traffic and putting up signage.
Sharon Danis, 2 Pare Street: Traffic.

MOTION:

o Potvin

- Motion: to approve the Site Plan Application for Five Star Holdings, LLC for a new coffee shop at Tax Map 27, Lots 167, 168, and 169, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated February 22, 2017 and also add to eliminate the current location of the dumpster and move it back to its prior original plan location, and to extend the fence long enough to deter lighting onto the property adjacent by 20 feet.

o Burke

- Second.

o Chair Patoine – Call for Vote

- Unanimous Approval (4-0) passed.

E. 2017.10 Conceptual Site Plan Review: for Westfield Inc. for the construction of two truck docks and the expansion/reconstruction of impervious surface to accommodate truck parking at 20-26 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.
David Gould, Westfield Inc.: Spoke briefly explaining the project.
Bill Thompson, BH2M Engineers: Gave a brief presentation.
Daniel Gagne: Just wants to know if it's the old Wood Structures building because it's close to his house and he's worried about noise.
David Gould, Westfield Inc.: It's the furthest property away from his home.
NO VOTE – INFORMATIONLY ONLY

F. 2015.19 Conceptual Subdivision: for Van Hertel, Jr. for a proposed 8 lot subdivision at 226 Guinea Road (Tax Map 78, Lot 1) in the RF & SR1 zone.
Bill Thompson, BH2M Engineers: Gave a presentation.
Carol Brown, lives across the street: Concerns are ledge, blasting, they live off wells so how will it affect them, and would like a traffic study done.
Greg Tansley, Planner: Reminder for the Board that you have to decide if this project is a major subdivision for it to move forward. Biddeford has a very strong blasting ordinance. Explained what a blasting company has to provide.
Discussion between the Board, Staff and Applicant.

MOTION:

o Boutet

- Motion: to determine the proposed subdivision is a major subdivision.

o Fleurent

- Second.

o Chair Patoine – Call for Vote

- Unanimous Approval (4-0) passed.

G. 2017.11 Conceptual Site Plan Review: for University of New England to construct a new multi-purpose turf athletic field and associated amenities located off Pool Street (Tax Map 9, Lot 15) in the IN zone.

Greg Tansley, Planner: The one concern we have is the swapping of the two buildings. I'll let Mr. Thibeault explain.
Alan Thibeault, Assist. Vice President of Planning @ UNE: Gave a presentation regarding this project. He explained why the change in buildings.

MOTION:

- Boutet
- Motion: to confirm that the change in location for "F2" is minor in nature and is de minimus.
- Burke
- Second.
- Chair Patoine – Call for Vote
- Unanimous Approval (4-0) passed.

H. 2017.12 Conceptual Site Plan Review: for University of New England to construct 168 new parking spaces for the existing turf field and Harold Alfond Forum located off Pool Street (Tax Map 9, Lot 15) in the IN zone.
Alan Thibeault, Assist. Vice President of Planning @ UNE: Gave a presentation.
Discussion between Board, Staff and Applicant.

8. OTHER BUSINESS

Greg Tansley, Planner: I want to remind you all that we have plans to sign and please make sure we sign them in the same order.

9. ADJOURN

MOTION:

- Boutet
- Motion: to adjourn.
- Fleurent
- Second.
- Chair Patoine – Call for Vote
- Unanimous Approval (4-0) passed.

_____ _____

Planning Board Chair **Date**

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

6

Planning Board Agenda Item Report

Agenda Item No. 2016-828
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: April 5, 2017

SUBJECT
A. 2017.13 Determination of Greatest Practical Extent: for AC Properties who proposes the demo of the existing home and rebuild a new one in its place at 1 Edgewater Place (Tax Map 55, Lot 23) in the CR, RP and LR Zones.

Recommendation:

ATTACHMENTS
- 2017.13 AC Properties GPE SR.docx

2017.13

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD REPORT

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

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

DATE: March 28, 2017

RE: NEW BUSINESS ITEM #A – 2017.13 Determination of Greatest Practical Extent: for AC Properties who proposes the demo of the existing home and rebuild a new one in its place at 1 Edgewater Place (Tax Map 55, Lot 23) in the CR, RP and LR Zones.

