

City of Biddeford
Planning Board
March 06, 2019 6:00 PM City Hall
Council Chambers,

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

3. ADJUSTMENTS TO THE AGENDA

4. PLANNER'S BUSINESS

5. CONSENT AGENDA

- 5.A. A. Consideration of Minutes: February 6, 2019
[February 6 2019.doc](#)

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- 7.A. A. 2019.04 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone 226 Guinea Road (Tax Map 78, Lot 1) from a split between R-F and SR-1 to entirely SR-1 (at the request of the property owner).
[2019.04 Van Hertl Memo to PB 030619.docx](#)
[20189.04 Proposed_Zone_Change MAP.pdf](#)
- 7.B. B. 2019.14 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone the area depicted on the attached map from R-2 to MSRD-2 (at the request of the City Council).
[20190129_Proposed_Zone_Change_rev1.pdf](#)
[2019.14 R2 to MSRD2 Memo to PB 030619.docx](#)
- 7.C. C. 2019.15 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone the area depicted on the attached map from R-2 to B-1 (at the request of the City Council).
[2-19-2019 PB Directive-Rezone R-2 to B-1-MAP.pdf](#)
[2019.14 R2 to B1 Memo to PB 030619.docx](#)
- 7.D. D. 2019.08 Preliminary/Final Subdivision/Site Plan Review for Biddeford Housing Authority to construct a three story, five unit residential building on a vacant lot located on 25 Green Street (Tax Map 38, Lot 263) in the MSRD-2 zone.
[2019.08 BHA 25 Green Street Prelim Final SR 030619.docx](#)
- 7.E. E. 2019.10 Shoreland Zone/ Determination of Greatest Practical Extent: for Dan Lynnworth to demo his existing cottage and reconstruct a new year round home at 46 Fortunes Rock Road (Tax Map 63, Lot 28) in the CR zone.
[2019.10 Lynnworth 46 FRR GPE SR.docx](#)
- 7.F. F. 2019.11 Shoreland Zone/Determination of Greatest Practical Extent: for Stephane Zalatan and Gerald Smith to demo the existing home and reconstruct a new one at 9 Thorndike Avenue (Tax Max 64, Lot 20) in the CR zone.

[2019.11 Zalatan 9 Thorndike GPE SR.docx](#)

- 7.G. G. 2019.12 Conceptual Subdivision/Site Plan Review: for Jason Labonte of Home Innovation for a 7-lot Subdivision located at 30 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.

[2019.12 Labonte Buzzell Rd Concept SR.docx](#)

8. OTHER BUSINESS

9. ADJOURN

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



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

Planning Board Minutes

Date: Wednesday, February 6, 2019

Time: 6:00 PM

Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members

A. Quorum Present: Chair-William Southwick, Bruce Benway, Sean Tarpey, Spiros Droggitis (Alt voting member). Roch Angers was excused.

3. Adjustments to the Agenda
4. Planner's Business

City Planner Greg Tansley: Reminder of our Comprehensive Plan meeting in two weeks.

5. Consent Agenda
- A. Consideration of Minutes: January 16, 2019

MOTION:

Benway- Motion: to approve Consent Agenda.

Tarpey- Second.

Chair Southwick- Call for Vote- Unanimous Approval (3-0) all in favor.

6. Unfinished Business
7. New Business

A. 2017.41 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Zoning Ordinance as follows to provide density bonuses in the MSRD-2 District for infill redevelopment multi-family projects and condominium redevelopment/conversions projects.

City Planner, Greg Tansley: Brief report.

A woman from the public asked the area (she did not give her name or address).

City Planner, Greg Tansley: Told her the where the area was and wished he had a map to really show the area.

Leah Schaffer, 105 Main Street: Restricted in size? Condo owner occupied?

City Planner, Greg Tansley: No restriction size and no provisions on condos.

Philip Burke, 5 Wentworth Street: In favor.

Elliot Bradbury, 31 Crescent Street: Affordable Housing Component?

City Planner, Greg Tansley: read the Condominium Conversion Provision.

Discussion between Board and Staff.

MOTION:

Benway- Motion: to send to City Council with recommendation of approval as it was presented.

Tarpey- Second.

Chair Southwick- Call for Vote – Unanimous Approval (3-0) all in favor.

- B. 2019.05 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Zoning Ordinance as follows to allow “Art gallery” and “art Studio” as Permitted (P) Uses in the B-1 Zone.

City Planner, Greg Tansley: Brief report.

MOTION:

Tarpey- Motion: to send to City Council with a positive recommendation.

Droggitis- Second.

Chair Southwick – Call for Vote – Unanimous Approval (3-0) all in favor.

- C. 2019.03 Public Hearing, take comments, and make recommendations to the city Council regarding a proposed amendment to the Zoning Ordinance as follows to eliminate and clarify certain newspaper advertisement requirements for Planning Board, Historic Preservation Commission, and Zoning Board of Appeals related meetings.

City Planner, Greg Tansley: Brief report.

Clement Fleurent, Granite Street: I’m against this. I read the paper all the time. I like to know what’s going on in my neighborhood.

David Flood, May Street: I agree with Mr. Fleurent.

Jules Dennison, Alfred Street: Keep it for the elderly.

Ursula Weisser, 168 Oak Ridge Road: I get all my information from the website.

Discussion between Board and Staff.

MOTION:

Benway- Motion: to send to City Council with a positive recommendation.

Droggitis- Second.

Chair Southwick- Call for Vote- Unanimous Approval (3-0) all in favor.

- D. 2019.06 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Zoning Ordinance as follows to allow street-level residential uses in the Downtown Area where non-residential street level uses remain fronting on public streets and public spaces.

City Planner, Greg Tansley: Brief report.

David Flood, 36 May Street: it would weaken our downtown.

Stephanie Edwards, 5 Laurier Street: would love for the Board to have more time to review it.

Guy Gagnon, 7 Jordan Drive: Is in favor.

Seth Harkness, Lives in Portland and is a building owner in Biddeford: Fully supports a vibrant downtown. His partner John plans to move his ice cream shop into the big commercial space. I hope you take into consideration of the unique building.

Leah Schaffer, 105 Main Street: Would like for you to take more time reviewing this matter.

Noll Squires, lives in Saco and is a property owner in Biddeford: Can this zoning ordinance be changed for this property or is it a blanket policy change?

City Planner, Greg Tansley: Is it possible to do under a contract zone.

Director of Planning & Development, Mat Eddy: Keep in mind we're working on the new Comprehensive Plan.

Tammy Ackerman, Saco Falls: Would like to see you take more time to review this.

