

*City of Biddeford*

**Planning Board**

**February 16, 2022 6:00 PM Zoom: Feb 16, 2022 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/94877694852?pwd=N1BEVCtTTU53VXIWFWMISbjBtckx2dz09>**

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**Webinar ID: 948 7769 4852**

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**1. DECLARATION OF QUORUM/VOTING MEMBERS**

**2. ADJUSTMENTS TO THE AGENDA**

**3. PLANNER'S BUSINESS**

**4. CONSENT AGENDA**

4.A. Approval of Meeting Minutes from February 2, 2022 and February 9, 2022

[PB Minutes 020222-DRAFT.pdf](#)

**5. NEW BUSINESS**

5.A. 2021.05 Public Hearing, take comments, and make a recommendation to the City Council regarding a zoning amendment to revise the Historic Preservation Ordinance. This amendment would remove the 90-day demolition stay provision for buildings listed on the National Register. This change is required by the U.S. Department of the Interior in order for Biddeford to attain "Certified Local Government" status through the Maine Historic Preservation Commission, opening new grant opportunities for historic preservation purposes.

[Memo HPC Ordinance Revision Feb 16 2022.pdf](#)

[Historic Preservation Ordinance Feb 2022 REV.pdf](#)

**6. UNFINISHED BUSINESS**

6.A. 2021.31 Final Review of a 6-Lot Cluster Subdivision for Ginger Hill Design + Build at 918 Pool Street (Tax Map 4, Lot 48) in the Coastal Residential (CR) and Rural Farm (RF) Zones.

[Draft FOF for 918 Pool Street \(Windward Ridge\).pdf](#)

[Board Report - Pool St Final Subdv Plan \(Ginger Hill\) \(2-11-22\).pdf](#)

[2022-02-10 Windward Compiled Resubmission.pdf](#)

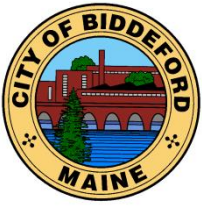
6.B. 2021.30 Final Review of a 6-Lot Cluster Subdivision for Ginger Hill Design + Build at

158 Oak Ridge Road (Tax Map 4, Lot 57) in the Rural Farm (RF) Zone.  
[Board Report - Oak Ridge Final Subdv Plan \(Ginger Hill\) \(2-11-22\).pdf](#)  
[Draft FOF for 158 Oak Ridge Road \(Leeward Meadows\).pdf](#)  
[2022-02-10 Leeward Compiled Resubmission.pdf](#)

**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

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### Planning Board Meeting Minutes **DRAFT**

**Date:** February 2, 2022  
**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: Bill Southwick (Chair), Roch Angers, Bruce Benway, Sean Tarpey, Spiros Droggitis, Alexa Plotkin (Alternate) and Michael Cantara (Alternate)  
Staff Present: Greg Tansley (Planner), Hannah Bonine (Asst. Planner), Nan Whitten  
Chair Southwick opened the meeting at 6:00 PM
2. Adjustments to the Agenda
3. Planner's Business
4. Consent Agenda  
4 A. Approval of Planning Board Meeting Minutes from January 19, 2022 & January 26, 2022  
MOTIONS: 6:02 PM  
Benway-Motion- to approve the Meeting Minutes from January 19, 2022 & January 26, 2022  
Angers-Second  
Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey & Droggitis)
5. Unfinished Business
6. New Business  
6. A. 2022.01 Conditional Use Permit & Shoreland Zoning Permit for the City of Biddeford for Replacement of a Pump Station at 432 Main St. & 20 Horrigan Ct (Tax Map 34, Lot 16 & 16-1) in the B1 & GD-2 Zones
  - Craig Chekan & Tom Milligan from the City of Biddeford Engineering Department introduced and described the project.
  - There were no public commentsMOTIONS: 6:26 PM  
Benway-Motion-To approve the Conditional Use Permit and Shoreland Zoning Permit for the City of Biddeford based on the plans submitted by Wright-Pierce, dated December 2021, with "For Bidding" date of December 17, 2021, at Horrigan's Court and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Staff Report dated January 29, 2022. The Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares

that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board.

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey & Droggitis)

6. B. 2021.31 Final Review of a 6-Lot Cluster Subdivision for Ginger Hill Design + Build at 918 Pool Street (Tax Map 4, Lot 48) in the Coastal Residential (CR) and Rural Farm (RF) Zones.

- Christopher DiMatteo, Consulting Planner updated the Board on the changes and updates made for the project.
- Representing the applicants:  
Bill Walsh of Walsh Engineering  
Connor Ritter of Walsh Engineering  
Emily Ingwersen-Ginger Hill Design & Build
- Speakers from the public:  
Richard Rhames

MOTIONS: 6:45 PM

Benway-Motion-To approve the Cluster Subdivision and Conditional Use Permit for Ginger Hill at 918 Pool Street based on the plans submitted by Walsh Engineering, dated January 12, 2022 and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Draft Findings of Fact in the Planning Board packet for February 2, 2022. The Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by individual members of the Planning Board.

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Failed, 1-3 (Benway in favor, Angers, Tarpey & Droggitis against).

- Mr. Walsh asked how they had not met the ordinance requirements
- Ms. Ingwersen said she did not feel they had a chance to address comments.
- Mr. Benway said he was uncomfortable having a discussion following a vote

MOTIONS: 6:48 PM

Benway-Motion-To allow the applicant to address the Board after vote

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey & Droggitis)

- Ms. Ingwersen addressed the open space and clearing concerns. She acknowledged that they will restrict the clearing of lot 5 and will make other changes to please the Board.
- Mr. Cantara that in his opinion they should reconsider the note on page 3 regarding maximum clearing. He asked if it would be appropriate to reconsider the Board's earlier vote based on this conversation with the applicant.
- Chair Southwick said he would consider that and ask the Board's opinion. He said he was concerned about the note on buffering on page 4 and asked the applicant to relook at this point. He asked Planner Tansley if it is appropriate for the Board



to give the applicant specific direction on changes to make to be more in line for the Board to give an approval on the project.

- Mr. Benway asked the Planner if he saw any ordinance violations. Planner Tansley said he sees no violations. Developers can always improve on their subdivisions; he is not sure what else can be done by the applicants to get approval.
- Planner Tansley brought up the Existing Conditions Plan to clarify what the Board is looking for in changes to the plan. He then showed the difference between the standard subdividing and cluster subdividing of the property. He said he thought it might be useful for the Board to see the differences. He told the Board that the applicant made the project more “clustery” but at the same time, the applicant has to adhere to the ordinance with minimum lot size and setbacks.
- Mr. Walsh addressed the comment by Mr. Di Matteo saying the applicant did not comply with the request to add more plantings in an area. The area in question has several unknowns and he suspects it is ledge. He talked about the grading of the lots.
- Ms. Ingwersen mentioned they were also concerned about site distance in some areas where plantings were requested.
- Mr. Benway asked for an explanation from each of the members who voted no:  
Mr. Droggitis denied the motion because there were items in the report not addressed; he feels loose ends need to be tied up.  
Mr. Tarpey feels the lot at the top isolates the open space. He would like to see a nicer, less chopped up cluster subdivision. He wants more connectivity of the property for dog walking.  
Mr. Angers is concerned about items not being addressed, buffering issues and the connectivity issues.
- Planner Tansley clarified that the Board wants 1) more connectivity for dog walking 2) additional buffers on lots 1 & 6.

**MOTIONS: 7:12**

**Benway-Motion**-To reconsider the original motion to approve the Cluster Subdivision and Conditional Use Permit for Ginger Hill at 918 Pool Street based on the plans submitted by Walsh Engineering, dated January 12, 2022 and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Draft Findings of Fact in the Planning Board packet for February 2, 2022. The Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by individual members of the Planning Board.

**Angers-Second**

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey & Droggitis)

**Benway-Motion**-To postpone review of the Ginger Hill 918 Pool Street Subdivision and Conditional Use Permit until February 16, 2022 in order for the applicant to address the issues raised tonight.

**Angers-Second**

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey & Droggitis)

**6. C. 2021.30 Final Review of a 6-Lot Cluster Subdivision for Ginger Hill Design + Build at 158 Oak Ridge Road (Tax Map 4, Lot 57) in the Rural Farm (RF) Zone.**

- Mr. DiMatteo re-introduced the project and updated the Board on changes made.
- Representing the applicants:  
Bill Walsh of Walsh Engineering  
Connor Ritter of Walsh Engineering  
Emily Ingwersen-Ginger Hill Design & Build
- Speakers from the public:  
Richard Rhames
- The Board discussed the project with the applicant:  
Open space issues  
Land Trust/Solar Panels  
Removal of dead & dying trees vs no motorized vehicles on land  
Clarification: No ATVs or snowmobiles  
The fact that it abuts Meadow Woods preserve
- It was suggested the applicant resolve the issues mentioned and bring the project back in 2 weeks.
- It was also suggested that the applicant re-look at page 4, paragraphs 6,7 & 8
- To clarify what vehicles are and are not allowed in the notes
- Be very specific in notes
- Public Access for all open space held by the Land Trust
- Clarify the no solar panels issue

**MOTIONS: 8:07PM**

**Benway-Motion-To postpone the review of the Ginger Hill 158 Oak Ridge Road Subdivision and Conditional Use Permit (Cluster) in order for the applicant to address the items discussed in tonight's meeting.**

**Angers-Second**

**Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Droggitis & Tarpey)**

**6. D. 2021.50 Conditional Use Permit for reconstruction/replacement of the existing substation for Central Maine Power Company at 466-468 South Street (Tax Map 2, Lot 40-1) in the SR1 Zone.**

- Mr. DiMatteo updated the Board on changes made by the applicant.
- Representing the applicant  
Mark Christopher  
Jeremy Pettengill  
Marc Inman  
Jack Wu
- Speaking from the public:  
Alex White-475 South Street (representing neighbors)  
Anthony Chicco-3 Fox Hollow Drive
- The Board discussed issues with the applicant:  
Buffers on the street  
No clear cutting

Trees on the road  
Lighting

**MOTIONS: 9:02 PM**

**Benway-Motion-** To approve the Conditional Use Permit and Site Plan for Central Maine Power Co. at 466-468 South Street based on the plans submitted by TRC Companies, as amended, and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Draft Findings of Fact in the Planning Board packet for February 2, 2022. The Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board.

No second-motion dead.

**MOTIONS: 9:18 PM**

**Benway-Motion-** To postpone the review of the Central Maine Power Co. application in order for the applicant to address to the greatest extent possible the issues with the local residents and propose Conditional Use standards as outlined in the ordinance.