MEETING DATE: April 5, 2017

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1. INTRODUCTION

The applicant is proposing a tear down and reconstruction of a house at 1 Edgewater Place. The house is non-conforming due to the Resource Protection District off of "the Pool".

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The house is within the 250' Resource Protection (RP) Zone of "the Pool". The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3 (Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

- *the size of the lot,*
- *the slope of the land,*
- *the potential for soil erosion,*
- *the location of other structures on the property and on adjacent properties,*
- *the location of the septic system and other on-site soils suitable for septic systems, and*
- *the type and amount of vegetation to be removed to accomplish the relocation.*

2. PROJECT DATA/INFORMATION

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	AC Properties, LLC PO Box 15233 Portland, ME 04112
2.	Owner of Property:	Anthony Christensen PO Box 15233 Portland, ME 04112
3.	Agent:	N/A
4.	Surveyor:	Dow and Coulombe 13 Park St. Saco, ME 04072
4.	Project Location:	1 Edgewater Place Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 55, Lot 23
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Resource Protection (RP) and Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home.
9.	Proposed Use:	Single family home.
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans by Dow & Coulombe, Inc. dated October 3, 2016, last revised 02-06-2017, entitled "Plan Showing A Boundary Survey Made For AC Properties, LLC c/o Tony Christensen" considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance.
13.	Lot Size:	.134 Acres +/-
14.	Floodplain Status:	None.
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit (if applicable)

21.	LDR Attachment A: Fess Paid:	No
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	April 5, 2017 (Posted in City Hall March 21, 2017; Journal Tribune posting March 23, 2017; Mail Notices to all abutters within 250' sent March 21, 2017 - 22 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home on it with a septic system. It is located on the northeast corner of Edgewater Place and Hills Beach Road. Most of the existing home is located In the RP Zone (see included plans).

The lot is extremely small and the rear setback is already violated as shown by the grey hatched outline of the existing structure. As the plan indicates, it does not appear the existing structure could be moved away from the resource (i.e., "The Pool") any further than it already is. Although the plan shows a "proposed building foundation" it really is not a consideration for this review by the Planning Board.

4. PROJECT PROPOSAL

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

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on March 21, 2017. It was also posted in the Journal Tribune on March 23, 2017. Mailing notices were also sent out to all abutters within 250' on March 21 , 2017 – 22 notices were sent out.

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

6. STAFF REVIEW

a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR/LR Zones. It is Not Permitted in the RP Zone but is a grandfather non-conforming use.

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

c. WAIVERS: None

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

1. Fees Due: $140.00.

7. STAFF RECOMMENDATION

Staff is of the opinion that the plan exhibits a proposal that meets the Greatest Practical extent criteria and the intent of the Ordinance.

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

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. Obtain required permits from Code Enforcement.

8. NEXT STEPS/SUGGESTED ACTIONS

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

9. SAMPLE MOTIONS

A. *Motion to approve the Determination of Greatest Practical Extent for AC Properties based on the approved plans for 1 Edgewater Place (Tax Map 55, Lot 23) approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated March 28, 2017.*

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

ATTACHMENTS

1. Applicant's Application
2. Dow & Coulombe, Inc. plan dated October 3, 2016, last revised 02-06-2017, entitled "Plan Showing A Boundary Survey Made For AC Properties, LLC c/o Tony Christensen"
3. Draft Findings of Fact.

Planning Board Agenda Item Report

Agenda Item No. 2016-829
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: April 5, 2017

SUBJECT
B. 2017.10 Final Site Plan and Conditional Use Permit Review: for Westfield Inc. for the construction of two truck docks and the expansion/reconstruction of impervious surface to accommodate truck parking at 20 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.

