

City of Biddeford

Planning Board

February 17, 2021 6:00 PM Zoom: Feb 17, 2021 06:00 PM Eastern Time (US and Canada)

Topic: Planning Board

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/96107808866?pwd=c2lqVGdvNGVYWdJvNG9McjZlUUVmUT09>

Passcode: 735458

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US: +13126266799,,96107808866#,,, *735458# or

+16465588656,,96107808866#,,, *735458#

Or Telephone:

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669 900 9128 or +1 253 215 8782

Webinar ID: 961 0780 8866

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International numbers available: <https://biddeford.zoom.us/j/adoGg3TqBM>

1. DECLARATION OF QUORUM/VOTING MEMBERS

2. ADJUSTMENTS TO THE AGENDA

3. PLANNER'S BUSINESS

4. CONSENT AGENDA

4.A. Approval of Minutes from Planning Board of February 3, 2021

[PB Minutes 2321-DRAFT.pdf](#)

5. UNFINISHED BUSINESS

5.A. 2020.41 Resubmittal from Planning Board of January 20, 2021. Shoreland Zoning Determination of Greatest Practical Extent for Linda Nash and Steve Rosenfield at 1 Sea Spray Drive (Tax Map 67, Lot 26-1) in the Coastal Residential and Limited Residential (Shoreland Zone)

[Biddeford- Rosenfield-Nash PB amendment submittal 2-5-2021.pdf](#)

[Review Letter No.2 - RosenfieldNash- 1 Sea Spray.pdf](#)

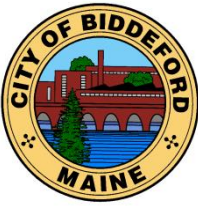
[2020.41 Draft FOF - 1 Sea Spray Ave.pdf](#)

6. NEW BUSINESS

7. OTHER BUSINESS

8. 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

Greg Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

Planning Board Meeting Minutes (DRAFT)

Date: February 3, 2021
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Declaration of Quorum/Voting Members

- Quorum Present: Chair William Southwick, Sean Tarpey, Bruce Benway, Roch Angers, Alexa Plotkin (Alternate Voting Member), Michael Cantara (Alternate Voting Member).
- Absent: Spiros Droggitis (arrived late)

2. Adjustments to the Agenda

3. Planner's Business

4. Consent Agenda

5.A. Approval of Planning Board Meeting Minutes of January 20, 2021

MOTIONS:

- Tarpey-MOTION: To approve Meeting Minutes for January 20, 2021
- Benway-SECOND
- Mr. Benway asked about 1 Sea Spray saying this property has come to the Board previously asking to build a 3-unit condo under the name of Beach Bum and asked what happened to them.
- Planner Tansley will look into it and get back to him.
- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Plotkin & Angers)

5. Unfinished Business

6. New Business

6A. 2020.39 Public Hearing take comments, and make recommendation to the City Council regarding various zoning amendments related to the Historic Preservation Ordinance

- Brad Favreau, Economic Development Coordinator and Staff Liaison to the Historic Preservation Committee gave an overview of the proposed changes in order for the City to apply for CLG status. He spoke on the opportunities that would be made available to the City upon receiving such status. He spoke on the strength of the current Historic Preservation Committee and said there were only 10 other communities in the State of Maine with CLG status. In

preliminary conversations with the State, they said we only had to make a couple of amendments to qualify for CLG status:

- a. Set criteria for others to nominate buildings as historic structures.
Eligibility is tied to an event, person or architectural style providing visual continuity in the neighborhood.
 - b. Create a process for nominations to be approved as historical structures by the City Council.
 - c. The committee also added additional definitions and made some clarity and corrections in the ordinance.
- Chair Southwick opened the meeting to the public, there being no questions or comments he brought the meeting back to the Board.
 - Mr. Cantara said he feels this proposal is long overdue and would make Biddeford special for future generations. He supports this proposal and thanks Mr. Favreau and the Historic Preservation Committee.
 - Mr. Angers concurs with Mr. Cantara and wished the City had done this earlier in order to save several buildings that have already been demolished. He commends Mr. Favreau on his hard work and very positive project.
 - Ms. Plotkin said she appreciates all of Mr. Favreau's hard work and supports the project.
 - Mr. Tarpey feels the same way as Mr. Cantara, agrees it is overdue and a very worthwhile endeavor.

MOTIONS:

- Mr. Benway-Motion: To send the proposed Historic Preservation Ordinance onto City Council for approval
- Mr. Angers-Second
- Chair Southwick-roll call for Vote: Unanimous Vote to Pass Motion (4-0), All in favor (Benway, Tarpey, Angers & Plotkin)

6B. 2020.08 Final Subdivision Site Plan Review Submission for K & S Development to construct a 3-Unit "Townhouse" style condominium project at 45 Hill Street (Map 39, Lot 112) in the MSRD-2 Zone.

- Chris DiMatteo, Consulting Planner, did a brief overview of the project. He noted that the applicant has addressed the 1 condition and 1 waiver as Conditions for Approval. The applicant has provided a lighting cut sheet and feels the project is now good for the Board to complete their discussion on the project.
- Planner Tansley said that the waiver requested must be acted on this evening. The waiver is for parking in the rear and or side setbacks
- Jonah DeWaters from Oak Point Associates represented the applicant. He said they have adjusted all comments there are not a huge amount of changes other than addressing grading comments. The applicant contacted the USPS regarding the mailboxes and will meet with a representative of the post office about where to add the mailboxes on the structure. There is a Condition of Approval concerning replacing the current fence with another at the same

height. The current fence is a piece of plywood. The owner is working with the abutter on something that will work with the neighborhood character.

- John Korpaczewski, Principal of K&S Construction, said that last Saturday he went to the site and found trash, couches etc. left on the site. They cleaned the lot, refastened the fences & plywood which was originally put up to keep people from cutting through the lot. He spoke with an abutter named Sal who owns the structure at 47 Bacon Street and they will meet with John to discuss John's fence which will come down and something new will be going up. USPS said no junction box is needed and they will meet on site as well.
- Mr. DeWaters addressed the comment of wanting a street tree, he selected a tree with the help of the landscape architects at his company.
- Chair Southwick opened the meeting to the public, there were no questions or comments so he brought the item back to the Board.
- Mr. Benway asked Planner Tansley about which waiver needing to be addressed whether it is item 16 or 17
- Planner Tansley said #16 needs the waiver which is not really a waiver but they need to make sure it is addressed.