MOTION:

Benway- Motion: to separate into two motions the first is to recommend sending 7G to the City Council with a positive recommendation.

Tarpey- Second.

Discussion between Board and Staff.

Chair Southwick- Call for Vote- Unanimous Approval (3-0) all in favor.

Discussion between Board and Staff.

MOTION:

Tarpey- Motion: to this until a future date.

Benway- Second.

Chair Southwick- Call for Vote- Unanimous Approval (3-0) all in favor.

- E. 2019.09 Concept Review: Repeal of Downtown Parking Waivers. In considering the repeal of the downtown-parking waiver, the city council asks the Planning Board to consider an ordinance change that structures the way in which parking is provided for downtown properties (see attachment, number 3). The existing parking moratorium is on the council agenda for February 5, to be extended retroactive to January 16, so that the Planning Board can provide input to the city Council regarding this change in parking waivers.

City Planner, Greg Tansley: Brief report.

Director of Planning & Development, Mat Eddy: Spoke briefly regarding parking waivers and what the Council is looking for.

Leah Schaffer, 105 Main Street: Should be looked at separately and maybe provide some incentives to people like zip car services.

Discussion between Board and Staff.

- F. 2019.08 Conceptual Subdivision/Site Plan Review for Biddeford Housing Authority to construct a three story, five unit residential building on a vacant lot located on 25 Green Street (Tax Map 38, Lot 263) in the MSRD-2 zone.

Paul Gadbois: Gave a presentation.

Guy Gagnon, Biddeford Housing: Maine State Housing and Biddeford Housing Authority fund the project. We're only asking for 5 spaces because generally in low income homes they only have one car. We're looking to have green space in front and want to reuse the existing pavement. Looking for recommendations on dumpster.

Discussion between board, Staff and Applicant: regarding parking, dumpster and the community room.

MOTION:

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

Tarpey- Second.

Chair Southwick – Call for Vote- Unanimous (3-0) all in favor.

MOTION:

Benway- Motion: to waive the full Subdivision Review process to allow subsequent Preliminary and Final Approval of Subdivision/Site Plan given the Board determines that such variation will not adversely affect public convenience, safety, health and welfare.

Tarpey- Second.

Chair Southwick- Call for Vote- Unanimous Approval (3-0) all in favor.

Elliot Bradbury, 31 Crescent Street: Is in favor of the project.

Discussion Between Board and Staff.

8. Other Business

9. Adjourn

MOTION:

Benway- Motion: to adjourn.

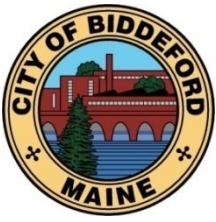
Tarpey- Second.

Chair Southwick- Call for Vote- Unanimous Approval (3-0) all in favor.

o _____
o **Planning Board Chair**

_____ **Date**

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



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.04

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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink that reads "Greg Tansley".

DATE: February 26, 2019

RE: NEW BUSINESS ITEM #A - Part III (Land Development Regulations), Article III (Official Zoning Map), be amended to rezone the entire property at 226 Guinea Road (Tax Map 78, Lot 1) from both R-F and SR-1 to entirely SR-1.

MEETING DATE: March 6, 2019 @ 6:00 PM

The owner of the property at 226 Guinea Road has requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. According to the applicant/owner's cover letter, the purpose of the rezoning would be to connect it with the rest of the SR-1 Zone in its entirety and eliminate the requirement that all lots be off of a new "internal" road. What is not noted is that in the R-F Zone Cluster Subdivisions are required. In the SR-1 Zone, Cluster Subdivisions are not required.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

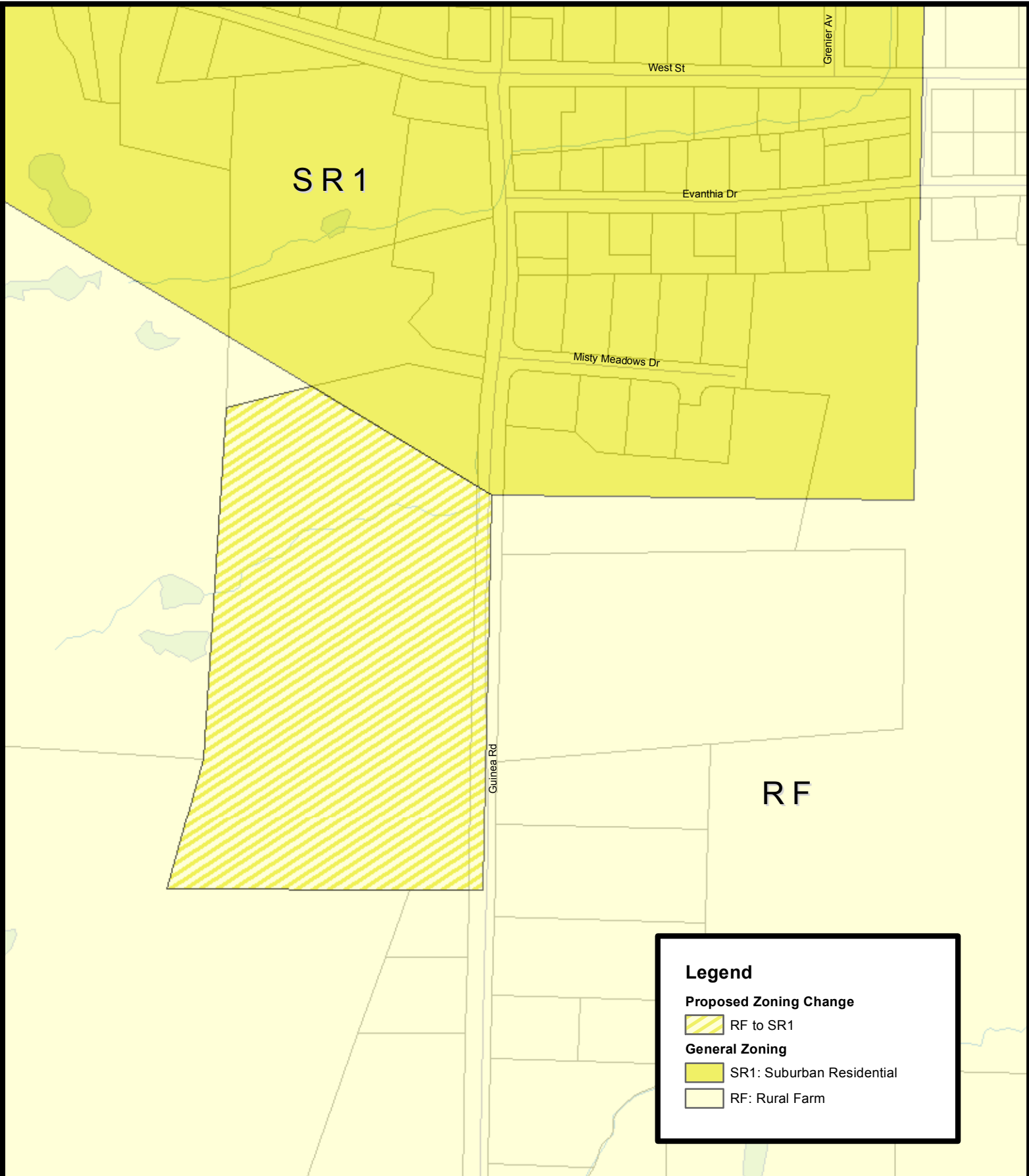
ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance

Sincerely,

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

Cc: File



Proposed Zoning Change - RF to SR1



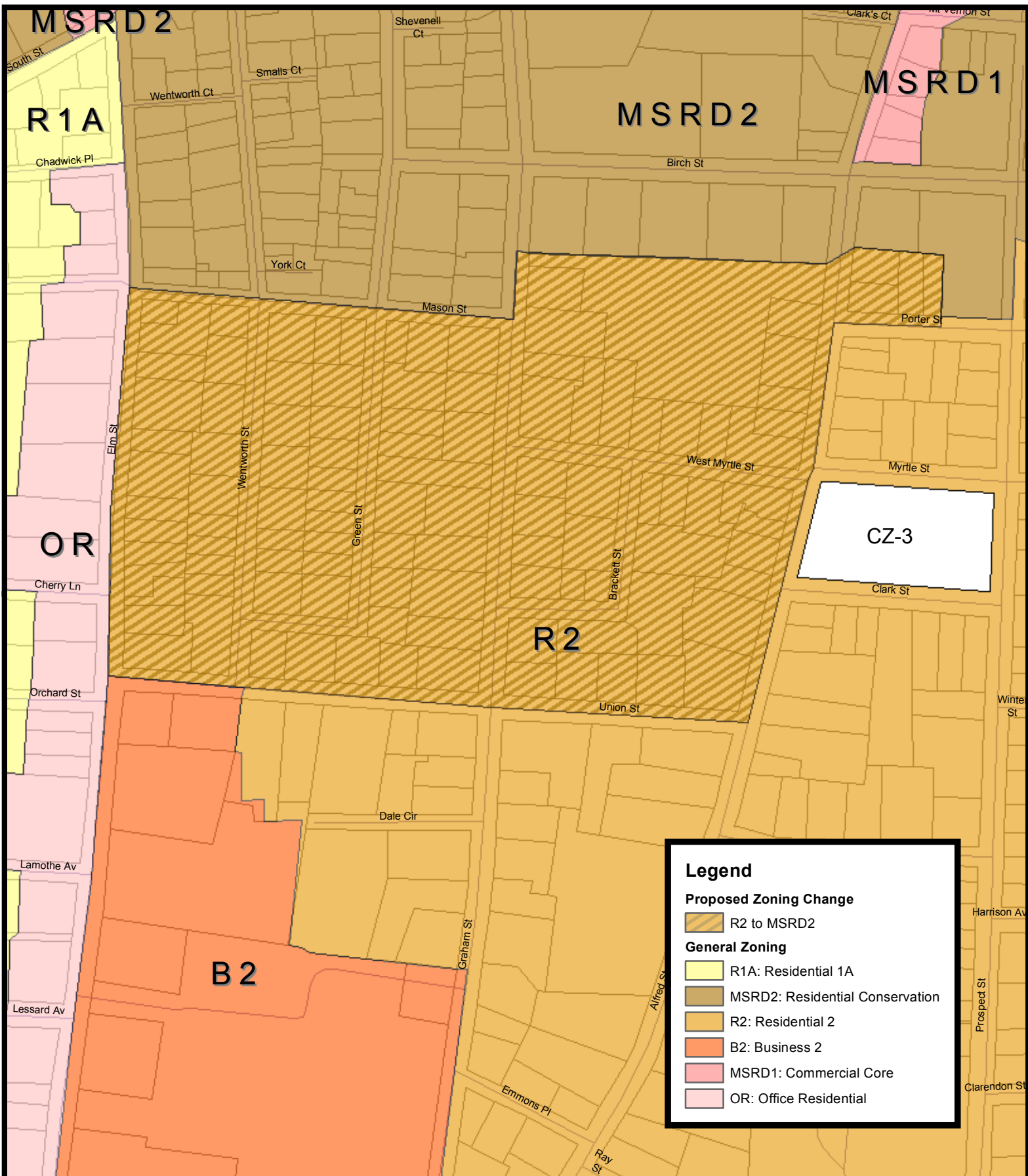
This map was prepared by:
BiddGIS

The City of Biddeford, Maine
Technologies Department - GIS Mapping

205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586"
Tel. 207-571-0660 • Email gis@biddefordmaine.org



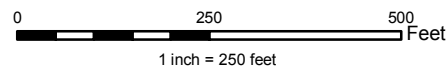
0 300 600 Feet
1 inch = 300 feet

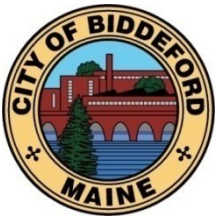


Proposed Zoning Change - R2 to MSRD2

The City of Biddeford, Maine
Technologies Department - GIS Mapping

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CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.14

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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink that reads "Greg Tansley".

DATE: February 27, 2019

RE: NEW BUSINESS ITEM #B - 2019.14 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone the area depicted on the attached map from R-2 to MSRD-2 (at the request of the City Council).

MEETING DATE: March 6, 2019 @ 6:00 PM

At the request of the City Council, the Planning Board have been asked to hold a Public Hearing and provide a recommendation back to the City Council about expanding the MSRD-2 Zone into what is now zoned R-2. A summary of Table A (Land Uses) and Table B (Dimensional Requirements) is provided in this packet, along with a proposed MAP amendment considered by the City Council.

Upon review of the recent approved and now proposed expansions of the MSRD-2 District into other areas surrounding Downtown Biddeford, Staff are concerned that the City is also expanding the Historic District associated with the MSRD-2 District. The HPO states that if a property is zoned MSRD-2 it is in a Historic District. Here is the current language in the HPO:

Article XV (Historic Preservation Ordinance), Section 5. Historic districts and historic landmarks designated.

