

City of Biddeford
Planning Board
March 15, 2023 6:00 PM City Hall
Council Chambers, & Zoom
<https://biddeford.zoom.us/j/93565360139?pwd=T2FxVGtZMXNIYm15NDRkRkZlZTZlZz09>
Webinar ID 935 6536 0139; Passcode 020339

STATUS: Planning Board, March 15, 2023, 6:00PM on Zoom & in the City Council Chambers

- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER'S BUSINESS**
 - 4.A. Pepperell Mill Minor Modification
[Pepperill Mill Bldg 17 and 15 MINOR MODIFICATION PLANNING BOARD NOTIFICATION.pdf](#)
[Pepperill Mill Bldg 17 and 15 MINOR MODIFICATION.pdf](#)
- 5. CONSENT AGENDA**
 - 5.A. Approval of Meeting Minutes for February 15, 2023
[PB Minutes 21523-DRAFT.pdf](#)
- 6. NEW BUSINESS**
 - 6.A. 2023.05 Public hearing and to take comments concerning a Preliminary Site Plan Review application from Take 5 Maine, LLC to demolish existing structure and rebuild new 2 bay oil change center. The location of the project is 394 Elm Street (Tax Map 20, Lot 10) in the B-2 Zone. This project was tabled at the Planning Board Meeting of January 25, 2023.
[2023.05 Take 5 Oil Change SECOND PRELIMINARY Site Plan 394 Elm Street 3-7-2023.pdf](#)
[C201-SITE PLAN_REV2_20230307 \(002\).pdf](#)
[TAKE 5 REVISED SITE PLAN 3-7-2023](#) [C201-SITE PLAN_REV1_20230222.pdf](#)
 - 6.B. 2023.14 WORKSHOP ITEM**
Proposed changes to address three ordinance changes required by the General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s). The changes include:
 1. adoption of specific erosion and sedimentation control standards for proposed developments,
 2. requiring timely maintenance of private stormwater infrastructure after construction, and
 3. requiring timely removal of non-stormwater discharges from the City's separated storm drain system.The changes affect Part II Code of Ordinances, Chapter 34 Environment and Chapter 70 Utilities, and Part III Code of Ordinances, Land Development Regulations.

Public input is not anticipated for this item.

[PBLetterMS4OrdChangesBidd2023_03_08.pdf](#)

[MS4 POWERPOINT BiddSWOrdchangesPB2023_03_15.pptx](#)

- 6.C. WORKSHOP ITEM---- Eric Freeman to present the AG Forest Resources Chapter of the Comprehensive Plan.

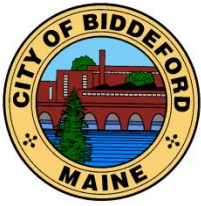
It is not anticipated that public input will be accepted during this workshop item.

[COMP PLAN PB Memo_Revised_03.08.2023.pdf](#)

[11_AG_FOREST_RESOURCES_March 9 2023 Comprehensive Plan Draft.pdf](#)

7. 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 and Development Department

David C.M. Galbraith
Deputy Director/City Planner
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Biddeford, ME 04005
(207) 284-9115

David.Galbraith@biddefordmaine.org

PLANNING BOARD – Minor Modification Notification Request

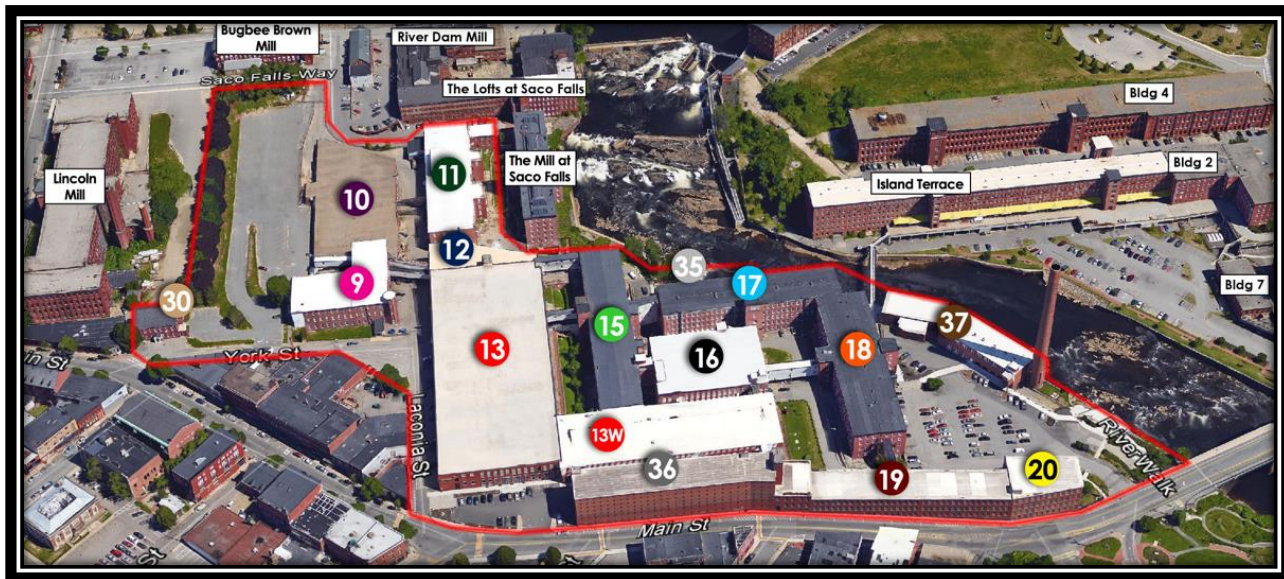
TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: March 8, 2023

RE: **Pepperill Mill - Minor Modification Request / Occupancy Transfer From Building # 17 to Building # 15 / Planning Board Notification of Approval.**

The City Planning Office received a Minor Modification request from Ms. Megan Higgins regarding swapping approved residential units from Building #17 to Building #15.



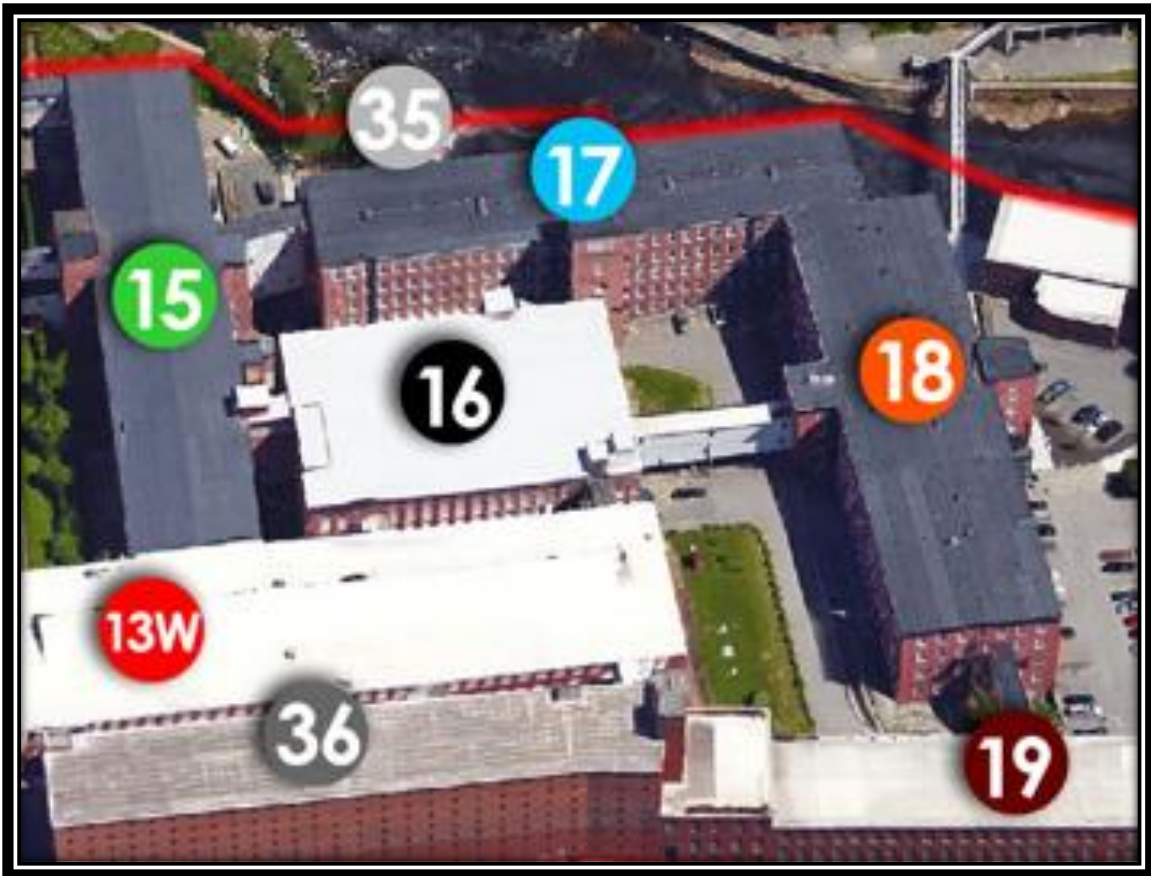
Pepperill Mill Campus Outlined in Red

Ms. Higgins request stated:

“Create 9 additional residential units in Building 15. The proposed conversion consists of the development of 6,880 SF of building 15, floor 1 of the Pepperell Mill at 2 Main Street, Biddeford. The existing space is part of a former mill building that is currently vacant unfinished space. In 2009 Building 17 received approval to construct 40 residential units. The actual number of residential units constructed in Building 17 is 30. Building 17 is adjacent and connected to building 15. The development site is located within the City's MSRD-3 Zoning District and the proposed residential use complies with the permitted uses within the zone. The applicant is proposing to renovate the existing area with no additions to the footprint. The interior building space will be renovated for the proposed apartments”.

Pepperill Mill - Minor Modification Request / Occupancy Transfer From Building # 17 to Building # 15 / Planning Board Notification of Approval.

Planning Board Memorandum Date: March 8, 2023.



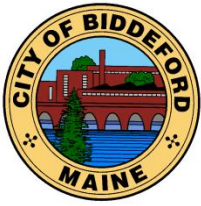
Pepperill Mill Campus – Building # 15 & # 17 Close-up Perspective

When evaluating the request I noted that the Planning Board reviewed and approved the construction of the 40 residential units in Building #17, yet only 30 units were actually constructed. I also noted that there would not be any net increase in the actual number of units being constructed from what the Board previously approved, *and* as Building # 15 & 17 are adjacent, **I approved the Minor Modification request to transfer nine (9) units from building # 17 to Building # 15.** Ms. Higgins was made aware that construction permits will be required for the proposal, and review and approval of such will need to be granted by the City's Code Office and Fire Department. I have placed a copy of this approval letter in the City's property files for future reference.

Attached you will find a copy of Ms. Higgins Occupancy Transfer Request letter and a copy of the Minor Modification Request Approval letter sent to Ms. Higgins.

Sincerely,

David C.M. Galbraith
Deputy Director/City Planner



CITY OF BIDDEFORD

Planning and Development Department

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(207) 284-9115

David.Galbraith@biddefordmaine.org

Ms. Megan Higgins
2 Main Street, Suite 17-301-E
Biddeford, Maine 04005

Via Email: mhiggins@presidiumre.com

March 8, 2023

RE: Minor Modification Request / Occupancy Transfer From Building # 17 to Building # 15.

Ms. Higgins, I am writing in regards to your letter (no date, attached) sent to me via email on January 26, 2023, regarding swapping approved residential units from Building #17 to Building #15. Your request stated:

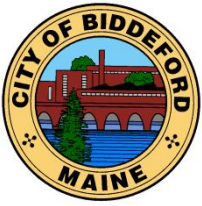
"Create 9 additional residential units in Building 15. The proposed conversion consists of the development of 6,880 SF of building 15, floor 1 of the Pepperell Mill at 2 Main Street, Biddeford. The existing space is part of a former mill building that is currently vacant unfinished space. In 2009 Building 17 received approval to construct 40 residential units. The actual number of residential units constructed in Building 17 is 30. Building 17 is adjacent and connected to building 15. The development site is located within the City's MSRD-3 Zoning District and the proposed residential use complies with the permitted uses within the zone. The applicant is proposing to renovate the existing area with no additions to the footprint. The interior building space will be renovated for the proposed apartments".

The Planning Board reviewed and approved the construction of the 40 residential units in Building #17, yet only 30 units were actually constructed. As there will be not be any net increase in the actual number of units and as Building # 15 & 17 are adjacent, I am approving your Minor Modification request to transfer nine (9) units from building # 17 to Building # 15. Please note, construction permits will be required for the proposal, and review and approval of such will need to be granted by the City's Code Office and Fire Department. I will place a copy of this approval letter in the City's property files for future reference.

Sincerely,

David C.M. Galbraith
Deputy Director/City Planner

EC: Chris Rhoades: crhoades@presidiumre.com



CITY OF BIDDEFORD

Planning and Development Department

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

Planning Board Meeting Minutes

DRAFT

Date: February 15, 2023
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Larry Patoine (Chair), Michael Cantara, Sean Tarpey, Alexa Plotkin, Susan Deschambault (Associate Member) & Stephen Beaudette (Associate Member)
Ms. Deschambault will be voting due to the absence of Mr. Angers
Staff Present: David Galbraith, Greg Mitchell, Eric Freeman, Jeff Demers (Director of Public Works), Craig Chekan (City Engineer) & Nan Whitten
Chair Patoine opened the meeting at 6:00 PM
3. Adjustments to the Agenda-none
4. Planner's Business
 - Mr. Galbraith announced that the Staff Review Committee approved a project for Alex Fabish at 50 Alfred Street to convert some commercial rooms to residential.
 - He also announced that the approval for Adam's Point has been extended an additional year.
5. Consent Agenda
 5. A. Approval of Meeting Minutes from January 18, 2023, January 25, 2023 & February 1, 2023MOTIONS: 6:03PM
Deschambault-Motion-to approve the consent agenda once the errors have been corrected.
Cantara-Second
Motion passed unanimously (Cantara, Tarpey, and Plotkin & Deschambault)
6. Other Business
 6. A. WORKSHOP ITEM-Comprehensive Plan-Presentation by Eric Freeman, Assistant Planner-2 Chapters Followed by Informational Seeking Session on the Agriculture & Forestry Chapter
 - a) Fiscal Capacity & CIP
 - b) Public FacilitiesIt is not anticipated that public input will be accepted during this workshop item.
 - Eric Freeman, Assistant City Planner, went over the Fiscal Capacity & Public Facilities Chapters

- There will be an Agricultural Soils workshop at the Conservation Commission Meeting on 2-16-23.
- Jeff Demers answered questions from the Board on sewer separation, the pump station and the effects of climate change and rising sea levels.
- Workshop on the entire Comp Plan is scheduled for 3-15-23 and the final product will be presented to Planning Board on 4-5-23

7. Unfinished Business-none

8. New Business

8. A. 2023.08 Public Hearing to discuss and hear public comments regarding a Preliminary Site Plan request from Bill Thompson at BH2M for Fitts Holding, LLC (Shamrock Campground). The property is located at 391 West Street (Tax Map 4, Lot 15-6) in the RF Zone. The applicants would like to expand the Campground to 18 Full Services Sites.