**Angers-Second**

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Droggitis & Tarpey)

**6. E. 2022.02 Sketch Plan Review for 3 Lincoln, LLC to redevelop the former MERC site (3 Lincoln St. — Tax Map 71, Lot 2) in the MSRD-3 & GD-1 Zones.**

- Planner Tansley introduced the project
- Representing 3 Lincoln LLC are as follows:  
Peter Heil-Acorn Engineering  
Marieke Thormann-Fathom Companies  
Jesse Thompson-Kaplan Thompson Architects
- The applicants described their project with commercial design
- Retail on Pearl Street
- They have mixed use for lots 1 & 3
- They talked about affordable housing vs market rate
- They have no plans for the MERC smoke stack as it is not on their property technically

**7. Other Business**

**8. Adjourn**

**MOTIONS: 10:00 PM**

**Benway-Motion-** to adjourn

**Angers-Second**

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Droggitis & Tarpey)

**Meeting adjourned at 10:00 PM**

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**Planning Board Chair/Vice Chair**

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**Date**

**These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: [www.biddefordmaine.org](http://www.biddefordmaine.org).**



## Planning Board

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**Meeting Date:** February 16, 2022

**Meeting Time:** 6:00 pm

**Agenda Item No:** 2016-6841

**Item Description:** Amendment to Historic Preservation Ordinance

**Submitted by:** Brad Favreau, Economic Development Coordinator

**Supporting Information/Documentation:**

Legislative edits to Article XV Sections 5 and 14

**Key Terms:**

N/A

**Executive Summary:**

The City's Application for Certified Local Government status has been approved by the Maine Historic Preservation Commission, however; the National Park Service's review of our application has found an additional revision necessary for clarification prior to Federal approval of our application.

**Detailed Review:**

In July 2021, the Biddeford Planning Board approved revisions to the Historic Preservation Commission that were necessary for the City to apply for Certified Local Government (CLG) status with the Maine Historic Preservation Commission and the National Park Service of the Department of the Interior (NPS). This status allows a higher level of preservation due to greater grant opportunities available to CLG communities. With this status, the Biddeford Historic Preservation Commission will be better able to preserve and protect Biddeford's historic assets. The City applied for (CLG) status in December 2021. This application was reviewed by the Maine Historic Preservation Commission and found to be in order. In January 2022 the City was notified by State officials that the NPS requested an additional clarification to the Ordinance before approval can be granted.

Our Ordinance, prior to this amendment, did not allow for jurisdiction by the commission over properties designated as historically significant locally, outside the historic districts and not on the National Register. For example, if the Commission designated a building in Biddeford Pool as historically significant, because it is not in the historic district, and because it is not on the National Register, the commission would have no oversight on this property. This amendment applies to Section 5.

The NPS has also required the removal of one line regarding demolition delay as it relates to properties on the National Register of Historic Places.

The NPS does not place demolition delay restrictions, at the federal level, on properties listed on the National Register. It will not allow a CLG to impose such restrictions unless such a property is designated with historic significance at the local level. This amendment applies to Section 14.

With these clarifications, the NPS will grant Biddeford CLG status, and the City will be eligible for 2022 grant announcements.

A CLG grant application, due to the Maine Historic preservation Commission will directly follow notice of approval

**Funding Source:**

N/A

**Staff Recommendation:**

Staff recommends this revision to the ordinance. This change is the final step before being granted Certified Local Government status.

## **Article XV**

### **HISTORIC PRESERVATION ORDINANCE**

#### **Section 1. Authority.**

This ordinance is adopted by the municipal officers of the City of Biddeford, Maine, pursuant to the authority granted under 30-A M.R.S.A. § 3001 and § 3007.

#### **Section 2. Purpose and intent.**

- A. Purpose. The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the City of Biddeford by providing a legal framework within which the residents of the City can protect the historic and architectural heritage of historically significant areas, landmarks and sites while accepting compatible new construction.
- B. Intent. The intent of this ordinance is to create a legal mechanism to further the above-mentioned purpose and to:
  - 1. Protect, preserve and enhance the outward appearance and architectural features of structures within designated historic districts and of designated historic landmarks.
  - 2. Protect and enhance neighborhood character.
  - 3. Enhance the economic welfare of the City by stabilizing and improving the values of structures and properties within designated historic districts.
  - 4. Protect and enhance the attractiveness of the City to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers.
  - 5. Foster civic pride in the City's history and development patterns as represented in such designated historic districts and landmarks.
  - 6. Apply design standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.
  - 7. Prevent the demolition or removal of significant historic buildings or structures within designated historic districts or of designated historic landmarks.
  - 8. Preserve, protect and enhance the essential character of designated historic districts by protecting relationships of groups of buildings and structures.
  - 9. Accept new buildings and structures in designated historic districts, which are designed and built in a manner which is compatible with the character of the district.
  - 10. Encourage the use of environmentally sustainable practices in building

construction and renovations, while supporting the purpose of this ordinance being historic preservation. **[Amended 8-3-2021 by Ord. No. 2021.72]**

### **Section 3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ALTERATION** — Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including, without limitation, the repair, reconstruction, demolition or relocation of any structure or object or any part of a structure or object.

**ALTERED** — The word altered includes "rebuilt," "reconstructed," "rehabilitated," "restored," "removed" and "demolished."

**APPLICANT** — A person who submits an application for issuance of a certificate of appropriateness.

**APPLICATION** — A form submitted for approval of alteration, construction, demolition or removal that requires issuance of a certificate of appropriateness.

**APPROPRIATE** — Refers to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission or its designee.

**APPROVAL AUTHORITY** — Either the Commission or its designee as provided for in Section 8 of this ordinance. **[Amended 8-3-2021 by Ord. No. 2021.72]**

**ARCHAEOLOGICAL RESOURCE** — An archaeological site or bounded geographical location containing the physical evidence of previous human occupation, including but not limited to structures, artifacts, graphics (paintings or drawings) and discarded material, including plants or animals. **[Added 8-3-2021 by Ord. No. 2021.72]**

**CERTIFICATE OF APPROPRIATENESS** — A certificate issued by the Commission or its designee evidencing approval of specific plans for alteration of a structure or construction on a site in accordance with this article.

**CERTIFICATE OF ECONOMIC HARDSHIP** — A certificate issued by the Commission or its designee evidencing a hardship variance approved by the Board of Appeals in accordance with Section 13E of this ordinance. **[Amended 8-3-2021 by Ord. No. 2021.72]**

**CERTIFICATE OF NONAPPLICABILITY** — A certificate issued by the Commission or its designee evidencing a determination that specific plans for alteration of a structure or construction on a site do not require approval under this article.

**COMMISSION** — The Commission acting as the Historic Preservation Commission established in Section 8 of this ordinance. **[Amended 8-3-2021 by Ord. No. 2021.72]**

**CONSTRUCTION** — The adding to a structure by an addition, or the erection or placement of any new structure on a lot or property.

**CONTRIBUTING** — A classification applied to a site, structure or object within an historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archeological significance as embodied in the criteria for designating an historic district, but without being itself a landmark. See



Section 19 of this ordinance.**[Amended 8-3-2021 by Ord. No. 2021.72<sup>1</sup>]**

DEMOLITION —

- A. Any act or process that partially or totally destroys a structure or object.
- B. The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

DEPARTMENT — The Planning and Development Department.**[Amended 8-3-2021 by Ord. No. 2021.72]**

EXTERIOR ARCHITECTURAL FEATURE — The parts, elements, and general arrangement of the exterior of a building or structure, including but not limited to:**[Amended 8-3-2021 by Ord. No. 2021.72]**

- A. The kind, type, and texture of the building materials;
- B. The type and style of elements, including, but not limited to, windows, doors, lights, dormers, roofs, gable cornices, porches, and decorative trim;
- C. Signs; and
- D. Fencing.

HISTORIC (adj.) — Important in or contributing to history.**[Amended 8-3-2021 by Ord. No. 2021.72]**

HISTORIC DISTRICT — Any place or area which includes or encompasses such historic landmarks, buildings, signs, appurtenances, structures or objects as may be designated within this ordinance in Section 5 as appropriate for historic preservation.

HISTORIC LANDMARK — Any improvement, building or structure of particular historic or architectural significance to the City relating to its heritage or cultural, social, economic or political history or which exemplifies historic personages or important events in local, state or national history, as may be designated in accordance with this article. An historic landmark does not necessarily need to be located within an historic district.**[Amended 8-3-2021 by Ord. No. 2021.72<sup>2</sup>]**

MAJOR REPAIR — Any exterior alteration that does not qualify as a minor repair.**[Added 8-3-2021 by Ord. No. 2021.72]**

MASSING — The perception of the general shape and form as well as size of a building.**[Added 8-3-2021 by Ord. No. 2021.72]**

MINOR REPAIR — Exterior alterations that do not change materials, form, style, or overall appearance, and are only necessary to correct deficiencies resulting from normal wear and tear.**[Added 8-3-2021 by Ord. No. 2021.72]**

NONCONTRIBUTING STRUCTURE — Any structure which is neither a contributing structure within a district nor a landmark and is not identified as contributing in Section 19 of this ordinance.**[Amended 8-3-2021 by Ord. No. 2021.72]**

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1. Editor's Note: This ordinance also repealed the former definition of "contributing structure," which immediately followed this definition.

2. Editor's Note: This ordinance also repealed the former definitions of "historic significance" and "landmark," which immediately followed this definition.

**OBJECT** — A material thing of functionality, aesthetic, cultural, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.**[Amended 8-3-2021 by Ord. No. 2021.72]**

**ORDINARY MAINTENANCE** — Acts of maintenance or repair which do not include a change in the design, material or outer appearance of a structure, including, without limitation, repainting, replacement of materials or windows of the same scale, texture and color, and landscaping other than within an historic landscape district.

**OWNER** — The person or persons holding record title to the building, site or property; provided, however, the last previous tax roll in the records of the City Assessor's office may be relied upon as showing record ownership in the absence of substantial evidence to the contrary.

**PROPERTY** — Land and improvements identified as a separate lot for purposes of subdivision, site plan, or zoning regulation.

**RELOCATION** — Any removal or relocation of a structure on its site or to another site.

**RESTORATION** — Any act which returns a structure or a feature of a structure to a prior state of historic significance.

**RHYTHM** — Characterized by the regular recurrence of strong and weak elements.

**SCALE** — The size or apparent size of an object seen in relation to other objects, people, or its environment or format.**[Added 8-3-2021 by Ord. No. 2021.72]**

#### **Section 4. Applicability. [Amended 8-3-2021 by Ord. No. 2021.72]**

This ordinance shall apply to exterior alterations of buildings, structures, and exterior architectural features, as identified in Section 10A, either located within a designated historic district or designated as an historic landmark in Section 5 of this 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 within MSRD-3 located northwest of Elm Street. **[Amended 8-3-2021 by Ord. No. 2021.72]**
3. Mixed Residential Historic District, as defined by the MSRD-2 Zone.