The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:

A. *Districts:*

1. *Downtown Historic District, as defined by the MSRD-1 Zone.*
2. *Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands located northwest of Elm Street.*
3. *Mixed Residential Historic District, as defined by the MSRD-2 Zone.*

As such, Staff are recommending that in part with this proposed amendment, if passed (or if not passed), the language in the HPO be amended as follows:

Proposed Additional Amendment:

Article XV (Historic Preservation Ordinance), Section 5: Historic districts and historic landmarks designated.

The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:

A. Districts:

- 1. Downtown Historic District, as defined by the MSRD-1 Zone.*
- 2. Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands located northwest of Elm Street.*
- 3. Mixed Residential Historic District, as defined by the MSRD-2 Zone as depicted on the Official Zoning Map in effect on June 9, 2011.*

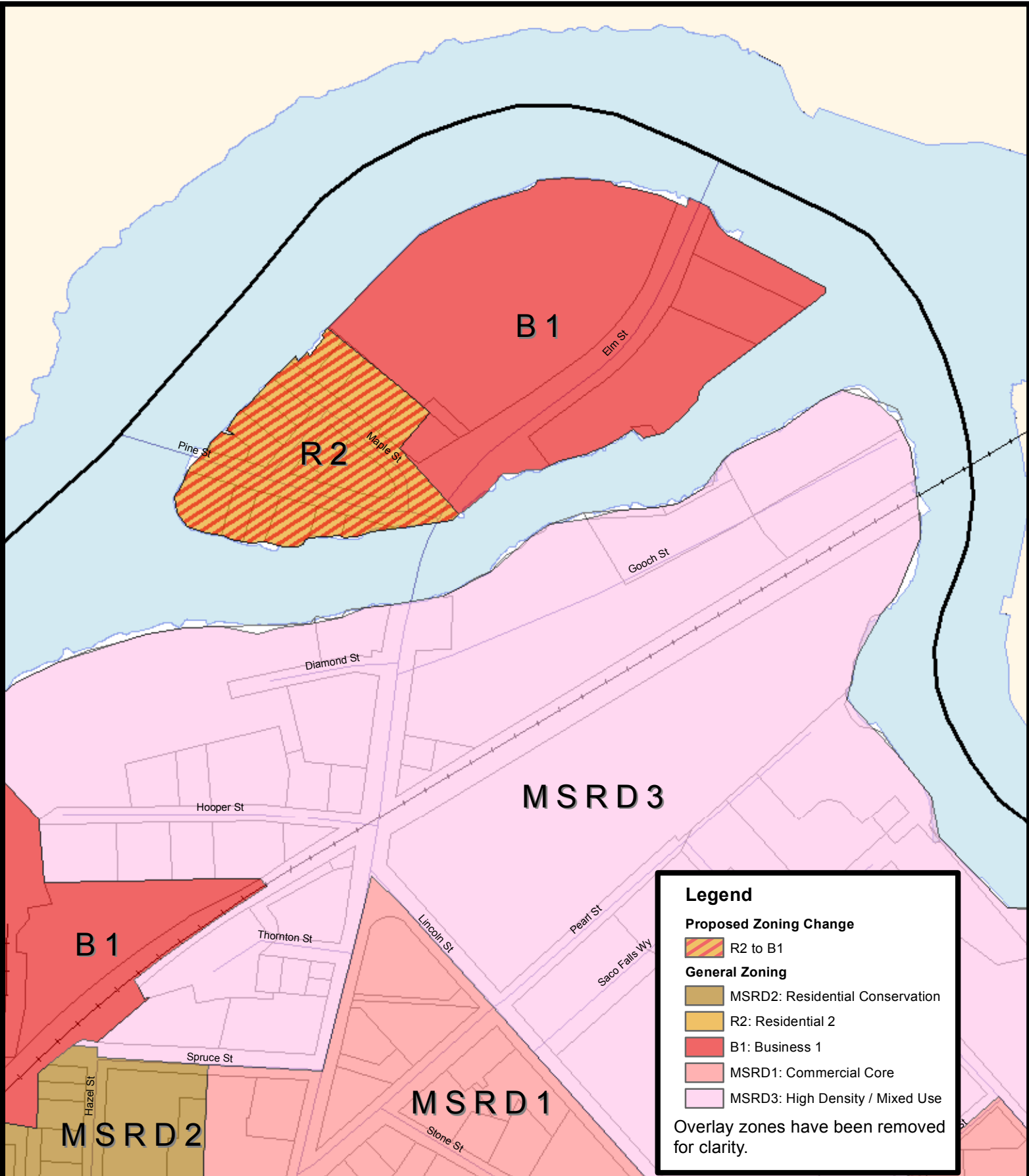
STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments (such as that originally discussed here) in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan. A revision of the Historic Preservation Ordinance is expected to be initiated as an outcome of the new Comprehensive Plan. This will likely involve a re-delineation of Historic District boundaries based on a new inventory (recommended) of building/structures in the Downtown Area.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change(s) pass at the City Council.

ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance Related to R-2 and MSRD-2



Proposed Zoning Change - R2 to B1



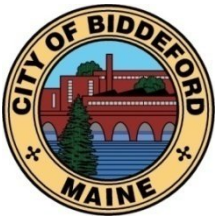
This map was prepared by:
BiddGIS

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205 Main Street · P.O. Box 586 · Biddeford, Maine 04005-0586"
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0 250 500 Feet
1 inch = 250 feet



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.15

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Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink that reads "Greg Tansley".

DATE: February 27, 2019

RE: NEW BUSINESS ITEM #C - 2019.15 Public Hearing, take comments, and make recommendations to the City Council regarding a proposed amendment to the Official Zoning Map to rezone the area depicted on the attached map from R-2 to B-1 (at the request of the City Council).

MEETING DATE: March 6, 2019 @ 6:00 PM

At the request of the City Council, the Planning Board have been asked to hold a Public Hearing and provide a recommendation back to the City Council about changing the existing R-2 Zoning on "Springs Island" (see enclosed map) to B-1. The request was precipitated by the new owners of 48 Elm Street (formerly Gadbout's Plumbing) who wish to expand the number of commercial uses on the property.

A summary of Table A (Land Uses) and Table B (Dimensional Requirements) is provided in this packet, along with a proposed MAP amendment considered by the City Council.

STAFF NOTE: While we recognize that from time-to-time Zoning Ordinance amendments may be warranted, we are in the process of finishing the Comprehensive Plan and beginning the zoning ordinance re-write. More and more, we will want to consider incremental future Zoning Ordinance amendments in the context of an overall Zoning Ordinance rewrite that is consistent with the new Comprehensive Plan.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance Related to B-1 and R-2

13



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.08

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Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

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

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: February 28, 2019

RE: NEW BUSINESS ITEM #D – 2018.13 Preliminary and Final Site Plan and Subdivision Plan Review for Biddeford Housing Authority to construct a three story, five unit residential building on a vacant lot located on 25 Green Street (Tax Map 38, Lot 263) in the MSRD-2 zone.