- Bill Thompson from BH2M represented the applicant.
- Their plan is to provide a full design to the Planning Board in April.
- The Planning Board would like a third party environmental study, selected by the Planning Department, paid for by the applicants. This study would notate any wildlife and rare/endangered botanicals in the area that may be affected.
- Public Comments:

Richard Rhames-10 West Loop Road

MOTIONS: 7:07PM

Cantara-Motion- to designate the application for an 18-lot campsite expansion of the Shamrock Campground located at 391 West Street (Tax Map 4, Lot 15-6) as a Major Subdivision.

Tarpey-Second

Motion passed unanimously (Cantara, Tarpey, Plotkin & Deschambault)

8. B. 2022.02 Public hearing and hear comments for a Final Subdivision Application for Peter Heil of Acorn Engineering, representing 3 Lincoln, LLC. The property is located on Pearl Street (Tax Map 71, Lot 2) in the MSRD 3 and Shoreland Zones. The proposed project is to create 3 buildings on the lot, 1 83-unit mixed, residential and commercial, a 108-unit residential structure and 1 commercial structure with 2 restaurants.

- Peter Heil of Acorn Engineering & Marieke Thormann of Fathom represented the applicants.
- They reported their DEP & TMP are imminent.
- There were no comments from the public
- The Board asked the applicants about the waivers on parking & open space.
- They determined the contaminated soil would be relocated by the City as soon as the City receives relocation approval from the DEP.

MOTIONS: 7:24PM

Cantara-Motion-To grant the requested waiver of off-street parking requirements as detailed in the Staff Report

Deschambault-Second

Motion passed unanimously (Cantara, Tarpey, Plotkin & Deschambault)

**Cantara-Motion-to grant the waiver of the open space requirement for new residential development as required by the City's site plan ordinance.
Tarpey-Second**

**Motion passed unanimously (Cantara, Tarpey, Plotkin & Deschambault)
Cantara-Motion- to approve the Case # 2022.02 a Final Subdivision, Site Plan, and Shoreland Zoning Review for 3 Lincoln, LLC to redevelop the former MERC site at 3 Lincoln Street (Tax Map 71, Lot 2) in the MSRD-3 zone and GD-1 Shoreland Overlay zone as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA).**

Deschambault-Second

Motion passed unanimously (Cantara, Tarpey, Plotkin & Deschambault)

9. Other Business

Mr. Mitchell announced that David Galbraith has accepted the position of regular full time Planner and Deputy Director of the Planning & Economic Development Department effective February 21, 2023.

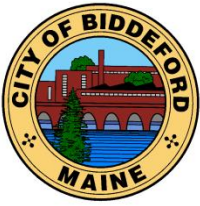
10. Adjourn

Meeting adjourned at 7:36 PM

Planning Board Chair/Vice 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 and Development Department

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PLANNING BOARD STAFF REPORT

TO: Chair Patoine and Members of the Biddeford Planning Board

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

DATE: March 7, 2023

RE: **2023.05 Site Plan (SP) Preliminary Plan Review for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10).**

MEETING DATE: March 15, 2023 at 6:00 PM

1. INTRODUCTION

This Application was first before the Planning Board on January 25, 2023 for Preliminary Site Plan review. At that time the Planning Board reviewed and deliberated the Application, but ultimately the project was "Tabled" due to Staff concerns raised related to on-site vehicle stacking and the safety at the two (2) proposed curb-openings. Since that time, the Applicant has been working with Staff to resolve the stacking and safety concerns and they have submitted a revised site plan and submitted information related to on-site vehicle stacking at similar sized stores at some of their currently operating facilities. These items addressed said areas of concern. Included within this report are images of the original site plan and the proposed revised site plan.



ORIGINAL Proposed Preliminary Site Design – 394 Elm Street

2023.05 Site Plan (SP) Preliminary Plan Review #2 for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10). Planning Board Hearing date: March 15, 2023.

The Applicant, CN Brown Co. (DBA Take Five Maine LLC) and their project engineer / Agent, Ashton Fritz the Principal of Fritz Engineering are seeking Preliminary Site Plan approval of a Take 5 Oil Change with a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10). This application involves redevelopment of a 15,000 square foot property at 394 Elm Street, located within the B-2 Highway Business (B-2 HB) District and a parking waiver request.



Existing Conditions – 394 Elm Street – as viewed from the Alfred / Elm Intersection

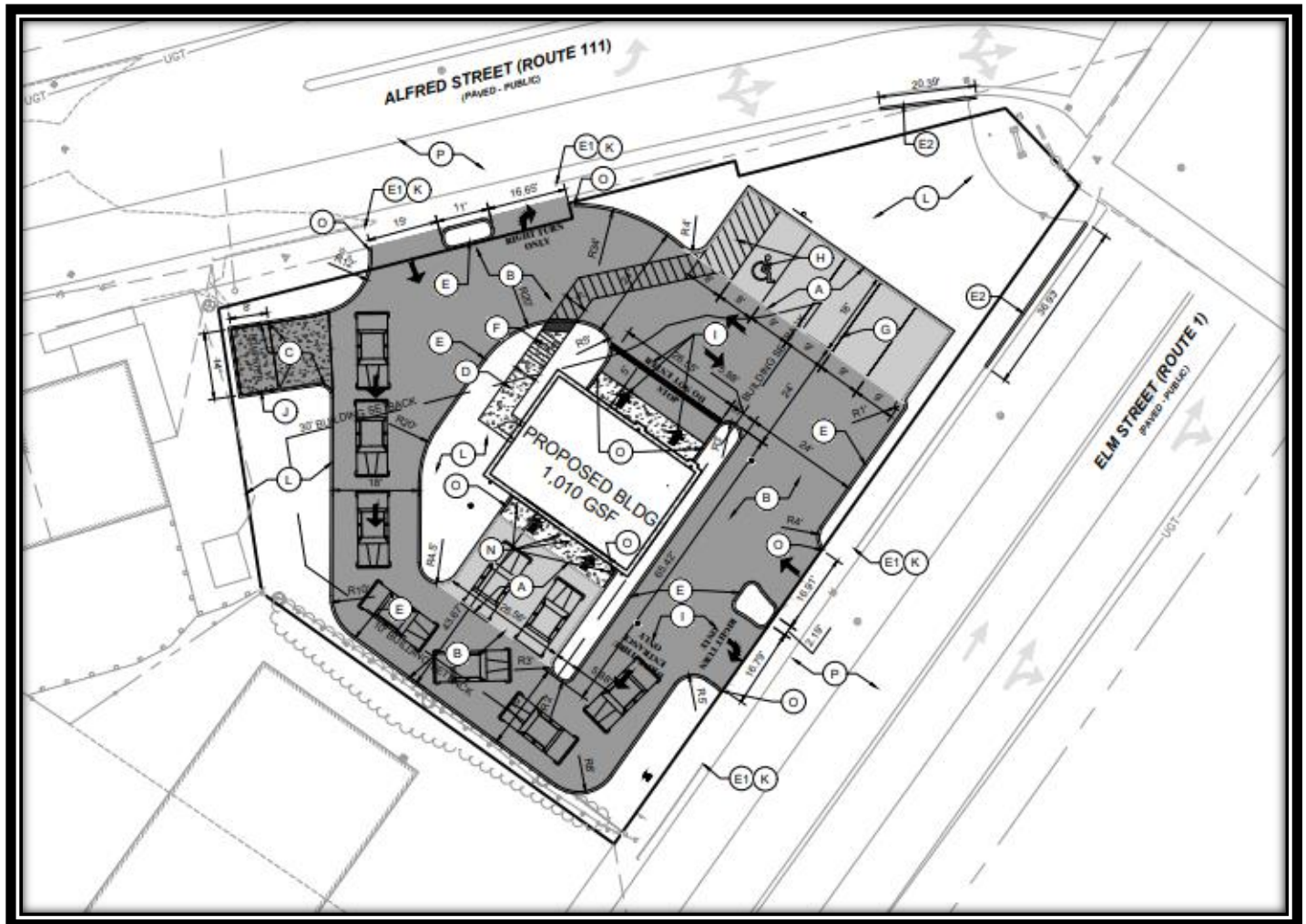
The Applicants proposed construction start date was February 1, 2023 with an anticipated construction end date of November 1, 2023.

As outlined within the submittal, the Applicant plans to remove the existing building (former gas station and convenience store). As proposed;

“The new building is approximately 1,010 SF and includes two drive-in service bays. Take 5 Oil Change is a national franchised oil change company that offers in-car services including oil change, filter replacement, wiper blade replacement and other minor repair/services. Take 5 does not offer tire service or sales nor any major mechanical services on engines or transmissions. Guests drive into the building, remain in their vehicles throughout the service and then drive out of the building upon completion of the service. There is no waiting room for guests and therefore, onsite parking is generally for employees only. A waiver request is accompanying this petition to allow 5 onsite parking spaces rather than the 10 spaces required by the code for a 2-bay automobile service use. Please refer to included Waiver Request letter for more detail”.

SITE ACCESS: The existing site has four vehicular drives accessing the site with two from Alfred Street and two from Elm Street. The two curb-cuts closest to the intersection (one on Alfred Street and one on Elm Street) will be removed and the new improvements will utilize the other two remaining existing drives to serve the site. The revised site plan illustrates modifications to the proposed curb-openings so that both curb-cuts will have limited access as both will be restricted to right-in / right-out only. Pavement markings have also been provided as requested by the Board. The revised site plan is shown below and a full size (24”x36”) plan has been included in the Board’s meeting packets. The City’s Staff Review Committee (SRC) has reviewed the proposed site modifications and is supportive of the proposed changes. Following the Applicant’s submittal of the revised plan, the SRC requested that the Applicant modify the plan to extend the Alfred Street non-mountable median approximately 40 feet to the west to further prevent exiting

vehicles from trying to make a left turn out of the facility. This modification will be made to the revised final plan set.



UTILITY SERVICES: *The existing site has electric, power, gas, water and sanitary sewer services to the existing building. The proposed building will be served by reuse of the existing water service, though with a smaller service size. The sanitary sewer lateral will also be reutilized with the proposed connection to the existing lateral along Elm Street. A new gas and electric service will be required, and the developer/contractor will work with those service providers for those services. Stormwater drainage will follow existing patterns and direct runoff from the proposed improved site to the road drainage systems in Alfred and Elm Streets. Due to the redevelopment, the impervious surfaces onsite will be significantly reduced from current conditions onsite which are nearly entirely pavement and rooftop. No new onsite stormwater inlets, pipes or other drainage facilities are proposed.*

11

2023.05 Site Plan (SP) Preliminary Plan Review #2 for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10). Planning Board Hearing date: March 15, 2023.

2. PROJECT DATA/INFORMATION

1.	Applicant:	Take 5 Maine, LLC c/o Andy Morrison 10884 Gresham Place Noblesville, IN 46060
2.	Owner of Property:	CN Brown Co. c/o Ken Cannell PO Box 200 South Paris, ME 04281
3.	Agent:	Fritz Engineering c/o Ashton Fritz 14020 Mississinewa Drive Carmel, IN 46033
4.	Surveyor:	Same as Agent
5.	Project Location:	394 Elm Street
6.	Project Tax Map #/Lot #:	Tax Map 20, Lot 10
7.	Lot Size:	15,000 SF
8.	Base Zoning:	B-2
9.	Overlay Zoning:	N/A
10.	Existing Use:	Parking Lots/Existing Commercial Buildings
11.	Proposed Use:	Vacant previously gas station
12.	Approvals Required:	Site Plan Review
13.	Uses in the Vicinity:	Five Points Shopping Center, Cemetery, Mixed Use
14.	Waivers Needed:	a. Reduction of parking from 10 to 5
18.	Waivers Granted:	a. None
22.	Other Non-City Permits Required:	
23.	LDR Attachment A: Fees Paid:	Not Yet
25.	Planning Board Review History:	Preliminary 1-25-23

3. REVIEW PROCESS

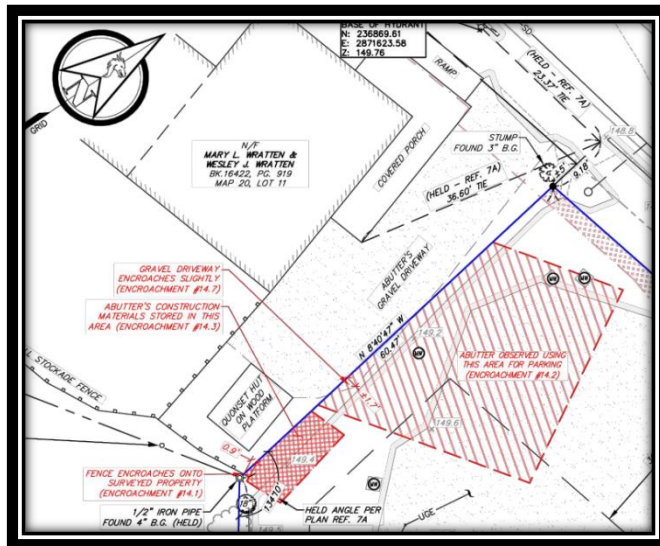
Per City ordinance, this application is subject to Site Plan (Land Development Regulations, Article XI) review and approval by the Planning Board.

4. Staff Review Comments:

- A. The existing pole sign shall be removed and replaced with a new ground sign that complies with the City's signage requirements.
- B. Refuse and Recycling: An elevation of the proposed refuse and recycling enclosure shall be provided. All service vehicles, including waste haulers, shall be scheduled during non-business hours.
- C. As noted in the comments listed above Staff remains concerned with vehicle stacking / wait times. Are appointments required or is it a first come first serve type of facility? The re-submittal shall include an overview of the average wait times and vehicle stacking at other similar Take 5 facilities.

2023.05 Site Plan (SP) Preliminary Plan Review #2 for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10). Planning Board Hearing date: March 15, 2023.

- D. Survey Sheet 1 of 2 (Sheet C102) identifies potential conflicts with the abutting property owner, listed as Mary and Wesley Wratten (Map #20 – Lot 11). This includes the following:



- 1) Fence Encroachment.
- 2) Driveway Encroachment.
- 3) Abutter's construction materials storage area encroachment.
- 4) Abutter utilizing currently vacant lot as overflow parking.
- 5) Existing vegetation on the existing shared property line.

Staff recommends reaching out to the Wrattens' to discuss / resolve the above boundary issues prior to Final Site Plan Review.

