

City of Biddeford
Planning Board
April 04, 2018 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 21, 2018
[March 21, 2018.doc](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. A. 2018.10 Amendment to a Previously Approved Subdivision for Gervais Dube Properties, Inc. to add two residential lots, one on Harold Ave and one on West St (Tax Map 30, Lots 30 & 31), in the SR-1 and R1-A zones.
[2018.10 Harold Avenue Amendment SR 040418.docx](#)
 - 7.B. B. 2017.15 Final Subdivision/Conditional Use Permit Review and Amendment to a Previously Approved Subdivision (Riverview Farms) for Jason Labonte who is proposing a 7-lot Residential Cluster Subdivision located at 34 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.
[2017.15 Labonte Subdivision Final SR 040418.docx](#)
 - 7.C. C. 2018.04 Final Site Plan Review for the University of New England to construct a turf softball field, grandstand, bleachers and lighting located at 630 & 634 Pool Street (Tax Map 9, Lots 14 & 15) in the IN zone.
[2018.04 UNE Softball Field Final SR 040418.docx](#)
 - 7.D. D. 2018.03 Final Site Plan/Conditional Use Permit for Grace Point Church to relocate to 329 South Street (the former Rochambeau Club) (Tax Map 7, Lot 14) in the R-3 zone.
[2018.03 Grace Point Church CUP Final SR 040418.docx](#)
 - 7.E. E. 2018.01 Public Hearing, take comments, and make recommendations to the City Council to create a new General Development (GD-2-IN) Shoreland Zone for the University of New England at 3, 9, and 11 Hills Beach Road (Tax Map 51, Lot 12; Tax Map 51, Lot 13; and Tax Map 52, Lot 4) along the Saco River which provides for different standards such as a 75' structure setback, 45% lot coverage maximum, and alternate Land Uses than currently allowed in the Limited Residential (LR) Shoreland Zone.
[2018.02 UNE SZ Amendment for PH 030718 Alt Note 20.docx](#)
[2018.02 UNE SZ Amendment for PH 030718 Alt Version.docx](#)
- 8. OTHER BUSINESS**
- 9. ADJOURN**

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



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

Greg.Tansley@biddefordmaine.org

PLANNING BOARD MINUTES

Date: Wednesday, March 21, 2018
Time: 6:00 PM
Location: Council Chambers, City Hall

1. PLEDGE OF ALLEGIANCE
2. DECLARATION OF QUORUM/VOTING MEMBERS

A. Quorum Present: Larry Patoine-Chair, Richard Potvin II, William Southwick, Matthew Boutet, Clement Fleurent, Roch Angers (alt non-voting member), Sean Tarpey (alt non-voting member).

3. ADJUSTMENTS TO THE AGENDA
4. PLANNER'S BUSINESS
5. CONSENT AGENDA

- A. Consideration of Minutes: January 3, 2018
- B. 2015.16 The Release/Reduction in the Performance Guarantee for United Growth for the mixed use facility located at 580 Alfred Street (Tax Map 2, Lot 23-1) in the B-2 zone.

MOTION:

- Southwick – Motion to approve Consent Agenda.
- Fleurent – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

6. UNFINISHED BUSINESS
7. NEW BUSINESS

- A. 2016.05/2017.32 Extension to Amended Subdivision/Site Plan for LHL Holdings, LLC (formerly Atlantic Holdings, LLC, formerly Odyssey Properties, LLC) for a 181 Residential Units, 107 Seat Restaurant, 10,000 sq. ft. Gym and 18,000 sq. ft. Commercial space located at 17 Lincoln Street (Tax Map 71, Lot 5) in the MSRD-3 zone.

Greg Tansley, City Planner: Brief statement.

Larry Patoine – Chair: What will happen with the fence?

Steve Doe, Sebago Technics, Inc: We will be replacing it with a black rod iron fence.

MOTION:

- Southwick – Motion: to re-approve the Subdivision and Site Plan for LHL Holdings, LLC at Tax Map 71, Lot 5 and approve the findings of fact based on the conditions recommended by Staff in its report dated January 31, 2018.
- Boutet – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

- B. 2017.53 Preliminary/Final Minor Subdivision Review for Matthew Chamberlain to create an additional lot located at 197 West Street (Tax Map 25, Lot 11) in the SR-1 zone.

Richard Potvin – Excused himself do to having a conflict of interest.

Larry Patoine, Chair – Roch Angers will be a voting member for this item.

Paul Gadbois, Engineer: Came into the meeting and pointed out an additional line was add to the plans to reflect 12 feet to make the frontage 100 feet.

MOTION:

- Southwick – Motion to approve the minor subdivision for Matthew Chamberlain and Natasha Erb to create an additional lot at 197 West Street, approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated January 31, 2018.
- Angers – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

- C. 2018.03 Conditional Use Permit for Grace Point Church to relocate to 329 South Street (the former Rochambeau Club) (Tax Map 7, Lot 14) in the R-3 zone.

Greg Tansley, City Planner: Brief statement.

Andrew Ward, Pastor at Grace Point Church: Spoke briefly.

Clement Fleurent: Since it's a lease will that affect the conditions we're asking for?

Greg Tansley, City Planner: Not at all.

Roch Angers: Can you give as a better description.

Andrew Ward, Pastor at Grace Point Church: Talk about outwork, roof, interior work, flooring, sprinkler system and more.

Roch Angers: What about the patch of green space? What are your plans for that?

Andrew Ward, Pastor at Grace Point Church: At this point, we do not have any plans for it. We like the green space as it is.

Discussion between Board, Staff and Applicant.

- D. 2018.06 Conceptual Site Plan Review for Bedard's Roofing Company, LLC to construct a 7,500 sf building and parking for five rental units for mixed uses located on Digital Drive (Tax Map 15, Lot 7-4) in the I-1 zone.

Greg Tansley, City Planner: Brief statement.

Paul Gadbois, Engineer: Gave a brief presentation.

David Capotosto, 6 Digital Drive: Asking for a buffer and that the Road association be looked at.

Discussion between Board, Staff and Applicant.

- E. 2018.04 Conceptual Site Plan Review for the University of New England to construct a turf softball field, grandstand, bleachers and lighting located at 630 & 634 Pool Street (Tax Map 9, Lots 14 & 15) in the IN zone.

Greg Tansley, City Planner: Brief statement.

Alan Thibault, Assistant VP of Planning for UNE: Gave a presentation.