MEETING DATE: MARCH 6, 2019 @ 6:00 PM

1. INTRODUCTION:

The applicant proposes to construct a new 5-Unit rental housing project at 25 Green Street. 25 Green Street was the location of a 10-Unit Multi-family that burned down approximately five (5) years ago. Since it burned down so long ago, it is not grandfathered. As such, all requirements such as density, parking, and setbacks must be complied with.

The 1st Floor would be an ADA Accessible Unit along with community space for a laundry. Each of the 2nd and 3rd Floors would have 2 – 2-3 Bedroom Units. As such, five (5) 2-3 Bedroom Apartments would be constructed under this proposal. The density is 2,000 square feet of lot area in the MSRD-2 Zone. Since the property is .27 acres in size (11,761.2 square feet) up to five (5) units is permitted based on lot area.

The Planning Board (PB) reviewed the proposal as a “Concept” on February 6, 2019. At that meeting the PB took two actions as follows:

1. The PB found that the proposal qualified as a “major subdivision”;
2. The PB waived the full Subdivision Review process to allow subsequent Preliminary and Final Approval of the Subdivision given the Board determined

that such variation would not adversely affect public convenience, safety, health and welfare.

The Biddeford Historic Preservation Commission met on February 13, 2019 to review the project for a Certificate of Appropriateness. Enclosed is the Certificate of Appropriateness, with Conditions of Approval, from the HPC.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Biddeford Housing Authority 22 South Street Biddeford, ME 04005
2.	Owner of Property:	Housing Options, LLC 13 Cross Street Saco, ME 04072
3.	Agent:	Self
4.	Engineer/Architect:	Paul Gadbois PO Box 327 Saco, ME 04072
4.	Project Location:	25 Green Street
5.	Project Tax Map #/Lot #:	Tax Map 38, Lot 263
6.	Existing Zoning:	MSRD-2
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant (last was a 12 Unit Multi-family – burned down)
9.	Proposed Use:	5 Unit Residential, 2-3 Bedroom Each Unit
10.	City Approvals Required:	Site Plan/Subdivision
11.	Uses in the Vicinity:	Residential (Primarily)
12.	Parcel Size:	.27 acres
13.	Number of Lots/Units in Subdivision:	5-Unit Multi-family
14.	Minimum Lot Size Required: Provided:	10,000 SF 11,761 SF
15.	Frontage Required:	50' (or existing)
16.	Front Setback Required:	15'
17.	Side Setbacks Required:	10'
18.	Rear Setback Requires:	10'

19.	Height Requirements:	Maximum 3 stories or 35 feet
20.	Water Supply:	Maine Water Company
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	N/A
29.	Ownership of Road:	Green Street is a City Street
32.	Estimated Site Development Costs:	\$35,850.00 based on the submitted Performance guarantee Cost Estimate.
33.	Financial Capacity Letter:	Project to be funded (in part) by Maine state Housing authority (see attached Notice to Proceed from MSHA).
34.	Waivers Needed:	a. Waiver of 5 Parking Spaces. b. Full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting. c. Full Site Plan/Subdivision Review.
35.	Waivers Granted:	a. Full Subdivision Review Process to allow simultaneous Preliminary and Final Approval at a subsequent Planning Board Meeting. b. Full Site Plan/Subdivision Review. c. Waiver of 5 Parking Spaces.
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Yes
41.	Planning Board Review History: Concept Subdivision/Site Plan Review:	February 6, 2019 Meeting Date. Posted in City Hall January 29, 2019; Journal Tribune posting January 29, 2019; Mail Notices to all abutters within 250' sent January 29, 2019 - 41 notices sent.

	Prelim/Final Subdivision/Site Plan Review:	March 6, 2019 Meeting Date. Posted in City Hall February 22, 2019; Journal Tribune posting February 26, 2019; Mail Notices to all abutters within 250' sent February 22, 2019 - 41 notices sent.
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3. EXISTING CONDITIONS:

The project site is a vacant lot formerly the home of a 12-Unit Multi-family Building. It is now a vacant lot:



4. PROJECT PROPOSAL:

See attached cover letter, application package and Plans for more information. In Staff's opinion, enough information is presented for review at Planning Board.

5. PUBLIC COMMENT:

Concept Subdivision/Site Plan Review – February 6, 2019:

Posted in City Hall January 29, 2019; Journal Tribune posting January 19, 2019;
Mail Notices to all abutters within 250' sent January 29, 2019 - 41 notices sent.

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

Preliminary/Final Subdivision/Site Plan Review – March 6, 2019:

Posted in City Hall February 22, 2019; Journal Tribune posting February 26, 2019;
Mail Notices to all abutters within 250' sent February 22, 2019 - 41 notices sent.

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

6. STAFF REVIEW:

- a. ZONING: The proposed uses are Permitted Uses in the MSRD-2 Zone.
- b. REVIEW STANDARDS: Performance Standards for Site Plan/Subdivision and Multi-family Dwellings.
- c. WAIVERS:

1) 5 Parking Spaces:

Expected February 5 at the City Council Meeting is the adoption of a new moratorium regarding the ability of the Planning Board to grant parking waivers in the Downtown Area. Staff anticipate that the Planning Board will be directed with providing a recommendation back to the City Council regarding Ordinance Amendment language related to parking (waivers) in the Downtown area.

As such, the Board should provide input to the applicant but also begin to think about how the Ordinance could be re-written moving forward. More on this is discussed in the Memorandum from Staff regarding the Parking Waivers provision.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL:

- 1. None.

7. NEXT STEPS/SUGGESTED ACTIONS:

Consider approving the project based on the Conditions provided in this Staff Report as well as any other conditions of approval the Planning Board deems necessary.

8. STAFF RECOMMENDATION

If the applicant has addressed the outstanding items to the satisfaction of the Board, and Board approves the project, Staff recommend doing so with the following Conditions of Approval attached:

1. Prior to any ground disturbance or issuance of any permits:
 - a. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
 - b. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the Planning Department shall be submitted to the Planning Department.
 - c. Stabilized Construction Access shall be constructed to the satisfaction of the Engineering Department.
2. Prior to the issuance of any occupancy permits:
 - a. The applicant must submit a recorded copy of the Notice of Decision for the subdivision/site plan approval to the Planning Office.
 - b. A sewer permit is required prior to any permit issuance. Sewer impact fee will be assessed once final flow numbers are provided to the Director.
 - c. A Performance Guarantee acceptable to the Planning Department shall be submitted in an amount of 150% of all remaining site improvements.
3. If any roof drains are connected to the sewer system they must be disconnected as part of this approval.
4. A sewer permit is required prior to any permit issuance. Sewer impact fee will be assessed once final flow numbers are provided to the Director.
5. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.
6. Standard Conditions of Approval apply.