Shared Property Line Issues Detail (Sheet C102)

1. STAFF REVIEW

- **APPLICATION COMPLETENESS:** The applicant has submitted a complete application, featuring all required elements as specified under Section 66-35 (Required Information for Final Plan Submissions). As part of the staff's review comments, we've identified aspects of the plan submission to be revised or clarified, which we suggest being made a condition of approval.
- **ZONING:** respect to applicable dimensional requirements, the project would comply with all applicable requirements, including building height, building setback, frontage, and lot coverage requirements.
- **WAIVERS:**

The Application includes a waiver request, from Ashton Fritz, PE and Principal of Fritz Engineering Services, dated December 6, 2022, which is included and shown in *italics* in its entirety:

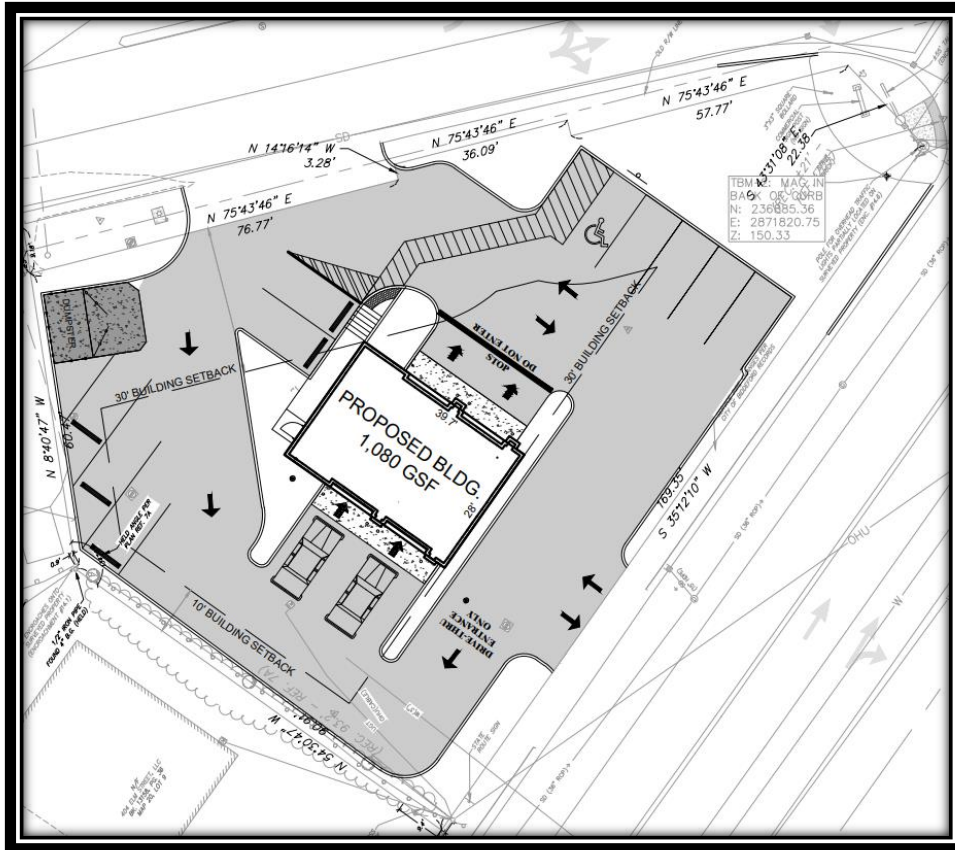
Please accept this letter related to the Take 5 Oil Change project as support of the Waiver Request accompanying the Site Plan Review petition filed. The following provides more detail on the requested Waiver.

CODE REFERENCE: *A waiver of the Minimum Required Parking required for an Automobile Service use per Table 6-49B of the City of Biddeford Code of Ordinances, Part III, Article VI, Section 49, Subsection C(3)(I). The table lists an Automobile Repair/Service use shall provide 5 spaces for each bay. The proposed oil change facility will include two service bays, which would require 10 total parking spaces. WAIVER REQUEST:* The request is to allow 5 onsite parking spaces rather than the 10 spaces required by the code for a 2-bay automobile service use.

SUPPORTING FACTS: *The Take 5 Oil Change facility provides drive-in services such as motor oil changes, air filter replacements, wiper blade replacements and a few other minor services. There are no tire sales, tire rotations, major mechanical services, brake services, etc. Customers do not exit their vehicles before, during or after services are performed. The building does not provide a*

2023.05 Site Plan (SP) Preliminary Plan Review #2 for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10). Planning Board Hearing date: March 15, 2023.

customer entrance or waiting area. As a result, parking provided onsite is generally for employees only. The proposed Take 5 includes two service bays. For this facility, the anticipated maximum number of employees at a given time is 4. Therefore, the corresponding number of parking spaces provided onsite is proposed to be 5, including an ADA accessible space as required by law.



The Application includes an alternative site plan (Sheet EXH-A), shown left, which illustrates the proposed site configuration with the ten (10) required parking stalls. This “alternative site plan” would not require a waiver for the City’s parking requirements. However, Staff has a number of concerns with this plan, primarily vehicle conflicts created with the on-site vehicle maneuvering and vehicles entering the site from Alfred Street.

Alternative Plan – 10 Parking Stalls – No Waiver Required

Due to the limited developable space on this uniquely acute triangular shaped lot, providing the code required 10 parking spaces requires significantly more, hard surface and less than ideal functionality for onsite maneuvering. Included in this request is an exhibit showing a site layout with 10 parking spaces as well as the proposed site plan providing the requested 5 parking spaces and a waiver request for the 5 additional spaces required under City’s parking standards. A comparison of the illustrations shows the advantages of the proposed 5 parking spaces layout including increased green space, reduced hard surface, better defined parking spaces and access, better onsite vehicular circulation, and reduced impact to adjoining properties from parking.

SUMMARY: Please accept this Waiver Request to allow the proposed 5 parking spaces onsite rather than the code required 10 parking spaces. There are no negative anticipated impacts to the site, the proposed business use or the general public’s safety that would result from the granting of this Waiver. Please review the above requests and let me know if any additional information is required to complete your review and recommendation for approval of this Waiver.

The Application includes building elevations which are shown below. If roof-top mechanical equipment is being proposed it should be screened by the parapet wall or an alternative screening method.



As noted in the Application, the property is 15,000 square feet in area and has “limited developable space on this uniquely acute triangular shaped lot”. Staff is supportive of the redevelopment plans at this time and the Applicant has been exceptionally cooperative in addressing Staff’s concerns and has revised their submittal to eliminate our design concerns.

A. Motion to Approve: I motion to APPROVE the Preliminary Site Plan approval for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10), within the B-2 Highway Business (B-2 HB) District, with the following conditions / submittals:

- B. Motion to Approve: I motion to APPROVE the requested parking waiver to reduce the required on-site parking from ten (10) stalls to five (5) stalls.

- 15

**2023.05 Site Plan (SP) Preliminary Plan Review #2 for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10).
Planning Board Hearing date: March 15, 2023.**

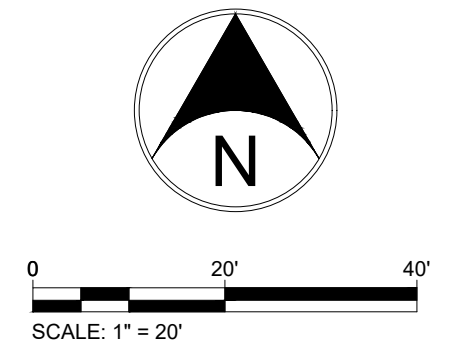
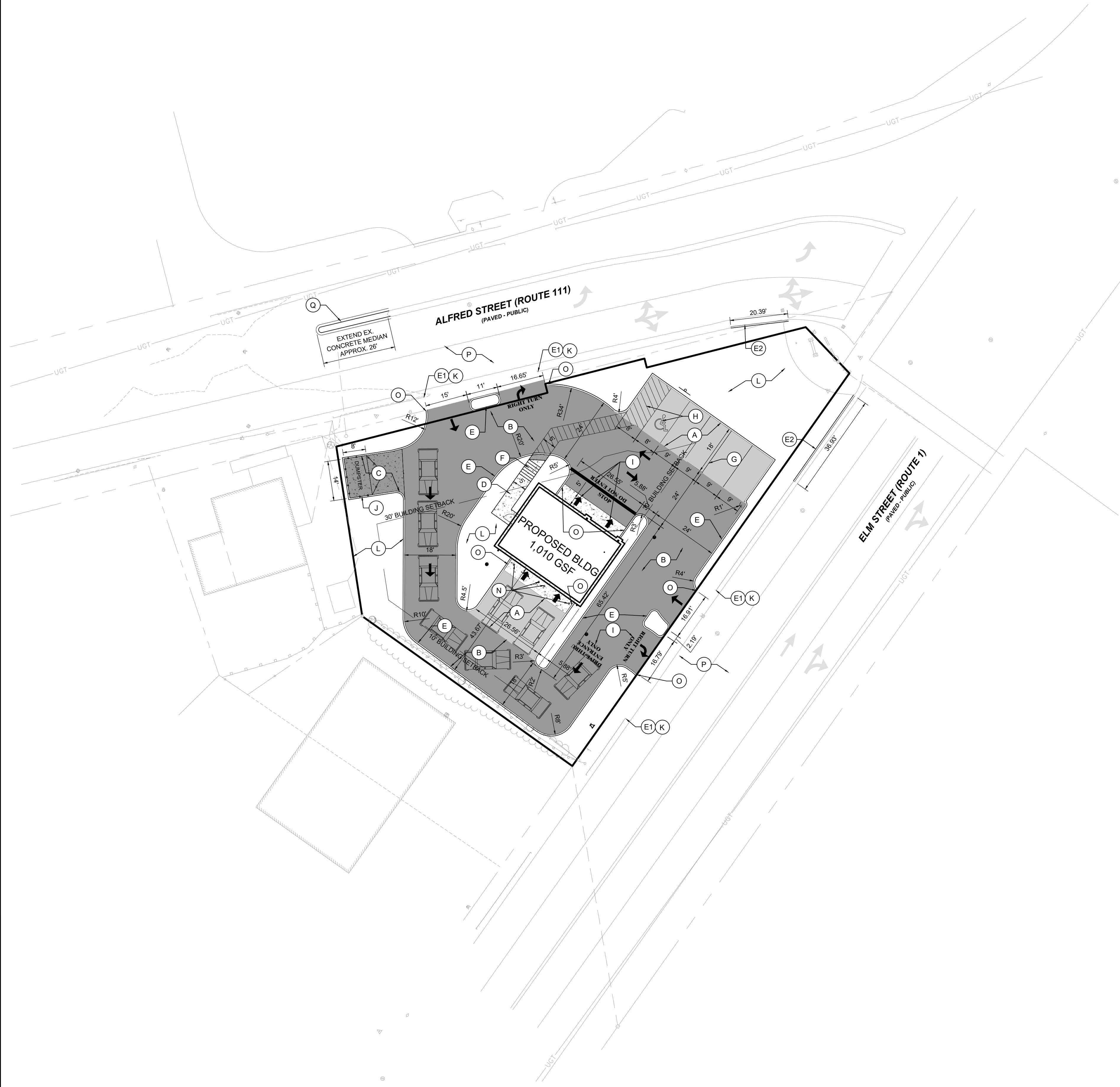
C. Motion to Deny I motion to DENY the Preliminary Site Plan approval for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10), within the B-2 Highway Business (B-2 HB) District, for the following reasons:

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

D. Motion to Table: I motion to TABLE the Preliminary Site Plan approval for Take 5 MAIN LLC (dba Take 5 Oil Change) to locate a two (2) bay oil change facility proposed to be located at 394 Elm Street (Tax Map 20, Lots 10), within the B-2 Highway Business (B-2 HB) District, for the following reasons:

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

DATE: 12/6/2022
DRAWN: KG
CHECK: AF
DESIGN: AF
PROJECT NO: 2209005
SHEET NAME: SITE PLAN
SHEET NO: C201



KEY NOTES:

A

B

C

D

E

E1

E2

F

G

H

I

J

K

L

M

N

O

P

Q

LIGHT DUTY ASPHALT PAVEMENT

HEAVY DUTY ASPHALT PAVEMENT

CONCRETE PAVEMENT

CONCRETE SIDEWALK

6" CONCRETE CURB

EXISTING CURB TO REMAIN IN PLACE

NEW PUBLIC ROAD CURB
(COORDINATE WITH BIDDEFORD, GRANITE CURB TO MATCH EXISTING, PATCH EX. PAVEMENT)

ADA RAMP
(PER MAINTENANCE DETAILS)

4" WHITE PAVEMENT STRIPING

ADA BLUE PAVEMENT STRIPING, TYP.

PAVEMENT MARKING (AS SHOWN)

DUMPSTER ENCLOSURE
(REF. ARCH. PLANS)

MATCH EXISTING PAVEMENT, CURB OR WALK

LANDSCAPE AREA
(REF. ARCH. PLANS)

MONUMENT SIGN
(REF. SIGNAGE PLANS)

GUARD POST PIPE BOLLARD
(REFER TO ARCHITECTURAL PLANS FOR DETAIL)

CURB TAPER

EXISTING PAVEMENT TO REMAIN

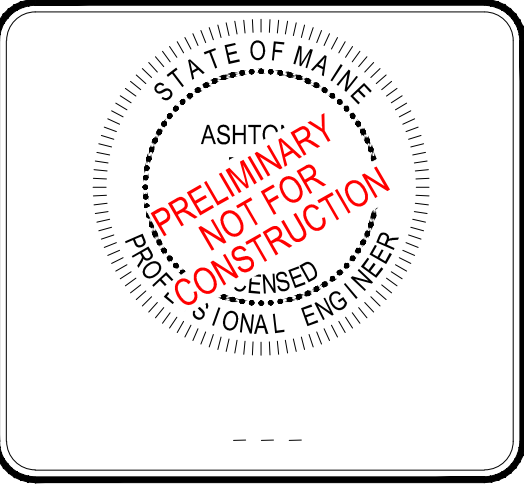
RAISED CONCRETE MEDIAN, MATCH EXISTING

NOTES:

SITE DEVELOPMENT SUMMARY TABLE		
ZONING CLASSIFICATION, CITY OF BIDDEFORD, MAINE		B2, AUTOMOBILE SERVICE IS A PERMITTED USE
PARCEL SIZE		0.34 AC.±
MIN. STREET FRONTAGE		150'
MAX. BLDG HEIGHT		35' MAX
MIN. LOT AREA		N/A
BUILDING COVERAGE		N/A
SETBACKS		
	FRONT	30' (MAJOR RD. R/W)
	SIDE	10'
	REAR	10'
BUFFERYARDS / GREENBELTS		
	FRONT	NONE
	SIDE	NONE
	REAR	NONE
PARKING REQUIRED, AUTOMOBILE REPAIR/SALES		5 SPACES PER BAY = 10 SPACES
PARKING PROVIDED		5 * WAIVER REQUEST
BICYCLE PARKING REQUIRED		N/A
NOTE:		
1.		