Discussion between Board, Staff and Applicant.

8. OTHER BUSINESS

A. Zoning Amendments

Greg Tansley, City Planner: We will have a few zoning amendments coming up in the next few months. One being our fees. Right now, our engineering fees are put into an escrow account and we would like to make them flat fees.

Discussion between Board and Staff regarding Starbucks.

9. ADJOURN

MOTION:

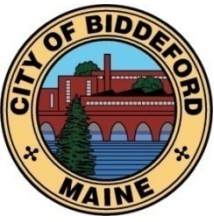
- Southwick – Motion to Adjourn.
- Potvin – Second.
- Chair Patoine – Call for Vote – Unanimous Approval (4-0) all in favor.

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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.**



CITY OF BIDDEFORD PLANNING DEPARTMENT

2018.10

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, 2018

RE: NEW BUSINESS ITEM #A – 2018.10 Amendment to a Previously Approved Subdivision for Gervais Dube Properties, Inc. to add two residential lots, one on Harold Ave and one on West St (Tax Map 30, Lots 30 & 31), in the SR-1 and R1-A zones.

MEETING DATE: April 4, 2018 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes to create 2 additional lots from what is referred to as “Remaining Land” from the Harold Avenue Terrace Subdivision. In 2015 the applicant created Lot 29 through an amendment to a previously approved subdivision process.

One lot is off West Street, the other is off Harold Avenue.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Gervais Dube Properties, Inc. 18 Ponderosa Lane, Unit 101 Biddeford, ME
2.	Owner of Property:	Gervais Dube Properties, Inc. 18 Ponderosa Lane, Unit 101 Biddeford, ME
3.	Agent:	William Thompson BH2M Engineers 28 State Street Gorham, ME 0403

4.	Engineer/Architect:	Robert Libby, PLS 2190 BH2M Engineers 28 State Street Gorham, ME 0403
4.	Project Location:	West Street and Harold Avenue
5.	Project Tax Map #/Lot #:	Tax Map 30, Lot 30-58
6.	Existing Zoning:	Lot 30 – SR-1 Lot 31 – R-1-A
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	Create 2 Additional Lots from “Remaining Land” of Harold Avenue Terrace - 1 Lot on West Street and 1 Lot on Harold Avenue
10.	City Approvals Required:	Subdivision Amendment
11.	Uses in the Vicinity:	Residential, Woodlands
12.	Parcel Size:	Lot 30 (West Street) – 39,965 SF Lot 31 (Harold Avenue) – 30,000 SF
13.	Number of Lots/Units in Subdivision:	Additional 2 Lots.
14.	Minimum Lot Size Required: Provided:	R-1-A - 10,000 SF (Water and Sewer) S-R-1 – 20,000 SF (Water, No Sewer) Lot 30 (West Street) – 39,965 SF Lot 31 (Harold Avenue) – 30,000 SF
15.	Frontage Required:	100'
16.	Front Setback Required:	40'
17.	Side Setbacks Required:	10'
18.	Rear Setback Requires:	10'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Maine Water
21.	Sewerage Disposal:	Lot 31 - City of Biddeford. West Street Lot - On-site Septic
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	West Street and Harold Avenue are City Streets

32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. None
35.	Waivers Granted:	a. None
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Yes
41.	Planning Board Review History: Amendment Review:	April 4, 2018 (Posted in City Hall March 22, 2018; Journal Tribune posting March 22, 2018; Mail Notices to all abutters within 250' sent March 22, 2018 - 119 notices sent).

3. EXISTING CONDITIONS:

Both proposed lots are vacant.

4. PROJECT PROPOSAL:

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

5. PUBLIC COMMENT:

Amendment Review:

The notice was posted in City Hall on March 22, 2018. It was also posted in the Journal Tribune on March 22, 2018. Mailing notices were also sent out to all abutters within 250' on March 22, 2018 – 119 notices were sent out.

- Several people have come in the office and/or called the office to inquire about what is proposed.

6. STAFF REVIEW:

- ZONING: The proposed use (single-family residential) is a Permitted Use in the SR-1 Zone.
- REVIEW STANDARDS: Subdivision Review and Dimensional Standards.
- WAIVERS: None.

d. OUTSTANDING ITEMS TO BE ADDRESSED WITH OR PRIOR TO APPROVAL:

1. Show setback lines on Lot 31.
2. Add note to Plans that all Driveways must meet standards contained in Chapter 62-111 Biddeford Code of Ordinances.
3. Lot 31 – Drainage Easement appears needed. Other drainage easements? City will not be responsible for maintenance of areas within drainage easements. Provide easement language for review.
4. Provide draft deed for Lot 31 including provisions for easements.
5. Need Two (2) Paper Copies and 2 Mylars for Planning Board Signature.

i. STAFF RECOMMENDATION

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

1. Prior to the issuance of any permits:
 - a. The applicant must submit a recorded copy of the amended subdivision plan to the Planning Office.
2. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
3. Standard Conditions of Approval apply.

7. NEXT STEPS/SUGGESTED ACTIONS

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

8. SAMPLE MOTIONS

- A. *Motion to approve the amendment to a previously approved subdivision for Gervais Dube Properties related to Harold Avenue Terrace, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated March 28, 2018.*
- B. *Motion to deny the amendment to the previously approved subdivision of Harold Avenue Terrace based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Application submittal and Amended Subdivision Plan prepared by BH2M.
2. Draft Findings of Fact and Conclusions of Law.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2017.15

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

Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

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

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

DATE: March 28, 2018

RE: NEW BUSINESS ITEM #D – 2017.15 Final Subdivision/Conditional Use Permit Review and Amendment to a Previously Approved Subdivision (Riverview Farms) for Jason Labonte who is proposing a 7-lot Residential Cluster Subdivision located at 34 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.

MEETING DATE: April 4, 2018 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes and 7 Lot Subdivision of Buzzell Road in the RF zone. A new road is proposed with all 7 lots coming off of it and with the open space to the rear of the lots.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	Jason Labonte 57 Smutty Ln. Saco, ME 04072
2.	Owner of Property:	Home Innovations, LLC 57 Smutty Ln. Saco, ME 04072
3.	Agent:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Engineer/Architect:	Andrew Morrell, P.E.