MOTIONS:

- **Benway-Motion:** Waive the Code of Ordinances Part III, Article IX, 11, Section 5.B4.f.1: No paving, parking or storage shall be permitted within the required setback of any side or rear property line.
- **Angers-Second**
- **Chair Southwick-roll call for vote:** Unanimous vote for motion to pass (4-0) Benway, Tarpey, Angers & Plotkin in favor
- **Benway-Motion:** To approve the Final Subdivision Plan for K & S Development to construct a 3-Unit Townhouse style condominium project at 45 Hill Street (Tax Map 39, Lot 112).
- **Angers-Second**
- **Chair Southwick-roll call for vote:** Unanimous vote for motion to pass (4-0) Benway, Tarpey, Angers & Plotkin in favor

6.C. Discussion: Residential Density Bonus in the MSRD-2 and residential densities in other zones

- Planner Tansley spoke about wanting to get the Board thinking about 2 items that were approved by Council to send to the Planning Board
 - a. 2021.9-Public Hearing regarding an increase in density in MSRD-2. Many places have surplus space in buildings but not enough lot area to add an additional unit but they need a quality standard
 - b. 2021.10 Density within the City as a whole being increased must come through the Comp Plan, such as 10,000 square foot unit but be approved with for 2 units at 18,000 square feet after meeting certain criteria.
- Ms. Plotkin confirmed that 2021.10 came from the Council and not the Planning Department.

- Chair Southwick commented that the interest in affordability is geared more toward Biddeford instead of York County.
- Ms. Benway asked about the language in 2021.9 if it was in the Planning Boards purview, what it means, the specifics of other zones, how far can it go, he would like the language to be more specific.
- Planner Tansley said that the MSRD-2 is a ring around the Downtown area and the R-2 is abutting to let the Board look and focus on MSRD-2.
- Chair Southwick said that the way the zone is written it allows greater density on one side of the street only in some place so the increase in zone is to allow the increase on both sides of streets.
- Mr. Cantara mentioned that 21% of rentals in Biddeford are in poor condition is this increase in density likely to encourage property owners to upgrade their units in order to create another unit?
- Planner Tansley said the new unit must meet standards, he will have to check with Roby Fecteau about the existing units. Is it quality vs affordability, it would be good to have both. He said the Council is open and asking for the Board's opinion.
- Ms. Plotkin said that Councilor's Belanger & Clearwater were against this item because they do not want things done in a peace mail nature, they want a larger more focused effort.
- Planner Tansley said this is a process and is not yet for public input.
- Guy Gagnon, Executive Director of the Biddeford Housing Authority, said that affordable housing is now at 80% of the median income Maine State Housing Authority (MSHA) is at 80% of the median income also and a 2-bedroom home is \$1422.00 per month, this is not hitting the mark for affordable housing. A significant difference would be 60% which would be \$1066.00 for a 2-bedroom place. Income levels are lower in Biddeford. Condo sales are at 125% of the median income with MSHA at 115%. He suggests a qualifier with sales meeting MSHA standards which are adjusted annually, as they are tied to an index. Lack of affordable housing is a huge crisis we need to go deeper, if we leave things the same they will stay the same. We need to make it enticing to create affordable units.
- Planner Tansley asked if Mr. Gagnon could send his comments to the Director of Planning, Mathew Eddy and to him, he feels it would be very helpful
- Mr. Benway asked if he would send his written comments to the Board as well.
- Mr. Cantara said that Mr. Gagnon's comments showed the reality of the fact that Biddeford has been facing this problem for several years. There needs to be government programs, both federal and local to facilitate incentives for developers to create true affordable housing, 80% of median income ignores hundreds of families who still cannot afford housing.
- Mr. Angers said that he is the Chair of the Biddeford Housing Authority, both Mr. Gagnon & Cantara make strong points and they are there to help and they want to help. He would like the City to have more collaboration with the Biddeford Housing Authority.

- Chair Southwick said there are no quick solutions to complex problems. Planning Board members talk to your neighbors, and the staff will do their due diligence. We will put all the information together and make something good and lasting for the City. He appreciates all that everyone has done.
- Planner Tansley spoke on future scheduling with the Comp Plan and the PEP meetings he envisions the next meeting being on the 17th. Agenda items (among others) will be 1 Sea Spray, they will discuss their schedule through July, clearer ideas on development projects, contract zone at 5 Points, looking at the fees to keep track of the efforts for the fee. Planning Board fees are supposed to cover staff time and costs. They need to relook at the fee structure to be more representative of the work level. Larger items are coming down the road.
- Mr. Cantara asked if they will be having a Public Hearing on the items sent from the City Council
- Planner Tansley said not until they have a proposal. They will pull the amendment together and then bring the proposal to the Board, and have a Public Hearing once the Board agrees on the proposal.
- Mr. Anger asked if the Board sets the fee or does the Council. How do our fees compare to other cities, he does not want to be out of whack on fees? They will hear it from the residents when in public.
- Planner Tansley said they will make recommendations on fees and then send it to the City Council for approval.
- Mr. Droggitis asked when the fees were last updated.
- Planner Tansley said the fees have not been updated in a very long time. He then went on to explain the fee structure to the Board.
- Mr. Angers asked when the census data is scheduled to come out.
- Planner Tansley believes the census is now being litigated and the figures probably will not come out until 2022.

MOTIONS:

- Benway-Motion: to adjourn
- Angers-Second
- Chair Southwick did a roll call to Vote-Unanimous to pass the motion (4-0) Benway, Tarpey, Angers, & Plotkin in favor

Meeting was adjourned at 7:32 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.

Morse Environmental Consulting, LLC

February 4, 2021

Planning Board
City of Biddeford
P.O. Box 586
Biddeford, Maine 04005

RE: Beach Dogs KPT, LLC/ Linda Nash & Steve Rosenfield- 1 Sea Spray Drive Structure Relocation

Dear Members of the Biddeford Planning Board:

On behalf of my clients, Beach Dogs KPT, LLC, and Linda Nash & Steve Rosenfield, please find enclosed, amendments to their application to relocate a non-conforming structure located at 1 Sea Spray Drive.

On January 20, 2021, the Planning Board (Board) considered this application and received public comments. As a result of its review, the Board required additional information to be submitted for its consideration. Specifically, the Board required the following information:

- 1) A site plan depicting the 100-foot structure setback line as measured from the upland edge of the coastal wetland/salt marsh that is located on the westerly side of Granite Point Road;
- 2) A site plan depicting the footprint relocation of a possible proposed structure footprint for the coastal wetland setback determination;
- 3) A site plan that includes the septic location as designed by Albert Frick Associates, Inc, dated December 30, 2020.