9. NEXT STEPS/SUGGESTED ACTIONS

- Consider granting approval of the above-described application to create 5 new residential units at 25 Green Street.

10. SAMPLE MOTIONS

- A. *Motion to approve the waiver for a reduction in the requirement of off-street parking from 10 spaces to 5 spaces based on the proposed use of the project and available on-street public parking in the vicinity of the project.*
- B. *Motion to approve the Preliminary and Final Site Plan and Subdivision and approve the Findings of Fact for the Biddeford Housing Authority based on the conditions recommended by Staff in its report dated February 28, 2019.*

B. Motion to table the application of Biddeford Housing Authority based upon the following reasons:

a) _____

b) _____

C. Motion to deny the application of Biddeford Housing Authority based upon the following reasons:

a) _____

b) _____

ATTACHMENTS:

1. Application and Supporting Material
2. Draft Findings of Fact
3. Supplemental Submittal Materials



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.10

Greg D. Tansley, AICP
205 Main Street
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(207) 284-9115

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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

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

DATE: February 28, 2019

RE: NEW BUSINESS ITEM #E – 2019.10 Shoreland Zone/ Determination of Greatest Practical Extent for Dan Lynnworth to demo his existing cottage and reconstruct a new year round home at 46 Fortunes Rock Road (Tax Map 63, Lot 28) in the CR zone.

MEETING DATE: MARCH 6, 2019

1. INTRODUCTION

The applicant is proposing to tear down and re-build the structure located at 46 Fortunes Rocks Road. The existing house is non-conforming due to the Resource Protection District off of the marsh. It is also non-conforming due to general setbacks on the property, including the setback to Fortunes Rocks Road.

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

The Planning Board shall consider:

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

In cases of “reconstruction” or “replacement”, the Planning Board shall also consider “the

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physical condition and type of foundation present, if any.”

The primary case in this proposal appears to be the front setback to Fortunes Rocks Road being a minimum of 15' (Code Enforcement Officer determined).

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Dan and Roberta Lynnworth 71 Pearl street Upton, MA 01568
2.	Owner of Property:	Dan and Roberta Lynnworth 71 Pearl street Upton, MA 01568
3.	Agent:	Mike Richman Custom Concepts, Inc. 383 U.S. Route One, Suite 1A Scarborough, ME 04074
4.	Surveyor:	Stephen Martin, PLS 36 Straw Road Gorham, ME 04038
4.	Project Location:	46 Fortunes Rocks Road Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 63, Lot 28
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Resource Protection (RP) Shoreland Zone
8.	Existing Use:	Single-family home(s).
9.	Proposed Use:	Single family home(s).
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans (no closer than it currently exists) by Custom Concepts, Inc. entitled “Planning Board Submission” and signed by the Planning Board considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to the Conditions of Approval approved by the Planning Board.
13.	Lot Size:	Undeterminable

14.	Floodplain Status:	The property in the vicinity of the existing and proposed new structure is an AE Floodzone with Elevation 9.0 NGVD 1929.
15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	March 6, 2019 Meeting Date. Posted in City Hall February 22, 2019; Journal Tribune posting February 26, 2019; Mail Notices to all abutters within 250' sent February 22, 2019 - 18 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home on it with an existing septic tank and leachfield behind it towards the marsh (see attached plan).

Although the existing (enforced) Floodzone does not appear to encroach upon the development site (AE zone Elevation 9.0 NGVD 1929) the proposed floodzoning mapping that has not yet been adopted would indicate the entire parcel will fall within an AE Floodzone with Elevation 13.0 NAVD 1988.

4. PROJECT PROPOSAL

Reconstruction (construction) of a new house at 46 Fortunes Rocks Road.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on February 22, 2019. It was also posted in the Journal Tribune on February 26, 2019. Mailing notices were also sent out to all abutters within 250' on February 22, 2019 – 18 notices were sent out.

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

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR Zone. Single-family homes are not permitted in the RP Shoreland Zone.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None
- d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FINAL APPROVAL:
 - 1. Based on conversations with the Applicant's agent and further review of the plan, it appears the existing structure, if it were picked up and moved, could be relocated an additional 2' 4 ¾" back towards Fortunes Rocks Road and still meet the 15' setback. If this is the case, the rear limit of the new structure needs to also be moved back an additional 2' 4 ¾" towards Fortunes Rocks Road from what is shown on the enclosed plans.
 - 2. Add a Planning Board signature block (with date) to the plan depicting both "Existing" and "Proposed" conditions.
 - 3. Provide Datum information for vertical elevations on Sheet "PB4".
 - 4. Need surveyors stamp on plan ("PB4") depicting both "Existing" and "Proposed" conditions to be signed by the Planning Board.
 - 5. Provide a minimum of two (2) Paper Plans for signature by March 6, 2019 @ NOON. Provide additional plans if applicant and/or agent want signed plans.

7. STAFF RECOMMENDATION

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

- 1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

2. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. Obtain required permits from Maine DEP and the Biddeford Code Enforcement.
4. This determination of Greatest Practical Extent shall expire one year from the date of approval if a substantial start is not made in construction. If a substantial start is made within one year of the issuance of the determination, the applicant shall have one additional year to complete the project, at which time any building permits shall expire.

8. NEXT STEPS/SUGGESTED ACTIONS

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

9. SAMPLE MOTIONS

- A. *Motion to approve the Determination of Greatest Practical Extent for Dan and Roberta Lynnworth based on the approved plans for 46 Hills Beach Road (Tax Map 63, Lot 28), approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated February 28, 2019.*
- B. *Motion to deny Determination of Greatest Practical Extent based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Applicant's Application and Cover Letter
2. Custom Concepts, Inc. entitled "Planning Board Submission".
3. Draft Findings of Fact.



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.11

Greg D. Tansley, AICP
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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

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

DATE: February 28, 2019

RE: NEW BUSINESS ITEM #F – 2019.11 Shoreland Zone/Determination of Greatest Practical Extent: for Stephane Zalatan and Gerald Smith to demo the existing home and reconstruct a new one at 9 Thorndike Avenue (Tax Max 64, Lot 20) in the CR and LR zones.