11

		BH2M Engineers 28 State Street Gorham, ME 0403
4.	Project Location:	34 Buzzell Road
5.	Project Tax Map #/Lot #:	Tax Map 6, Lot 43
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	7-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential, Agricultural, Woodlands
12.	Parcel Size:	12.2 acres
13.	Number of Lots/Units in Subdivision:	7 Residential Lots and one "Open Space" lot
14.	Minimum Lot Size Required: Provided:	20,000 SF Minimum 20,000 SF Upland
15.	Frontage Required:	100'
16.	Front Setback Required:	25'
17.	Side Setbacks Required:	15'
18.	Rear Setback Requires:	15'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Drilled Private Wells
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford (Assuming Road is Accepted as a City Street)
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	Minimal, as shown on plans. 6,233 SF. Maine DEP NRPA Permit in hand.
26.	Soil Study Provided:	HHE-200's Provided
29.	Ownership of Road:	Buzzell Road is a City Street
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	People's Choice Credit Union.
34.	Waivers Needed:	a. Wildlife Study (Article VI, Section 70)
35.	Waivers Granted:	a. Wildlife Study (Article VI, Section 70)
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:	All Fees Paid

41.	Planning Board Review History: Conceptual Review: Preliminary Review: Final Review:	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 - 6 notices sent). September 6, 2017 (Posted in City Hall August 24, 2017; Journal Tribune posting August 26, 2017; Mail Notices to all abutters within 250' sent August 25, 2017 - 6 notices sent). April 4, 2018 (Posted in City Hall March 22, 2018; Journal Tribune posting March 22, 2018; Mail Notices to all abutters within 250' sent March 22, 2018 - 6 notices sent)
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3. EXISTING CONDITIONS:

The project site is currently vacant and is located south of West Street.



4. PROJECT PROPOSAL:

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

5. PUBLIC COMMENT:

Concept 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 – 6 notices were sent out.

No Comments were received.

Preliminary Review:

The notice was posted in City Hall on August 24, 2017. It was also posted in the Journal Tribune on August 26, 2017. Mailing notices were also sent out to all abutters within 250' on August 25, 2017 – 6 notices were sent out.

No Comments were received.

Final Review:

The notice was posted in City Hall on March 22, 2018. It was also posted in the Journal Tribune on March 22, 2018. Mailing notices were also sent out to all abutters within 250' on March 22, 2018 – 6 notices were sent out.

No public comments have been received as of the time of this report.

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Conditional Use permitted in the R-F.
- b. REVIEW STANDARDS: Performance Standards for Cluster Subdivisions and Subdivision Review.
- c. WAIVERS: **Wildlife Study (Article VI, Section 70).**
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH OR PRIOR TO APPROVAL:
 1. Address comments verbally conveyed to the applicant's Engineer on March 23, 2018.
 2. Push guardrails at end of hammerheads back to accommodate snow removal.
 3. Revise Cross Sections to meet City Standards for Public Streets (Chapter 62).
 4. Roadway crown/super elevation needs to be maximum ¼" grade.
 5. Provide spot elevations for super elevated section.
 6. Add Stabilized Construction Entrance Detail.
 7. Provide drainage easements along proposed road per discussion and language sent to the applicants Engineer on March 26, 2018.
 8. Provide Wildlife Study or seek waiver (Article VI, Section 70).

9. Provide HHE-200's (test pits) for all lots.
10. Show proposed well locations. Note: New septic systems must be located 100' from wells.
11. Has "Crickett Lane" been accepted by E-911 as an acceptable road name?
12. Provide Performance Guarantee Cost Estimate on City Form.
13. Provide plan set - 1 mylar set & 1 paper set, as well as an additional mylar and paper of the signature sheet provided to the Planning Department not later than Tuesday, April 3, 2018 by NOON.

7. STAFF RECOMMENDATION

Waiver:

- Article VI, Section 70 (Wildlife Study). See enclosed US Dept. of the Interior Fish and Wildlife Service Letter.

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

1. Prior to any ground disturbance/site work the following must be completed:
 - a. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements.
 - b. Erosion Control/Site Stabilization Bond of an amount to be determined by the Planning Department must be submitted.
 - c. The applicant must submit a recorded copy of the subdivision plan to the Planning Department.
 - d. Best management practices shall be adhered to during all ground disturbance operations.
2. Prior to the sale or conveyance of a lot/unit or issuance of any building permits:
 - a. A performance guarantee (acceptable to the Engineering Office) in the amount of 150% of the remaining improvements (to be determined by the Planning Department) shall be submitted to the Planning Department.
 - b. If the street is still private at the time a building permit is requested the driveway location needs to be approved of by the Planning Department to ensure compliance with the plan and City requirements prior to issuance of any permits.
 - c. If the street is still private at the time a building permit is requested a copy of the registered homeowner's association documents must be provided to the Planning Department.
3. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
4. Prior to City acceptance of the road:
 - a. The Homeowner's Association shall be responsible for the handling of trash collection and disposal (private curbside or private dumpster) until such time as the City has accepted the Street as a Public Street. No trash is permitted to

be hauled to the intersection of Buzzell Road for City collection. Alternatively, the residents/lot owners of Whitewater Drive may petition the Public Works Department for curbside trash collection on a private road.

- b. All Monuments shall be Granite.
- 5. All street lighting shall be approved by the City of Biddeford.
- 6. Pedestrian Walkway Signage to be approved by the City of Biddeford.
- 7. 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.
- 8. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting the requested waivers and approving the project based on Staff's recommended Conditions of Approval.

9. SAMPLE MOTIONS

- A. *Motion to grant the waiver to Article VI, Section 70 (Wildlife Study).*
- B. *Motion to approve the Final Subdivision and Conditional Use Permit for Buzzell Road Estates for a 7-Lot Cluster Subdivision off Buzzell Road (Tax Map 6, Lot 43) in the RF zone, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated March 28, 2018.*
- C. *Motion to deny Final Subdivision Approval/Conditional Use Permit based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

- 1. Final Subdivision Application and Plan package.
- 2. Draft Findings of Fact.



CITY OF BIDDEFORD
PLANNING DEPARTMENT

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

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: March 28, 2018

RE: NEW BUSINESS ITEM #C – 2018.04 Final Site Plan Review for the University of New England to construct a turf softball field, grandstand, bleachers and lighting located at 630 & 634 Pool Street (Tax Map 9, Lots 14 & 15) in the IN zone.

MEETING DATE: April 4, 2018 @ 6:00 PM

1. INTRODUCTION

The applicant proposes the construction of a new softball field multi-purpose athletic field located at 630 and 634 Pool Street (Tax Map 9, Lots 14 & 15) in the IN Zone.