Pursuant to the Board's request, I provide the attached site plan with these three elements incorporated as required by the Board. In addition to the site plan, I have attached the complete HHE-200 septic design for your records as well.

The delineation of the coastal wetland located on the westerly side of Granite Point Road was conducted on January 28th by Chris Coppi, CWS #291 (NH), LSE, of Albert Frick Associates, Inc. The delineation was GPS-located using a Trimble Geo 7x Unit. The delineated coastal wetland edge and its corresponding 100-foot structure setback line is depicted on the attached site plan.

Regarding the Board's requirement to present a proposed footprint on the plan, part of the relocation review by the Board at its January 20th meeting included discussion whether it is practical (per the "greatest practical extent" standard) to relocate the structure footprint onto an existing driveway area located immediately to the west of the existing structure. From my many years of administering these same standards, a reasonable conclusion certainly could be

www.morseenvironmental.com

mike@morseenvironmental.com

207-558-0842

16 Liberty Road, Falmouth, Maine 04105

that it is not practical to do so due to vehicle ingress/egress safety reasons, turning radius, etc. However, in demonstrating a considerable good faith effort, the applicant has conceded to relocate the proposed footprint over that portion of the driveway to accommodate the Board's apparent desire for this outcome and to promote good neighborly relations.

While this will result in an exceptionally small driveway and parking area for the property, it significantly increases the shoreline setback from both the easterly and southerly directions. You should note that the proposed footprint now meets the 100-foot minimum setback from the coastal wetland located across Sea Spray Drive to the south, and it continues to comply with the coastal wetland setback from the salt marsh located on the opposite side of Granite Point Road. The coastal wetland setback to the east increases significantly from approximately 28 feet to approximately 54 feet under the proposed footprint plan.

Considering the site conditions and specific City Code relocation standards previously discussed in the original application, the attached plan depicting the relocation of a proposed footprint to a location that is 54 feet from the upland edge of the coastal wetland in an easterly direction fully satisfies the relocation requirement. The proposed structure footprint complies with the coastal wetland setbacks to the south and west. The footprint cannot be located any further to the west without infringing on the 25-foot front line/road setback, which is not permitted in the City's Code. Relocation of the footprint any more northerly would eliminate an area of soils that has been identified by a Licensed Site Evaluator as being suitable for a future replacement septic system (see Section 12.C.3, Relocation, of the City Code- "...the location of the septic system and other on-site soils suitable for septic systems...").

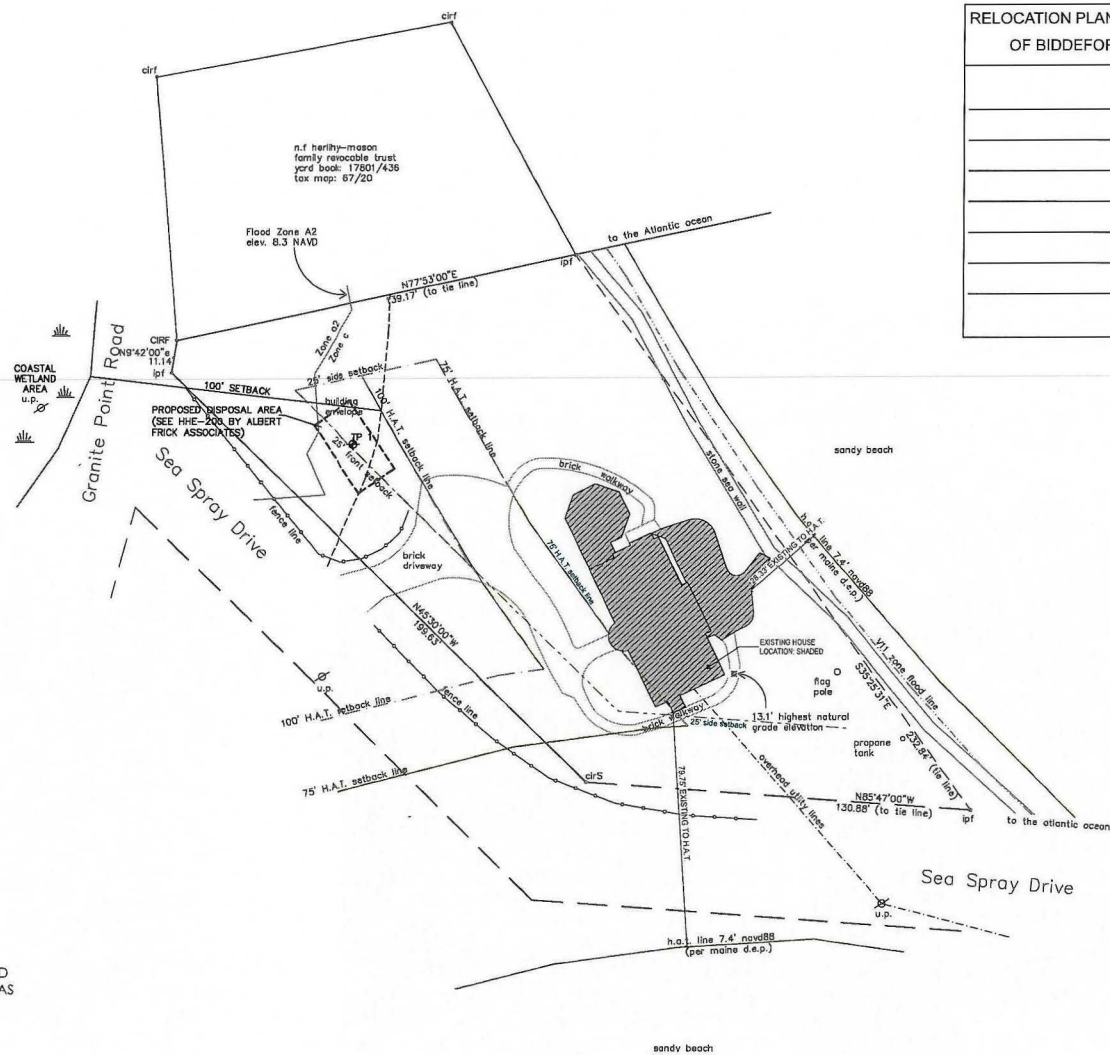
After reviewing this information, we trust that the Planning Board will readily agree that the applicant has made an exceptionally good faith effort to establish a proposed footprint that complies with the City Code relocation requirements to the greatest practical extent. As such, the applicant requests the Board's approval of the footprint relocation setback distance from the coastal wetland as identified on the attached plans, dated February 4, 2021. Those setback distances specifically would be a minimum of 100 feet from the coastal wetland to the west and south, and would be located a minimum of 54 feet from the coastal wetland edge located to the east of the footprint.