Fritz Engineering Services, LLC

14020 Mississinewa Drive
Carmel, Indiana 46033
P: 317.324.8695 F: 317.324.8717
www.Fritz-Eng.com



2 EXTEND ALFRED ST MEDIAN	3/7/2023	AF
1 REV DRIVE ENTRANCES	2/22/2023	AF
REVISIONS AND ISSUES	DATE	BY

GENERAL NOTES / LEGEND:

PROJECT:

TAKE 5 OIL CHANGE

BIDDEFORD

PROJECT LOCATION:

394 ELM STREET
BIDDEFORD, MAINE 04005
YORK COUNTY

TAX MAP & LOT

PORTION OF TAX MAP 20, LOT 10

CLIENT:

TAKE 5 MAINE, LLC

10884 GRESHAM PLACE
NOBLESVILLE, IN 46060

PLAN DATE:

12/6/2022

DESIGN: AF

CHECK: AF

DRAWN: KG

PROJECT NO:

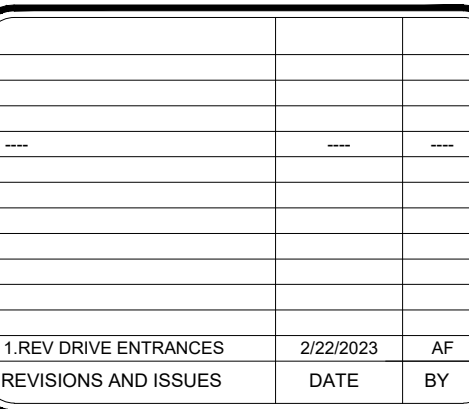
2209005

SHEET NAME:

SITE PLAN

SHEET NO:

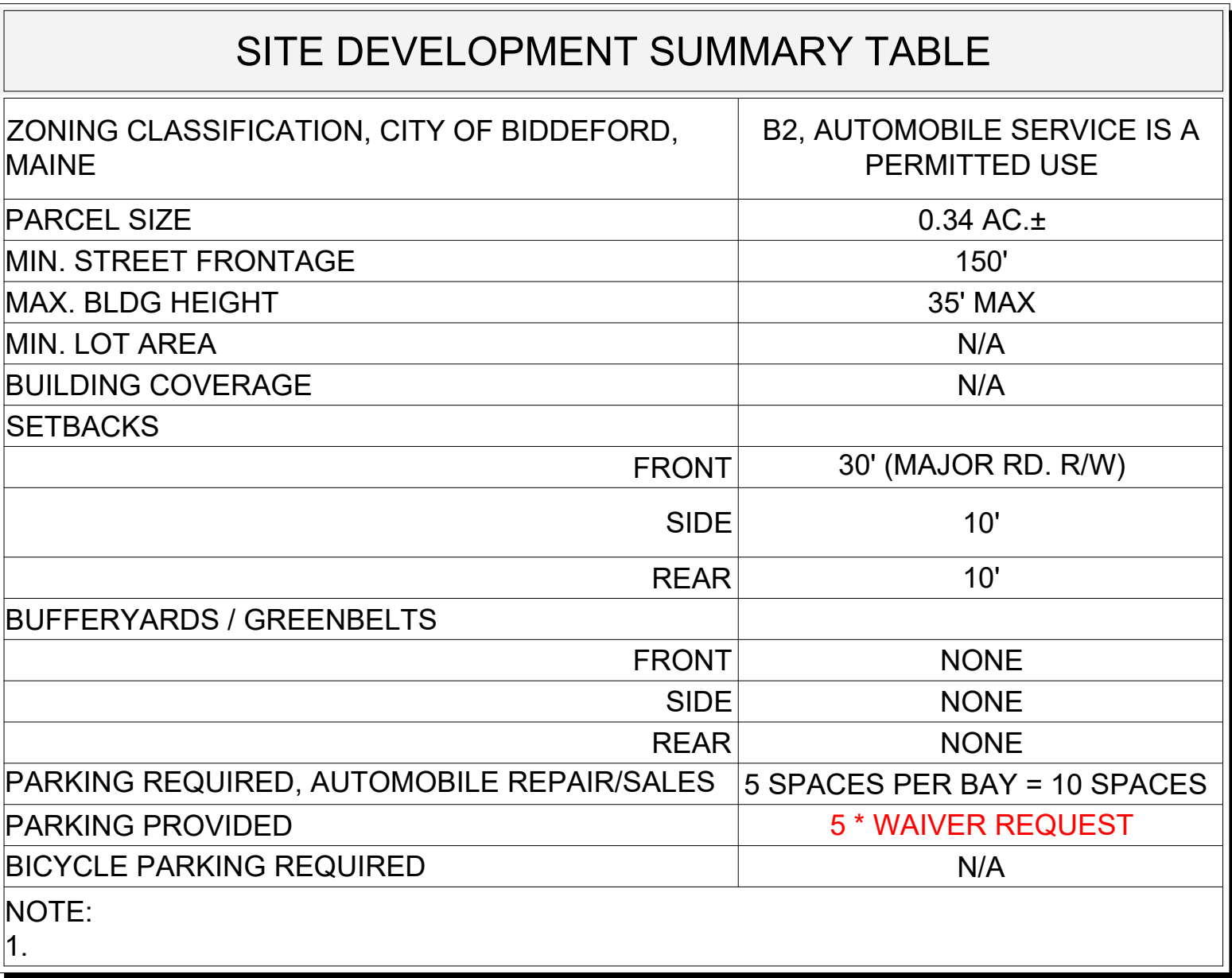
C201



PROJECT LOCATION:
394 ELM STREET
BIDDEFORD, MAINE 04005
YORK COUNTY

TAX MAP & LOT
PORTION OF TAX MAP 20, LOT 1

PLAN DATE:		
12/6/2022		
DESIGN:	CHECK:	DRAWN
AF	AF	K
PROJECT NO.		
2209005		
SHEET NAME		
SITE PLAN		
SHEET NO.		
C201		





Mr. Craig Chekan, Biddeford City Engineer
And Mr. Dave Galbraith, Biddeford City Planner
PO Box 586
Biddeford, ME 04005

March 8, 2023

Subject: Ordinance Changes Required by the General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) for Planning Board consideration.

Dear Mr. Chekan and Mr. Galbraith:

This letter provides an overview and proposed redline changes for consideration by the Planning Board at their 3/15/2023 workshop to address three ordinance changes required by the General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s). The changes include:

1. Incorporation of state erosion and sedimentation control standards for proposed developments,
2. Updating the Post Construction stormwater maintenance inspection and certification system for private stormwater infrastructure, and
3. Updating requirements to correct illegal discharges into the City's separated storm drain system within 60 days of identification of the illegal discharge.

To address the MS4 General Permit Requirements, the changes will affect Part II Code of Ordinances, Chapter 34 Environment and Chapter 70 Utilities, and Part III Code of Ordinances, Land Development Regulations. The attachment to this letter provides an introductory overview of each of the three requirements as well as proposed redline/strike out changes to the City's Code.

The MS4 General Permit requires that the changes be codified by 6/30/2023. I plan to attend the 3/15/2023 Planning Board meeting to assist in their understanding of the changes and answer any questions they might have.

If you have any questions about this information or need changes in advance of the meetings, please let me know. I can be reached at 207-415-5830 or via email at krabasca@integratedenv.com.

Sincerely,

Integrated Environmental Engineering, Inc.

A handwritten signature in cursive script, reading "Kristie L. Rabasca".

Kristie L. Rabasca, P.E.

cc. Jeff Demers, Public Works Director

Attachments: Redline Strikeout proposed changes to address MS4 General Permit requirements.

3/1/2023 Proposed Changes to Biddeford Ordinances to address MS4 Requirements by 6/30/2023

OVERVIEW OF EROSION AND SEDIMENTATION CONTROL CHANGES

Affected Sections: Part III Land Development Regulations Article II Definitions, and Article VI Performance Standards

The MS4 General Permit requires that specific Erosion and Sedimentation Control (ESC) standards be incorporated into the City's ordinances for any proposed development that disturbs one or more acres of land in the City's Urbanized Area (see attached map). The ESC standards required by the MS4 General Permit are the same as the Maine DEP Chapter 500 standards for ESC and both are triggered at the same 1-acre disturbance threshold. As such, developers have been conforming to these standards for many years in all areas of the state.

The impact of incorporating these into the Biddeford Code is that Biddeford Staff will now have enforcement authority over the standards.

The current Biddeford standards for ESC are as follows:

- a. For projects triggering Site Plan Review, performance standards identified in Part III Land Development Regulations Article VI Performance Standards, Section 26 Erosion Control apply. The standards listed in this Section have not been updated since 1996. The standards in Section 26 Erosion Control are proposed to be updated, but no changes are needed to Article IX Site Plan Review Section 5 Site design and development criteria.
- b. For subdivisions (Part II Code of Ordinances Chapter 66 Subdivisions), no specific standards are identified, rather there is a general statement that any subdivision must comply with the standards identified for the zone the subdivision is located in. Because subdivisions must comply with the Erosion Control Standards as for Site Plan Review (see item a. above), no changes to Chapter 66 are proposed.
- c. Part III Land Development Regulations, Article VI Performance Standards lists several types of developments that require an erosion and sedimentation control plan. Most of these sections are not explicitly being updated because the Performance Standards of Section 26 erosion control, will automatically apply to these sites. However, upon review, one section has a reference to an obsolete guidance document which is proposed to be corrected.
 - a. Section 13 Campgrounds and tenting grounds of Part III Land Development Regulations requires an erosion and sedimentation control plan "meeting the standards of the York County Soil and Water Conservation District and the Maine soil and Water Conservation Commission...". This reference is proposed to be updated.
 - b. Section 30 Extractive Industry – no changes needed
 - c. Section 51 Private ways and roads – no changes needed
 - d. Section 64 Timber harvesting – no changes needed
 - e. Section 73 Planned Unit Developments – no changes needed

To meet the MS4 General Permit requirements, Engineering Staff recommend incorporating the Chapter 500 standards by reference in Part III Land Development Regulations Article VI Performance

Standards, Section 26 Erosion Control. Incorporating the Chapter 500 standards by reference will facilitate design for developers and review by the City.

Planning Board should be aware that although the MS4 General Permit requires these standards only be applicable to projects that disturb one or more acres of land, Engineering Staff recommend that the standards apply to all sites that require a Subdivision or Site Plan Review even if it disturbs less than an acre of land.

In addition, staff also recommend that the City adopt the standards City-wide, rather than only within the Urbanized Area (which is all that is required by the MS4 General Permit).

Adoption of the standards by reference to Chapter 500, adoption City-wide, and applying this single set of standards to all sites that trigger Site Plan or Subdivision review by Planning Board will facilitate design for developers and review by the City, as well as providing good protection of the City's natural resources from the adverse impacts of sedimentation from construction sites.

Recommended changes to the City's Code are provided below as underline (for new text)-
strikethrough (for deleted text):

Part III Land Development Regulations

Article VI Performance Standards

Section 13 Campgrounds and tenting grounds

1. A soil erosion and sedimentation control plan meeting the standards of Section 26 of this Article ~~the York County Soil and Water Conservation District and the Maine soil and Water Conservation Commission~~ shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:
 - (a) The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or re-forested).
 - (b) New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
 - (c) All vegetative clearing should avoid creating straight line edges between open land and surviving stands.
 - (d) Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

Section 26 Erosion Control

[Ord. of 5-7-1996]

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the ~~following best management practices as specified by the Soil Conservation Service~~ requirements of Maine Department of Environmental Protection Chapter 500 Stormwater Appendices A, B and C for sites that disturb one or more acres of land. An erosion and sedimentation control plan meeting the standards in this section shall be prepared by a qualified erosion and sedimentation control professional. In addition, the following items may be required for all sites:

- A. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
 - B. The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - C. Temporary vegetation and/or mulching shall be used to protect exposed areas during development.
 - D. Permanent (final) vegetation and mechanical erosion control measures, ~~in accordance with the standards of the York County Soil and Water Conservation District and the Maine Soil and Water Conservation Commission,~~ shall be installed as soon as possible after construction ends.
 - E. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board or Building Inspector, whichever has the authority to make such decisions on the project. ~~York County Soil Conservation Service may be consulted to review plans and actual installation of sediment control devices.~~
 - F. The top of a cut or the bottom of a fill section shall not be closer than 10 feet to an adjoining property, nor shall said cut or fill exceed the three-to-one slope unless the Planning Board waives either or both requirements upon the applicant's demonstration, certified by a Maine licensed professional engineer (P.E.), that a steeper slope, whether or not closer than 10 feet to the adjoining property, is stable, will not result in excessive downstream erosion or sedimentation, nor cause any additional adverse impact on the adjoining property.
 - G. During grading operations, methods of dust control shall be employed wherever practicable.
 - H. On slopes greater than 25% there shall be no grading or filling within 100 feet of the saltwater wetland except to protect the shoreline and prevent erosion.^[1]
- [1] Editor's Note: Former Subsection I, Erosion and sedimentation control in shoreland areas, which immediately followed, was repealed 2-2-2010 by Ord. No. 2009.98.

OVERVIEW OF POST CONSTRUCTION STORMWATER MANAGEMENT CHANGES

Affected Section: Part II Code of Ordinances – Chapter 34 Environment Article VI Post-Construction Stormwater Discharge

This Article has been part of the City's code since 2009 to ensure that stormwater infrastructure that is owned by private developments is inspected and maintained. This portion of the City's code requires maintenance in accordance with a Post Construction Stormwater Plan (submitted during development review), annual inspections on the stormwater infrastructure and certification annually to the City that the system has been maintained, inspected and is functioning as intended.

The 2022 MS4 General Permit requires that:

- a. the annual inspector be a Qualified Inspector (already defined in the Biddeford Ordinances),
- b. a copy of the inspection report be provided to the City, and
- c. any maintenance identified by the owner or inspector is corrected within 60 days of identification or if that is not possible, in accordance with a schedule that is approved by the enforcement authority (the Code Enforcement Officer or other person(s) or department designated by the City).

In addition, Staff is also making the following recommendations:

- Definitions Update: corrected the definition of Urbanized Area (the MS4 regulated area) to reflect the definition in the MS4 general permit.
- Remove requirement to prepare and file a Maintenance Agreement with the Registry of Deeds – in application, this requirement to have a signed Maintenance Agreement (Sec. 34-481) has not been enforced. Instead, applicants are required by the Planning Board Findings of Fact and/or Notices of Decision to comply with the ordinance requirements after review by the Engineering Department.
- Update the Annual Stormwater Management Facilities Certification Form to reflect the changes made to the ordinance and remove the requirement to have the form notarized. No significant benefit comes from having this document notarized.

Changes proposed to address the MS4 General Permit requirements and to incorporate the recommendations from Staff are provided below:

Sec. 34-479 Definitions

URBANIZED AREA (UA)

The cumulative areas of the State of Maine so defined by the ~~latest~~ 2000 and 2010 decennial censuses by the United States Bureau of the Census.

Sec. 34-481 Performance Standards.

~~(c) Where the applicant proposes to retain ownership of the stormwater management facilities shown in its post-construction stormwater management plan, the applicant shall submit to the City documentation, approved as to legal sufficiency by the City's attorney, that the applicant, its successors, heirs and assigns shall have the legal obligation and the resources available to operate,~~

~~repair, maintain and replace the stormwater management facilities. Applications for new development or redevelopment requiring stormwater management facilities that will not be dedicated to the City shall enter into a maintenance agreement with the City. A sample of this maintenance agreement is attached as Appendix 1 to this article.~~¹

Sec. 34-482 Demonstration of Compliance

Any person owning, operating, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan approved under this article shall demonstrate compliance with that Plan as follows:

- (1) That person or a ~~Q~~ualified ~~P~~ost-construction ~~S~~tormwater ~~I~~nspector hired by that person shall, ~~at least annually,~~ inspect and maintain the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (2) If the stormwater management Facilities require maintenance to function as intended by the approved post-construction stormwater management plan, that person shall take corrective action(s) to address the deficiency or deficiencies within 60 days of identification of the deficiency. If it is not possible to correct the deficiency within 60 days, that person shall coordinate with the enforcement authority to establish a schedule to correct the deficiency.
- (3) That person shall employ a ~~Q~~ualified ~~P~~ost-construction ~~S~~tormwater ~~I~~nspector to conduct an annual inspection and provide, on or by March 1 of each year, a copy of the inspection report and a completed and signed certification to the enforcement authority in a form identical to that attached as Appendix 1 to this article or in a similar form approved by the City Engineer, certifying that the stormwater management facilities have been inspected, and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, describing any required maintenance and any deficiencies found during inspection of the stormwater management facilities. If the stormwater management facilities require, maintenance or repair of deficiencies in order to function as intended by the approved post-construction stormwater management plan, the person shall provide a record of the required maintenance or deficiency and corrective action(s) taken with the annual report and certification.

