



**City of Biddeford
Conservation Commission**

October 23, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

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Or call in by phone: +1 312 626 6799
Meeting ID:
Passcode:

1. Adjustment(s) to Agenda
2. Secretary Report
 - 2.a Approval of Meeting Minutes from July 24 & September 25, 2024
3. Presentations/Discussions
4. New Business
 - 4.a Project Canopy-Clifford Park Management Plan-Next Steps
 - 4.b Swan Pond Brook Lot-Update
 - 4.c Water Quality Testing Update-Erik
 - 4.d Family Forest Carbon Update-Erik
 - 4.e Comp Plan Status-Planner Memo 10-23-23
 - 4.f Solar Ordinance Deliberations-"Sustainability Committee" process
 - 4.g Rabbit-tat Forest Walk-10-26-24-with Sarah Dudek (Rachel Carson staffer)
5. Other Business
6. Adjourn

City of Biddeford
Conservation Commission
July 24, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

Attendees: Richard Rhames, Denis Rioux, Mike Lowell, Maya Atlas, Erik Heumiller, Peter Robbins, Patrick Conlon

Guests: David Galbraith

Call to order: 6:13pm

1.
Adjustment(s) to Agenda

1.1
West Brook/Winding Creek Development update.

- Planning Board special meeting on 6/24 was to review and accept the history of the documents to accept the correct version of the disputed documents.
 - Signed into the public record a document of findings and facts.
 - Goes back to the judge from here.
- Question about the checklist the Planning Board/Planning Staff use to evaluate projects — can we get access to this checklist? (M. Atlas)

2.
Secretary Report

Approving meeting minutes for 3/27, 4/24, 5/22, and 6/26 meetings.

- Motion to approve: M. Atlas, Second: P. Robbins, Vote: Unanimous

3.
Presentations/Discussions

3.a

Consult with Joe McKenney (Rec. Commission Chair) RE: update on Clifford Park trail design, management, easement, etc.

- R. Rhames met with Joe, who was supposed to join our meeting tonight, but Richard is targeting our August/Sept. meeting as a date for a joint discussion.
- Maine Coast Heritage Trust was a potential easement holder. (R. Rhames)
- It would be good to react to documents/notes to react to during the meeting, to make it more productive. (M. Atlas)
 - Review the current MCHT easement language.
 - Draft bullets for discussion around other needs (trail maintenance).
 - Smith Preserve, Saco Valley Land Trust

4.

Management Plan Cost-Share Update

- R. Rhames discovered that NRCS does not do cost-sharing with municipalities.
- Project Canopy does have a cost-share program.
 - R. Rhames spoke with Nicole ??, Outreach Coordinator
 - District Forester believes there are funds available for municipalities.
 - State funds are also available for invasive control.
 - May require multiple “management plans” to address the different funding sources.

5.

Swan Pond Brook Lot - Update from Planner

- D. Galbraith update:
 - Original discussion took place on 6/21/2022.
 - Talk of possibly selling the parcel to someone else.
 - Took off the agenda, Jim Bennett thought it was a good candidate for a conservation easement.
 - D. Galbraith to bring the item back to City Council to revisit the topic.

6.

Water Quality Monitoring Update

- E. Heumiller provided a link to the virtual training video for all BCC members.
- The unit was delivered today and will be tested in the near future.
 - Plan is to test it in comparison with the DEP units (YSI Pro Solo).

7.

Climate Cluster - Maxwell's Farm Closure, etc.

- Poor harvest and development pressures.
 - Spotted wing drosophila (fruit flies) were a major impact on harvests.
 - These are heading north and arriving earlier in the season due to changing climate.

8.

Solar Ordinance Update

- Mayor's Sustainability Committee met on 7/15 to discuss Solar Ordinances
 - They reviewed ordinances from Fryeburg, Sandford, South Portland, and the [Maine Audubon's Model Site Plan Regulations](#).
 - B. Favreau is spearheading the ordinance in collaboration with the Sustainability Committee to draft an ordinance that will likely be delivered to the Policy Committee.
- Maine Audubon also has a Solar Advocacy page on [“Thoughtfully Sited Solar”](#)

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- Reaffirming that the Conservation Commission, Planning Board, and Sustainability Committee should all be at the table for these discussions. (E. Heumiller)
 - E. Heumiller to reach out B. Favreau to coordinate a meeting.
- Henry Barrett (caller) - listening and curious about next steps.