Thank you in advance for your thoughtful consideration of this matter. I look forward to discussing this with you in the near future.

Sincerely,



Mike Morse
Morse Environmental Consulting, LLC



1 SITE PLAN
SCALE: 1" = 20'

Contractor shall measure and verify all dimensions on site prior to preparation of shop drawings, fabrication of parts, ordering materials or commencing works.
This drawing is a part of a full set of drawings comprising the contract documents for the work of this project. The architect/owner accepts no responsibility for the contractors' errors or omissions if each trade does not have the full set of drawings and specifications.

Copyright 2021 ©
The material contained in these drawings and the design they are intended to convey are the exclusive property of Kevin Browne Architecture confidentially in connection with construction of the building depicted herein as authorized by Kevin Browne Architecture recipient agrees to abide by these restrictions. Any use, reproduction or disclosure of any information, in whole or in part, contained herein, without written permission of Kevin Browne Architecture, is expressly prohibited.

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NOTE: THE UPLAND EDGE OF THE COASTAL WETLAND ON THE WESTERLY SIDE OF GRANITE POINT ROAD WAS DELINEATED AND GPS LOCATED BY CHRIS COPPI, WETLAND SCIENTIST, ON JAN 28, 2021

1 SITE PLAN

SCALE: 1" = 20'

Pursuant to Article XIV, Section 12.C.4 of the City of Biddeford Code, approval of this plan establishes the wetland setback distance to the greatest practical extent. Any proposed structure hereafter that cannot meet the minimum 100-foot wetland setback must meet the minimum setback distance from the coastal wetland as depicted on this plan and approved by the Planning Board. Approval of this plan shall not constitute or otherwise establish any wetland setback requirement that is greater than 100 feet, as required by the City of Biddeford Code. Proposed footprint subject to change.

DO NOT SCALE FROM THIS DRAWING.

Contractor shall measure and verify all dimensions on site prior to preparation of shop drawings, fabrication of parts, ordering materials or commencing work. This drawing is a part of a full set of drawings comprising the contract documents for the work of this project. The architect/owner accepts no responsibility for the contractor's errors or omissions if each trade does not have the full set of drawings and specifications.

This site plan is not intended or represented to be a land or property survey. This site plan was drawn based on the survey completed 1/28/20 by Albert Frick Associates Inc., Environmental Consultants, Gorham, Maine.

Copyright 2021 © The material contained in these drawings and the design they are intended to convey are the exclusive property of Kevin Browne Architecture confidentially in connection with construction of the building depicted herein as authorized by Kevin Browne Architecture resident agrees to abide by these restrictions. Any use, reproduction or disclosure of any information, in whole or in part, contained herein, without written permission of Kevin Browne Architecture, is expressly prohibited.

This plan depicts relocation of the non-conforming structure to meet the wetland setback requirement to the greatest practical extent, pursuant to Article XIV, Section 12.C.4 of the City of Biddeford Code.

RELOCATION PLAN, APPROVED BY THE CITY OF BIDDEFORD PLANNING BOARD

State of Maine, York ss.
Registry of Deeds
Received _____, 20__
at _____ M, and recorded in
Plan Book _____, Page _____
Attest: _____
Register