Recommendation:

ATTACHMENTS
- 2017.10 Westfield Final SR 040517.docx

CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD REPORT

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

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

DATE: March 28, 2017

A. RE: NEW BUSINESS ITEM #B – 2017.10 Final Site Plan and Conditional Use Permit Review: for Westfield Inc. for the construction of two truck docks and the expansion/reconstruction of impervious surface to accommodate truck parking at 20 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.

MEETING DATE: April 5, 2017 @ 6:00 PM

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1. INTRODUCTION:

The applicant proposes the construction of 2 new truck loading docks with associated truck parking are. The existing pavement will be reclaimed and new pavement will be added to accommodate the truck parking area. The final site plan application package is attached demonstrates the proposal.

2. PROJECT DATA/INFORMATION:

Note: HIGHLIGHTED information is pending.

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Westfield, Inc 26 Rivers Edge Drive Kennebunk, ME 04043
2.	Owner of Property:	Westfield, Inc 26 Rivers Edge Drive Kennebunk, ME 04043
3.	Agent:	BH2M Engineers 28 State Street Gorham, ME 04038

		Attn: William Thompson
4.	Engineer/Architect:	BH2M Engineers 28 State Street Gorham, ME 04038
4.	Project Location:	20-26 Pomerleau Street
5.	Project Tax Map #/Lot #:	Tax Map 2, Lot 81
6.	Existing Zoning:	I-3
7.	Overlay Zoning:	None
8.	Existing Use:	The parcel currently houses an industrial/warehouse facility.
9.	Proposed Use:	Additional loading docks and truck parking.
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Car Repair, Retail, Restaurants, Residential
12.	Parcel Size:	15.56 acres
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	0 SF 15.56 acres
15.	Frontage Required: Provided:	50' Greater than 50'
16.	Front Setback Required: Provided:	40' No building/structures proposed
17.	Side Setbacks Required: Provided:	25' No building/structures proposed
18.	Rear Setback Requires: Provided:	25' No building/structures proposed
19.	Height Requirements: Provided:	Maximum 60' No building/structures proposed
20.	Water Supply:	Maine Water (Public)
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
27.	Parking Spaces Required:	N/A – Existing Use – Expanding Parking for Trucks
28.	Parking Spaces Provided (total): # Accessible Spaces:	31 truck parking/trailer storage spaces. 2 spaces also in front of the proposed loading docks. N/A
29.	Ownership of Road:	City Street
30.	Impervious Surface Area	21,600 SF new pavement
31.	Total Disturbed Area:	63,000 SF +/-
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
34.	Waivers Needed:	a.
35.	Waivers Granted:	a.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None

39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Concept Fees Paid
41.	Planning Board Review History: Conceptual Review: Final Review:	 March 1, 2017 Meeting Date (Journal Tribune posting February 17, 2017; City Hall posting February 15, 2017; Mail Notices to all abutters within 250' sent February 15, 2017 – 10 notices sent). April 5, 2017 Meeting Date (Journal Tribune posting March 23, 2017; City Hall posting March 21, 2017; Mail Notices to all abutters within 250' sent March 21, 2017 – 10 notices sent).

3. EXISTING CONDITIONS:

The project site is currently 2 parcels of land both owned by Westfield, Inc. The smaller parcel is currently vegetated and abuts a developed site.

4. PROJECT PROPOSAL:

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

5. PUBLIC COMMENT:

Concept Review:

The notice was posted in City Hall on February 15, 2017. It was also posted in the Journal Tribune on February 17, 2017. Mailing notices were also sent out to all abutters within 250' on February 15, 2017 – 10 notices were sent out.

FINAL REVIEW:

The notice was posted in City Hall on March 21, 2017. It was also posted in the Journal Tribune on March 23, 2017. Mailing notices were also sent out to all abutters within 250' on March 23, 2017 – 10 notices were sent out.