9.

Other Business

9.a

Next meeting scheduled for 8/28

9.b

Request a 10-year-lookback at approved developments 2014-2023

- D. Galbraith will work with Nan Whitten to pull what data is available.
- Looking for number of development proposals, number of units, etc.

10.

Adjourn at 7:17pm.

City of Biddeford
Conservation Commission
September 25, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

Attendees: Richard Rhames, Erik Heumiller, Peter Robbins, Denis Rioux, Maya Atlas

Guests: David Galbraith

Call to order: 6:23pm

1.

Adjustment(s) to Agenda

2.

Secretary Report

- Follow up on the meeting with Joe McKenney - has it been rescheduled?
 - Joe McKenney has resigned
- Waiting for an update from Brad Favreau - looking for the draft of the solar ordinance from the Sustainability Committee likely coming to us in late Oct/Nov (discuss further)
- Defer to next meeting

3.

Management Plan, Cost-Share, Project Canopy Coordinator/Director: Jan Ames Santerre

- Project Canopy is part of the Maine Forest Service, possibly source of funds in relation to Clifford Park
 - Clifford Park has not seen much in the way of comprehensive studies or planning in relation to the natural resources and habitat. (R. Rhames)
- Discussion of resources available through the program
 - **SEE LINKS FROM R. RHAMES**
 - Two options for funds:
 - Project Canopy: < 20K grants
 - Not competitive
 - 1:1 cost share for management plans
 - Does not need to be cash, can be in-kind services
 - Time needs to be tracked via "Davis Bacon"
 - Urban Forestry Program: < 200K grants (part of the IRA funds)
 - Competitive
 - Good to think about ways to engage communities and groups
 - APEX could be an option
 - Need to develop strong connections with other community groups
 - Think beyond Clifford Park - what else in census tracts (parks, green space, etc.)
 - Biddeford was previously part of the Project Canopy Committee

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- Clifford Park saw some programs through school programs
- Half of the cost of the management plan - through Urban Forestry Program
 - Many of the foresters work in NRCS programs, and the management plans would likely contain the same content
 - Soil types, wetland delineation, etc. - to see the parcel as a whole
 - Public work in the space likely includes a very in-depth botanical survey, that may be subcontracted to experts
- Federally funded grants that come through the state
 - Competitive grants, on an annual schedule - winter applications
 - Delivered as an RFP, deadline late winter/early spring
 - Two categories: downtown trees / forestry and education
 - Evaluate archeological impacts, wildlife/habitat, water quality, etc.
 - Simpler for individual landowners
 - How to present? Acreage targets?
 - WRAP plans - minimum of 10 acres
 - They have a required training (Jan/Feb timeline)
- Clifford Park may sit within the “disadvantaged” census tracts for other grants
 - Can match these grants with in-kind services
 - Can serve a multitude of “disadvantaged” communities
 - Likely part of the “dis-investment” in mill towns
- Funds for Invasive Plant mitigation through a separate grant
 - Not competitive, for funding the planning stages as well as the funding of the treatment work
- Our district forester is Oliver
 - We can work with our preferred foresters, but we need to ensure they operate within the guidelines of the program grants
 - Good idea to identify the forester we want to work with prior to applying, to have concrete quotes/costs identified

4.

Swan Pond Brook Lot - Planner Update

- City did tax acquire it, likely in 2019
- Depending on how it was acquired, the City may need to perform certain steps to offload the property
- Waiting on the tax assessor for details

5.

Water Quality Update

- Not much to report. Collecting samples when possible, but need to build out a more robust system for volunteers.
- Likely will start recruiting more volunteers over the winter and setting up a shared calendar or bi-weekly meetings (April-Sept) to keep in touch with volunteers. (E. Heumiller)

6.