The proposed field was identified as an “F2” in the approved University of New England Master Plan 2016-2021 located south of the Alford Forum. Further, the proposal includes the construction of “F7” which is a small storage facility also approved in current the UNE Master Plan.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	University of New England 11 Hills Beach Rd Biddeford, ME 04005
2.	Owner of Property:	University of New England 11 Hills Beach Rd Biddeford, ME 04005

3.	Agent:	Site Design Associates 23 Whitney Way Topsham, ME 04086 - Attn: Tom Saucier
4.	Project Location:	630 and 634 Pool Street
5.	Project Tax Map #/Lot #:	Tax Map 9, Lots 14 & 15
6.	Existing Zoning:	IN
7.	Overlay Zoning:	None
8.	Existing Use:	None
9.	Proposed Use:	New synthetic turf softball field, bleachers, a scoreboard, lighting and a new grandstand for the existing turf field. A storage building is also included in this request.
10.	City Approvals Required:	Site Plan Review
11.	Uses in the Vicinity:	Institutional
12.	Parcel Size:	N/A
13.	Number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	None None
15.	Frontage Required: Provided:	50 feet. More than 50 feet
16.	Front Setback Required: Provided:	50 feet 50 feet
17.	Side Setbacks Required: Provided:	50 feet from non-IN Zones 50 feet from non-IN Zones
18.	Rear Setback Requires: Provided:	50 feet from non-IN Zones 50 feet from non-IN Zones
19.	Height Requirements:	Building Height Maximum 50 feet, Structure Height Maximum 115 feet above sea level (NGVD)
20.	Water Supply:	Maine Water (Public)
21.	Sewerage Disposal:	UNE (Private)
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:	None
28.	Parking Spaces Provided (total): # Handicapped Spaces:	None None
29.	Ownership of Road:	Pool Street (Route 9) is a State Road within the Urban Compact.
30.	Impervious Surface Area	This area has been identified as a 30% maximum lot coverage area. The area is currently at 16% of that according to the approved UNE Master Plan 2016-2021. Other

		approved (but not yet built) projects bring this up to XX%. An additional approximately XX,XXX square feet (=/-) will not violate the allowable lot coverage bring the total to XX%.
31.	Total SF New Structure and Paving/Parking:	21,605 SF
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
34.	Waivers Needed:	a. Article VI, Section 26, F. – 2:1 Fill Slopes and Steeper Slopes in Ledge b. Article XI, II, Section 5.B.1.e.3 - 2:1 Fill Slopes and Steeper Slopes in Ledge
35.	Waivers Granted:	a. Article VI, Section 26, F. – 2:1 Fill Slopes and Steeper Slopes in Ledge b. Article XI, II, Section 5.B.1.e.3 - 2:1 Fill Slopes and Steeper Slopes in Ledge
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	Maine DEP
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	No
41.	Planning Board Review History: Conceptual Review: Final Review:	March 21, 2018 Meeting Date (Posted in City Hall March 7, 2018; Journal Tribune posting March 9, 2018; Mail Notices to all abutters within 250' sent March 7, 2018 - 12 notices sent). April 4, 2018 Meeting Date (Posted in City Hall March 22, 2018; Journal Tribune posting March 22, 2018; Mail Notices to all abutters within 250' sent March 22, 2018 - 12 notices sent).

3. EXISTING CONDITIONS

The proposed area of development is adjacent to the existing UNE multi-purpose/football field. The softball facilities would be constructed immediately north of the existing field, the existing field would be resurfaced, and the new grandstand would be located to the south of the existing field.

4. PROJECT PROPOSAL

See attached application package and Final Plan Submission for more information.

5. PUBLIC COMMENT

Concept Review:

The notice was posted in City Hall on January 24, 2018; Journal Tribune posting January 26, 2018; Mail Notices to all abutters within 250' sent January 24, 2018 - 12 notices sent.

- No Public Comments were received.

Final Review:

The notice was posted in City Hall on March 22, 2018; Journal Tribune posting March 22, 2018; Mail Notices to all abutters within 250' sent March 22, 2018 - 12 notices sent.

As of the date of this report 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 is permitted in the IN Zone but is not located as approved in the IN Zone Master Plan. Its relocation is de minimus (minor).
- B. REVIEW STANDARDS: Site Plan Review, IN Zone Specific Standards.
- C. WAIVERS: **None.**
- D. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

1. Submit all remaining Fees Due:

Engineering Review:	\$1,600.00
Engineering Inspection:	\$1,500.00
Site plan Review:	\$2,000.00
Administrative (Concept):	\$40.00

Administrative (Final):	\$40.00
TOTAL DUE:	\$5,180.00

2. What is the status on the overall watershed drainage analysis?
3. UNE is still using old rainfall numbers. It is our understanding Maine DEP will not accept these any longer. Please revise analysis using current rainfall amounts for City submittal.
4. Where and when will the existing bleachers be relocated? Is this in conformance with the approved UNE Master Plan?
5. What is DATUM for elevations/grading? Identify on plans.
6. Provide height information for bleachers and press boxes.
7. Provide existing and proposed coverage calculations (based on all existing and approved facilities for this area).
8. Apparently UNE is not current with stormwater maintenance logs. Contact John Malloy (Engineering Department) to discuss.
9. Please relate new capacity of bleachers to needs for Maine DOT Traffic Movement Permit.
10. Verify maximum height of proposed structures in relation to height allowed in the UNE area.
11. It was stated at the meeting that the drainage from the new facility would go to the existing stormwater management pond. How will this happen based on drainage plan?
12. Bicycle Parking (Racks)?
13. Has the Fire Department reviewed the plans?
14. Provide Financial Capacity Letter.
15. Provide Performance Guarantee Cost Estimate on City Form.
16. Sheet C-101 is titled "Conceptual" Site Plan.
17. Submit Utility Plan. Portable toilets only? Water and electric utilities?
18. Provide a response to the above-mentioned comments and a complete Mylar Set and Paper Set no later than Monday, July 3, 2017 @ 4:00 PM, amended based on comments.

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 shall be submitted to the Planning Department.
 - c. Stabilized Construction Access shall be constructed.
 - d. A copy of all Maine DEP and permitting approvals required must be provided to the Planning Department.

2. Best management practices shall be adhered to during all ground disturbance operations.
3. All blasting requires a Blasting Permit from the City.
4. 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.
5. 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.
6. 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.
7. Once completed, as-built drawings of the site shall be provided to the Planning Department.
8. 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.
9. Standard Conditions of Approval apply.