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

6. STAFF REVIEW:

a. ZONING: The proposed use is permitted in the I-3 Zone.

b. REVIEW STANDARDS: Site Plan Review and Conditional Uses.

c. WAIVERS: None.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

1. We discussed issues related to the allowable street opening on Pomerleau Street as well as extension of the existing sidewalk. Please address.
2. Provide current fees due - $3,540.00
3. Provide Performance Guarantee Cost Estimate on City Form.
4. Need Financial Capacity Letter to complete the project.
5. Provide a stormwater maintenance plan.
6. Provide complete Mylar Set and Paper set no later than April 4, 2017 @ 2:00 PM amended based on comments.

7. STAFF RECOMMENDATION:

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

1. Prior to any ground disturbance or issuance of any permits:
   a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
   b. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the Planning Department and/or Engineering Department of $XXX,XXX shall be submitted to the Planning Department.
2. Prior to the issuance of any occupancy permits:
   a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
   b. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the Engineering Department.
3. A street opening permit is required from the Department of Public Works for any work within the City Right-of-Way.
4. Best management practices shall be adhered to during all ground disturbance operations.

5. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
6. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.
7. 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.
8. Once completed, as-built drawings of the site shall be provided to the Planning Department.
9. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
10. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS:

- Listen to any public comment and consider granting final approval of the Site Plan and Conditional Use Permit for Westfield Inc.

9. SAMPLE MOTIONS:

A. Motion to approve the Site Plan and Conditional Use Permit for Westfield Inc. at Tax Map 2, Lot 81, approve the findings of fact, and sign the mylar based on the conditions recommended by Staff in its report dated March 28, 2017.

B. Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.

C. Motion to deny the Site Plan and Conditional Use Permit for Westfield Inc. based upon the following reasons:
*a)*_____
*b)*_____

ATTACHMENTS:

1. Cover Letter, Application, and Final Site Plan Package.

Planning Board Agenda Item Report

Agenda Item No. 2016-830
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: April 5, 2017

SUBJECT
C. 2017.14 Conditional Use Permit: for Luke Morong to add a medical marijuana caregiver growing facility to an already light industrial multi-tenanted space located at 414 Hill Street (Tax Map 74, Lot 5) in the I-2 zone.

Recommendation:

ATTACHMENTS
- 2017.14 Morong CUP 414 Hill St SR.docx

CITY OF BIDDEFORD
PLANNING DEPARTMENT

2017.14

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

PLANNING BOARD REPORT

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

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

DATE: March 28, 2017

RE: NEW BUSINESS ITEM #C – 2017.14 Conditional Use Permit: for Luke Morong to add a medical marijuana caregiver growing facility to an already light industrial multi-tenanted space located at 414 Hill Street (Tax Map 74, Lot 5) in the I-2 zone.

MEETING DATE: May 17, 2017 @ 6:00 PM

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1. INTRODUCTION

The applicant proposes to add a "Medical Marijuana Growing Facility" for a caregiver at 414 Hill Street (Tax Map 74, Lot 5) in the I-2 Zone. The current structure is multi-tenanted and this operation would lease half of the existing structure.

No site improvements are proposed.

See the included materials for more information.

2. PROJECT DATA/INFORMATION

	SUBJECT	*DATA/INFORMATION*
1.	Applicant:	Luke W. Morong 213 Vaughan St. #3 Portland, Me 04102
2.	Owner of Property:	Elma B. Swecker (Estate of) 1 Deer Run Groveland, MA 01834
3.	Agent:	Greg Hastings NAI Inc., Dunham Group
4.	Project Location:	414 Hill Street
5.	Project Tax Map #/Lot #:	Tax Map 74, Lot 5