**B. Landmarks:**

1. All such structures/places, not including districts, identified on the National Register of Historic Places, prior to amendment by Order No. 2021.72.
2. All such structures or properties designated as historically significant by the



**Section 6. Eligibility for historic designation. [Added 8-3-2021 by Ord. No. 2021.72<sup>3</sup>]**

The historic districts, historic sites, and historic landmarks established in accordance with this article shall have one or more of the following characteristics:

- A. History of Biddeford. Structures, buildings or sites at which events have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, or social history of Biddeford or the nation, including sites or buildings at which visitors may gain insight or see examples of particular items or of larger patterns in the North American heritage.
- B. Persons. Structures, buildings, or sites associated with important historic persons.
- C. Architecture. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living; landscaping; a single notable structure; or a site representing the work of a master builder, master designer, architect or landscape architect.
- D. Visual continuity. Structures or buildings contributing to the visual continuity of the historic district.
- E. National Register. Those sites or areas listed on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

**Section 7. Establishment of historic sites, landmarks, and new historic districts; expansion of existing historic districts. [Added 8-3-2021 by Ord. No. 2021.72<sup>4</sup>]**

- A. Amendment process. Any person, including acting members of the Historic Preservation Commission, seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission's recommendation concerning the request, the City Manager shall place the matter on the agenda of the City Council. Any applications or designation of buildings, structures, sites and districts shall be in writing.
- B. Application requirements. Applications shall be in writing and shall include the following, as appropriate:
  - 1. For individual properties, a letter of consent from the property owner.
  - 2. A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
  - 3. A concise statement of how the building, structure or site meets the review criteria of this article.

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3. Editor's Note: This ordinance also renumbered former Sections 6 through 17 as Sections 8 through 19, respectively.

4. Editor's Note: This ordinance also renumbered former Sections 6 through 17 as Sections 8 through 19, respectively.

4. Exterior photographs of the building or structure, and/or a site map, illustrating significant details. In addition, the Commission may request photographs of interior features of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.
  - a. A concise statement of the physical elements which justify making this area an historic district and a description of building types and architectural styles and periods represented.
  - b. An explanation of the proposed boundaries of the district.
  - c. Details on the structures that do not contribute to the significance of the district.
  - d. A map showing the location of all district structures.
- C. Studies and recommendations. Before making its recommendation concerning the proposed establishment or expansion of an historic district, historic site or historic landmark, the Commission may conduct studies and research on the proposal. The Commission shall make a report to the City Manager on every request received within six months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review.
- D. Public hearing. Prior to making a recommendation concerning the proposed establishment or expansion of an historic district, historic site, or historic landmark, the Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation and property within a 200-foot radius of the property under consideration.
- E. Final report. Not later than 30 days after the public hearing, the Commission shall submit a final report to the City Council with the Commission's recommendation.
- F. Action by the City Council. After receipt of the Commission's recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within 20 days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice.
- G. From the time of nomination until the Historic Preservation Board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of Section 12 governing demolition, to the same extent as if designated. Upon final action of the Historic Preservation Board recommending designation, the site, structure, object, or area nominated shall be subject to all of the protections of this article until a final decision on designation by the City Council becomes effective. If the City Council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of Section 14 of this article.
- H. Applicability of this section. All land, buildings or structures within an historic

district are subject to the requirements of this article after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this article after they have been so designated by the City Council.

### **Section 8. Historic Preservation Commission membership; meetings.**

#### **A. Membership.**

1. The Board shall consist of seven members, five voting members and two associate members, each a resident of the City of Biddeford. Each member shall be nominated by the Mayor, confirmed by the City Council, for a three year-term. The Mayor shall have the discretion of appointing members and associate members to the Commission with terms expiring after two years but less than three years for the purpose of staggering appointments throughout a calendar year.
2. Associate members may be made voting members of the Board upon the retirement or no appointment of a voting member. Associate members are expected to participate in all hearings and discussions. They shall vote only if the Chair appoints an associate to act in place of a regular member who is absent or has been disqualified because of conflict of interest.
3. When there is a permanent vacancy, the Mayor shall nominate, with confirmation by the City Council, a new member to serve for the remainder of the unexpired term. Vacancies shall be filled within 60 days. **[Amended 8-3-2021 by Ord. No. 2021.72]**
4. No serving municipal officer or official of the City of Biddeford shall serve as a member or associate member of the Board.

#### **B. Member qualifications.**

1. All members of the Commission shall be residents of the City of Biddeford.
2. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Biddeford. To the extent possible, members should have a background in architecture, historic preservation, planning, engineering, building construction, or a combination thereof.
3. Ideally a member of the Biddeford Historical Society would be a member, as well as a resident of one of the Historic Districts designated by this ordinance.

#### **C. Removal of an Historic Preservation Commission member.**

1. Members of the Commission may be removed for cause by the City Council. Cause may include, but not necessarily be limited to, the following reasons:
  - a. A member is no longer a resident of the City of Biddeford;
  - b. A member is absent from meetings without good cause; or
  - c. A member conducts himself/herself in a manner that is inconsistent with the official position of the Historic Preservation Commission, such as

consistently having conflicts of interest or displaying unprofessional behavior toward applicants, City employees, or members of the public.

2. Removal action may be initiated by the Mayor or the City Council; however, any member proposed for removal shall be given written notice and shall have an opportunity to be heard prior to final action.

D. Commission officers.

1. The Commission shall elect from its voting membership a Chair, Vice Chair, and Secretary. Each officer shall be elected each January and shall serve a term of one year.
2. Elected officers shall be responsible for the following:
  - a. The Chair shall preside at all meetings and shall be responsible for the scheduling of special meetings of the Commission as needed. The Chair shall vote only in case of a tie.
  - b. In the event the Chair is absent or has been recused due to conflict of interest, the Vice Chair shall act as the Chair.
  - c. Secretary: ensures that the records of meetings are accurate and available for the Commission's review and reference.

E. Staff. The Commission shall be staffed by the Planning Department.

F. Meetings.

1. The Commission shall conduct monthly meetings. Meetings shall convene on the second Wednesday of each month, unless prior arrangement and announcement has been made by the Commission.
2. In coordination with the Planning Department, the Chair may call special meetings and workshops as needed.
3. All meetings of the Commission shall be open to the public. All meeting agendas shall be posted at the same location in City Hall as Planning Board agendas no less than seven days prior to the hearing. Materials and records of the meetings shall be maintained and available for public inspection in the Planning Department. **[Amended 3-5-2019 by Ord. No. 2019.14]**
4. The Commission shall adopt Roberts Rules of Order and may adopt rules of procedure for the conduct of its business not inconsistent with this article. The Commission shall allow for public comment at all meetings on all applications, with a reasonable amount of time provided to all who wish to speak. In cases where there are applications and a number of those present wish to speak, the Commission may by motion establish a time limit for public comment.
5. Commission meetings shall be called to order when a quorum of the voting members is present. For this purpose a quorum shall be three voting members. When a regular member of the Commission is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to

fill a permanent vacancy, an associate member shall be designated to vote by the Chairman.

6. The Commission shall issue a written decision, appropriately signed by the Chairman, on matters when determined by the Commission to be necessary. The decisions shall include:
  - a. A statement of findings and conclusions.
  - b. Any conditional actions and the timetable for completion.
- G. Conflicts. Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.

### **Section 9. Responsibilities.**

The Historic Preservation Commission shall have the following responsibilities:

- A. Issue certificates of appropriateness for eligible activities identified in Section 10 of this ordinance. **[Amended 8-3-2021 by Ord. No. 2021.72]**
- B. Conduct or administer an ongoing survey to identify historically and architecturally significant areas, sites, structures, and landmarks.
- C. Make recommendations for designation of landmarks or new or expanded districts to the Planning Board.
- D. Advise the City Council, Planning Board, and City Departments, as necessary, regarding the protection of historic landmarks and districts.
- E. Review and make recommendations regarding all national register proposals for properties and districts within the City.
- F. Assist in the development of relevant sections of the City's Comprehensive Plan pertaining to historic resources and historic preservation.
- G. Educate and inform the citizens and property owners in Biddeford concerning the historic and architectural heritage of the City.
- H. To engage in other activities in furtherance of the purposes of this ordinance.
- I. Provide an annual report of Commission activities to the Maine Historic Preservation Commission. **[Added 8-3-2021 by Ord. No. 2021.72]**
- J. Attend at least one informational or educational meeting, when available, sponsored by the Maine Historic Preservation Commission, pertaining to the work and functions of the Commission or to historic preservation. **[Added 8-3-2021 by Ord. No. 2021.72]**
- K. Establish written guidelines for the preservation of designated local landmarks and historic districts in decisions on requests for permits for new construction, alterations, demolition, relocation, additions, or other actions affecting listed



landmarks and buildings within historic districts. **[Added 8-3-2021 by Ord. No. 2021.72]**

**Section 10. Certificate of appropriateness required.**

- A. Historic Preservation Commission review. The Historic Preservation Commission shall protect historic districts and historic landmarks by the issuance of certificates of appropriateness for certain activities in historic districts and involving historic landmarks. Certificates of appropriateness from the Commission are required for:
1. Any change to the exterior appearance or to an exterior architectural feature of any building or structure in an historic district that requires a building permit or a sign permit from the Code Enforcement Office and for any change to the exterior appearance or to an exterior architectural feature of an historic landmark that requires either a building permit or a sign permit from the Code Enforcement Office; **[Amended 8-3-2021 by Ord. No. 2021.72]**
  2. New construction of a principal or accessory building or structure visible from a public street where such a building or structure will be located in an historic district;
  3. Demolition of an historic landmark or a building or exterior architectural feature in an historic district; **[Amended 8-3-2021 by Ord. No. 2021.72]**
  4. Moving of an historic landmark or any building in an historic district; and/or
  5. Any change, except for minor repair, in siding materials, roofing materials, door and window sash and integral decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railings, balusters, columns, cupolas, and cresting roof decorations. **[Amended 8-3-2021 by Ord. No. 2021.72]**
  6. Improvement projects and objects on contributing properties, such as lighting, sidewalks, raised walkways, handicapped access ramps, paving, or curbing, located beyond the right-of-way of any public street or way, but visible from the street, and located within an historic district or affecting any historic site or landmark. **[Added 8-3-2021 by Ord. No. 2021.72]**
- B. Subcommittee review. In order to process certificates of appropriateness more efficiently, applications for minor alterations, temporary alterations, and the installation or alteration of any exterior sign shall be reviewed by a subcommittee consisting of the City Planner and the Chair of the Historic Preservation Commission, or their respective designees, rather than the Historic Preservation Commission, as follows:
1. The subcommittee shall review the application under the standards of Section 13 and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete application. **[Amended 8-3-2021 by Ord. No. 2021.72]**
  2. No public hearings, meeting agenda postings, or abutter notices are required for applications reviewed under this section.

3. If the subcommittee has not acted on an application within 10 working days the applicant may seek approval from the Commission instead. Inaction by the subcommittee under this section does not constitute approval or disapproval of the plan.
  4. If the applicant is not satisfied with the determination of the subcommittee, the applicant shall be permitted to have the entire application reviewed by the Commission. The subcommittee can, for any reason, forward any application received under these provisions to the Commission for review.
  5. For purposes of this section only, "temporary" is defined as either a one-time occurrence that does not exceed 30 days or as an annual occurrence that does not exceed one thirty-day period each year.
  6. The City Planner or Commission Chair shall report back to the Commission at the next meeting of the Commission any decisions made by the subcommittee since the last meeting.
  7. "Minor alterations" are defined as incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the subcommittee, such change shall alter the historic character of the building or site.
- C. When a certificate of appropriateness is required in any historic district or for any historic landmark, no building or sign permit shall be issued by the Code Enforcement Office until a corresponding certificate of appropriateness has been issued by the authorities described above.