Kevin Browne ARCHITECTURE
207.847.3499
www.kbarchitect.com

REVISIONS:
TESTED FOR REVISION: 2/25/21

CONSULTANTS:
ROSENFELD-NASH
1 SEA SPRAY DRIVE
BIDDEFORD, MAINE

PROPOSED SITE PLAN
DATE: 2/2/21
DRAWN: USA
PROJECT NO.: 2020-40

SCALE: AS NOTED

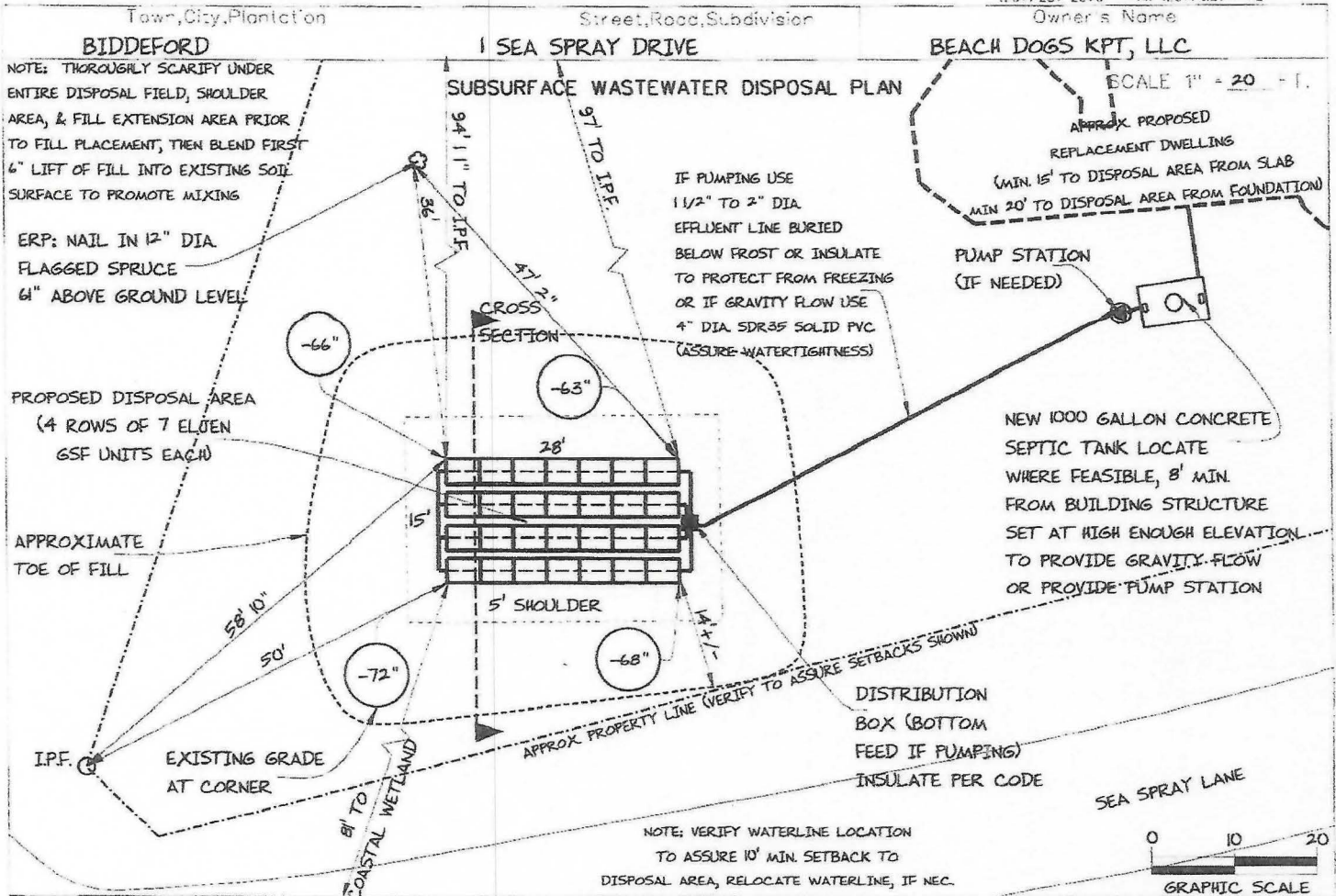
SP1.2

Maine Dept. Health & Human Services
Div of Environmental Health, 11 SHS
(207) 287-2070 FAX (207) 287-4172

11

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health and Human Services
Division of Environmental Health
(207) 287-2070 FAX (207) 287-4772
Owner's Name



FILL REQUIREMENTS

Depth of Fill (Upslope) : 24" - 27"
Depth of Fill (Downslope) : 29" - 33"
DEPTH AT CROSS-SECTION (shown below)

CONSTRUCTION ELEVATIONS

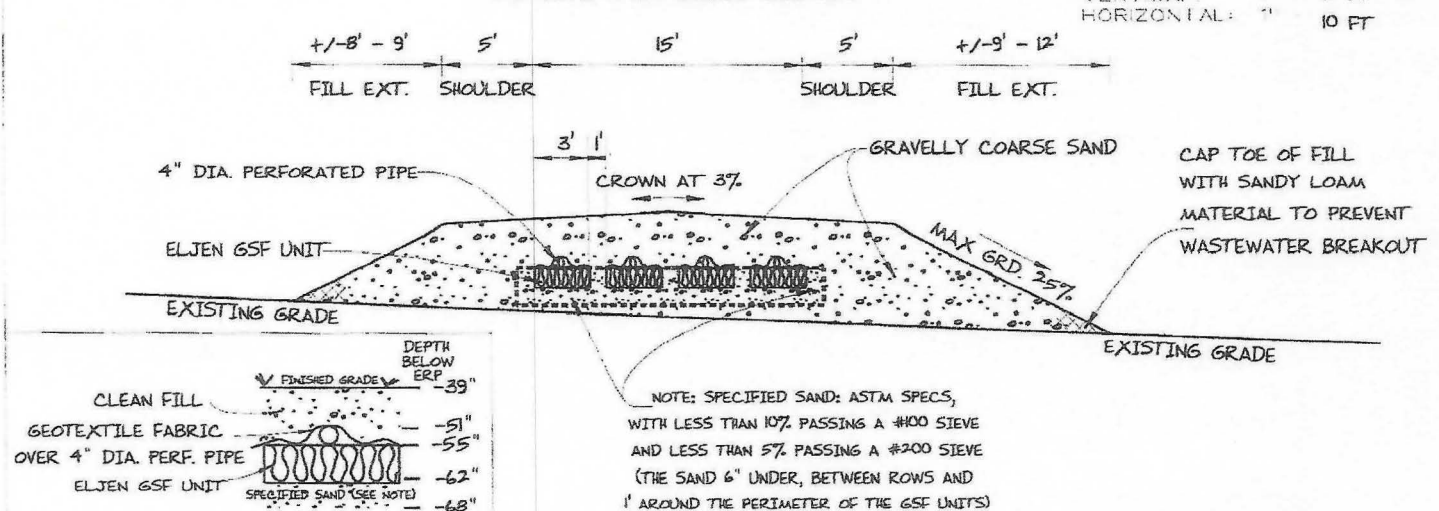
Finished Grade Elevation
Top of Distribution Pipe or Proprietary Device
Bottom of Disposal Area

SEE
DETAIL
BELOW

ELEVATION REFERENCE POINT

Location & Description 12" DIA. FLAGGED SPRUCE, NAIL 6" ABOVE BASE
Reference Elevation is: 0.0" or -----

DISPOSAL AREA CROSS SECTION



Chris Taylor Capi
Site Evaluator Signature

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12/36/26

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HIC-200 Rev. 02/11

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health and Human Services
Division of Environmental Health
(207) 287-2675 FAX (207) 287-4172

Town, City, Plantation BIDDEFORD	Street, Road Subdivision 1 SEA SPRAY DRIVE	Owner's Name BEACH DOGS KPT, LLC
ALBERT FRICK ASSOCIATES ARE NOT SURVEYORS PROPERTY INFORMATION APPROXIMATED PER SURVEY PLAN BY LIVINGSTON HUGHES DATED 9-24-20, TOWN TAX MAP AND AERIAL PHOTOGRAPH VERIFY PROPERTY LINES TO ASSURE ACCURATE LOCATION PRIOR TO SYSTEM INSTALLATION		SITE LOCATION PLAN (Attach Map from Maine Atlas Recommended)
SITE PLAN Scale 1" = 60 Ft. or as shown		

HIGH WATER MARK (ELEV 7.4' NAVD83) PER SURVEY PLAN
 EXISTING DWELLING (TO BE RAZED/ RELOCATED)
 PROPOSED DISPOSAL AREA
 IPF 12" DIA. FLAGGED SPRUCE
 PROPOSED TP 1
 SEA SPRAY LANE
 GRANITE PT RD
 COASTAL WETLAND
 APPROX. PROPOSED REPLACEMENT DWELLING (MIN 15' TO DISPOSAL AREA FROM SLAB MIN 20' TO DISPOSAL AREA FROM FOUNDATION)
 NOTE: VERIFY WATERLINE LOCATION TO ASSURE 10' MIN. SETBACK TO DISPOSAL AREA, RELOCATE WATERLINE, IF NEC.