034b Appendix 1 Maintenance Agreement

ENVIRONMENT

34 Attachment 2

City of Biddeford

Appendix 1 Maintenance Agreement for Stormwater Management Facilities

This Maintenance Agreement is made this day of _____ 20__ by and between _____ and the City of Biddeford, Maine.

The project name is _____.

The location is: _____, Biddeford, Maine.

The project's Tax Map and Lot Numbers are Tax Map Lot _____

The project is shown on a plan entitled "_____" dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the _____ County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the City of Biddeford requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the City and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for itself, and its successors and assigns, agrees to the following:
 - (a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;
 - (b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;
 - (c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the City Enforcement Authority;
 - (d) To allow access by City personnel or the City's designee for inspecting the Stormwater Management Facilities for conformance with these requirements.
 - (e) To create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.

34 Attachment 2:1

09 - 01 - 2011

BIDDEFORD CODE

2. Upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.
3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

Witness By: _____
Its: _____

CITY OF BIDDEFORD

Witness By: _____
Its: _____

STATE OF MAINE

_____, ss. _____, 20__

Personally appeared the above-named _____,
the _____ of _____, and
acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

STATE OF MAINE

_____, ss. _____, 20__

Personally appeared the above-named _____,
the _____ of the City of Biddeford, and acknowledged the foregoing
Agreement to be said his/her free act and deed in said capacity.

Before me,

Notary Public/Attorney at Law

Print Name: _____

034c Appendix 2 Management Facility Certification to become Appendix 1, with the following changes:

City of Biddeford

Appendix-2 1
Annual Stormwater Management Facilities Certification
(to be sent to City's Enforcement Authority)

I, _____ (print or type name), certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: _____ (print or type name of subdivision, condominium or other development) located at _____ (print or type address), (the "Property");
2. The owner, operator, tenant, lessee or homeowners' association of the Property is: _____ (name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);
3. I am (check one)
 - a. _____ the owner, operator, tenant, lessee or president of the homeowners' association, and have hired a Qualified Post Construction Stormwater Inspector, or
 - b. _____ am a Qualified Post-Construction Stormwater Inspector hired by the person identified in item 2 of this form ~~same~~ (circle one);
4. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;
5. On _____, 20____, I inspected or had inspected by a Qualified Post-Construction Stormwater Inspector, the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;
6. ~~At the time of my inspection of the Stormwater Management Facilities on the Property, I or the Qualified Post-Construction Stormwater Inspector identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:~~

6. I have attached a copy of the Annual Inspection Report. At the time of the inspection (check one and complete any required information):

- a. The Stormwater Management Facilities were adequately maintained and functioning as intended, or
- b. The Stormwater Management Facilities required maintenance, which was completed within the required 60-day time period, and were functioning as intended after maintenance was completed, or
- c. The Stormwater Management Facilities required maintenance which was not completed within the required 60-day time period. (Attach additional sheets as necessary to describe the maintenance required, proposed schedule for completion, and an appropriate contact person. The City will contact them to confirm or adjust the schedule to complete the maintenance and any needed further course of action. You will be required to show proof of final maintenance.)

7. On _____, 20__ I took or had taken the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities stated in 6. above: _____

8. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post-Construction Stormwater Management Plan for the Property.

Date: _____, 20__ . By: _____
Signature

Print Name

STATE OF MAINE _____, ss. _____, 20__ Personally
appeared the above-named _____, the
_____ of _____, and acknowledged the
foregoing Annual Certification to be said person's free act and deed in said capacity. Before me,

Notary Public/Attorney at Law Print Name:

Mail this certification to the City's Enforcement Authority at the following address [to be completed by the municipality]: _____

OVERVIEW OF NONSTORMWATER DISCHARGE CHANGES

Affected Section: Part II Code of Ordinances – Chapter 70 Utilities Section 70-31 Enforcement of article; violations and penalties

Chapter 70 Utilities pertains primarily to discharges to the Wastewater System, requiring that all sanitary systems be connected to the sanitary sewer. A portion of this Chapter, Section 70-73, states that only stormwater be discharged into the separated storm drain system through a connection approved by the Director of Public Works.

The MS4 General Permit requires that if any illegal connection is identified into the storm drain system, or if any dumping or discharges into the storm drain system occur, the discharge or connection must be corrected within 60 days of identification of the source.

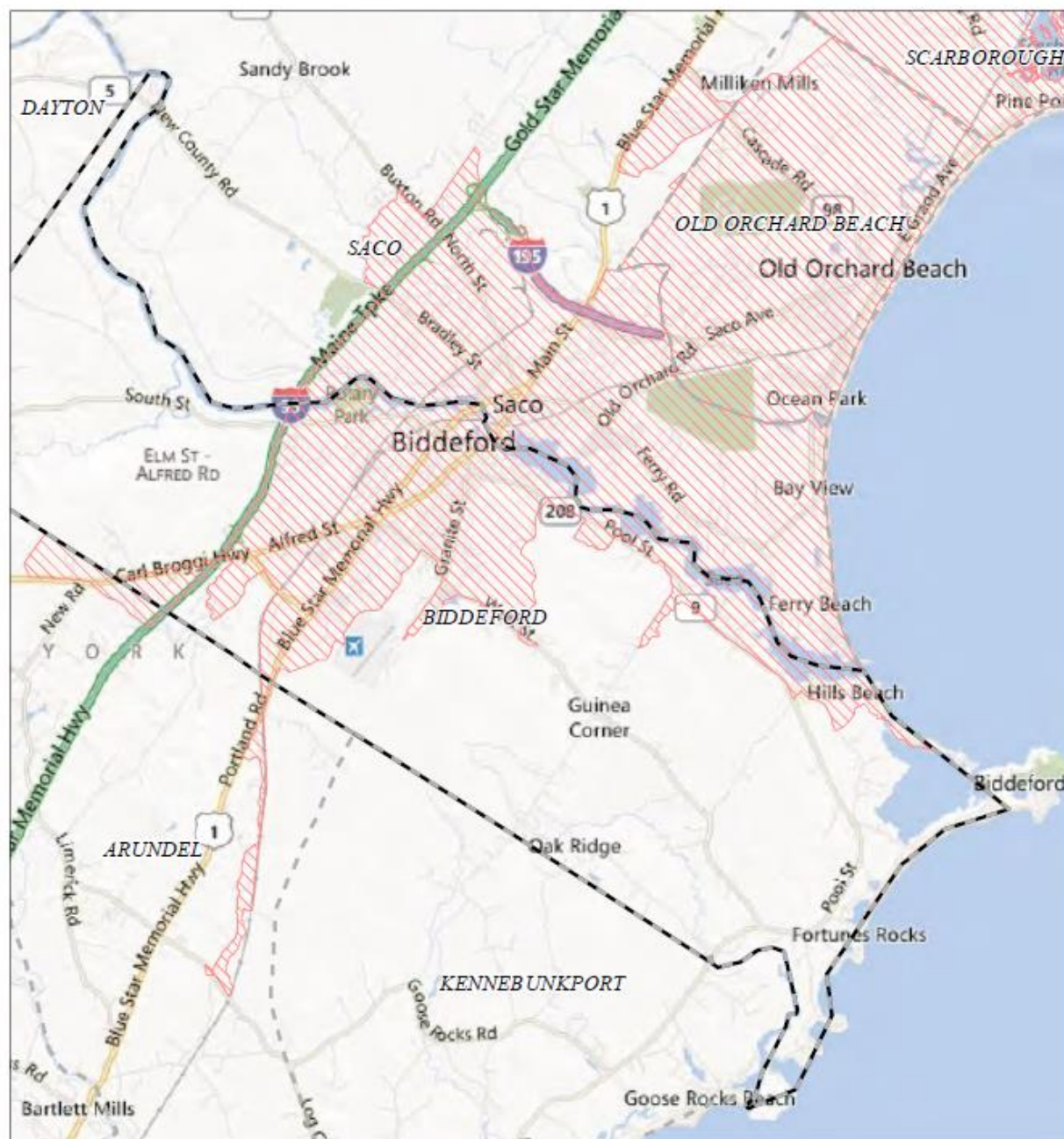
As such, the following proposed change to Section 70-31 Enforcement of article; violations and penalties is proposed:

§ 70-31 Enforcement of article; violations and penalties

In addition to any other enforcement methods provided for in this article, the provisions of this article may be enforced as follows:

- (1) The Director or his designee may issue a written administrative complaint if there are reasonable grounds to believe that the person to whom the complaint is directed has violated:
[Amended 10-5-2010 by Ord. No. 2010.100]
 - a. This article;
 - b. Any rule or regulation adopted under this article; or
 - c. Any order or permit issued under this article.
- (2) The administrative complaint shall specify the provision that allegedly was violated, and state the alleged facts that constitute the violation.
- (3) After or concurrently with service of a complaint issued under Subsection (1) of this section, the Director or his designee may:
[Amended 10-5-2010 by Ord. No. 2010.100]
 - a. Issue an order that requires the person to whom the order is directed to take corrective action within a time set in the order, including 60 days to correct any pollutant discharge to the storm drain system unless the Director determines an alternate schedule for correction is needed;
 - b. Send a written notice that requires the person to whom the notice is directed to file a written report about the alleged violation; or
 - c. Send a written notice that requires the person to whom the notice is directed to:
 1. Appear at a hearing, at a time and place scheduled, in order to answer the charges in the complaint.
 2. File a written report and also appear at a hearing at a time and place set to answer to charges in the complaint.

Biddeford Urbanized Area Map (Areas regulated by the MS4 General Permit are shown in pink hashing)



NPDES Phase II Stormwater Program Automatically Designated MS4 Areas

Biddeford ME

 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **21057**
Regulated Population: **17187**
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers

US EPA Region 1 GIS Center Map #8824, 11/19/2012

Upcoming Ordinance Changes

(Required by the Stormwater General Permit –
for 6/30/2023 Adoption)

Erosion/Sediment Control Standards,

Minor Changes to Post Construction Stormwater
Management, and

Minor Changes to Illicit Discharges

Kristie Rabasca,
Integrated Environmental Engineering, Inc.
Environmental Engineer

For Biddeford Planning Board
3/15/2023

Upcoming Ordinance Changes

Ordinance changes are required by:

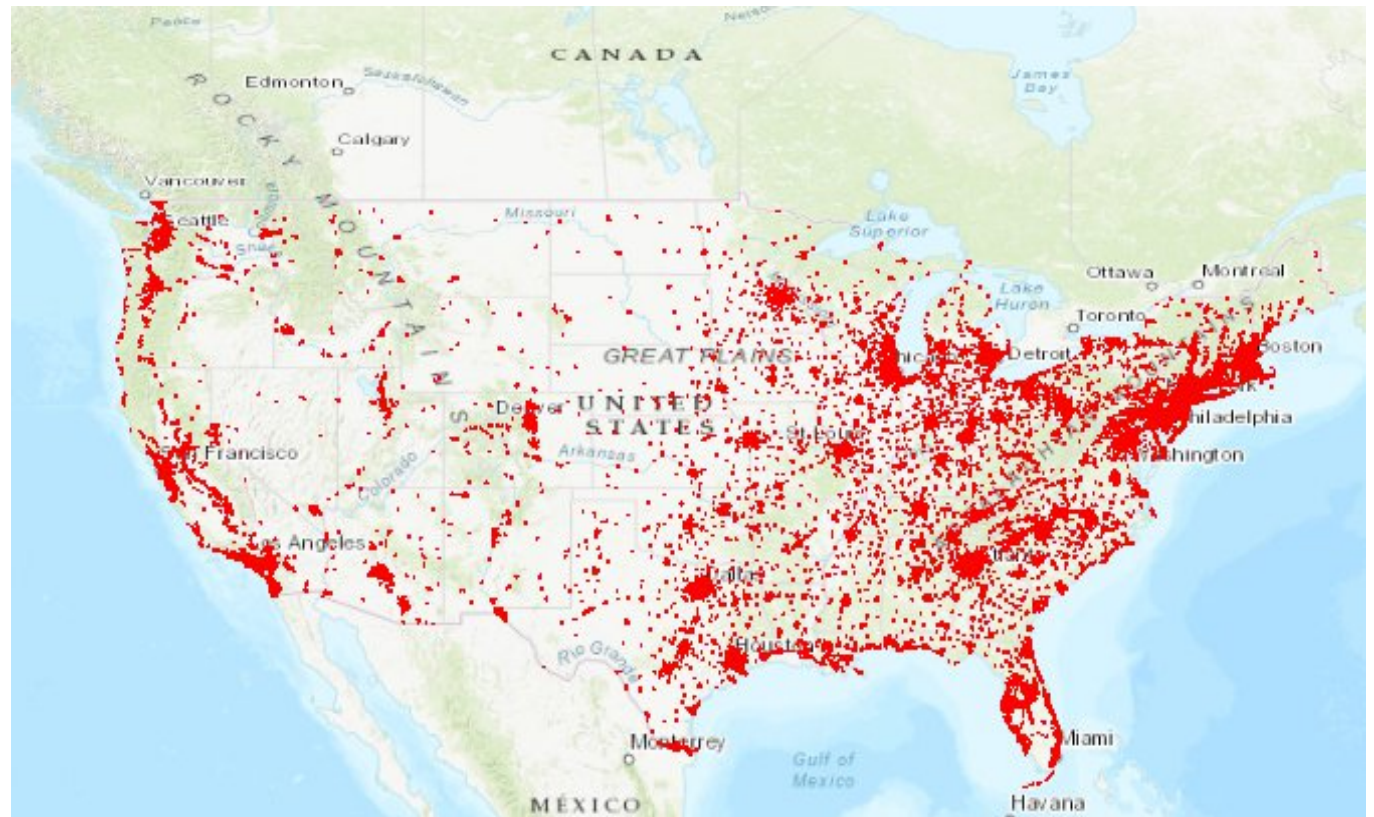
General Permit for Stormwater Discharges
from the Municipal Separate Storm Sewer
System (MS4 General permit)

City has been regulated by this since 2003.

Upcoming Ordinance Changes

The City is not alone – there are 30 Municipalities regulated in Maine.

6,695 municipalities regulated across the US.