MEETING DATE: March 6, 2019

1. INTRODUCTION

The applicant is proposing to tear down and replace all of the existing structures at 9 Thorndike Road. The pond-side of the existing structure is non-conforming by approximately 18' (setback from the pond approximately 82') due to the Limited Residential District off the pond. It is also non-conforming due to general setbacks on the property.

The Board is required to determine if the structure to be rebuilt is the "Greatest Practical Extent" from the Resource. The existing house is within the 100' Limited Residential (LR) District Setback. The relevant section of the Shoreland Zoning Ordinance is Section 12.C.3 (Reconstruction or Replacement). The relevant considerations for Greatest Practical Extent are as follows (Section 12.C.2):

The Planning Board shall consider:

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

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Due to the proximity of the existing structures, primarily the “cottage” to Thorndike Avenue, Staff do not conceive of any way in which the existing structure could be moved any further away from the pond than it currently sits on the property.

2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Stephane Zalatan 141 Washington Street, Unit 10 Salem, MA 01790
2.	Owner of Property:	Stephane Zalatan 141 Washington Street, Unit 10 Salem, MA 01790
3.	Agent:	Dow and Coulombe 13 Park Street Saco, ME 04072
4.	Surveyor:	Dow and Coulombe 13 Park Street Saco, ME 04072
4.	Project Location:	9 thronldike Avenue Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 64, Lot 20
6.	Existing Zoning:	CR
7.	Overlay Zoning:	Limited Residential (LR) Shoreland Zones
8.	Existing Use:	Single-family home(s).
9.	Proposed Use:	Single family home(s).
10.	Approvals Required:	Determination of Greatest Practical Extent
11.	Uses in the Vicinity:	Residential, primarily Single-family
12.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans (no closer than it currently exists) by Dow and Coulombe entitled “Plan Showing A Boundary Survey Made For Stephane C. Zalatan and Gerald C. Smith” and signed by the Planning Board considering all factors outlined in Section 12.C.2 of the Biddeford Shoreland Zoning Ordinance and subject to the Conditions of Approval approved by the Planning Board.
13.	Lot Size:	10,405 SF +/-
14.	Floodplain Status:	None

15.	Waivers Needed:	a. None
16.	Waivers Granted:	a. None
17.	Variances Needed for Approval:	None.
18.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
19.	Other Permits Obtained:	None.
20.	Other Non-City Permits Required:	Maine DEP NRPA Permit (possible)
21.	LDR Attachment A: Fess Paid:	Yes
22.	Planning Board Review History: Final Review and Determination of Greatest Practical Extent:	March 6, 2019 Meeting Date. Posted in City Hall February 22, 2019; Journal Tribune posting February 26, 2019; Mail Notices to all abutters within 250' sent February 22, 2019 - 14 notices sent).

3. EXISTING CONDITIONS

The existing lot has a single-family home and a cottage on it (see attached plan).

4. PROJECT PROPOSAL

Tear down and replacement of structures at 9 Thorndike Avenue.

5. PUBLIC COMMENT

For the Final Review, the notice was posted in City Hall on February 22, 2019. It was also posted in the Journal Tribune on February 26, 2019. Mailing notices were also sent out to all abutters within 250' on February 22, 2019 – 14 notices were sent out.

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

6. STAFF REVIEW

- a. ZONING: The proposed use (Residential) is a Permitted Use (P) in the CR/LR Zones.
- b. REVIEW STANDARDS: Greatest Practical Extent Standards (Article XIV, Section 12.C.2).
- c. WAIVERS: None

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

1. Provide a minimum of 2 Paper Plans for signature by March 6, 2019 @ NOON. Provide additional plans if applicant and/or agent want signed plans.

7. STAFF RECOMMENDATION

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

1. No new (replacement) structure is permitted closer than 82' +/- to the edge of the pond as depicted on the approved plans representing the existing limit of the existing deck towards the pond.
2. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
3. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
4. Obtain required permits from Maine DEP and the Biddeford Code Enforcement.
5. This determination of Greatest Practical Extent shall expire one year from the date of approval if a substantial start is not made in construction. If a substantial start is made within one year of the issuance of the determination, the applicant shall have one additional year to complete the project, at which time any building permits shall expire.

8. NEXT STEPS/SUGGESTED ACTIONS

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

9. SAMPLE MOTIONS

- A. *Motion to approve the Determination of Greatest Practical Extent for Stephane Zalatan based on the approved plans for 9 Thorndike Avenue (Tax Map 64, Lot 20),*

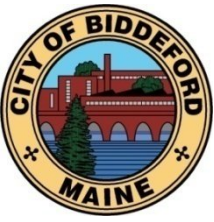
approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated February 28, 2019.

B. Motion to deny Determination of Greatest Practical Extent based upon the following reasons:

a) _____
b) _____

ATTACHMENTS

1. Applicant's Application Package
2. Dow and Coulombe Plan entitled "Plan Showing A Boundary Survey Made For Stephane C. Zalatan and Gerald C. Smith".
3. Draft Findings of Fact.



CITY OF BIDDEFORD PLANNING DEPARTMENT

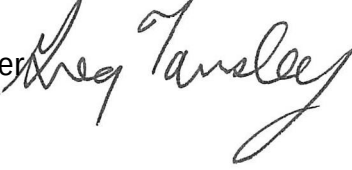
2019.12

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PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner 

DATE: March 1, 2019

RE: NEW BUSINESS ITEM #G – 2019.12 Conceptual Subdivision/Site Plan Review: for Jason Labonte of Home Innovation for a 7-lot Subdivision located at 30 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.

MEETING DATE: MARCH 6, 2019

1. INTRODUCTION

Buzzell Road Estates was approved in April 2018 for seven (7) single-family house lots off Buzzell Road on a new road called Crickett Lane. The same applicant has now obtained the rights to the adjacent parcel which is now the subject of this application. The applicant wishes to create six (6) new house lots of Crickett Lane, bring the total to 13 Lots.

This proposal effectively amends the existing approved subdivision Buzzell Road Estates.