7. NEXT STEPS/SUGGESTED ACTIONS

- Listen to any public comment and consider granting final approval of the Site Plan for the repurposed athletic field, bleachers, and accessory structures field off Nor'Easter Way.

8. SAMPLE MOTIONS

- A. *Motion to approve the Site Plan Application for the University of New England to construct a new athletic field at Tax Map 9, Lot 14 & 15, 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 table to allow the applicant to address the outstanding issues identified by Staff and the Board.*
- C. *Motion to deny the Site Plan Application of the University of New England based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Application Package and Plans
2. Draft Findings of Fact and Conclusions of Law



CITY OF BIDDEFORD PLANNING DEPARTMENT

2018.03

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, 2018

RE: NEW BUSINESS ITEM #D – 2018.03 Conditional Use Permit for Grace Point Church to relocate to 329 South Street (the former Rochambeau Club) (Tax Map 7, Lot 14) in the R-3 zone.

MEETING DATE: April 4, 2018 @ 6:00 PM

1. INTRODUCTION:

Grace Point Church, previously located in North Dam Mill and currently located at 50 Adams Street, are looking to move to 329 South Street which is the former Rochambeau Club. A “Church” is a Conditional Use in the R-3 Zone.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	SUBJECT	DATA/INFORMATION
1.	Applicant:	GracePoint Church 50B Adams Street Biddeford, ME 04005
2.	Owner of Property:	Rochambeau Club, Inc. 329 South Street Biddeford, ME 04005
3.	Agent:	N/A
4.	Surveyor:	N/A
5.	Project Location:	329 South Street
6.	Project Tax Map #/Lot #:	Tax Map 7, Lot 14
7.	Existing Zoning:	R-3
8.	Overlay Zoning:	None

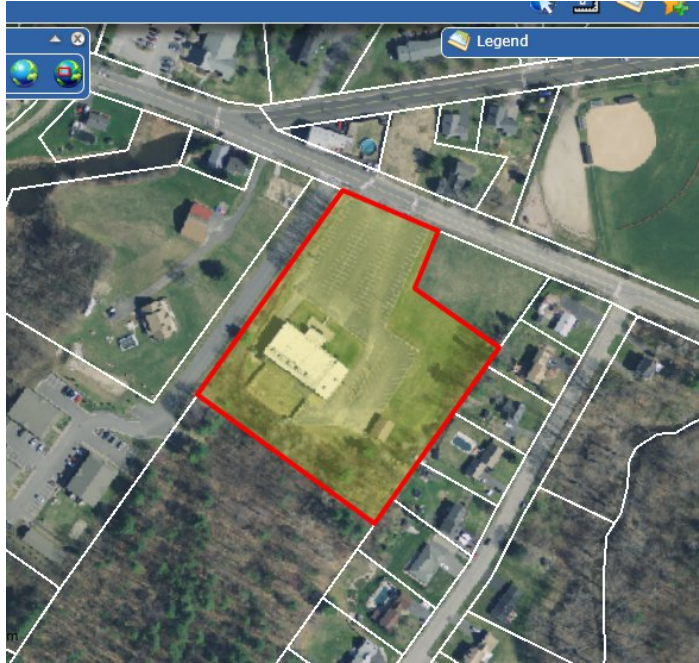
9.	Existing Use:	Vacant (Former Rochambeau Club)
10.	Proposed Use:	Church
11.	City Approvals Required:	Conditional Use Permit/Site Plan
12.	Uses in the Vicinity:	Residential, Retail, Recreation
13.	Parcel Size:	4.17 Acres +/-
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	10,000 SF TBD
16.	Frontage Required:	100 feet
17.	Front Setback Required:	40 feet
18.	Side Setbacks Required:	10 feet
19.	Rear Setback Requires:	10 feet
20.	Height Requirements:	Maximum 35 feet
21.	Water Supply:	Maine Water Company
22.	Sewerage Disposal:	City of Biddeford
23.	Solid Waste Disposal:	Private Hauler
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	None
26.	Wetland/Surface Water Impacts:	None
27.	Soil Study Provided:	N/A
28.	Ownership of Road:	South Street is a City Street
29.	Parking Required:	Based on 252 Seats in the Assembly Hall, 84 spaces required.
	Parking Provided:	Approximately 111 parking spaces once restriped.
30.	Estimated Site Development Costs:	\$125,000 plus cost of landscaping
32.	Waivers Needed:	Full Site Plan Review
33.	Waivers Granted:	Full Site Plan Review
34.	Variances Needed for Approval:	None
35.	Other Permits Obtained:	None
36.	Other Non-City Permits Required:	None
37.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
39.	LDR Attachment A: Fess Paid:	
40.	Planning Board Review History: Conditional Use Permit (Concept):	February 7, 2018 Meeting Date. Posted in City Hall January 24, 2018; Journal Tribune posting January 26, 2018; Mail Notices to all abutters within 250' sent January 24, 2018 - 26 notices sent.

	Conditional Use Permit (Final):	April 4, 2018 Meeting Date. Posted in City Hall March 22, 2018; Journal Tribune posting March 22, 2018; Mail Notices to all abutters within 250' sent March 22, 2018 - 26 notices sent.
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3. EXISTING CONDITIONS:

It is an existing built lot off South Street. This is the former location of the Rochambeau Club. There are numerous issues relating to access to the lot and parking, including, but not limited to:

- The pavement itself is in very bad condition.
- The access to the lot from South Street is from two (2) curb cuts, one approximately 38' wide and the other approximately 42' wide. Generally speaking, the Ordinance does not allow for more than 24'-26' wide curbs where there is but exiting and entering traffic, and only allows for one such entrance per lot.
- Further, the entering traffic essentially enters the site and is faced immediately with parked cars in front of it rather than a drive aisle, which is a problem from a safety and design perspective.
- Once in the site, the drive aisles are only approximately 17' to 18' wide, which by Ordinance and for safety and maneuverability reasons, are undersized significantly as they should be 24' wide to accommodate two-way travel.
- The parking lot stalls also need to be restriped.
- There is no buffering/screening of the parking area from South Street, as is required by Ordinance.
- Drainage from the paved areas is somewhat unclear and may actually go onto neighboring properties, so grading needs to be looked at.



4. PROJECT PROPOSAL:

Occupy the facility as a “Church”.