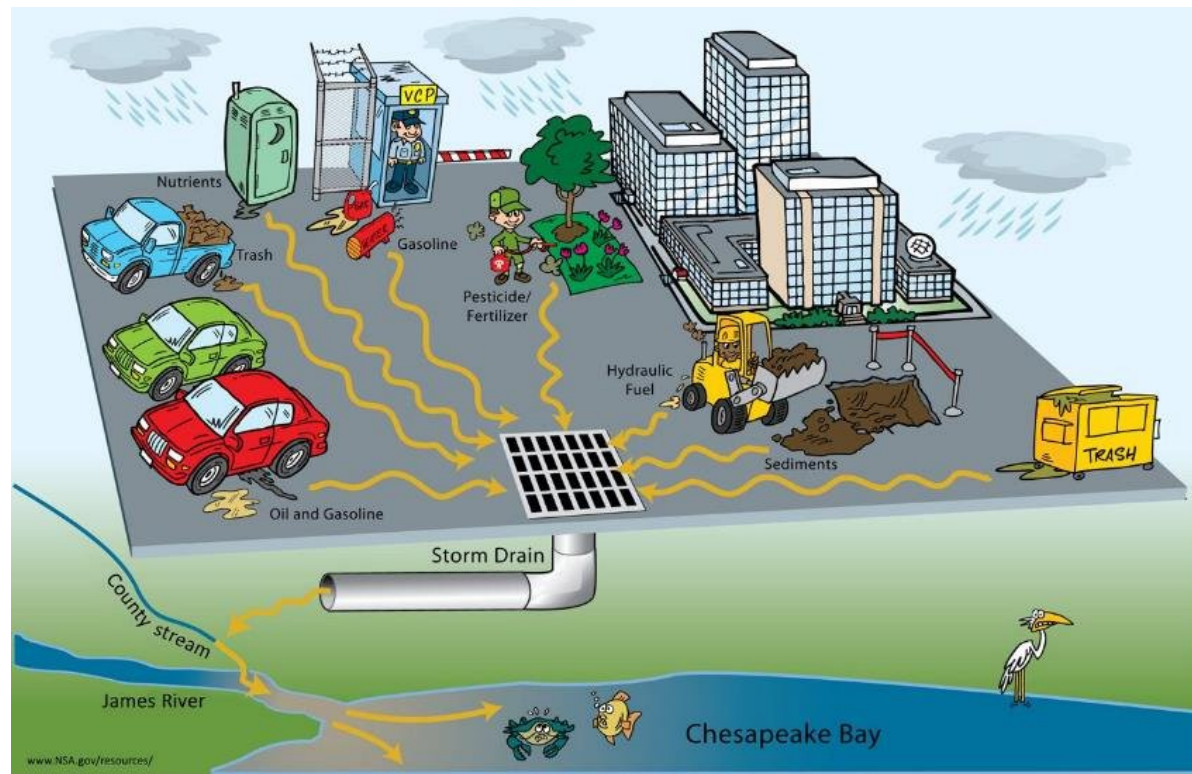


Upcoming Ordinance Changes

High impervious cover (paved and roofed areas)

Allows pollutants to build up

Which are released to waters when it rains through the separated storm drain system.



Graphic credit: www.NSA.gov

Upcoming Ordinance Changes

General Permit only
required in
Regulated/Urbanized Area

- US census high population density areas with lots of impervious surface
- Shown here in pink hashing (2000 and 2010 only, 2020 does not apply)



 **Regulated Area**

Upcoming Ordinance Changes

Maine DEP MS4 General Permits

2003 – 2008

2008 – 2013

2013 – 2022

New Permit Began 7/1/2022

Stormwater Management Plan
provides more detail - Ordinance
Changes are required by this new
permit.



STORMWATER MANAGEMENT PLAN

FOR

CITY OF BIDDEFORD, MAINE

For MS4 General Permit effective July 1, 2022
Initial Submittal to Maine DEP March 30, 2021
Updated 7/23/2021 to address DEP Comments – No public comments were made
Resubmitted 7/23/2021 to DEP 8/20/2021 with signature page
Updated 6/21/2022 to incorporate Permit Modification and Department Order

Upcoming Ordinance Changes

Stormwater Permit addresses many potential sources of stormwater pollution:

1. Public Education/Outreach
2. Public Participation
3. Illicit Discharge Detection and Elimination – (discharges into the storm drain system
4. Construction Runoff Control – Erosion/Sed.
5. Post Construction Runoff Control – Developments and maintenance after Construction
6. Pollution Prevention/Good Housekeeping

Construction Runoff Control: Erosion and Sediment Control Performance Standards

Stormwater General Permit requires stronger, municipally enforceable erosion and sedimentation control performance standards consistent with state standards (Maine DEP Chapter 500).

At the same threshold as the state standards (one or more acres of disturbed soil).

Sampling of Erosion and Sediment Control Performance Standards

State Standards include details such as:

Installation of sediment barriers (like bark mulch berms or silt fences)

before any soil is disturbed.

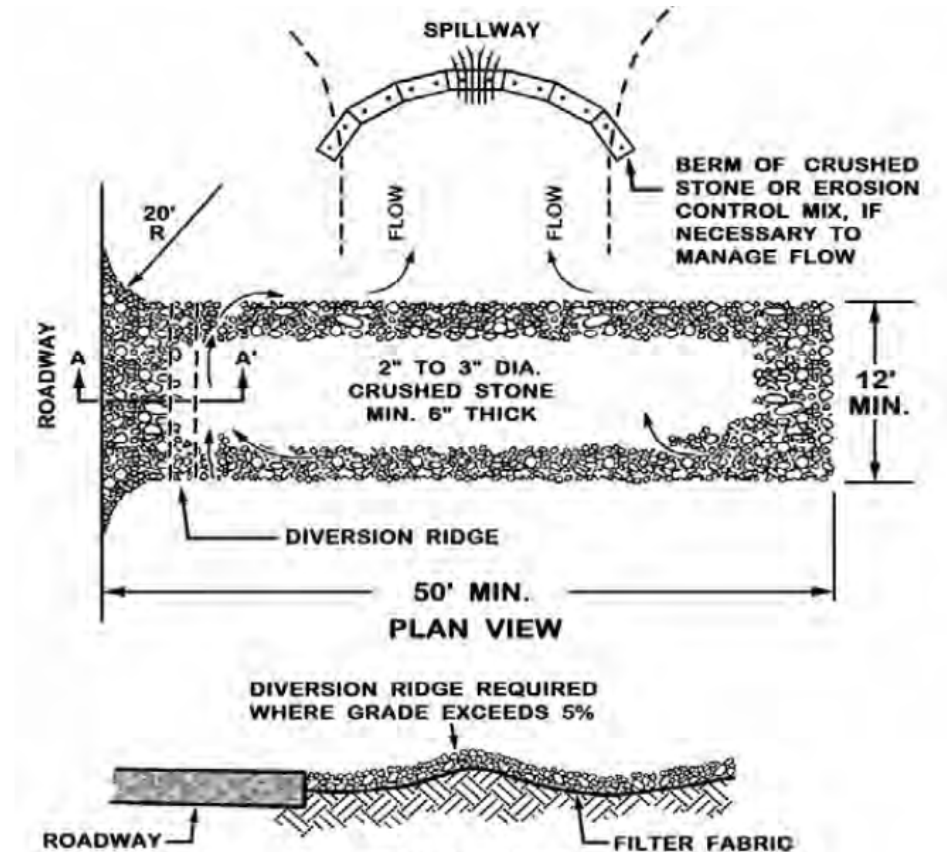


MAINE EROSION AND SEDIMENT CONTROL BMPs – 10/2016

Sampling of Erosion and Sediment Control Performance Standards

Stabilized Construction Entrances

- ✓ Aggregate and filter fabric
- ✓ Protects public right of way
- ✓ Maintenance required until all areas are stabilized.



Sampling of Erosion and Sediment Control Performance Standards

Require Inspections During Construction – By
Contractor/Developer

- ✓ Weekly,
- ✓ Before a rain event, and
- ✓ After a rain event (w/in 24 hours).
- ✓ Keep a log (for DEP and city to inspect)

- ✓ When needed repair ESC BMPs as follows:
 - Initiate upon discovery
 - Complete before end of next workday
 - Allows completion within 7 days if longer needed, and
 - Prior to any rain event.

Construction Runoff Control: Erosion and Sediment Control Performance Standards

Information in your packet summarizes current Biddeford ESC requirements.

The current standards are listed in Part III Land Development Regulations Article VI Performance Standards Sect. 26 Erosion Control.

ESC performance standards apply to Major and Minor Site Plan Review, and Subdivisions

Construction Runoff Control: Erosion and Sediment Control Performance Standards

Proposed Redline changes in your packet:

- Incorporate State Chapter 500 regulations by reference,
- Would apply to all sites triggering Site Plan or Subdivision review (even if smaller than one acre of disturbance, and even those outside the regulated Urbanized Area).
- Updates Campgrounds ESC requirements(Section 13)

(Facilitates design by developers, review by city staff and contractors, and provides good protection of natural resources).

Post Construction SW Management Ordinance

Stormwater treatment systems are more complex than previously installed, and

They require proper maintenance to ensure they do their job of pollutant removal.

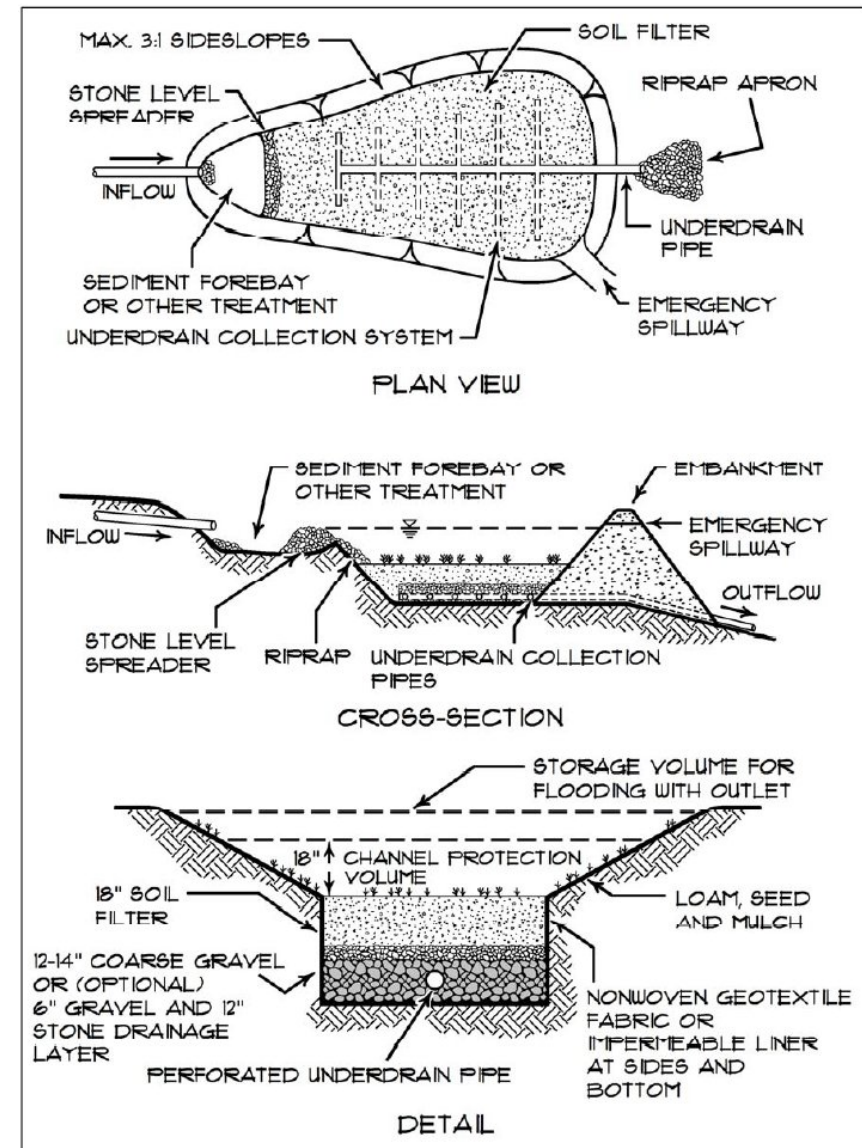
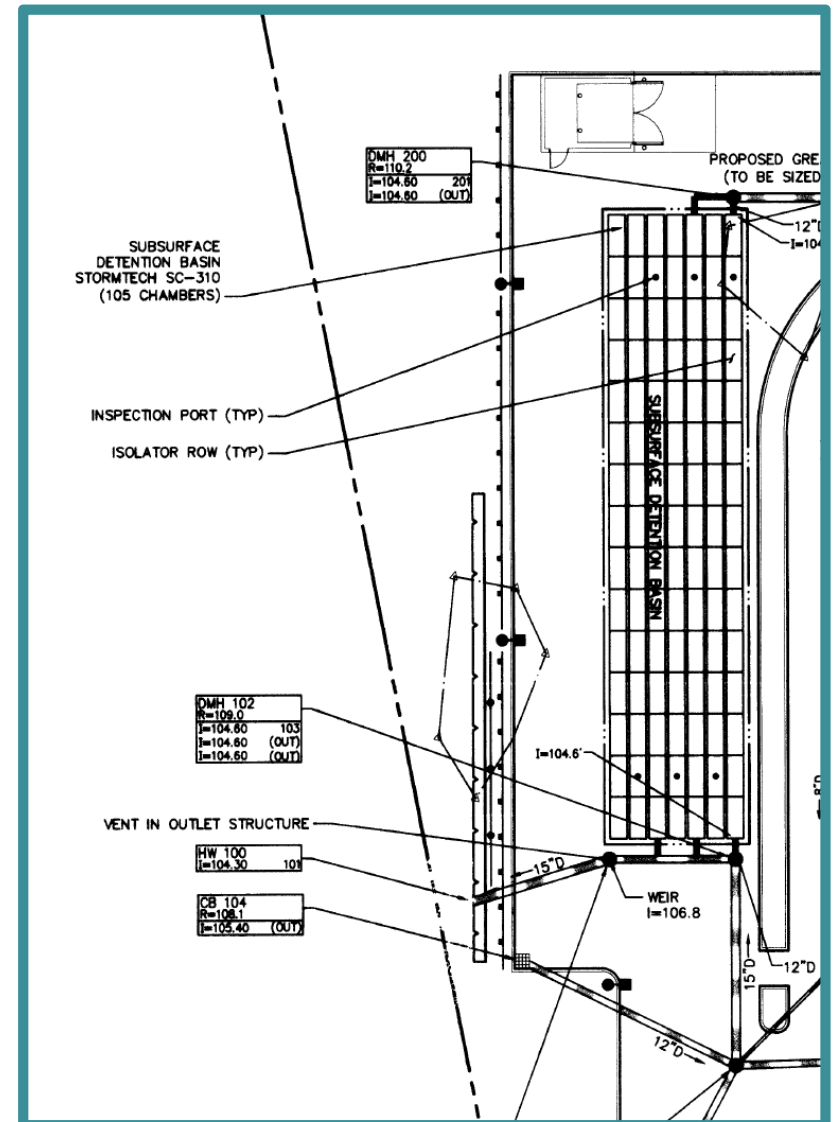


Figure 7.1.1 – Grassed Underdrained Soil Filter

Post Construction SW Management Ordinance

Part II Chapter 34 Environment, Article VI Post Construction has been in place since 2009 to ensure private stormwater systems are maintained after construction.