#### **Section 11. Application for certificate of appropriateness.**

- A. Applications for certificates of appropriateness can be obtained either in the Code Enforcement Office or the Planning and Development Department. **[Amended 8-3-2021 by Ord. No. 2021.72]**
- B. Completed applications shall be submitted to the Biddeford Planning Department, which shall date and time stamp said applications upon receipt. Completed applications are due 14 days prior to the Commission's regularly scheduled meetings, which are the second Wednesday of every month.
- C. The Commission shall review and make a decision on all complete applications within 35 days of submission. If after 35 days no decision has been made, the certificate of appropriateness shall be deemed as approved.
- D. Applications shall be on a form developed by the Planning Department, and all applications shall include the following:
  1. The applicant's name and address and his or her interest in the property;
  2. The owner's name and address, if different from the applicant's;
  3. If applicable, the contractor's and/or architect's name and address;

4. The address or location of the subject property;
  5. The existing use and zoning of the property;
  6. A brief description of the proposed activity for which a certificate of appropriateness is sought.
- E. The applicant may wish to also provide, or the Planning Department may also request, on behalf of the Commission, additional information to better enable the Commission to reach a timely decision on an application under review, which may include:
1. Drawings (i.e., exterior elevations) and/or plans to better illustrate the proposed activity for which the certificate is being applied for;
  2. Samples of materials proposed for use in the activity;
  3. Photographs of other recently completed projects by the applicant in a similar fashion to which the certificate is being applied for; and
  4. Photographs of the building involved as well as adjacent buildings.

**Section 12. Hearings and action on applications for certificates of appropriateness.**

- A. Hearing required. Where applications under Section 10A are reviewed by the Commission, the Commission shall conduct a public hearing prior to rendering a decision. **[Amended 8-3-2021 by Ord. No. 2021.72]**
- B. Notice requirements.
1. Notice requirements for all items scheduled for a public hearing shall include posting the meeting agenda at the same location in City Hall as Planning Board agendas are posted no less than seven days prior to the hearing; and
  2. Notice via United States Postal Service shall also be sent to the applicant, owner, and all property owners within 100 feet of the subject property no less than seven days prior; and<sup>5</sup>
- C. Hearing and notice not required. Where applications are reviewed under Section 10B, no public hearing or notice is required. If the applicant requests a public hearing, the application shall be forwarded to the Commission, which shall then review and make a decision regarding a certificate of appropriateness for said application under its normal procedure of review. **[Amended 8-3-2021 by Ord. No. 2021.72]**
- D. Approval. If the approval authority determines that the proposed activity is appropriate, it shall approve the certificate of appropriateness and forward it to the Planning Department, which shall subsequently forward it to the Code Enforcement Office for the issuance of necessary permits.

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5. Editor's Note: Former Subsection 3, regarding newspaper announcements, which immediately followed, was repealed 3-5-2019 by Ord. No. 2019-14.

- E. Disapproval. If the approval authority determines that the proposed activity is not appropriate, it shall make findings as to why it is not appropriate and shall forward said decision to the Planning Department, which shall notify the applicant of said determination and provide, as applicable, guidance regarding the opportunity to resubmit the application with revisions or to appeal the determination as outlined in Section 17 of this ordinance. **[Amended 8-3-2021 by Ord. No. 2021.72]**

**Section 13. Evaluation standards for certificate of appropriateness.**

A. Reconstruction and alterations.

1. A building or structure classified as an historic landmark or located within an historic district, or any part thereof, or any appurtenance related to such structures, including but not limited to walls, fences, light fixtures, steps, paving and signs, shall not be reconstructed or altered unless a certificate of appropriateness has been issued for such activity. No certificate of appropriateness for a structure or building identified as contributing to the district shall be issued unless the proposed activity is found to preserve or enhance a building's or structure's historical or architectural character. No certificate of appropriateness shall be issued for a noncontributing structure or building unless the proposed activity is complementary to the historic character of surrounding structures and buildings and meets the intent of this ordinance.
2. The standards and requirements in the United States Secretary of the Interior's Standards of Rehabilitation as well as the following factors shall be considered when reviewing applications for reconstruction or alteration of buildings or structures subject to review under this ordinance:
  - a. Every reasonable effort shall be made to use a property for its historic purpose and in a way which will require minimum alteration to the structure and its environment;
  - b. Rehabilitation work shall not destroy the distinguishing qualities nor character of the structure and its environment. The removal or alteration of any historic material or architectural features should be avoided;
  - c. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings;
  - d. Distinctive stylistic features or examples of skilled craftsmanship which characterize historic structures and often predate the mass production of building materials shall be treated with sensitivity;
  - e. Changes which may have taken place in the course of time are evidence of the history and development of the structure and its environment, and these changes shall be recognized and respected;

- f. All structures shall be recognized as products of their own time. Alterations to create an earlier appearance shall be discouraged;
  - g. Contemporary design for additions to existing structures shall be encouraged if such design is compatible with the size, scale, material and character of the neighborhood, the structure or its environment; and
  - h. Wherever possible, new additions or alterations to structures shall be done in such a manner that if they were to be removed in the future the essential form and integrity of the original structure would be unimpaired.
- B. Demolition or removal: See Section 14 of this ordinance. **[Amended 8-3-2021 by Ord. No. 2021.72]**
- C. Construction of new buildings or structures. The construction of a new building or structure within an historic district shall be generally of such a design, form, proportion, mass, configuration, building material, texture, color and location on a lot as will be compatible with buildings, structures and open spaces where it is visually related and in keeping with the area. The following factors shall be considered:
  - 1. Height. The height of proposed buildings shall be compatible with adjacent buildings;
  - 2. Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings, structures and open spaces where it is visually related;
  - 3. Proportion of openings within the facade. The relationship of the width of the windows to the height of windows and doors in a building shall be visually compatible with that of windows and doors of buildings to which the building is visually related;
  - 4. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with that of the buildings to which it is visually related;
  - 5. Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with that prevailing in the area to which it is visually related;
  - 6. Rhythm of entrance and/or porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible with that of buildings to which it is visually related;
  - 7. Relationship of materials and textures. The relationship of the materials and textures of the facade of a building shall be visually compatible with that of the predominant materials used in the buildings to which it is visually related;
  - 8. Roof shapes. The roof shape of a building shall be visually compatible with that of the buildings to which it is visually related;
  - 9. Scale of building. The size of the building and the building mass of a building

in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with those characteristics of buildings and spaces to which it is visually related; and

10. Directional expression of front elevation. A building shall be visually compatible with the building, squares and places to which it is visually related in its directional character, whether this shall be vertical character, horizontal character or nondirectional character.
- D. Signs. Signs shall be reviewed based on the standards contained in Article VI (Performance Standards), Section 59 (Signs). When a certificate of appropriateness is required for a new or altered sign, the following factors shall be considered:
1. See Article VI (Performance Standards), Section 59 (Signs).
  2. Sign size should be contextually compatible with the building or storefront facade. Signs should be placed so as to not obscure architectural details related to the building.
  3. Sign placement should respect adjacent signs and structures.
- E. Exceptional circumstances.
1. The approval authority may issue a certificate of hardship in lieu of a certificate of appropriateness where the standards otherwise set forth in this section are not met but where the approval authority determines that failure to issue a certificate would result in undue hardship to the owner of the property. Before the approval authority may issue a certificate under this subsection, the records must show the following:
    - a. The property cannot yield a reasonable economic return or the owner cannot make any reasonable use of the property;
    - b. The plight of the owner is due to exceptional or unique circumstances and not due to the general applicability of this ordinance; and
    - c. The conditions or circumstances which constitute the hardship were not caused or created by the property owner after this ordinance became applicable to that property.
  2. For the purposes of Subsection E1a, "reasonable economic return" shall not be construed to mean a maximum return, and "any reasonable use" shall not be construed to mean the highest and best use.

#### **Section 14. Demolition.**

- A. An historic landmark, or any building or structure identified as contributing, shall not be demolished or removed and a certificate of appropriateness to do so shall not be issued unless one of the following conditions is met:
1. The building or structure has been identified by the Historic Preservation Commission as noncontributing or incompatible with the MSRD District in which it is located; or **[Amended 8-3-2021 by Ord. No. 2021.72]**

2. The property owner can demonstrate to the Commission that it cannot be renovated or reconstructed so as to earn an economic return on its value in its present location as determined by a qualified real estate appraiser; or
  3. The property owner can demonstrate to the Commission that he/she has offered the property for sale through a real estate broker for at least 180 days and that there has been no bona fide offer to buy the property from any person or entity that is willing to preserve and restore the property.
- B. Applicants applying for the demolition or removal of designated historic landmarks or contributing structures or buildings, or important portions and features thereof, shall clearly demonstrate that their application meets one or more of the following demolition or removal criteria before the Commission will approve the application for demolition or removal:
1. The physical condition of the building makes the continued upkeep of the building, or important portions or features thereof, uneconomical; or
  2. The building or structure, or important portions and features thereof, has been determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures.
- C. Demolition delay. Before the issuance of a demolition permit by the Code Enforcement Office, a delay period of 90 days shall apply to any building or structure and portion thereof that is: an historic landmark or is designated as contributing.
- ~~0.—An historic landmark or is designated as contributing.~~
- ~~0.—Listed and eligible for listing on the National Register of Historic Places, but not designated significant locally.~~
- ~~F.D.~~ Demolition delay procedures. At the hearing on an application to relocate or demolish a contributing building in an historic preservation district, or an historic landmark, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, 10 days prior to the expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or finding other ways to preserve the building or structure, such as outright purchase of the property, when feasible, or relocation; or proper recordation of buildings, structures and sites, including photography and narrative report; or preservation of historic artifacts.
- ~~G.E.~~ This section shall not apply to any structure which has been ordered demolished by the City Council or the court in accordance with 17 M.R.S.A. §§ 2851 through 2959 and amendments thereto, or to any structure which has been partially destroyed and is determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures, specified by the Division of Code Enforcement, including securing apertures and/or erecting fences.

**Section 15. Exceptions to requirement for certificate of appropriateness.**

A certificate of appropriateness is not required and the City Planner shall issue a certificate of nonapplicability for the following:

- A. Where a certificate of hardship has been issued within the previous 12 months.
- B. Where the activity involves ordinary maintenance, or the repair of exterior features of an historic landmark or of a building or structure in an historic district is permitted, so long as it does not alter the design, materials, or outer appearance thereof.
- C. The construction, reconstruction, alteration, restoration or demolition of any feature which the Code Enforcement Office has certified as required to maintain public safety because of an unsafe or dangerous condition.
- D. Where the activity involves emergency repairs of a temporary nature.
- E. Where the activity proposed results in exterior alterations not readily visible at pedestrian heights, when viewed at any height between four and six feet from any open space or street.

**Section 16. Certificate validity.**

All certificates of appropriateness, nonapplicability, and hardship shall be valid for no more than 12 months from the date of issuance.

**Section 17. Appeals.**

Appeals of the issuance of any certificate under this ordinance or denial of any certificate under this ordinance may be appealed within 30 days of such a decision as follows:

- A. Appeals of decisions made by the Commission shall be to the Zoning Board of Appeals.
- B. Appeals of any decision made by the City Planner and Chair of the Commission under Section 10B of this ordinance shall be to the Historic Preservation Commission. Appeals of this nature shall be appellate reviews by the Commission and not de novo. **[Amended 8-3-2021 by Ord. No. 2021.72]**

**Section 18. Enforcement.**

Enforcement of this ordinance shall be as per Part III (Land Development Regulations), Article VIII (Administration, Enforcement, and Penalties).