Staff have met with representatives of the application to discuss concerns and the applicant has agreed that this application should move forward as a conceptual review only at this time.

5. PUBLIC COMMENT:

Concept Review:

Posted in City Hall January 24, 2018; Journal Tribune posting January 26, 2018; Mail Notices to all abutters within 250' sent January 24, 2018 - 26 notices sent.

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

Final Review:

Posted in City Hall March 22, 2018; Journal Tribune posting March 22, 2018; Mail Notices to all abutters within 250' sent March 22, 2018 - 26 notices sent.

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

6. STAFF REVIEW:

a. ZONING: N/A

b. REVIEW STANDARDS:

- Dimensional Requirements (Land Development Regulations, Article V).
- Performance Standards (Land Development Regulations, Article VI).
- Conditional Uses (Land Development Regulations, Article VII).
- Site Plan Review (Land Development Regulations, Article XI).

c. WAIVERS:

- Requires a Waiver of Full Site Plan Review

d. OUTSTANDING ITEMS TO BE ADDRESSED:

Provide a Response in Writing to the Following:

1. What are the days/times of services?
2. Will the existing sign be maintained/used or will a new sign be erected?
3. Provide a Landscape plan for the 15' vegetated buffer at South Street.
4. Contact the Sewer Department regarding a Sewer Permit.
5. Dumpster location?
6. Parking Lot Lighting?
7. Provide a financial capacity letter.
8. Will require a salt management plan.

9. Generally Access, Parking, and Buffering Standards (outlined above)
10. Recommend an engineer be enlisted by the applicant to address Site Plan and Performance Standards identified above regarding access and parking.
11. Submit Engineering Inspection (Misc) Fee: \$400.00

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

Note:

- Chapter 62-111 contains the City Standards for “Driveway aprons and curb cuts”.
- Land Development Regulations, Article VI, Section 49 address standards for Off-street Parking.
- Land Development Regulations, Article XI, addresses multiple standards for parking, access, and buffering/screening.



7. STAFF RECOMMENDATION

- Recommend the Planning Board grant the waiver for Full Site Plan Review.

- Recommend the Planning Board listen to Public Comment and consider granting a phased approval as recommended by Staff in its recommended Conditions of Approval.

8. NEXT STEPS/SUGGESTED ACTIONS

Recommend the Planning Board listen to Public Comment if the Board approves the Conditional Use Permit it do so with the following Conditions of Approval attached:

1. Prior to any ground disturbance or issuance of any permits:
 - a. Final Parking Lot/Entrance design and dimensions to be approved by the Planning Department.
 - b. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - c. A Performance Guarantee (acceptable to the Planning Department) in an amount of \$13,792.00 to ensure the entrances are improved and the parking lot is restriped shall be submitted to the Planning Department.
2. If the parking lot has not be reclaimed, graded, repaved, and restriped by June 30, 2021 the applicant shall return to the Planning Board for further review.
3. Best management practices shall be adhered to during all ground disturbance operations.
4. 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.
5. Standard Conditions of Approval apply.

9. SAMPLE MOTIONS

- A. *Motion to waive Full Site Plan Review.*
- B. *Motion to table to allow the applicant to address the outstanding issues identified by Staff and the Board.*
- C. *Motion to deny the Conditional Use Permit for Grace Point Church based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Application Package
2. Draft Findings of Fact and Conclusions of Law

**Biddeford Code of Ordinances Part III (Land Development Regulations),
Article XIV (Shoreland Zoning):**

**To Create a General Development Zone (GD-2-IN) at 3, 9, and 11 Hills Beach
Road (Tax Map 51, Lot 12, Tax Map 51, Lot 13, and Tax Map 52, Lot 4) for
the University of New England**

Section 9. Overlay Districts and Zoning Map.

A. Official Zoning Map.

The areas to which this Ordinance is applicable are hereby divided into the following overlays as shown on the Official Zoning Map which is made a part of this Ordinance:

1. Resource Protection (RP)
2. Resource Protection-1 (RP-1)
3. Limited Residential (LR)
4. Limited Commercial (LC)
5. General Development 1 (GD-1)
6. General Development 2 (GD-2)
7. Commercial Fisheries/Maritime Activities (CFMA)
8. Stream Protection (SP)
9. General Development 2 - Institutional (GD-2-IN)

Section 13. Establishment of Overlay Districts.

- I. General Development 2-Institutional (GD-2-IN) District. The GD-2-IN District includes the same types of areas as those listed for the General Development 1 District. The GD-2-IN District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development 1 District.

Portions of the GD-2-IN District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

Section 14. Table of Land Uses.

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The overlay designation for a particular site shall be determined from the official zoning map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited.

PB - Requires permit issued by the Planning Board.

CEO - Requires permit issued by the Code Enforcement Officer.

LPI - Requires permit issued by the Local Plumbing Inspector.

Abbreviations:

RP - Resource Protection

RP-1 - Resource Protection-1

LR - Limited Residential

LC - Limited Commercial

GD-1 - General Development 1

GD-2 - General Development 2

CFMA - Commercial Fisheries/Maritime Activities

SP - Stream Protection

GD-2-IN - General Development 2 - Institutional

TABLE 1. LAND USES IN THE SHORELAND ZONE
TABLE INSET:

LAND USES	OVERLAY DISTRICT								
	SP	RP	GD-1	GD-2	RP-1	LR	LC	CFMA	<u>GD-2-IN</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
4. Timber harvesting	yes	CEO1	yes	yes	CEO1	yes	yes	yes	<u>yes</u>
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	yes	yes	CEO1	yes	yes	yes	<u>yes</u>
6. Fire prevention activities	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
7. Wildlife management practices	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
8. Soil and Water conservation practices	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
9. Mineral exploration	no	yes2	yes2	yes2	yes2	yes2	yes2	yes2	<u>PB</u>
10. Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB3	PB	PB	PB	<u>PB</u>
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
12. Emergency Operations	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
13. Agriculture	yes	PB	yes	yes	yes	yes	yes	yes	<u>yes</u>
14. Aquaculture	PB	PB	yes	yes	PB13	PB	yes	yes	<u>yes</u>
15. Principal structures and uses									
A. One and two-family residential, including driveways	PB4	no	CEO	CEO	no	CEO	CEO	no	<u>CEO</u>