6.	Existing Zoning:	I-2
7.	Overlay Zoning:	Stream Protection (SP) but the building already exists.
8.	Existing Use:	Multi-tenanted industrial building
9.	Proposed Use:	Addition of a Medical Marijuana Growing Facility
10.	City Approvals Required:	Conditional Use Permit
11.	Uses in the Vicinity:	Primarily Industrial. Residential on Grayson Street.
12.	Parcel Size:	1.5 acres
13.	Water Supply:	Maine Water
14.	Sewerage Disposal:	City of Biddeford
15.	Solid Waste Disposal:	Private Hauler
16.	Fire Protection:	City of Biddeford
17.	Floodplain Status:	Possibly an A Zone but the building already exists.
18.	Waivers Required	a. Full Site Plan Review
19.	Waivers Granted:	a. Full Site Plan Review
20.	Variances Needed for Approval:	None.
21.	Other Permits Obtained:	None.
22.	Other Non-City Permits Required:	None.
23.	Covenants, By-laws, Restrictions Required by the Planning Board/SRC:	None.
24.	LDR Attachment A: Fess Paid:	No
25.	Planning Board Review History: Final Review:	April 5, 2017. The notice was posted in City Hall on March 21, 2017. It was also posted in the Journal Tribune on March 23, 2017. Mailing notices were also sent out to all abutters within 250' on March 21, 2017 – 10 notices sent were sent out.

3. EXISTING CONDITIONS

It is an existing industrial site in the Airport Industrial Park. There is adequate parking on site since the use isn't changing from a parking perspective.

4. PROJECT PROPOSAL

The applicant proposes to add a Medical Marijuana Growing Facility within the existing structure. No site improvements are proposed.

5. PUBLIC COMMENT

Conditional Use Permit Review:

April 5, 2017:
The notice was posted in City Hall on March 21, 2017. It was also posted in the Journal Tribune on March 23, 2017. Mailing notices were also sent out to all abutters within 250' on March 21, 2017 – 10 notices sent were sent out.

As of March 27, 2017 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- No public comments have been received

Note: Item was tabled.

May 17, 2017:
The notice was posted in City Hall on March 21, 2017. It was also posted in the Journal Tribune on March 23, 2017. Mailing notices were also sent out to all abutters within 250' on March 21, 2017 – 10 notices sent were sent out.

As of March 27, 2017 the following Public Comments have been received regarding the public hearing notice regarding the proposed project:

- No public comments have been received

6. STAFF REVIEW

a. ZONING: The proposed use "Medical Marijuana Growing Facility" is a Conditional Use (C) in the I-2 Zone.

b. REVIEW STANDARDS:
   1) Conditional Use Permit (to be reviewed under Article XI (Site Plan Review)).

c. WAIVERS: Full Site Plan Review.

d. OUTSTANDING ITEMS TO BE ADDRESSED/RESPONDED TO PRIOR TO APPROVAL:
   1) Need $240.00 required fee.
   2) Provide a copy of the P&S Agreement. You can redact (i.e., black out) any sensitive information such as purchase price.
   3) Need an Ability to Serve letter from City of Biddeford Wastewater Department. Contact Tom Milligan 284-9118.
   4) Provide an engineered odor control plan.

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

1. Prior to the issuance of any permits 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.

8. *SAMPLE MOTIONS:*

A. A Motion to waive Full Site Plan Review

B. *Motion to approve the Conditional Use Permit for the applicant to add a medical marijuana caregiver growing facility at 414 Hill Street, Tax Map 74, Lot 5, and approve the Findings of Fact based on the conditions recommended by Staff in its report dated March 28, 2017.*

C. *Motion to deny the Conditional Use Permit based upon the following reasons:*
*a)*_____
*b)*_____

ATTACHMENTS: Cover Letter and Application
Draft Findings of Fact

Planning Board Agenda Item Report

Agenda Item No. 2016-831
Submitted by: Shannon Hall
Submitting Department: Planning
Meeting Date: April 5, 2017

SUBJECT
D. 2017.15 Conceptual Subdivision/Conditional Use Permit Review and Amendment to a Previously Approved Subdivision (Lot 1 of Riverview Farms Subdivision): for Jason Labonte who is proposing a 9-lot Residential Cluster Subdivision located at 34 Buzzell Road (Tax Map 6, lot 43) in the RF zone.

Recommendation:

ATTACHMENTS
- 2017.15 Labonte Subdivision Concept SR 040517.docx