**Section 19. Structures or buildings identified as historically contributing.  
[Amended 8-3-2021 by Ord. No. 2021.72]**

Parcels comprising "contributing" structures or buildings are contained in the "Official Listing of Historically Contributing Buildings or Structures" which has been certified by the Mayor and attested by the City Clerk together with the date of adoption of this ordinance. Identified parcels/structures/buildings may only be added to the list through a zoning amendment that approves such an amended list. Parcels/structures/buildings



may be removed from the list upon recommendation by the Historic Preservation Commission and approval of the Planning Board, at which time it shall be recertified by the Mayor and re-attested by the City Clerk.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the provisions of the City of Biddeford Code of Ordinances Chapter 66 (Subdivisions) and the Land Development Regulations, Article VI, Section 16 Cluster development, the Biddeford Planning Board has considered the application of **Ginger Hill, LLC for a six-lot cluster development subdivision at 918 Pool Street**, 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 and Owner                                        | Emily Ingwersen<br>Ginger Hill, LLC<br>18 Early Way, Arundel, ME 04046                               |
| 2.  | Agent:                                                     | William R. Walsh III, PE,<br>Walsh Engineering Associates, Inc<br>1 Karen Drive, Westbrook, ME 04092 |
| 3.  | Surveyor:                                                  | Titcomb Associates<br>133 Gray Road, Falmouth, ME 04105                                              |
| 4.  | Project Location:                                          | 918 Pool Street                                                                                      |
| 5.  | Project Tax Map #/Lot #:                                   | Tax Map 4 Lot 48                                                                                     |
| 6.  | Lot Size:                                                  | 11.8 AC +/-                                                                                          |
| 7.  | Existing Zoning:                                           | Coastal Residential / Rural Farm                                                                     |
| 8.  | Overlay Zoning:                                            | None                                                                                                 |
| 10. | Existing Use:                                              | Vacant                                                                                               |
| 11. | Proposed Use:                                              | Six Lot Single Family Clustered Subdivision                                                          |
| 12. | Floodplain Status:                                         | None                                                                                                 |
| 13. | Approvals Required:                                        | Subdivision Plan Review                                                                              |
| 14. | Uses in the Vicinity:                                      | Residential                                                                                          |
| 15. | Dimensional Requirements:                                  |                                                                                                      |
|     | Min. Setback from Major R.O.W:<br>40FT/ Other R.O.W: 25 FT | Min. Lot Size: 20,000 SF/ Unit*<br>*Clustered development                                            |
|     | Minimum Side/Rear Setback:25 FT                            | Maximum Height: 3 stories / 35 FT                                                                    |
| 16. | Waivers Needed:                                            |                                                                                                      |
|     | a. None                                                    |                                                                                                      |
| 17. | Waivers Granted:                                           | 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:                           | MDEP                                                                                                 |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                             |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| 22. | LDR Attachment A: Fees Paid:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Yes                                         |
| 23. | <p>Application Materials Submitted:</p> <ol style="list-style-type: none"> <li>1. Application form dated 9/15 /2021.</li> <li>2. Cover letter and Application Submission entitled: Final Subdivision Application for Winward Ridge Subdivision, located at 918 Pool Street, Biddeford, Maine 04005, Map 4. Lot 57. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, dated 1/12/2022. This includes Declaration of Covenants &amp; Restrictions, Fire Department Review Comments and Stormwater Report.</li> <li>3. Engineering Plan set entitled: Winward Ridge Subdivision, 918 Pool Street, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, REV. date 1/12/2022.</li> <li>4. Response to Comments Letter: RE: Response to Engineer Review, Winward Ridge &amp; Leeward Meadows Subdivisions, Biddeford, Maine. Prepared by Walsh Engineering Associates, dated 1/20/2022.</li> <li>5. Response to Comments Letter: RE: Review Comment Response Winward Ridge Subdivision, located at 918 Pool Street, Biddeford, Maine 04005. Prepared by Walsh Engineering Associates, dated 2/10/2022.</li> <li>6. Letter from Emily Ingwersen, Ginger Hill Design + Build, dated February 10, 2022.</li> <li>7. Subdivision Plans entitled: Winward Ridge Subdivision, 918 Pool Street, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, REV. date 2/08/2022. (sheets S1.0, C2.0, C2.1 and C2.2)</li> </ol> |                                             |
| 24. | Planning Board Review History:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                             |
|     | A. Conceptual Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Meeting on July 7, 2021                     |
|     | B. Preliminary Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Meeting on November 3, 2021                 |
|     | C. Final Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Meeting on February 2 and February 16, 2022 |

### **Conclusions of Law:**

The Planning Board concludes based on the application information submitted, peer-review and staff reports prepared and testimony provided at their meetings, the application conforms to the following provisions:

- A. Section 66-39 (below) applicable standard and requirements of Chapter 66 of the City's subdivision ordinance:

1. The project will not result in undue water or air pollution.
2. The project has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. The project will not cause an unreasonable burden on an existing water supply, if one is utilized;
4. The project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy, condition may result;
5. The project will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. The project will provide for adequate sewage waste disposal;
7. The project will not cause unreasonable burden on the ability of the municipality to disposal of solid waste and sewage if municipal services are to be utilized;
8. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent;
9. The project is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan, or land use plan, if any.
10. The subdivider has adequate financial and technical capacity to meet the above stated standards;
11. Whenever situated, in whole or in part, within 250 feet of any lake, pond, river or tidal waters, the project will not adversely affect the quality of that body of water, or unreasonably affect the shoreline of that body of water, as indicated on the City of Biddeford, Official Zoning Map and referenced in the City's Comprehensive Plan;
12. The project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. The project is not in a flood prone area;
14. The project will not unreasonably obstruct abutting properties or structures access to direct sunlight;
15. If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.

B. Section 16, Cluster development, Article VI Performance Standards and other applicable standards of the of the City's Land Development Regulations.

**Determination:**

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

**Conditions of Approval:**

1. **Prior to any ground disturbance or issuance of any permits:**
  - a. All outstanding review comments shall be addressed to the satisfaction of the City Planner.
  - b. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
  - c. A Unit Cost Estimate on City form shall be submitted to the City Planner for review.
  - d. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the City based on Condition of Approval 1.d. shall be submitted to the Planning Department.
2. **Prior to the issuance of any occupancy permits:**
  - a. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
3. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
4. A Stabilized Construction Access shall be constructed and maintained through the duration of this project.
5. **Best management practices shall be adhered to during all ground disturbance operations. All Catch Basin's in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.**
6. Copies of the maintenance logs for any stormwater facilities shall be submitted to the City for each calendar year no later than January 15<sup>th</sup> of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.
7. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.
8. **The Planning Department shall review and approve a planting plan to revegetate, as permitted with the final extent of ledge, the area along the proposed development entrance and roadway adjacent to Pool Street.**
9. Once completed, as-built drawings of the site shall be provided to the Planning Department.

- 10. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.**
- 11. Standard Conditions of Approval apply.**

\_\_\_\_\_  
Planning Board Chairman

\_\_\_\_\_  
Date

DRAFT

PLANNING BOARD  
REPORT

February 11, 2022

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

Application: Windward Ridge – Ginger Hill, LLC  
918 Pool Street (Tax Map 4 Lot 48)

**Subdivision Final Plan Review**

Review Status: Final Approval review tabled to the February 16 meeting.

(Revised comments are in red and **bolded**)

Board members and Mr. Tansley,

The following application and attached information has been provided for review:

1. Application form dated 9/15 /2021.
2. Cover letter and Application Submission entitled: *Final Subdivision Application for Winward Ridge Subdivision, located at 918 Pool Street, Biddeford, Maine 04005, Map 4. Lot 57. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046.* Prepared by Walsh Engineering Associates, dated 1/12/2022. This includes Declaration of Covenants & Restrictions, Fire Department Review Comments and Stormwater Report.
3. Engineering Plan set entitled: *Winward Ridge Subdivision, 918 Pool Street, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046.* Prepared by Walsh Engineering Associates, REV. date 1/12/2022.
4. Response to Comments Letter: *RE: Response to Engineer Review, Winward Ridge & Leeward Meadows Subdivisions, Biddeford, Maine.* Prepared by Walsh Engineering Associates, dated 1/20/2022.
- 5. Response to Comments Letter: RE: Review Comment Response Winward Ridge Subdivision, located at 918 Pool Street, Biddeford, Maine 04005. Prepared by Walsh Engineering Associates, dated 2/10/2022.**

- 6. Letter from Emily Ingwersen, Ginger Hill Design + Build, dated February 10, 2022.**
- 7. Subdivision Plans entitled: *Winward Ridge Subdivision, 918 Pool Street, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, REV. date 2/08/2022. (sheets S1.0, C2.0, C2.1 and C2.2)***

With review of the above information and the Land Development Regulations and Subdivision Ordinance, I offer the following comments on compliance with the City's ordinances. See attached for remaining outstanding engineering related comments from Site Design Associates. Responses to the previous comments are in red.

### **PROJECT DESCRIPTION**

The applicant seeks to create 6 residential lots along a proposed 750-foot private road on a 11.8 AC parcel located mostly in the Rural Farm (RF) zone with approximately 80k SF in the Conservation Residential (CR) along Pool Street. The site includes two large freshwater wetlands on a forested undeveloped parcel.

### **COMPLETENESS REVIEW**

The application is before the Planning Board as required by Chapter 66 (Subdivisions) subject to Subdivision review and approval. Per the City's Subdivision ordinance (66-26), all applications have a three-tier approval process beginning with a Sketch plan review. The Planning Board reviewed the Sketch Plan in July, and preliminary application in November of 2021. The applicant has submitted a final plan submission for review that appears to be complete.

### **COMPLIANCE WITH THE CITY'S ORDINANCES**

The proposed minimum lot sizes and net density calculations appear to be in order. Required setbacks and buffers are also depicted, however, the overall development design is not as reflective a cluster development as it could be.

City Staff, including Long Meadow P&LA and Site Design Associates, have had an opportunity to share comments on an earlier submission prior to placing the application on the Board's agenda. The following are comments and recommendations that Board, and the applicant may want to consider:

#### **AGRICULTURAL SOILS (Sec. 66-2)**

In speaking with the State Soil Scientist's office and the NRCS, it appears the soils listed in the HISS prepared by Mark Hampton, Associates do not include the specific soils listed as prime agricultural or having state-wide significance. It was suggested, however, that if the project used federal aid or funding, that an application to the NRCS regarding agricultural and state-wide significant soils was required since its medium intensity soil surveys depict these soils on the property.



As requested the City Planner contacted Wayne Munroe at the NRCS office in Scarborough, and he agreed that a Medium Intensity Soil Survey (MISS), which is used to determine prime agricultural or having state-wide significance would not overrule a High Intensity Soil Survey (HISS). Mr. Munroe added that once the Soil Series are identified (mapped at the higher intensity development standards) the web soil survey (medium intensity) can still be used to identify the HISS mapped Soil Series site limitations and capabilities for various proposed land uses. It is Staff's understanding that the applicant's soil scientist reviewed this information and identified that there were no prime agricultural or having state-wide significance on the site.