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

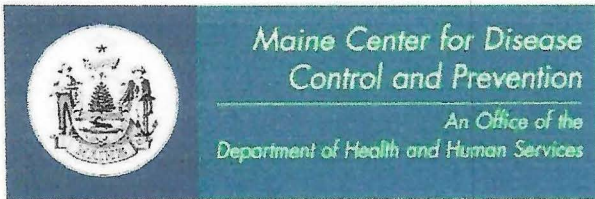
Observation Hole <u>TP 1</u> ☒ Test Pit ☐ Boring					Observation Hole <u> </u> ☐ Test Pit ☐ Boring				
Depth of Organic Horizon Above Mineral Soil					Depth of Organic Horizon Above Mineral Soil				
Texture	Consistency	Color	Moisture		Texture	Consistency	Color	Moisture	
SANDY LOAM		BLACK							
LOAMY SAND	FRIABLE	DARK YELLOW BROWN TO YELLOW BROWN							
SAND W/5-10% COBBLE/ GRAVEL		LIGHT GRAY TO DARK GRAY	FEW, FAINT	△△△ SATURATED					
Soil Classification: <u>S/L</u> <u>C</u> Slope: <u>0-3%</u> Limiting Factor: <u>23"</u>					Soil Classification: <u> </u> <u> </u> Slope: <u> </u> Limiting Factor: <u> </u>				
Ground Water Restrictive Layer: <u> </u> Bedrock: <u> </u> Pit Depth: <u> </u>					Ground Water Restrictive Layer: <u> </u> Bedrock: <u> </u> Pit Depth: <u> </u>				

Christopher Lynn
Site Evaluator Signature

403
SE *

12/30/20
Date

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Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-5672
Fax: (207) 287-4172; TTY: 1-800-606-0215

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

GENERAL INFORMATION		Town of <u>Biddeford</u>
Property Owner's Name: <u>Beach Dogs KPT, LLC</u>	Tel. No.: _____	
System's Location: <u>1 Sea Spray Lane</u>		
Property Owner's Address: <u>Linda Nash & Steve Rosenfield; 5220 N. Casa Blanca Dr. Paradise Valley, AZ</u>		Zip Code <u>85253</u>
e-mail address: _____		

The subsurface wastewater disposal system design for the subject property requires a ☒ replacement system variance ☐ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☒ local approval ☐ local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)	SECTION OF RULE
1. <u>To allow a replacement disposal area to be 81' from coastal wetland edge</u>	<u>8</u>
2. _____	_____
3. _____	_____

SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

I, Christopher Coppi, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

Christopher Coppi 1/15/21
SIGNATURE OF SITE EVALUATOR DATE

PROPERTY OWNER	
I, _____, am the ☐ owner ☐ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.	
☐ SIGNATURE OF OWNER ☐ AGENT FOR THE OWNER	DATE _____

LOCAL PLUMBING INSPECTOR - Approval at local level

The local plumbing inspector shall review all variance requests prior to rendering a decision.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) approve the requested variance. I (☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

LPI Signature

Date

LOCAL PLUMBING INSPECTOR - Referral to the Department

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.

I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

LPI Signature

Date

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and (☐ does ☐ does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

SIGNATURE OF THE DEPARTMENT

DATE

Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)

2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT
WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
TOTAL POINT ASSESSMENT:		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65



Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
731 Foss Road Limerick, Maine 04048
(207) 839-5563

BIDDEFORD

1 SEA SPRAY DRIVE

BEACH DOGS KPT, LLC

TOWN

LOCATION

APPLICANT'S NAME

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Division of Health and Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system Installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system Installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and Minimum Lot Size law) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations. Prior to the commencement of construction/installation, the local plumbing inspector or Code Enforcement Officer shall inform the owner/applicant and Albert Frick Associates, Inc of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties but not readily visible above grade should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter shall be connected in series to the proposed septic tank. Risers and covers should be installed over the septic tank outlet per the "Rules" to allow for easy maintenance of filter.

5) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than every three years.

The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine or water treatment backwash and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life.

6) All septic tanks, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration. Risers and covers should be properly installed to provide access while preventing surface water intrusion to within 6" of a finished ground surface.

Vehicular traffic over disposal system is prohibited unless specifically designed with H-20 rated components.

ATTACHMENT TO SUBSURFACE WASTEWATER DISPOSAL APPLICATION

BIDDEFORD	1 SEA SPRAY DRIVE	BEACH DOGS KPT, LLC
TOWN	LOCATION	APPLICANT'S NAME

- 7) The actual waste water flow or number of bedrooms shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed
- 8) The general minimum setbacks between a well (public or private) and septic system serving a single family residence is 100-300 feet, unless the local municipality has a more stringent requirement. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design.
- 9) When a gravity system is proposed: BEFORE CONSTRUCTION/INSTALLATION BEGINS, the system installer or building contractor shall review the elevations of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum pitch requirements. In gravity systems, the invert of the septic tank(s) outlet(s) should be at least 4 inches above the invert of the distribution box outlet at the disposal area.
- 10) When an effluent pump is required: Pump stations should be sized per manufacturer's specifications to meet lift requirements and friction loss. Provisions shall be made to make certain that surface and ground water does not enter the septic tank or pump station, by sealing/grouting all seams and connections, and by placement of a riser and lid at or above grade. An alarm device warning of a pump failure shall be installed. Also, when pumping is required of a chamber system, install a 'T' connection in the distribution box and place 3 inches of stone or a splash plate in the first chamber. Insulate gravity pipes, pump lines and the distribution box as necessary to prevent freezing.
- 11) On all systems, remove the vegetation, organic duff and old fill material from under the disposal area and any fill extension. Additional fill beyond indicated on plan may be necessary to replace organic matter. On sites where the proposed system is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling or scarifying with teeth of backhoe to a depth of at least 8 inches over the entire disposal and fill extension area to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper than 8 inches and compact before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage or differential settling). Do not use wheeled equipment on the scarified soil area until after 12 inches of fill is in place. Keep equipment off proprietary devices. Divert the surface water away from the disposal area by ditching or shallow landscape swales.
- 12) Unless noted otherwise, fill shall be gravelly coarse sand, which contains no more than 5% fines (silt and clay). Crushed stone shall be clean and free of any rock dust from the crushing process.
- 13) Do not install systems on loamy, silty, or clayey soils during wet periods since soil smearing/glazing may seal off the soil interface.
- 14) Seed all filled and disturbed surfaces with perennial grass seed, with 4" min. soil or soil amendment mix suitable for growing, then mulch with hay or equivalent material to prevent erosion. Alternatively, bark or permanent landscape mulch may be used to cover system. Woody trees or shrubs are not permitted on the disposal area or fill extensions.
- 15) If an advanced wastewater treatment unit is part of the design, the system shall be operated and maintained per manufacturer's specifications.