B. Multi-unit residential	no	no	PB	PB	no	PB	PB	no	<u>PB</u>
C. Commercial	no	no10	PB	PB	no	no10	PB	PB5	<u>no</u>
D. Industrial	no	no	PB	PB	no	no	no	PB5	<u>no</u>
E. Governmental and Institutional	no	no	PB	PB	no	PB	PB	PB5	<u>PB</u>
F. Small nonresidential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	PB	PB	PB	CEO	CEO	PB5	<u>CEO</u>
16. Structures accessory to allowed uses	PB4	PB	yes	yes	PB	CEO	CEO	yes	<u>yes</u>
17. Pier docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland									
A. Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11	<u>CEO11</u>
B. Permanent	PB	PB	PB5	PB5	PB	PB	PB	PB5	<u>PB5</u>
18. Conversions of seasonal residences to year-round residences	LPI	LPI	no	no	no	LPI	LPI	no	<u>no</u>
19. Home occupations	PB	PB	yes	yes	no	PB	CEO	yes	<u>no</u>
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	<u>LPI</u>
21. Essential services									
A. Roadside distribution lines (34.5kV and lower)	CEO6	CEO6	yes12	yes12	CEO6	yes12	yes12	yes12	<u>yes12</u>
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB6	PB6	CEO	CEO	PB6	CEO	CEO	CEO	<u>CEO</u>
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB6	PB6	PB	PB	PB6	PB	PB	PB	<u>PB</u>
D. Other Essential Services	PB6	PB6	PB	PB	PB6	PB	PB	PB	<u>PB</u>

22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
23. Public and private recreational areas involving minimal structural development	PB	PB	CEO	CEO	PB	PB	CEO	CEO5	<u>CEO</u>
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
25. Campgrounds	no	no7	no	no	no	PB	PB	no	<u>no</u>
26. Road & driveway construction	PB	no8	PB	PB	no8	PB	PB	PB5	<u>PB</u>
27. Land management roads	yes	PB	yes	yes	PB	yes	yes	yes	<u>yes</u>
28. Parking facilities	no	no7	PB	PB	no	PB	PB	PB5	<u>PB</u>
29. Marinas	PB	no	PB	PB	no	PB	PB	PB	<u>PB</u>
30. Filling and earth moving of less than 10 cubic yards	CEO	CEO	yes	yes	CEO	yes	yes	yes	<u>yes</u>
31. Filling and earth moving of greater than 10 cubic yards	PB	PB	CEO	CEO	PB	CEO	CEO	CEO	<u>CEO</u>
32. Signs	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>
36. Recreational Trails									
A. Primitive Trails	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
B. Category 2 Multiple Use Non-Motorized Trails	CEO14	CEO14	CEO14	CEO14	CEO14	CEO14	CEO14	CEO14	<u>CEO14</u>
C. Category 1 Multiple Use Non-Motorized Trails	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>
D. Category 2 Multiple Use Trails, Including Motorized Uses	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>

E. Category 1 Multiple Use Trails,
Including Motorized Uses

PB

PB

PB

PB

PB

PB

PB

PB

PB

For Public Hearing - Alt Note 20 Language

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least one-hundred (100) feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and one-hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development 1 and 2-Districts the setback from the normal high water line of a water body or the upland edge of a the wetland shall be at least 25 feet, horizontal distance, in the General Development 2 and General Development 2-Institutional District the setback from the normal high water line of a water body or the upland edge of a wetland shall be at least 75 feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District and Resource Protection-1 District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirement specified above shall apply.

Within the GD-2-IN District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows. The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV. For the purposes of the GD-2-IN District, buildings are as defined in the Biddeford Code of Ordinances, Part III (Land Development Regulations), Article II (Definitions).

Biddeford Code of Ordinances Part III (Land Development Regulations), Article V Establishment of Zones), Table A (Table of Land Uses), Note 20:

20. Within that portion of the institutional zone subject to the General Development 2-Institutional District shoreland zones~~shoreland zoning provisions of the Shoreland Protection Zone~~, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows. The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional

building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.

For Public Hearing - Alt Note 20 Language

Alternate Version

Biddeford Code of Ordinances Part III (Land Development Regulations), Article XIV (Shoreland Zoning):

To Create a General Development Zone (GD-2-IN) at 3, 9, and 11 Hills Beach Road (Tax Map 51, Lot 12, Tax Map 51, Lot 13, and Tax Map 52, Lot 4) for the University of New England

Section 9. Overlay Districts and Zoning Map.

A. Official Zoning Map.

The areas to which this Ordinance is applicable are hereby divided into the following overlays as shown on the Official Zoning Map which is made a part of this Ordinance:

1. Resource Protection (RP)
2. Resource Protection-1 (RP-1)
3. Limited Residential (LR)
4. Limited Commercial (LC)
5. General Development 1 (GD-1)
6. General Development 2 (GD-2)
7. Commercial Fisheries/Maritime Activities (CFMA)
8. Stream Protection (SP)
9. General Development 2-Institutional (GD-2-IN)

Section 13. Establishment of Overlay Districts.

C. General Development 1 (GD-1) District. The General Development 1 District includes the following types of existing, intensively developed areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; **and**
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds; **and**

d. Areas devoted to governmental and institutional uses.

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.
3. Portions of the General Development District 1 may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

I. General Development 2-Institutional (GD-2-IN) District. The GD-2-IN District includes the same types of areas as those listed for the General Development 1 District. The GD-2-IN District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development 1 District.

Portions of the GD-2-IN District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

Section 14. Table of Land Uses.

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The overlay designation for a particular site shall be determined from the official zoning map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited.

PB - Requires permit issued by the Planning Board.

CEO - Requires permit issued by the Code Enforcement Officer.

LPI - Requires permit issued by the Local Plumbing Inspector.