#### OPEN SPACE DESIGN

Though this is one parcel with two zones, it shouldn't unnecessarily limit the overall cluster development for the property. The zoning ordinance provision for min. lot size for septic (20k) in Sec. 16 (Cluster developments) can be applied to both the CR and RF zones alike. As it is applied in the RF zone, 20k needs to be net developable in the CR zone too. A sketch was provided to the applicant with this suggestion and the agent's response to comments are based on that sketch. The attached revised sketch is based on the most recent plans submitted and should result in an overall site design that is more definitively a clustered development; smaller lots, less roadway and more contiguous open/conservation space. The location of the proposed lot 6 does not reflect the basic objectives of a cluster development, essentially to minimize the overall development footprint while maximizing contiguous open space. The latter should be more than simple arithmetic, meeting a specific square foot number as to size of the open space. An appropriate design of open space should not result in land that is contiguous through slivers of land connecting larger areas. **The design has been revised and provides a more characteristic cluster development with the majority of the lots being close to the minimum lot size permitted.**

The applicant would prefer to maximize the clearing of each proposed lot's building envelope to provide the most flexibility for siting the buildings. Considering the shape of the proposed open space, maintaining no-cut rear and some side setbacks would be an added benefit to the overall success of the open space as a natural resource habitat. **This does not appear to be addressed by the revised plans. At a minimum, perhaps a no-cut/no disturb rear yard setback for lots 1 and 6 and the rear and side yard setback for lot 5 that is adjacent to the abutting property should be considered. If it is considered, the Subdivision Plan should be revised, and the restriction be included in the respective new lot deeds.**

**The applicant has addressed this comment with a note on Sheet S1.0 (Subdivision Plan) requiring rear setbacks for Lots 1 and 6 to be maintained as a *no-cut buffer*. Lot 5 has been modified to allow for a 15-foot wide strip of open space between the lot and the abutting property.**

### PRESERVATION IN PERPETUITY

As outlined in Sec. 16.E, Article VI of the Land Development Regulations, Open Space in a cluster development shall be preserved by means of a conservation easement held by a third party or held by the HOA by means of its declarations and covenants. The draft HOA documents does not appear to include any language related to the open space being preserved in perpetuity. **The HOA documents have been revised to address this comment. (See Art. III, Sec. 2)**

### HOMEOWNERS ASSOCIATION DOCUMENTS

1. If not conveyed to a land trust the opens space (*common area*) for conservation should be more defined in terms of management, ideally a plan from plant/wildlife biologist, so it is clear to the HOA what it means *to preserve the habitat of the "Open Space" as much as possible.* (Art.3 Sec.2. The permission for the directors to remove dead and/or dying trees should be for purposes related to safety, not in general since most natural habitats benefit from dead trees. **The HOA documents have been revised to address this comment. (See Art. III, Sec. 2)**
2. Art. VI Sec. 12.d should include a reference to receiving Planning Board approval if granting easements is not reflected on the approved subdivision plan. Art VIII Sec. 2 should be subject to Board approval of an amended plan as well. **The HOA documents have been revised to address this comment.**
3. Encroachment of the open space by the homeowners or abutters should be addressed in terms of accountability as it relates to the open space being undeveloped and/or clearing that is contrary to the approved plan. **The revised documents address this comment (See Art. 6 Sec. 12.D).**
4. There does not appear to be any sections that address the shared maintenance of the private street, especially having the responsibility of contacting or ensuring that snow is removed in a reliable manner to aid in public safety access. **The revised documents address this comment (See Art. 6 Sec. 12.A).**

### BUFFERING.

The proposed roadway from Pool Street incurs a great deal of clearing and grading (Sheet C2.3) outside of its Right-Of-Way, that will result in a significant hole in what is now is dense woodland edge. Plantings of trees and shrubs should be considered to either side of the entrance within the lot and open space land that would provide an adequate screen and soften the associated clearing. **This does **not** appear to have been addressed by the revised plans.**

**The applicant has addressed this comment by proposing, as a condition of approval, that revegetation in this area will be provided where possible, related to final location of ledge, and coordinated with the Planning Department.**

### PLAN RECOMMENDATIONS

1. A Stamped and signed final Boundary Survey should be submitted. **Submitted.**
2. The Existing Conditions Plan references GIS topography/contour data. Is this adequate for final road and site grading design? **Plan reference 1 on Sheet C1.0 reflects other sources of topographic data. Applicant should clarify what is used for the road design. This comment has been addressed.**
3. The Subdivision Plan should be prepared and certified by a Professional Land Surveyor, licensed in Maine. **Submitted.**
4. The Subdivision Plan appears to not include typical/standard notes found on surveys and subdivision plans, e.g. deeds, ownership, plan references.... The latter is referenced to the cover sheet, however, the Subdivision Plan will be recorded and ideally should be one sheet, unless multiple sheets are recorded as well. **The revised plan addresses this comment.**
5. The Subdivision Plan notes should reflect any applicable requirement City zoning or subdivision requirements, e.g. 75-foot buffer in the RF zone and Open Space preserved in perpetuity. **The buffer being part of the open space is not as much of an issue. The following is a suggested plan note to reflect the cluster and open space requirements:**  
*This six-lot single family residential subdivision is approved as a cluster development pursuant to Article VI, Section 16 of the City's Land Development Regulations, and includes the designated open space in perpetuity.*  
**This comment has been addressed. See plan note #7 on Sheet S1.0.**
6. The plans should include signatory blocks and recording blocks where necessary. **The revised plans address this comment.**
7. Plan note 4 on Sheet S1.0 should be more specific and reference the actual declaration of covenants and restrictions and the conservation easement. **The plan note has been revised. It is recommended that the note reflects the documents are recorded at the York Registry of Deeds.**

### FIRE SAFETY

Chapter 30-87 requires underground fire suppression tanks for new (private/public) subdivisions, which are located outside the hydrant districts. The applicant should review the ordinance and coordinate with the Fire Department and demonstrate compliance prior to final approval. **The revised plans address this comment.**

### WAIVER REQUESTS

None requested.

## **CONCLUSION**

The Final Plan appears to be complete for the Planning Board's consideration and conforming in consideration of the above comments. If the Board is inclined to grant final approval it should consider it being with conditions that address all outstanding comments from board members, City Staff and peer-reviewers. **The applicant has revised the plans and declarations to address staff, peer-review and planning board comments. Other than the minor housekeeping items referenced above, Staff has no further comments.**

Feel free to contact me with questions.

Best regards,



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

February 10, 2022

Biddeford Planning Board  
c/o Mr. Greg Tansley, City Planner  
City of Biddeford  
205 Main Street  
P.O. Box 586  
Biddeford, ME 04005

RE: **Review Comment Response**  
**Windward Ridge Subdivision – Ginger Hill, LLC**  
**Pool Street, Biddeford, Maine 04005**

Dear Board Members,

Walsh Engineering Associates (WEA) is pleased to provide these responses to comments from the City of Biddeford for the proposed residential subdivision at the subject property. These comments reflect comments from the following:

1. The planning board report prepared by Christopher Di Matteo dated January 27, 2022
2. Engineer review comments provided by Tom Saucier via email dated January 27, 2022
3. Comments from the Planning Board at the February 3, 2022, board meeting

We have included a revised set of plans dated February 8, 2022, reflecting changes made in response to the comments and a draft of the road maintenance agreement have been included with this letter. More specifically as follows (corresponding to the order of Item 1):

**Planning Board Report by Di Matteo**

- **Agricultural Soils**

*Comment: In speaking with the State Soil Scientist's office and the NRCS, it appears the soils listed in the HISS prepared by Mark Hampton, Associates do not include the specific soils listed as prime agricultural or having state-wide significance. It was suggested, however, that if the project used federal aid or funding, that an application to the NRCS regarding agricultural and statewide significant soils was required since its medium intensity soil surveys depict these soils on the property.*

**Response:** As requested the City Planner contacted Wayne Munroe at the NRCS office in Scarborough, and he agreed that a High Intensity Soil Survey would be more detailed than a Medium Intensity Soil Survey (MISS). As previously discussed, the HISS indicated that there are no prime agricultural lands within the project boundaries.

- **Open Space Design**

*Comment: Though this is one parcel with two zones, it shouldn't unnecessarily limit the overall cluster development for the property. The zoning ordinance provision for min. lot size for septic (20k) in Sec. 16 (Cluster developments) can be applied to both the CR and RF zones alike. As it is applied in the RF zone, 20k needs to be net developable in the CR zone too. A sketch was provided to the applicant with this suggestion and the agent's response to comments are based on that sketch. The attached revised sketch is based on the most recent plans submitted and should result in an overall site design that is more definitively a clustered development; smaller lots, less roadway and more contiguous open/conservation space. The location of the proposed lot 6 does not reflect the basic objectives of a cluster development, essentially to minimize the overall development footprint while maximizing contiguous open space. The latter should be more than simple arithmetic, meeting a specific square foot number as to size of the open space. An appropriate design of open space should not result in land that is contiguous through slivers of land connecting larger areas.*

Response: As has been discussed at the previous meetings, we have adjusted the development to make the project a cluster development that meets the City's requirements for a cluster development. The following has been done to accomplish this goal:

- The lots are at the minimum size required by the ordinance
- The frontage of the lots has been minimized to the extent practical, meeting the ordinance requirements.
- The lots have been clustered together, providing open space around the lots that preserve the natural resources on the property.
- Through discussions with the Planning Staff and clarification on the lot size requirement for the lot in the Coastal Residential Zone, we have relocated lot 6 westerly of the wetland.
- A connection between the Open Space has been pieces on the west and east side of the property by adjusting the lot line on Lot 5. This provides a contiguous open space parcel for the subdivision.

*Comment: The applicant would prefer to maximize the clearing of each proposed lot's building envelope to provide the most flexibility for siting the buildings. Considering the shape of the proposed open space, maintaining no-cut rear and some side setbacks would be an added benefit to the overall success of the open space as a natural resource habitat. This does **not** appear to be addressed by the revised plans. At a minimum, perhaps a no-cut/no disturb*

Response: As described by the Applicant at the Planning Board meeting, Ginger Hill approaches the development of each lot based on the site conditions. For this development, their intent is to embrace the natural wooded, ledge outcrops that exist on this property. By doing so, tree clearing will be limited to the extent practical and clearing outside of the building windows will be limited to extent practical. As well, a note has been added to Sheet S1.0 for lots 1 and 6 limiting tree removal in the rear setbacks. It should be noted that this approach goes above and beyond the requirements of ordinance and goes to the careful and thoughtful approach that Ginger Hill has taken with the plan and proposed development of this parcel.