The ordinance currently requires that owners inspect and maintain their systems, and certify to the city annually they have done so.



Post Construction SW Management Ordinance

Changes Required by MS4 General Permit are:

1. Ensure the annual inspector be a Qualified Inspector (already defined in Biddeford Ordinance – a Professional Engineer or passing a Maine DEP certified course)
2. Require that a copy of the annual inspection report be provided with the annual certification.
3. Requiring that maintenance issues be corrected within 60 days (or in accordance with a schedule approved by the City's enforcement authority)

Post Construction SW Management Ordinance

Staff also recommend:

4. Correcting some definitions which are outdated
5. Removing the requirement to sign a maintenance agreement (which has not been enforced previously).
6. Removing the requirement to have the annual certification notarized (does not provide any value)

Your packets contain proposed redline changes for all of these.

Non-Stormwater Discharges

Part II Chapter 70 Utilities, Section 70-31 is used to prohibit dumping and improper connections (called non-stormwater discharges) to the city's storm drain system. (examples below show residue from dry wall dumped into a catch basin, and a sump pump discharging wastewater into the road/then into catch basin.

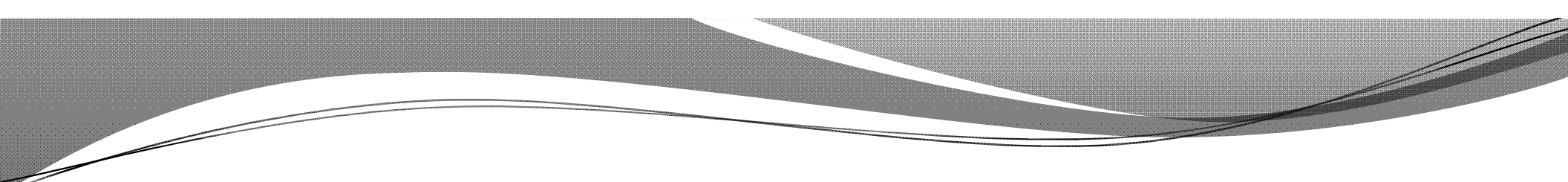


Non-Stormwater Discharges Ordinance

Change Required by MS4 General Permit is to

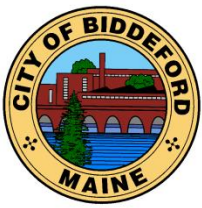
1. require that violations be corrected within 60 days (or in accordance with a schedule defined by the enforcement authority)

Your packets show proposed redline language.



Questions?

Review packet with proposed detailed changes?



CITY OF BIDDEFORD

Planning and Development Department

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PLANNING BOARD MEMO

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

FROM: Eric Freeman, Assistant City Planner

DATE: March 9th, 2023

RE: **Comprehensive Plan Draft**

I. BACKGROUND:

The City of Biddeford has been engaged in an ongoing effort to create a new Comprehensive Plan for our community. The Comprehensive Plan is an important and influential long-term visioning document. It serves as the City's "blueprint" for the next 10 to 15 years, and provides policy guidance for a host of elements and goals from guiding growth and development to addressing ongoing local and regional challenges facing our community.

The development of the city's new Comprehensive Plan has been informed by a robust, year-long community engagement process as well as direct input from the Planning Board, City Council, City established groups (Climate Action Task Force, Historic Preservation Commission, Conservation Commission, Citizen Advisory Committee), local stakeholders and city staff. Additionally, the Southern Maine Planning and Development Commission planning staff reviewed and provide input on the City Comprehensive Plan Chapters to ensure compliance with State of Maine Growth Management law. Lastly, all Comprehensive Plan Chapters were posted on the *Our Biddeford* website providing opportunity for public input which has been incorporated throughout the drafting process.

The Planning Board, with staff support, developed and approved the "Goals, Policies and Strategies" framework as well as the city's core values statement.

The Planning Board was presented with the new Future Land Use Plan in late September of 2022. The Future Land Use Plan was revised based on Planning Board feedback and presented to a joint session of the City Council and Planning Board on October 11th, 2022. Following that, another Planning Board workshop was held on November 16th, 2022 to discuss the Vision Statement and core values of the Comprehensive Plan.

The first section of draft chapters were presented to the Planning Board at a workshop on December 14th, 2022. This workshop included:

- Vision Statement
- Regional Coordination
- Housing
- Future Land Use
- Economy
- Climate Change

Following a period of revision and drafting, an additional selection of chapters were presented to the Planning Board at a workshop on February 1st, 2023. This workshop covered:

- Public Engagement
- Population & Demographics
- Transportation
- Historic, Cultural & Archaeological Resources
- Marine Resources
- Recreation & Open Space

An additional workshop was held with the Planning Board on February 15th, 2023. This workshop covered

- Public Facilities
- Capital Improvement Plan
- Fiscal Capacity

In addition to Planning Board workshops, chapters of the Comprehensive Plan were presented to the Biddeford Conservation Commission on December 15th, and February 16th. The February 16th workshop focused on the Agriculture & Forestry chapter, which will be presented to the Planning Board for an additional workshop on March 15th.

Feedback received from the Conservation Commission was incorporated into the final draft of the Comprehensive Plan

II. COMPREHENSIVE PLAN REVISIONS AND CHANGES

Planning staff has worked to revise, expand and reformat each chapter of the Comprehensive Plan based on feedback and recommendations received from the Planning Board, City established groups, stakeholders and the community. These changes will be reflected in the final draft Comprehensive Plan that will be presented to the Planning Board and the public at the April 5th, 2023 Comprehensive Plan public hearing.

Changes made to each chapter of the Comprehensive Plan are summarized below:

DEMOGRAPHICS:

- Added census estimates for language and English proficiency
- Added data for local public school enrollment
- Minor reformatting

REGIONAL COORDINATION:

- Minor reformatting

FUTURE LAND USE:

- Added new language on coastal development and climate change preparedness
- Added LD-2003 under the “challenges and opportunities” section
- Expanded description and reasoning for Coastal Residential zoning changes related to climate change and sea level rise

ECONOMY:

- Added information about usage and square footage in the Mill District
- Minor reformatting

HOUSING:

- Added information and data about Biddeford Housing Authority
- Updated language around ADU's and the potential for a "backlots" ordinance
- Added information about seasonal homes and short-term rentals
- Minor reformatting

TRANSPORTATION:

- Expanded chapter appendix with information about bridge conditions
- Identified high-crash locations and other areas of concern (May Street and 5 Points)
- Changed "five corners" to "five points"
- New visuals and maps
- Added more information about Eastern Trail connectivity
- Minor reformatting

RECREATION AND OPEN SPACE:

- Included language about accessibility for physically and mentally handicapped children at public parks and facilities
- Updated and strengthened language regarding public access to water and beaches
- Added language about transient moorings and boat launches

PUBLIC FACILITIES:

- Added language in multiple sections about climate change preparedness and resilience
- Added information about snow clearing
- Identified areas of concern that are vulnerable to climate change and sea level rise.
- Added language about transient moorings and boat launches
- Minor reformatting

MARINE & WATER RESOURCES:

- Added information about freshwater watersheds including the Saco River and Thatcher Brook
- New infographics and images
- Added information about beach and shoreland public access
- Added information about water recreation and public boat launches
- Minor reformatting

III. STAKEHOLDER AND COMMUNITY ENGAGEMENT

As part of the development of the Comprehensive Plan draft, Planning staff has sought to engage with stakeholders and the community throughout the drafting process.

The first section of draft chapters were released for public comment via the "OurBiddeford" portal in early January. The OurBiddeford portal allows for members of the public to read and provide comment on each individual chapter. As of March 8th, 2023 a total of 25 comments have been received on all chapters.

IV. NEXT STEPS

Following the March 15th Planning Board workshop, a workshop will be held with the Conservation Commission at their March 16th meeting to discuss the Agriculture and Forestry chapter.

Further community and stakeholder engagement will continue until through March 29th. The public engagement process will conclude with a final planning board hearing on April 5th

If the City Comprehensive Plan is recommended for adoption at the April 5th public hearing, it will be forwarded to the City Council for a public hearing for review and adoption. After City Council adoption, the City Comprehensive Plan will be sent to the State of Maine for compliance review with State of Maine Growth Management law.

11 Agricultural & Forest Resources (01/23 Draft)

1. What's happening?

When one thinks of Biddeford, they generally think of the Downtown and Mill District, or the coastal region. However, Biddeford has a rich and diverse agricultural sector made up of rich farmlands and forestlands that are home to various types of small agricultural producers. Approximately fifty-three percent (53%) of the City is zoned as Rural-Farm (RF) suitable for agricultural and residential uses. Much of this area is forest that projects off roadways along private and public roads in the RF zone. These operations contribute to our sense of place, which is defined by our history and our culture, by our downtown, and by our open spaces and scenic landscapes. Agriculture is essential to our quality of life in Biddeford. Local farms mean local foods. Ensuring that Biddeford remains a “farming-friendly” community is critical to ensuring long term sustainability.

The common perception is that agriculture in the state of Maine and our community is dying. However, this is not true. In 2016, the USDA reported 8,200 farms in Maine, an increase of almost 14%. Maine also leads the nation in growth of organic farms, adding over 100 new organic farms from 2008-2014. In Biddeford, we've seen growth of small-scale subsistence farming as people have become more interested in growing their own food, bartering with their neighbors, selling their products via direct-to-consumer sales and farmers markets, and sharing their excess with the community.

This growth isn't a guarantee. Agricultural land use has economic and operational challenges, along with an aging population that often has limited options for what to do with their land, which can lead to the loss of agricultural land to development. So what are the benefits of agriculture? And why should the City focus on supporting agriculture in the future?

- Agriculture ensures a diversified economy
- Farms support and serve a broad base of local businesses with equipment, supplies, mechanics, and more
- Creates opportunities for agritourism and farmers markets
- Retains the environmental benefits of farmlands and forests
- Supports biodiversity and creates opportunities for pollinators

A strong, healthy agricultural economy comes from supporting farms of ALL types – traditional dairy and crop farms, and smaller-scale farms growing produce, herbs, flowers, seedlings, meats or other specialty products.

2. What the Community is Saying

“Everyone thinks of Biddeford as a city. Very few understand that more than half of our city consists of beautiful, productive farmland and forests. ”

“Our community is capable of producing a tremendous amount of local, healthy food. Food doesn’t just miraculously come from the store – it originates from farmland and the efforts of a farmer. No farms – no food. Its that simple.”

“Folks don’t seem to realize the value rural farmlands provide to our environment. Their ability to filter carbon and runoff from roads can’t be replaced.

“Our farm and forest land should be preserved through conservation easements and programs that keep the land as it is. Once its developed – its gone forever. We can’t make more land.

”

“We have to do a better job educating the public about the importance of our agricultural lands in Biddeford. ”

3. Agricultural & Forest Resources in Biddeford Today

53%

Of Biddeford

Is zoned Rural Farm (RF)

1,892

Acres

Of tree growth parcels (2016)

1,446

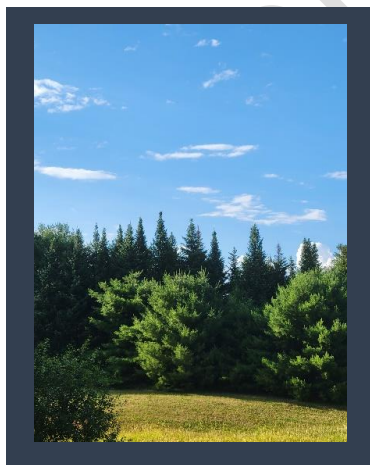
Acres

Of Farmland (2016)

53.6

Acres

Average farm size



Did you know??

Farms in Biddeford produce a wide variety of products including beef, chicken, pork, milk and dairy products, corn, honey, maple syrup and a wide variety of fruits and vegetables

11-3

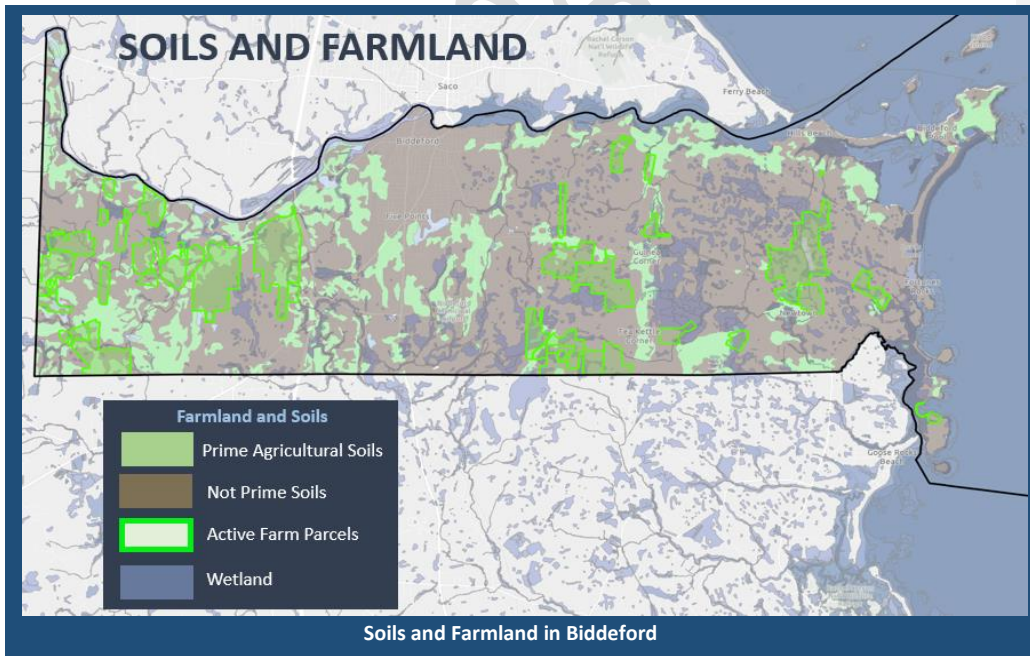
Farmland in Biddeford

Farms in Biddeford once provided many of the foods that were consumed by local markets. However, that all changed with the introduction of new transportation methods and the expansion of grocery supply chains. As the world modernized and our economy grew, the economics of farming weakened over time, causing these operations to transition to other forms of production to remain viable, or sell off parcels of land to help pay the bills.

Biddeford is still home to several large multigenerational family farms where the older generation is retiring from farming. The next generation often must balance working a fulltime job off the farm while maintaining a smaller farming operation and raising their families. These once large multipurpose farming operations have scaled back from large dairy or beef production to only a few head of animals to sell locally and feed their families. Several farms have transitioned to equestrian stables and hay production.

Because these farms are considered agriculturally important soils to the state of Maine, it is critical to for them to remain available as open land in case they are ever needed again for the purposed of producing locally available foods for our community and our state.

Commented [O1]: Need to add the big Map of agricultural lands – the one with all the green in it.



11-4

Current State of Farming in Biddeford.