Family Forest Carbon Program

- <https://familyforestcarbon.org/>
- Provides financial and technical resources to landowners with 30+ acres
- Could be a tool for the city and private landowners to monetize land with the value of the stored carbon vs. just development. (E. Heumiller)
- Consider identifying parcels of 30+ acres and sending them info in the mail
 - Info could contain this program as well as conservation easement details and NRCS as well, and project canopy.
 - Could use the opportunity to host an event - capture emails from interested parties

7.

Conservation Commission: Winter Projects

- Identify 30+ acre parcels and the mailer content (Erik)
- Identify conservation cluster areas
 - BCC to do the work that was lacking in the comp plan
 - Identify percentages or target acreage for ag/forest land, geographic regions of conservation need, etc.
- GIS map updates (Erik to work with Greg)
- David to share the state's requirements for edits to the Comp Plan
- New version of sprawl stoppers?

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8.

A 46-acre parcel at 268 Pool St. (Map8-Parcel52-1) abutting Blandings Preserve and the newly acquired City land (land swap) was recently listed and sold (listing for \$575,000) to a developer who was asked to remain anonymous as terms of the sale.

- The development of this lot will impact wildlife in the area as well as have impacts on West Brook's water quality.
- Development of this parcel would likely create another Parkside Dr. neighborhood in an already heavily developed area.
- Noting that the tax card for this property shows a note from 2012 that it features "State of Maine - Endangered Turtles"
 - Any proposed development on this parcel should be thoroughly vetted from environmental and habitat perspectives (IFW, DEP) regardless of the size of the development.
- Could use the identified areas as a means of reaching out to landowners of key parcels to educate them to reach out to the city and/or land trusts if and when they are thinking of selling their property - to get ahead of the sale.
- Rezoning this region as a "conservation zone" with a priority for preventing development

9.

Climate Cluster

10.

BCC archive status update

- Every 2022 and earlier is missing for the Conservation Commission

11.

Solar Installations

- The Sustainability Committee met 9/16 to review their draft solar ordinance.
 - Erik has shared [notes from our previous meetings](#) to inform the draft.
 - Need to provide clarification that the BCC has not created any draft of a solar ordinance in the past.
 - Much of the 9/16 discussion revolved around human considerations and visual impacts
 - Need more consideration around the long-term impacts to Biddeford's agricultural and forested lands.
 - Aiming to get it to BCC in November, with Planning board in December, and City Council in January 2025
- Takeaways from document/discussion:
 - Biggest concern is that their primary driver is getting the developers approval on this ordinance and "making it as easy as possible" for developers.
 - Some conflicts within the language between section D and section E that we recommend clarifying.
 - Mistaken comments of "not great agricultural soil"
 - Needs to be corrected
 - Conversation revolved around "converting" agricultural land to "better" uses - disregarding the need for agricultural
 - Group was not aware of "prime agricultural soils" or its definition.
 - Disagree with some of their caveats for the "medium scale installation"
 - Think forest, water, and habitat impacts still need to be evaluated to ensure these don't have drastic impacts on habitat.
 - Medium would be 2,000-20,000 would allow 100-200-foot plots, and this feels too large.
 - They want to remove the need for independent review - developers currently hire their own, which has a conflict of interest.
 - Need to educate that it's typically provided as 3 options for the developer to select from.
 - Mentions of habitat and agricultural limitations fall short in my opinion - does not prohibit anything, and offers vague references to "no undue adverse effect" but seems to leave that consideration up to "the applicant"
 - "No free lunch" - said in sacrifice of habitat for sustainable energy
 - Much of the conversation is related to what individual landowners could/might do on their property - seems like the focus is on "small scale" installations.
 - Conversation needs to shift to regard companies coming in to specifically purchase undeveloped land to develop medium/large solar installations.