Abbreviations:

RP - Resource Protection

RP-1 - Resource Protection-1

LR - Limited Residential

LC - Limited Commercial

GD-1 - General Development 1

GD-2 - General Development 2

CFMA - Commercial Fisheries/Maritime Activities

SP - Stream Protection

GD-2-IN - General Development 2 - Institutional

TABLE 1. LAND USES IN THE SHORELAND ZONE

TABLE INSET:

LAND USES	OVERLAY DISTRICT								
	SP	RP	GD-1	GD-2	RP-1	LR	LC	CFMA	<u>GD-2-IN</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
4. Timber harvesting	yes	CEO1	yes	yes	CEO1	yes	yes	yes	<u>yes</u>
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	yes	yes	CEO1	yes	yes	yes	<u>yes</u>
6. Fire prevention activities	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
7. Wildlife management practices	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
8. Soil and Water conservation practices	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
9. Mineral exploration	no	yes2	yes2	yes2	yes2	yes2	yes2	yes2	<u>PB</u>
10. Mineral extraction including sand and gravel extraction	no	PB3	PB	PB	PB3	PB	PB	PB	<u>PB</u>
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
12. Emergency Operations	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
13. Agriculture	yes	PB	yes	yes	yes	yes	yes	yes	<u>yes</u>
14. Aquaculture	PB	PB	yes	yes	PB13	PB	yes	yes	<u>PB</u>
15. Principal structures and uses									
A. One and two-family residential, including driveways	PB4	no	CEO	CEO	no	CEO	CEO	no	<u>CEO</u>

B. Multi-unit residential	no	no	PB	PB	no	PB	PB	no	<u>PB</u>
C. Commercial	no	no ¹⁰	PB	PB	no	no ¹⁰	PB	PB5	<u>no</u>
D. Industrial	no	no	PB	PB	no	no	no	PB5	<u>no</u>
E. Governmental and Institutional	no	no	PB	PB	no	PB	PB	PB5	<u>PB</u>
F. Small nonresidential facilities for educational, scientific, or nature interpretation purposes	PB4	PB	PB	PB	PB	CEO	CEO	PB5	<u>CEO</u>
16. Structures accessory to allowed uses	PB4	PB	yes	yes	PB	CEO	CEO	yes	<u>CEO</u>
17. Pier docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland									
A. Temporary	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11	CEO11	<u>CEO11</u>
B. Permanent	PB	PB	PB5	PB5	PB	PB	PB	PB5	<u>PB5</u>
18. Conversions of seasonal residences to year-round residences	LPI	LPI	no	no	no	LPI	LPI	no	<u>no</u>
19. Home occupations	PB	PB	yes	yes	no	PB	CEO	yes	<u>no</u>
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	<u>LPI</u>
21. Essential services									
A. Roadside distribution lines (34.5kV and lower)	CEO6	CEO6	yes ¹²	yes ¹²	CEO6	yes ¹²	yes ¹²	yes ¹²	<u>yes¹²</u>
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB6	PB6	CEO	CEO	PB6	CEO	CEO	CEO	<u>CEO</u>
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB6	PB6	PB	PB	PB6	PB	PB	PB	<u>PB</u>
D. Other Essential Services	PB6	PB6	PB	PB	PB6	PB	PB	PB	<u>PB</u>

22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
23. Public and private recreational areas involving minimal structural development	PB	PB	CEO	CEO	PB	PB	CEO	CEO5	<u>CEO</u>
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>no</u>
25. Campgrounds	no	no7	no	no	no	PB	PB	no	<u>no</u>
26. Road & driveway construction	PB	no8	PB	PB	no8	PB	PB	PB5	<u>PB</u>
27. Land management roads	yes	PB	yes	yes	PB	yes	yes	yes	<u>yes</u>
28. Parking facilities	no	no7	PB	PB	no	PB	PB	PB5	<u>PB</u>
29. Marinas	PB	no	PB	PB	no	PB	PB	PB	<u>PB</u>
30. Filling and earth moving of less than 10 cubic yards	CEO	CEO	yes	yes	CEO	yes	yes	yes	<u>yes</u>
31. Filling and earth moving of greater than 10 cubic yards	PB	PB	CEO	CEO	PB	CEO	CEO	CEO	<u>CEO</u>
32. Signs	yes	yes	yes	yes	yes	yes	yes	yes	<u>yes</u>
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>
36. Recreational Trails									
A. Primitive Trails	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	<u>CEO</u>
B. Category 2 Multiple Use Non-Motorized Trails	CEO14	CEO14	CEO14	CEO14	CEO14	CEO14	CEO14	CEO14	<u>CEO14</u>
C. Category 1 Multiple Use Non-Motorized Trails	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>
D. Category 2 Multiple Use Trails, Including Motorized Uses	PB	PB	PB	PB	PB	PB	PB	PB	<u>PB</u>

E. Category 1 Multiple Use Trails,
Including Motorized Uses

PB

PB

PB

PB

PB

PB

PB

PB

PB

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Section 15. Land Use Standards.

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least one-hundred (100) feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and one-hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development 1 and 2-Districts the setback from the normal high water line of a water body or the upland edge of a wetland shall be at least 25 feet, horizontal distance, in the General Development 2 and General Development 2-Institutional District the setback from the normal high water line of a water body or the upland edge of a wetland shall be at least 75 feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District and Resource Protection-1 District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirement specified above shall apply.

Within the GD-2-IN District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows: The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV. For the purposes of the GD-2-IN District, buildings are as defined in the Biddeford Code of Ordinances, Part III (Land Development Regulations), Article II (Definitions).

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection and Limited Residential, Limited Commercial, General Development 2-Institutional District, and Stream Protection Districts, shall not exceed 35 feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Further, this provision shall not apply to cupolas, domes, widow's walks and other similar features added to a legally existing conforming structure provided the provisions of 38 MRSA §439-A(9) are met as follows:
 - a. The legally existing conforming structure is not located in a Resource Protection District or a stream protection district as defined in guidelines adopted by the board; and
 - b. The cupola, dome, widow's walk or other similar feature:
 - (1) Does not extend beyond the exterior walls of the existing structure;

- (2) Has a floor area of 53 square feet or less; and
- (3) Does not increase the height of the existing structure, as determined under section 436-A, subsection 7-A, by more than 7 feet.

For purposes of this provision "cupola, dome, widow's walk or other similar feature" means a nonhabitable building feature mounted on a building roof for observation purposes.

- 4. With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In a General Development District (other than the General Development-2-Institutional District) located adjacent to coastal wetlands, or rivers that do not flow to great ponds, or in a Commercial Fisheries/Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

In a General Development-2-Institutional District non-vegetated surfaces shall not exceed a total of forty-five (45) percent of the portion of the lot located within the shoreland zone.

- C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- 9. Except in ~~the~~ a General Development District (other than the General Development-2-Institutional District), structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

Biddeford Code of Ordinances Part III (Land Development Regulations), Article V Establishment of Zones), Table A (Table of Land Uses), Note 20:

20. Within that portion of the institutional zone subject to the General Development 2-Institutional District shoreland zone~~shoreland zoning provisions of the Shoreland Protection Zone~~, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows. The existing buildings and roads may be modified to the extent necessary to

meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.

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