- Preservation in Perpetuity

*Comment: As outlined in Sec. 16.E, Article VI of the Land Development Regulations, Open Space in a cluster development shall be preserved by means of a conservation easement held by a third party*

*or held by the HOA by means of its declarations and covenants. The draft HOA documents does not appear to include any language related to the open space being preserved in perpetuity.*

Response: The HOA documents have been revised to address this comment. (See Art. III, Sec. 2)

- Homeowners Association Documents

*1. If not conveyed to a land trust the opens space (common area) for conservation should be more defined in terms of management, ideally a plan from plant/wildlife biologist, so it is clear to the HOA what it means to preserve the habitat of the “Open Space” as much as possible. (Art.3 Sec.2. The permission for the directors to remove dead and/or dying trees should be for purposes related to safety, not in general since most natural habitats benefit from dead trees.*

Response: The HOA documents have been revised to address this comment. (See Art. III, Sec. 2)

*2. Art. VI Sec. 12.d should include a reference to receiving Planning Board approval if granting easements is not reflected on the approved subdivision plan. Art VIII Sec. 2 should be subject to Board approval of an amended plan as well.*

Response: The HOA documents have been revised to address this comment.

*3. Encroachment of the open space by the homeowners or abutters should be addressed in terms of accountability as it relates to the open space being undeveloped and/or clearing that is contrary to the approved plan.*

Response: The revised documents address this comment (See Art. 6 Sec. 12.D).

*4. There does not appear to be any sections that address the shared maintenance of the private street, especially having the responsibility of contacting or ensuring that snow is removed in a reliable manner to aid in public safety access.*

Response: The revised documents address this comment (See Art. 6 Sec. 12.A).

- Buffering

*Comment: The proposed roadway from Pool Street incurs a great deal of clearing and grading (Sheet C2.3) outside of its Right-Of-Way, that will result in a significant hole in what is now is dense woodland edge. Plantings of trees and shrubs should be considered to either side of the entrance within the lot and open space land that would provide an adequate screen and soften the associated clearing.*

Response: As discussed with the Board, it is very likely that the road will be cut through ledge. With that, it is possible to increase the side slopes to 1H:1V which would limit the removal of trees. We have added a note to Sheet C2.0 stating “Areas cleared outside of the Right of Way to be revegetated if geologic conditions permit. Plantings to be coordinated with Biddeford Planning Dept. If ledge is encountered slope shall be reduced to 1:1. All blasting to be in conformance with Chapter 34, Article 5 of Biddeford Ordinance”. We would respectfully request that it be a condition of approval that the applicant resolves this issue with staff after the actual conditions are determined.

- Plan Recommendations

1. *A Stamped and signed final Boundary Survey should be submitted.*

Response: This has been addressed as confirmed by Mr. Di Matteo.

2. *The Existing Conditions Plan references GIS topography/contour data. Is this adequate for final road and site grading design?*

Response: Plan Reference 1 on Sheet C1.0 reflects other sources of topographic data. We have added a note to the plan indicating that the road topography will be verified by field survey at the time of construction.

3. *The Subdivision Plan should be prepared and certified by a Professional Land Surveyor, licensed in Maine.*

Response: The Survey has been prepared by a Licensed Land Surveyor and has been submitted.

4. *The Subdivision Plan appears to not include typical/standard notes found on surveys and subdivision plans, e.g. deeds, ownership, plan references...The latter is referenced to the cover sheet, however, the Subdivision Plan will be recorded and ideally should be one sheet, unless multiple sheets are recorded as well.*

Response: The submitted revised plan has included these notes.

5. *The Subdivision Plan notes should reflect any applicable requirement City zoning or subdivision requirements, e.g. 75-foot buffer in the RF zone and Open Space preserved in perpetuity.*

Response: The following note has been added to the Subdivision Plan. Refer to Sheet S1.0.

*This six-lot single family residential subdivision is approved as a cluster development pursuant to Article VI, Section 16 of the City's Land Development Regulations, and includes the designated open space in perpetuity.*

6. *The plans should include signatory blocks and recording blocks where necessary.*

Response: The revised Subdivision plan includes the required signatory blocks.

7. *Plan note 4 on Sheet S1.0 should be more specific and reference the actual declaration of covenants and restrictions and the conservation easement.*

Response: Note 4 has been revised on Sheet S1.0 to refer to the Conservation Easement.

- Fire Safety



Comment: *Chapter 30-87 requires underground fire suppression tanks for new (private/public) subdivisions, which are located outside the hydrant districts. The applicant should review the ordinance and coordinate with the Fire Department and demonstrate compliance prior to final approval.*

Response: This requirement has been adequately addressed as confirmed by Mr. Di Matteo.

- Board Comments February 3, 2022 Board meeting

Below is a summary of the comments by the Board members and responses:

Comment: *Mr. Tarpey – Was concerned with the continuity of the open space and ability of someone to walk around lot 5 and remain in the open space*

Response: Lot 5 has been adjusted, so that the open space is connected on the east and west side of the property. This adjustment allows someone to walk around through the open space parcel

Comment: *Mr. Tarpey – indicated that the plan needed to be more clustered.*

Response: The project has been designed to standards of the Town cluster subdivision ordinance. The lots are as small as practical to fit within the zoning requirements and the natural resources around the site will be conserved in perpetuity. Please note that based on comments received during the preliminary approval, that Lot 6 has been relocated on the site to bring the entire subdivision within the central portion of the site.

Comment: *Mr Angers - commented that the buffering question has not been answered correctly.*

Response: Buffering note at the wetland easterly of lots 1 & 6 has been revised to show no cutting in the building window setback. Refer to the subdivision plan, Sheet S1.0

Comment: *Mr Angers – Felt that Lot 5 need to be adjusted for continuity of the open space.*

Response: Lot 5 has been adjusted to allow for the open space to contiguous. Refer to the Subdivision plan.

We trust this response letter has adequately and thoroughly addresses the Boards concerns. We look forward to meeting with the Board at the next meeting.

Respectfully,

A handwritten signature in cursive script, appearing to read "William R. Walsh, III".

William R. Walsh, III. P.E., LEED AP  
Walsh Engineering Associates, Inc.

cc. Emily Ingwersen, Ginger Hill, LLC  
Robert Ingwersen, Ginger Hill, LLC

Enc. WEA Revised Subdivision Plans Dated 2/8/22

- S1.0 – Subdivision Plan
- C2.0 – Site Layout & Utilities Plan
- C2.1 – Grading & Erosion Control Plan
- C2.2 – Windward Ridge Plan & Profile View



Emily Ingwersen  
Ginger Hill Design + Build  
18 Early Way  
Arundel, ME 04046

February 10, 2022

Biddeford Planning Board  
P.O. Box 586  
Biddeford, ME 04005

Dear Biddeford Planning Board Members,

Following the February 2<sup>nd</sup> meeting I wanted to take a moment to reiterate Ginger Hill's intentions, mission and process when considering the two new neighborhoods, Windward Ridge and Leeward Meadows, that we have presented to you. Ginger Hill Design + Build was founded in 2010 by myself and my husband, Rob. We both grew up in the area and wanted to return to raise our family here and start our business. Our mission has been clear from the outset, to make super-efficient homes accessible to the average consumer with sustainability and conservation being an utmost priority. Our most recent projects are all either Net Zero or Net Zero ready homes with minimal carbon footprints. We have completed over 50 projects in southern Maine since we were founded and have many clients, subcontractors, consultants and code enforcement officers who can attest to the quality of our work and the sustainability measures we employ. We were attracted to Biddeford because of the requirement for cluster subdivisions as best practice for development from a conservation perspective, and we felt that our goals of sustainability and conservation were aligned with the city's. As we concluded a development in Arundel we identified the parcels in Biddeford as an opportunity to work with a municipality that took conservation seriously and in a community that we care about.

As evidence of our commitment to conservation and the community we took the following measures for each subdivision prior to developing preliminary plans:

- Hired Jones Associates, professional environmental consultants who have been operating for over twenty years, to conduct wildlife studies
- Engaged Mark Hampton, a reputable, licensed soils scientist who has worked in Maine for over 30 years, to conduct high intensity soils surveys

While developing plans for Windward Ridge we:

- Considered the existing landscape and site conditions when creating a lot layout and road location, minimizing disturbance area by utilizing an existing woods road
- Voluntarily met with the Conservation Commission to discuss the project
- Created lots that are as small as the zoning ordinance allows
- Clustered development areas in locations close to existing disturbance and as close to route 9 as feasible
- Ensured the wetlands on the site were left untouched
- Maximized the open space and ensured it would remain open in perpetuity, creating a public benefit by conserving the land
- Moved lot #6 as requested by the planning board and the conservation commission, thereby ensuring the maximum amount of clustering possible

While developing plans for Leeward Meadows we:

- Reduced the site plan from 8 to 6 lots to minimize our impact on the land, create less disturbance and keep development as close to Oak Ridge Road as possible
- Voluntarily met with the Conservation Commission to discuss the project
- Voluntarily restricted development to prescribed building envelopes on the individual lots
- Ensured a public benefit of land conservation by maximizing open space that will remain so in perpetuity
- Partnered with a local, reputable land trust to develop a conservation easement that will protect the land indefinitely
- Proposed a landscaped buffer that was more in line with the feel of the neighborhood and the ecosystem that will enhance existing pollinator habitat in the area

Throughout the process with the Planning Board, we took suggestions to heart and made changes that were requested of us, although not required, per the zoning ordinance. Our intention has been to go above and beyond with conservation measures as compared to your typical developer, which is evidenced by our decisions and process. We know that the homes that we build will outperform conventional construction in



terms of sustainability and carbon footprint impacts. Our preference has been a collaborative, rather than adversarial, process.

We recognize that Southern Maine, and Biddeford in particular, is going through a transformational time with record development taking place. Growing pains are expected and I understand the heartburn this causes, particularly for long- time residents of the community. We, too, have concerns about the pace of growth in the area, which is why we feel it is our responsibility to approach development from a conservation minded perspective and work towards a result we can be proud of.

We also recognize the meticulous work that is taking place with regards to the Comprehensive Plan and understand that changes to the ordinance may be warranted. Zoning ordinances are imperfect and there is always room for improvement, however, as a developer, we must follow the rules that are in place and do not have the option to stray from those rules.

There is also a housing crisis that needs to be addressed and, in our opinion, essential new housing stock should have minimal carbon footprints, be affordable and help address the climate crisis as much as possible. Land conservation should absolutely be part of the equation and there should be clear guidance on what that means in practice. Collaboration between developers, conservation trust agencies, planning boards and municipalities is essential in order to address all of these challenges and we continue to hope that the city will work in collaboration with us to achieve our mutual goals and protect our mutual community. I hope the board will take the accommodations and effort we have made into account when reviewing our proposed projects and voting on approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emily Ingwersen', with a long horizontal stroke extending to the right.