- Small scale installations are not our major concern - the ordinance needs to consider the worst case scenario for the large installations and profit-driven development/installations.
- They had issues with limitations of 10 acres
 - That is 435K square feet.
 - Making concessions to give the most to developers right out of the gate - thinking without it, there won't be any solar development
 - We could limit it and see how development goes - and revise the ordinance if needed
- RECOMMENDATION
 - Meet with Sustainability Committee at their next meeting (10/7) to provide some insight/education on inaccuracies.
 - Maya to serve as a point person at the 10/7 meeting.
 - Draw them back to the climate action plan - reference the climate action plan and show how these ideas align with their other elements.
 - Relay our concerns about:
 - Agricultural importance + communicating the importance of prime agricultural soils
 - Medium-scale allowances (need to be reduced)
 - A cap on acreage in a single development
 - A general need for a more conservative start to this process, rather than jumping straight into "everything is allowed"
 - Stop catering - these developers are primed to do this work and don't need the city handed to them
 - Conflicts in language between section D and E
 - D-ii - should be licensed, "qualified" is abstract and vague
 - Need to redevelop with trees is also a means of preventing invasive species - this should be included.
 - A separate application would be provided that would likely redirect the need for this if the owner wants to develop housing - that requires its own levels of approval.
 - This is also a part of the consideration of why it's being approved in the first place - it was forest, return to forest.

12.

Other Business

12.a

FOLLOW UP — Request a 10-year-lookback at approved developments 2014-2023

- D. Galbraith will work with Nan Whitten to pull what data is available.
- Looking for number of development proposals, number of units, etc.

12.b

UNE Internship Placements for conservation-minded students.

- Prior projects involved GIS, and interest waned
- Streamline communications and archiving
- Clifford Park signage and work needs
- Water Quality studies
- Plan to meet with Dylan to discuss the opportunities and interests - Erik to respond to the email chain

12.c

Next Meeting — 10/23/24

6.

Adjourn at 8:45pm.



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
BUREAU OF RESOURCE INFORMATION & LAND USE PLANNING

93 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

MEMORANDUM (sent via e-mail)

October 23, 2023

TO: Eric Freeman, Assistant City Planner
FROM: Tom Miragliuolo, Senior Planner Municipal Planning Assistance Program
RE: Biddeford Comprehensive Plan for Review
CC: Hannah Watson, SMPDC

Thank you for submitting the Biddeford Comprehensive Plan for our review for consistency with the Growth Management Act (30 M.R.S.A. § 4312 et seq).



The Department has accepted your plan for review. You will be notified within 35 working days *as to whether* the plan is “complete”. A Notification of Completeness means that portions of the plan other than the Future Land Use Plan have been found by the Department to be consistent with the Act. If the plan is found complete you will then be notified within an additional 10 working days as to the entire plan’s consistency with the Growth Management Act.



The Department cannot accept your plan for review due to missing element(s) of the plan. Please submit the needed element(s) noted below for the plan review to begin. You may submit them to me via emailing or regular mail.

Items needed to accept comprehensive plan for review (07-105 Chapter 208)

- Found: Vision Statement
- Found: Public Participation Summary
- Found: Regional Coordination Program
- **Not found:** Plan Implementation section that prioritizes how implementation strategies will be carried out, pursuant to 30-A MRSA §4326(3). The plan must identify the responsible party and anticipated timeline for each strategy in the plan.
- **Not found:** Evaluation measures that describe how the community will periodically (at least every five years) evaluate the following:
 - A. The degree to which future land use plan strategies have been implemented;
 - B. Percent of municipal growth-related capital investments in growth areas;

MUNICIPAL PLANNING ASSISTANCE PROGRAM
22 STATE HOUSE STATION
18 ELKINS LANE, HARLOW BUILDING
AUGUSTA, ME 04333



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- C. Location and amount of new development in relation to community's designated growth areas, rural areas, and transition areas (if applicable)
 - D. Amount of critical natural resource, critical rural, and critical waterfront areas protected through acquisition, easements, or other measures.
- **Not found** (FLUP appears to not have any policies or strategies): Future Land Use Plan that meets the requirements of Section 4 of Chapter 208. This section will be the focus of the Office's review for consistency with the Act.

Again, thank you for your submission. If you have any questions, please contact me by phone at (207) 287-3860 or by email at tom.miragliuolo@maine.gov.