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PLANNING
BOARD REPORT

February 10, 2021

Biddeford Planning Board
Greg Tansley, City Planner
City of Biddeford
205 Main Street
Biddeford, Maine 04005

Application: Rosenfield-Nash Residence – Beach Dogs KPT, LLC
1 Sea Spry Drive (Tax Map 67 Lot 20-1)

Reconstruction of a Nonconforming Structure in the Shoreland Zone

Review Status: Application continued.

(Additions since last meeting in red)

Board members and Mr. Tansley,

The following application information has been provided for review:

1. Application, narrative and map/photo exhibits, prepared by Morse Environmental Consulting, LLC, dated 12/15/2020.
2. Plan entitled: *Boundary Survey of Land At 1 Sea Spray Drive, Biddeford, Maine, prepared for Linda Nash...by Livingston-Hughes Professional Land Surveying Corporation...*
3. Plan entitled: *Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine, prepared by Kevin Brown Architecture.*
4. Property Deed: Harrington to Beach Dogs KPT, LLC; BK 18377 pg318; 9/11/2020.
5. Plan entitled: *Proposed Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine, prepared by Kevin Brown Architecture. Dated 2/4/21.*
6. Subsurface Wastewater Disposal System Application prepared by Albert Frick Associates, Inc., dated 12/30/21

With review of the above information and the City's Land Development Regulations I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The project site is a developed lot located within the Shoreland Zone (Limited Residential), Coastal Residential base zone, and the Coastal Frontal Sand Dune boundary. The applicant is seeking to replace the existing building, a nonconforming structure, with a new dwelling which requires the Planning Board to determine if the new location meets the setback from the protected resource *to the greatest practical extent*. The Coastal Frontal Sand Dune boundary provides for another level of review, administered by the Maine Department of Environmental Protection (MDEP). The applicant will be required to submit an Individual Permit under the Natural Resources Protection Act (NRPA) to the MDEP for review and approval.

APPLICATION COMPLETENESS REVIEW

The application is before the Planning Board for reconstruction of a nonconforming building within the shoreland zone per Article XIV Shoreland Zoning Ordinance, Section 12.C.4 Reconstruction. As outlined in this provision, the Planning Board is required to determine to the greatest practical extent the distance the new structure can be located from the protected resource, as directed in Section 12.C.3 Relocation.

When considering the sections above and Section 16 Administration, **the application submitted appears be complete.**

COMPLIANCE WITH THE CITY'S ORDINANCES

LAND USE REGULATIONS

Section 12.C.4 allows the reconstruction of a nonconforming structure in the Shoreland Zone when the Planning Board determines the new location is at a distance *to the greatest practical extent* from the Protected Resource. The existing building is within the 100 and 75 foot Limited Residential (LR) District Setback. When determining the greatest practical extent, the Board considers factors outlined in Section 12.C.3 and included below:

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

The applicant addresses each of the above factors in the submitted narrative. It is suggested that due primarily to the limited size of the lot and building envelope defined by the minimum setbacks

from the protected resource and the street ROW (25-foot setback) that there is no suitable location other than **a minimum of 54 feet** from the easterly Highest Annual Tide (HAT) line and **a minimum of 100 feet** from southerly HAT. The proposed location is slightly further back from where the current building currently lies.

When considering the Site Plan submitted it appears the new location is not as close as possible to the 25-foot Front Yard Setback. Speaking with the applicant's agent, the applicant is concerned with the logistics (i.e. safe and reasonable maneuvering in and out) to relocating the existing driveway further back. The Board should decide if maintaining the driveway location is reasonable and will not conflict with determining that the structure location conforms to the setback from the protected resource *to the greatest practical extent*. **The applicant has submitted a new plan that incorporates the proposed building footprint and demonstrates locating the new structure as far back from the protected resource as the front 25-foot setback from Sea Spray Drive. Plans have been revised to include the 100-foot setback from the coastal wetland located across Granite Point Road, as the Board requested.**

ADDITIONAL COMMENTS

1. The Site Plan needs an approval signatory block, a recording block, and a plan note that describes the regulatory approval that is being sought. **Plans have been revised.**
2. **The Boundary Survey prepared by Livingston-Hughes (previously submitted) should be referenced on the final plans prepared by Kevin Brown Architecture, as the base information that is, presumably, be utilized.**
3. **The Boundary Survey should also be recorded along with the Planning Board approved plans.**

WAIVER REQUESTS

None requested.

CONCLUSION

The Planning Board should review Section 12.C.4 and 12.C.3 for the determination to locating a new nonconforming structure from the protected resource to the greatest practical extent, as well as Section 16.D that includes the approval criteria where a positive finding by the Board is required.

The submitted application appears to address the applicable provisions in the City's Shoreland Zoning Ordinance (Article XIV) and is not contrary to the nine criterions outlined in 16.D. A conditional approval (conditioned to plan revisions recommended) appear to be in order.

SUGGESTED MOTION

Move to approve with conditions the application for Beach Dogs KPT, LLC, at 1 Spray Drive, Tax Map 67, Lot 20-1 for the Reconstruction of a Nonconforming Structure within the Shoreland Zone.

See attached Draft Findings of Fact for suggested conditions of approval.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo
Contract Planner for the City of Biddeford
cdimatteo@longmeadowpla.com
207.604.4245

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
RECONSTRUCTION OF A NONCONFORMING STRUCTURE
WITHIN THE SHORELAND ZONE**