Since the proposal creates five (5) or more lots it is considered a “Major” Subdivision.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

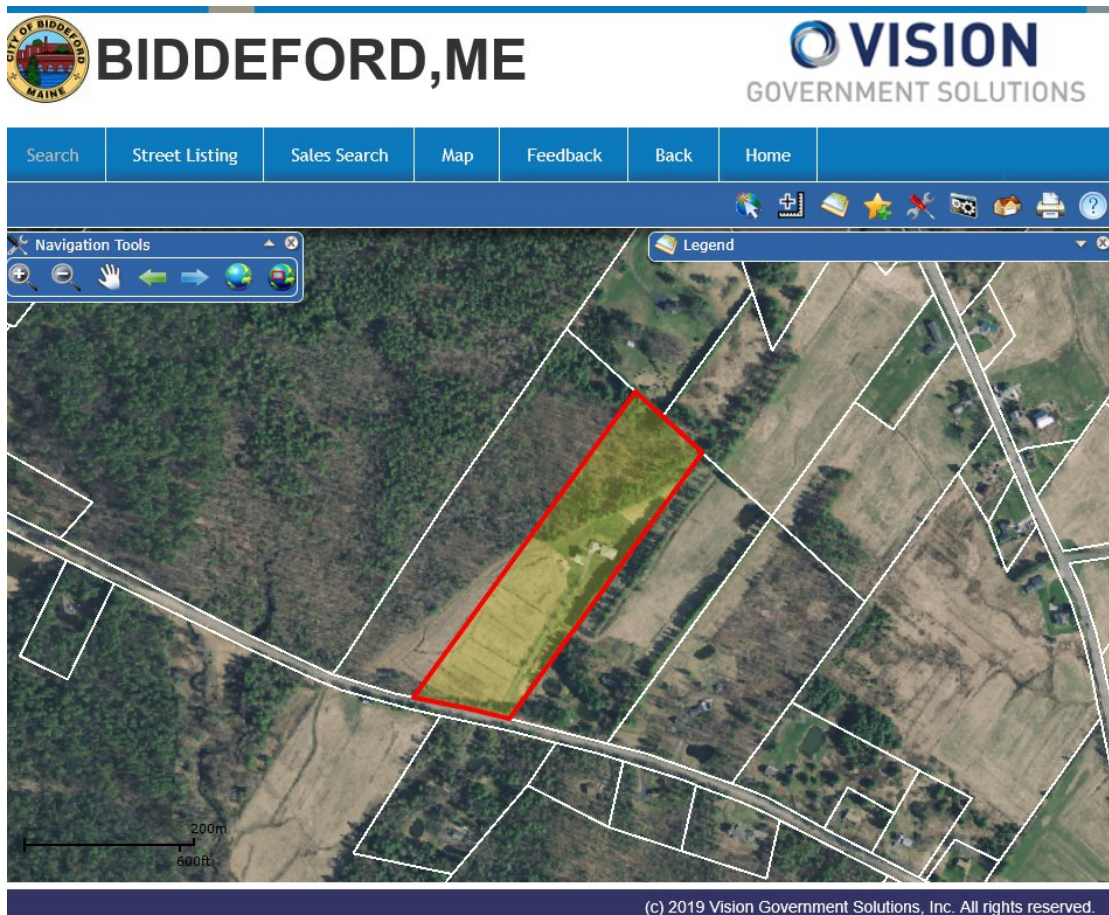
	SUBJECT	DATA/INFORMATION
1.	Applicant:	Jason Labonte 57 Smutty Ln. Saco, ME 04072
2.	Owner of Property:	Home Innovations, LLC 57 Smutty Ln.

		Saco, ME 04072
3.	Agent:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Engineer/Architect:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Project Location:	34 Buzzell Road
5.	Project Tax Map #/Lot #:	Tax Map 6, Lot 43
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	7-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision
11.	Uses in the Vicinity:	Residential, Agricultural, Woodlands
12.	Parcel Size:	12.2 acres
13.	Number of Lots/Units in Subdivision:	7 Residential Lots and one "Open Space" lot
14.	Minimum Lot Size Required: Provided:	20,000 SF
15.	Frontage Required:	100'
16.	Front Setback Required:	25'
17.	Side Setbacks Required:	15'
18.	Rear Setback Requires:	15'
19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Drilled Private Wells
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	None
26.	Soil Study Provided:	To be provided
29.	Ownership of Road:	Buzzell Road is a City Street
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Not yet submitted.
34.	Waivers Needed:	a.
35.	Waivers Granted:	a.

36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fess Paid:	Concept Fees Only
41.	Planning Board Review History:	
	Conceptual Review:	March 6, 2019 (Posted in City Hall February 22, 2019; Journal Tribune posting February 26, 2019; Mail Notices to all abutters within 250' sent February 22, 2019 - 6 notices sent).
	Preliminary Review:	TBD
	Final Review:	TBD

3. EXISTING CONDITIONS:

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



4. PROJECT PROPOSAL:

See attached application package and Concept Plan for more information.

5. PUBLIC COMMENT:

Concept Review:

The Notice was posted in City Hall February 22, 2019; Journal Tribune posting February 26, 2019; Mail Notices to all abutters within 250' sent February 22, 2019 - 6 notices sent).

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

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Conditional Use permitted in the R-F.
- b. REVIEW STANDARDS: Performance Standards for Cluster Subdivisions and Subdivision Review.
- c. WAIVERS: **None.**
- d. OUTSTANDING ITEMS TO BE ADDRESSED:
 - 1. Cluster Subdivisions require that both a Cluster Subdivision Concept and a Conventional Subdivision Concept Plan be submitted. The applicant has only submitted the Cluster Concept. A conventional Subdivision Plan needs to also be provided with a future submittal.
 - 2. All submittal requirements must be met for Preliminary Subdivision Review, or Waiver Requests must be submitted at the time of application. Staff recommend the applicant thoroughly review the submittal requirements leading up to a future submittal.
- e. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:
 - 1. Need a landscape plan with trees for areas of the buffers without trees.
 - 2. Show building locations and orientation on plans.
 - 3. Add note on the plan that buildings shall be no less than 30' apart.
 - 4. What will happen with the Open Space? Land Trust? Homeowner's Association?
 - 5. Provide Soil Survey information.

6. Provide net density calculations (Article VI, Section 44) and add as a note on the plan. Note: All lots must have 20,000 SF after subtracting all applicable factors in Article VI, Section 44.
7. Provide Wildlife Study or seek waiver (Article VI, Section 70).
8. Show proposed well locations. Note: New septic systems must be located 100' from wells.
9. Submit Preliminary Subdivision designs, including drainage.
10. Submit a complete Preliminary Plan Application Package.

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

7. STAFF RECOMMENDATION:

- Determine the application is for a Major Subdivision (proposed roadway, proposed extension of sewer and water, and 5 or more lots/Units).
- Provide feedback on the requested Wildlife Study Waiver (Staff to further advise at the meeting on this issue)
- Listen to comments from abutters (if any) and provide feedback to the applicant.

8. NEXT STEPS/SUGGESTED ACTIONS:

1. The applicant will need to submit a Preliminary Subdivision Application in order to move the project forward.

9. SAMPLE MOTIONS:

Motion to determine the proposed subdivision is a major subdivision.

ATTACHMENTS

1. Applicant's conceptual application submittal.