The 27 parcels of farmland registered in Biddeford include the following properties with current uses. This table clearly demonstrates that, while these properties remain farms, they are not as active in agricultural production as they once were in their hayday. The pressure to sell land to developers for residential housing is significant because farming offers a very low return on investment. This puts Biddeford's rural farmlands and forests at great risk of being sold for large scale development.

Table 10-1. Current Farmland Parcels in Biddeford (2016)

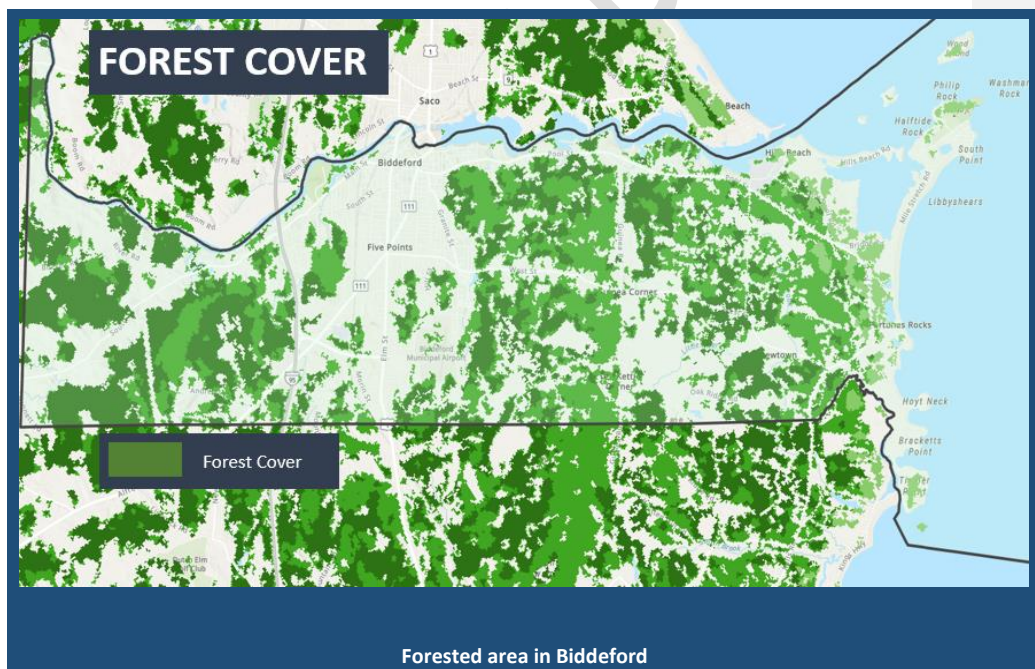
Owner's Last Name	Owner's First Name	Address	Current Use	Acreage
Jerome	Mona & Bradford Richard D. & Roger	463 West St.	Horse farm	60.00
Labonte	E.	697 South St.	Hay	22.50
Girard	Ryan R.	558 South St.	Beef/Hay	13.00
Girard	Ryan R.	570 South St.	Beef/Hay	57.00
Girard	Ryan R.	39 Wadlin Rd.	Beef/Hay	39.00
Sherman	Charles A. IV	36 Wadlin Rd. 16 Meetinghouse Rd.	Wood/Hay	94.47
Cote	Roger G. & Claire C.	677 South St.	Produce	45.50
Rioux	Denis E. & Daphne	731 South St.	Beef/Hay/Wood	96.00
Labonte	Richard D. & Jean E.	6 Wadlin Rd.	Hay	17.50
Boisvert	Norman R., Heirs Of	50 Buzzell Rd.	Hay	33.00
Hussey	Betty J.	43 Buzzell Rd.	Hay/Produce/Wood	4.50
Hussey	Betty J.	575 South St.	Hay/Produce/Wood	85.50
Girard	Raymond N.	10 West Loop Rd.	Hay	24.00
Rhames	Richard E.	95 River Rd.	Produce/Wood	88.40
Dutton	Jeffrey C. and Lois M.	23 Oak Ridge Rd.		5.40
Baker	David L. & Lisa C.	South St.	Hay / Wood	36.00
Clair	Michael S.	1-2 Timber Point Rd.		12.00
Ewing	Trust	65 Proctor Rd.		13.16
Curro	Andrea	538 South St.	Wood	192.07
Lowell	Michael J. & Susan L.	521 South St.	Hay/Wood	7.01
Lowell	Michael J. & Susan L.	501 South St.	Hay/Wood	37.34
Lowell	Michael J. & Susan L.	501 South St.	Hay/Wood	5.40
Hussey	M.	Kenneth A. & Sandra		
Paquette	Stephen A. & Lynn M.	134 River Rd.	Hay	16.14
		551 South St.	Hay	66.00
Brown	Alan C.	83 Oak Ridge Rd.	Hay/Wood	26.70

York	Miles S.	439 West St.	Hay / Wood	330.00
Wing	Lisa M.	1 Moxie Ln.		21.00
TOTAL				1,446.17

4. Forestry and Tree Growth

Forestry is a crucial sector of the green industry and continues to grow as a popular solution to both ecological and social issues in rapidly evolving urban landscapes.

As shown in the forest cover map, Biddeford has a significant amount of tree growth area that provides a wide range of economic, environmental and social benefits for our community including air pollution removal, stormwater reduction and carbon sequestration. Half of the dry weight of wood is carbon that has been removed from the atmosphere. Maine's forests currently sequester an amount of carbon equal to at least 60% of the state's annual carbon emissions. Encouraging new growth and limiting soil disturbance keeps carbon in forests and out of our atmosphere.



5. Challenges and Opportunities

Current Use Programs

Maine has four (4) “current use” programs that offer landowners a reduction in their assessed value: Farm Land, Open Space, Tree Growth, and Working Waterfront. These programs create value for agricultural land beyond its development value to make farming and forestry more economically viable. Many agricultural producers already take advantage of these programs, but the City can increase awareness and support landowners in the application process.

Local Agriculture

Biddeford is home to small scale agricultural producers who are involved in vegetable production, flowers, herbs, honey, beef, Christmas trees and maple syrup production. Local farms also support equestrian stables and lesson programs and small scale goat and sheep farming.

The challenge with local agriculture is that farming is an expensive endeavor and nevermore so than in today's economy when the price of feed, fertilizer, equipment, fuel and labor is at an alltime high.

With an average median age in Maine of 57, our farmers are rapidly aging out of the workforce and looking for ways to retire. To combat the aging out of farmers and attempt to attract a younger demographic to farming, the USDA has made changes to their grant and loan programs make it easier for small and mid-sized producers to access capital, manage risk, manage land, achieve Good Agricultural Practice (GAP) certification and access educational resources that help inform planning efforts to improve the long term sustainability of their farms.



Climate Change

Farmers are especially affected by changing weather patterns caused by climate change and are constantly looking at climate trends to adapt to changing weather conditions. One of the most challenging parts of climate change is that it looks different almost every season. Most recently, Maine is experiencing periods of drought then periods of heavy precipitation, along with significant temperature shifts. Changing temperatures is bringing more extreme weather to Maine, threatening the viability of crops and farming practices. Plants can grow faster up to a certain temperature, but

11-7

growth declines with additional warming. Different crops have different ideal temperatures. USDA is warning Mainers that projected warming from climate change may reduce some crop yields by 25-35% in coming years.

Warmer temperatures also bring new pests that damage crops. Many of the plant diseases that used to be confined to southern states are making their way into Maine. Viruses that are transported by southern bugs that would normally be killed off by frost are gaining ground moving north. Warming temperatures and humidity also stress livestock, undermining their health, impacting their productivity and growth.

Climate change is also bringing more extreme weather with more intense, sporadic rainfall. During the growing season, intense rains wash out newly planted fields, damage growing crops, bring more soil erosion and nutrient run-off, and leave soil less fertile by washing away nutrients. This, in turn, causes significant challenges in our streams, rivers and the ocean as nutrients are washed into estuaries, negatively impacting fish and shellfish habitat. Intense rain also floods fields throughout the growing season, making it a challenge to get crops out of the ground at the optimum harvest time. Farmers are required to constantly adjust their agricultural practices based on changing weather patterns.

In order to help agricultural producers to adapt to the changing climate and plan for the future, the State of Maine has developed the Healthy Soils Program to connect farmers with key resources and equip them with the tools and knowledge they need to begin voluntarily using healthy soils practices – an important climate adaptation strategy. Information includes: healthy soils land management practices; technical assistance services offered by agricultural support providers to help them use these practices; connections to other farmers already using these practices successfully; and funding opportunities to support the use of these practices. Socializing the availability of new climate adaptation programs and services will be key to helping Biddeford's agricultural community adapt with our constantly changing climate.

Conservation Easements

Allowing landowners to limit the type or amount of development on agricultural or forestry land while retaining private ownership through easements placed on the property deed. There are multiple approaches to protecting agricultural land from development that include:

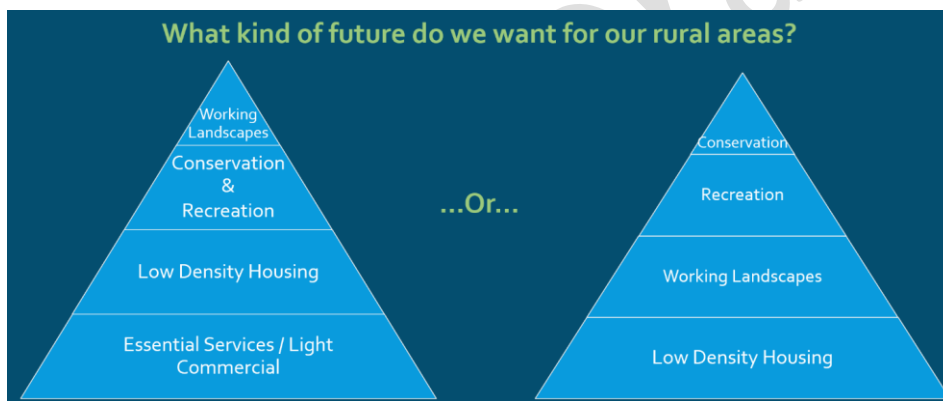
- Donated easements
- Purchased easements (through non-profit partnerships)
- Buy/Protect/Sell (through non-profit partnerships)
- Sale of Development Rights (landowner payouts)

Rural Farm Zoning Changes

The city is exploring zoning and ordinance changes within the Rural Farm (RF) zone which would preserve farm and forest land and promote working landscapes. Although no specific recommendations have been developed, the city may choose to explore the possibility of creating a “hierarchy of uses” within the RF zone to promote working landscapes and conservation while limiting low-density residential or commercial development. Additionally, new open space and setback requirements may be created to minimize the impacts of low-density residential development on surrounding farmland, forests or open areas.

Developing a hierarchy of uses within the RF zone could be a tool to effectively manage competing and sometimes conflicting land uses and balance working landscapes, conservation, recreation and housing.

What could a Hierarchy of Uses in Biddeford’s Rural Farm areas look like??



Protecting Forest and Farmland

Ensuring forest and farmland continue to be available within our city goes beyond cataloging the available land. There are pressures and threats on agriculture lands from environmental conditions (drought), invasive species (Japanese Knotweed, Hemlock Woolly Adelgid), housing development, and the overall economic viability of operations for landowners.

Acknowledging the multitude of challenges landowners face and keeping these considerations top of mind when evaluating development proposals and efforts to conserve agricultural land will ensure better outcomes for Biddeford long into the future.

Agricultural & Forest Resources -

What Comes Next?

Key Goals

1. **Safeguard** lands identified as prime farmland or lands capable of supporting commercial forestry from development which threatens those resources.
2. **Support** agricultural land, farmland, and forests with economic incentives to reduce pressure on landowners to sell land into development.
3. **Promote** farming and working forests through amendments to RF zoning ordinances.
4. **Develop** resources to support local agrotourism and farmland or forest economies.

Goals, Policies and Strategies

Goal 1:

Safeguard lands identified as prime farmland or lands capable of supporting commercial forestry from development which threatens those resources.

1. Consult with the Maine Forest Service district forester when developing any land use regulations pertaining to forest management practices as required by 12 M.R.S.A. §8869
2. Consult with Soil and Water Conservation District staff when developing any land use regulations pertaining to agricultural management practices.
3. Consider conducting a city-wide agricultural and forestry resources inventory and creating a farm and forestry overlay map to identify prime agricultural soils, active farmland and other active land uses
4. Consider conducting a Cost of Community Services (COCS) study to evaluate costs versus revenues for different land uses in Biddeford, and amend the Zoning Ordinance to require a fiscal impact analysis for any subdivision larger than 5 acres.
5. Regularly assess at-risk or important parcels deemed worth conserving

11-10

6. Collect annual data to evaluate what percentage of development is built in designated growth areas in Biddeford, per the Future Land Use Plan, to enable continual assessment of the effectiveness of policies and strategies toward protecting working and natural landscapes.
7. Promote the holding of conserved lands, either in fee or through easement, by land trusts in Maine who work with willing land owners to conserve land for public use and enjoyment.
8. Develop a Recreation and Open Space Master Plan that includes the preservation of prime agricultural lands and c-value commercial forest lands.
9. Ensure prime agricultural and high-value commercial forest lands are included in design considerations for development projects located throughout the City of Biddeford.
10. Consider a local Transfer of Development Rights and/or a Purchase of Development Rights program to direct development toward designated growth areas and away from prime agricultural and high-value commercial forestry operations.

Goal 2:

Support agricultural land, farmland, and forests with incentives to improve economic viability and reduce pressures to sell land into development.

1. Encourage and support landowner enrollment in the current use taxation programs.
2. Leverage city staff to help with education and assistance in filing for conservation easements - creating fast-track programs to help landowners move land into conservation or other programs more easily.
3. Explore the development of new impact fees for development in RF zones to support funding for incentive programs or the purchase of land by the City for select parcels of vital importance.
4. Develop program(s) or tax incentives to encourage local restaurants or businesses to purchase local agricultural or forest products sourced in Biddeford.

Goal 3:

Support and promote farming and working forests through amendments to RF zoning ordinances.

1. Revise the cluster subdivision requirements in rural areas to increase protections for prime agricultural soils and high-value forests.
2. Revise land use ordinance to discourage development of non-growth areas to help preserve forests, farmland, and other natural resources
3. Remove burdensome ordinance language and permitting processes for farm operations including changes to provisions relating to: setbacks, signs, commercial sale of products grown, and required parking for farm stores / stands.
4. Prioritize and actively encourage and incentivize agriculture, commercial forestry operations, and land conservation that supports them in local or regional economic development plans (Planning and Development Department; On-going).
5. Amend the Zoning Ordinance to allow additional permitted and conditional uses in the Rural Farm Zone on active farm properties to allow for supplemental incomes for farm operators. Ensure, at a minimum, that land use activities such as roadside stands, greenhouses, firewood operations, sawmills, log buying yards, and pick-your-own operations are permitted.

Goal 4:

Develop resources to support local agrotourism and farmland or forest economies.

1. Promote resources to educate farmers and working forest owners on opportunities for agrotourism.
2. Create a fast-track program for City evaluation and any permitting required for agrotourism.
3. Promote agrotourism operations within Biddeford through City-owned channels and outside partnerships to increase awareness within Biddeford and tourist communities.