Determination of the Setback to the Greatest Practical Extent

Pursuant to the provisions of the City of Biddeford Land Development Regulations Article XIV, Shoreland Zoning, the Biddeford Planning Board has considered the application of **Beach Dogs KPT, LLC**, including supportive data, public hearing testimony and related materials contained in the record. Based on Public Comment and Staff's review and recommendation, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1.	Applicant:	Linda Nash and Steve Rosenfield Beach Dogs KPT, LLC 5220 N Casa Blanca Drive Paradise Valley, AZ 85253
2.	Owner of Property:	Beach Dogs KPT, LLC 5220 N Casa Blanca Drive Paradise Valley, AZ 85253
3.	Agent:	Mike Morse Morse Environmental Consulting, LLC 16 Liberty Road, Falmouth, ME 04105
4.	Surveyor:	Livingston- Hughes Professional Land Surveying Corporation 88 Guinea Road Kennebunkport, ME 04046
4.	Project Location:	1 Sea Spray Drive Biddeford, ME 04005
5.	Project Tax Map #/Lot #:	Tax Map 67, Lot 20-1
6.	Lot Size:	28,385 SF +/-
7.	Existing Zoning:	Coastal Residential
8.	Overlay Zoning:	Limited Residential (LR) Shoreland Zone
9.	Designations:	Frontal Coastal Dune Boundary
10.	Existing Use:	Single-family dwelling
11.	Proposed Use:	Single family dwelling
12.	Floodplain Status:	None
13.	Approvals Required:	Determination of Greatest Practical Extent
14.	Uses in the Vicinity:	Single family dwelling
15.	Dimensional Requirements:	New Residential Structure to be located the Greatest Practical Extent from the resource as depicted on the approved plans

		submitted by Kevin Brown Architecture, Dated 2/4/21, entitled “Proposed Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine”, 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.
	Min. Setback from R.O.W: 25 FT	Minimum Rear Setback: 25 FT
	Minimum Side Setback: 25 FT	Maximum Height: 3 stories / 35 FT
	Minimum Setback from the normal high-water line (Highest Annual Tide) of other water bodies, tributary streams, or the upland edge of a wetland: 100 FT. Reconstruction of a nonconforming structure located less than the required setback for a new structure is to be located to the greatest practical extent from the protected resource as depicted on the approved plans (referenced below) and signed by the Planning Board considering all factors outlined in Section 12.C.3 and 12.C.4 of Article XIV (Shoreland Zoning Ordinance) of the City’s Land Development Regulations and subject to the Board’s Conditions of Approval.	
16.	Waivers Needed:	a. None
17.	Waivers Granted:	a. None
18.	Variances Needed for Approval:	None.
19.	Other Approvals Required:	Building Permits from the Biddeford Code Enforcement Office.
20.	Other Permits Obtained:	None.
21.	Other Non-City Permits Required:	Maine DEP NRPA Permit – Coastal Dune
22.	LDR Attachment A: Fees Paid:	Yes
23.	Application Materials Submitted: 1. Application, narrative and map/photo exhibits, prepared by Morse Environmental Consulting, LLC, dated 12/15/2020. 2. Plan entitled: <i>Boundary Survey of Land At 1 Sea Spray Drive, Biddeford, Maine, prepared for Linda Nash...by Livingston-Hughes Professional Land Surveying Corporation...</i> 3. Plan entitled: <i>Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine, prepared by Kevin Brown Architecture.</i> 4. Property Deed: Harrington to Beach Dogs KPT, LLC; BK 18377 pg318; 9/11/2020. 5. Plan entitled: Proposed Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine, prepared by Kevin Brown Architecture. Dated 2/4/21. 6. Subsurface Wastewater Disposal System Application prepared by Albert Frick Associates, Inc., dated 12/30/21	

24.	Planning Board Review History:	
	Final (1 st) Review and Determination of Greatest Practical Extent:	January 20, 2021
	Final Review and Determination of Greatest Practical Extent:	February 17, 2020

Conclusions of Law:

The Planning Board concludes based on the following that the proposed location of the nonconforming structure at 1 Sea Spray Drive, being 33.71 feet from the easterly Highest Annual Tide (HAT) line and 86.74 feet from southerly HAT, and as depicted on the approved plan for Beach Dogs KPT, LLC is in compliance with the required shoreline setback to the greatest practical extent.

1. Pursuant to the City's Land Use Regulations, Article XIV, Section 12.C, when considering the relocation, reconstruction or replacement of a nonconforming structure located less than the required setback from the shoreline, the Planning Board shall consider the following:
 - a. ***The size of the lot:*** Modest lot size and required minimum setbacks limits locating the structure further from the Highest Annual Tide elevation than shown on the plan;
 - b. ***The slope of the land:*** The topography is modest in relief and does not limit the location of the structure, however, will not impede on adequate draining of wastewater from house to replacement septic;
 - c. ***The potential for soil erosion:*** There are no soil conditions or features that would yield soil erosion from proposed activity or affect the location of the structure;
 - d. ***The location of other structures on the property and on adjacent properties:*** There are no other structures on the property, and the structures located adjacent to the property do not limit the location of the structure, however; the existing driveway limits locating the structure to the west due to property located in the Frontal Coastal Dune Boundary;
 - e. ***The location of the septic system and other on-site soils suitable for septic systems:*** The existing and planned replacement septic location do not limit locating the structure further away from the protected resource; and

- f. The type and amount of vegetation to be removed to accomplish the relocation:* The type and amount of vegetation likely to be removed is not significant and does not limit locating the structure further away from the protected resource.
2. Pursuant to the City's Land Use Regulations, Article XIV, Section 16.D, the Planning Board, based on the application submitted and information presented makes positive findings on the following:
- a. Will maintain safe and healthful conditions;* The structure's location is further from the shoreline.
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;* The structure's location is further from the shoreline. Erosion and Sedimentation practices are to be in place for construction.
 - c. Will adequately provide for the disposal of all wastewater;* A new subsurface wastewater system will be reviewed and approved by the City's Plumbing Inspector prior to the issuance of a building permit.
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;* There are no such areas in proximity to the property that would incur an adverse impact.
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;* The structure's location is further from the shoreline.
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;* The property has no designation.
 - g. Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district;* There are no such districts in proximity to the property that would incur an adverse impact.
 - h. Will avoid problems associated with floodplain development and use;* The property is not located in the flood hazard zone. *and*
 - i. Is in conformance with the provisions of Section 15, Land Use Standards.* The Applicant is required to submit a building permit application to the Code Enforcement Officer for review and approval, including conformance to Section 15.

Determination:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the application described herein with the following conditions:

Conditions of Approval:

Standard Shoreland Zoning Requirements related to Section 12.C.3 and 12.C.4 of Article XIV as follows:

1. **No new (reconstruction) structure is permitted closer to the shoreline as what is depicted on the approved plan entitled: *Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine, prepared by Kevin Brown Architecture*, with the revision date 2/14/2021.**
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. **The Code Enforcement Officer shall review and approve conformance to Section 15 of the Shoreland Zoning Ordinance.**
5. **Obtain all required permits from Maine Department of Environmental Protection and the Biddeford Code Enforcement Office.**
6. **This approval shall expire one year from the date below if a substantial start is not made in construction. If a substantial start is made within one year of the date below, the applicant shall have one additional year to complete the project, thereafter this approval shall expire.**



Planning Board Chairman

Date