Emily Ingwersen



| EXISTING                                                                          |                                 | PROPOSED                                                                          |
|-----------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------|
| _____                                                                             | PROPERTY LINE                   | _____                                                                             |
| _____                                                                             | ABUTTERS PROPERTY LINE          | _____                                                                             |
| _____                                                                             | EASEMENT                        | _____                                                                             |
| _____                                                                             | PROPERTY SETBACK                | _____                                                                             |
| IRF or IPF ○                                                                      | IRON ROD OR PIN FOUND           | 5/8" REBAR<br>● TO BE SET                                                         |
| ☒                                                                                 | IRON ROD OR PIN SET             | ■ CONCRETE                                                                        |
| ☐                                                                                 | CONCRETE MONUMENT FOUND         | ■ or GRANITE                                                                      |
|                                                                                   | GRANITE MONUMENT FOUND          | ■ MONUMENT<br>TO BE SET                                                           |
| _____                                                                             | MONUMENT SET                    | _____                                                                             |
| sd _____                                                                          | STORM DRAIN LINE                | SD _____                                                                          |
| fd _____                                                                          | FOUNDATION DRAIN LINE           | FD _____                                                                          |
| =====                                                                             | STORM DRAIN CULVERT             | =====                                                                             |
|  | RIP RAP IN/OUT PROTECTION APRON |  |
| w _____                                                                           | WATERLINE                       | w _____                                                                           |
| ss _____                                                                          | SANITARY SEWER LINE             | SS _____                                                                          |
| ugu _____                                                                         | UNDERGROUND UTILITY             | UGU _____                                                                         |
|  | UTILITY POLE                    |  |
|  | BUILDING                        |  |
|  | RIPRAP                          |  |
|  | LANDSCAPE/RETAINING WALL        |  |
|  | BITUMINOUS PAVEMENT             |  |
|  | GRAVEL                          |  |
|  | CONCRETE                        |  |
| 100 _____                                                                         | INDEX CONTOUR                   | 100 _____                                                                         |
| 101 _____                                                                         | INTERMEDIATE CONTOUR            | 101 _____                                                                         |
|  | TREELINE                        |  |
|                                                                                   | TREE                            |                                                                                   |

1. TOPOGRAPHIC AND PROPERTY BOUNDARY INFORMATION TAKEN FROM A COMPILATION OF THE FOLLOWING:
  - 1.1. A PLAN TITLED "PLAN OF BOUNDARY SURVEY 930 POOL STREET, BIDDEFORD, MAINE", MADE FOR GINGER HILL DESIGN & BUILD BY TITCOMB ASSOCIATES OF FALMOUTH, MAINE 04105, DATED JULY 13, 2021 AND REVISED THROUGH AUGUST 3, 2021.
  - 1.2. DIGITAL ELEVATION INFORMATION OBTAINED FROM MAINE OFFICE OF GIS GEOLIBRARY DIGITAL ELEVATION APPLICATION FEBRUARY 22, 2021.
  - 1.3. ZONING BOUNDARY OBTAINED FROM A MAP TITLED "OFFICIAL ZONING MAP" FOR THE CITY OF BIDDEFORD, DATED JULY 3, 2012.
2. WETLAND DELINEATION PROVIDED BY MARK HAMPTON ASSOCIATES, INC. ON MARCH 5, 2021.

1. OWNER OF RECORD: GINGER HILL, LLC dba GINGER HILL DESIGN & BUILD BY DEED RECORDED AT THE (YCRD) DEED BOOK 18664, PAGE 128, DATED MAY 13, 2021.
2. STREET ADDRESS: 918 POOL STREET, BIDDEFORD, MAINE 04005
3. PARCEL SHOWN HEREON IS TOWN OF BIDDEFORD TAX MAP 4, LOT 48
4. TOTAL AREA OF PARCEL: 11.8± AC (515,383 SF)
5. CURRENT ZONE: COASTAL RESIDENTIAL (CR) & RURAL FARM (RF)

1. CLASSIFICATION: ZONE C, AREAS OF MINIMAL FLOODING
2. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER  
230145 0010 B
3. EFFECTIVE DATE: MAY 15, 1984

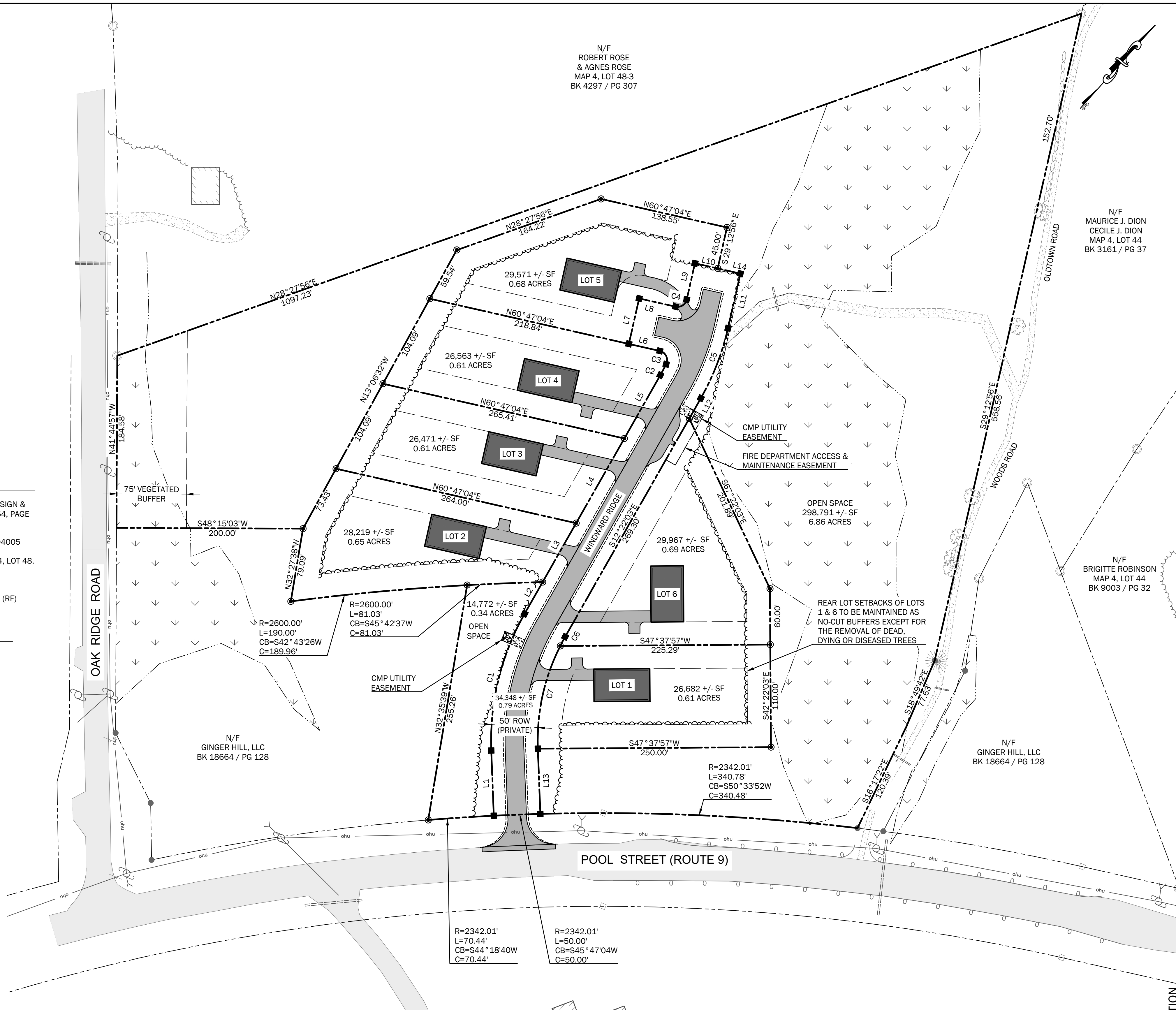
1. BOOK AND PAGE REFERENCES ARE TO THE YORK COUNTY REGISTRY OF DEEDS, UNLESS OTHERWISE NOTED.
2. BEARINGS ARE REFERENCED TO GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83.
3. UTILITY INFORMATION ON THIS PLAN IS APPROXIMATE, BASED ON LOCATION OF VISIBLE FEATURES. DIGSAFE AND/OR THE APPROPRIATE UTILITIES SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION.
4. THE PROPERTY IS BENEFITED BY AND SUBJECT TO THE EASEMENTS, COVENANTS, AND RESTRICTIONS SET FORTH IN "WINDOW RIDGE SUBDIVISION DECLARATION OF COVENANTS AND RESTRICTIONS".
5. LOT GRADING, UTILITIES, PROPOSED UNIT LOCATIONS, AND LAWN AREAS ARE CONCEPTUAL ONLY AND MAY BE MODIFIED IN THE FIELD BASED ON ACTUAL BUILDING DESIGNS AND LOCATIONS.
6. THE EXTENTS OF THE PROPOSED RIGHT-OF-WAY SHALL BE FIELD SURVEYED PRIOR TO ROAD CONSTRUCTION.
7. THIS SIX-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION IS APPROVED AS A CLUSTER DEVELOPMENT PURSUANT TO ARTICLE VI, SECTION 16 OF THE CITY'S LAND DEVELOPMENT REGULATIONS, AND INCLUDES THE DESIGNATED OPEN SPACE IN PERPETUITY.
8. THIS PLAN IS TO ACT AS THE "PLAN OF PRIVATE WAY" IN ACCORDANCE WITH ARTICLE VI, SECTION 51, PART D OF THE CITY OF BIDDEFORD LAND DEVELOPMENT REGULATIONS.
9. THE CITY OF BIDDEFORD SHALL NOT BE RESPONSIBLE OF THE COST OF MATERIALS, INSTALLATION, MAINTENANCE, OR POWER FOR THE STREET LIGHTING. THE HOMEOWNER'S ASSOCIATION SHALL ASSUME ALL COSTS ASSOCIATED WITH THE LIGHTING SYSTEM.
10. THE CITY OF BIDDEFORD WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, OR PLOWING OF THE PRIVATE WAY AND THAT FURTHER LOT DIVISIONS UTILIZING THE PRIVATE WAY ARE PROHIBITED WITHOUT PRIOR APPROVAL OF THE BOARD.

1. CLASSIFICATION: RURAL FARM (RF) & COASTAL RESIDENTIAL (CR)
2. MIN. LOT AREA: 40,000 SF (NO WATER, NO SEWER, CONVENTIONAL)  
20,000 SF (NO WATER, NO SEWER, CLUSTER)
3. MAX. LOT COVERAGE: 30%
4. MAX. BUILDING HEIGHT: 35 FT
5. MIN. STREET FRONTAGE: 200 FT (NO WATER, NO SEWER, CONVENTIONAL)
6. FRONT SETBACK: 40 FT FROM MAJOR ROW  
25 FT FROM OTHER ROW
7. SIDE SETBACK: 25 FT (RF) 10 FT (CR)
8. REAR SETBACK: 25 FT (RF) 10 FT (CR)
9. PARKING REQUIREMENTS: 2 PER DWELLING UNIT
10. 75' VEGETATED BUFFER FROM EXISTING ROW

GREG TANSLEY, CITY PLANNER, DULY AUTHORIZED TO  
SIGN ON BEHALF OF THE BIDDEFORD PLANNING BOARD.

NOTE: THIS PLAN IS SIGNED BY THE CITY PLANNER ON BEHALF OF THE BIDDEFORD PLANNING BOARD AND SHALL BE DEEMED TO HAVE BEEN SIGNED BY THE INDIVIDUAL MEMBERS ON THE PLANNING BOARD EVIDENCING APPROVAL OF THE FINAL PLANS.

## Register



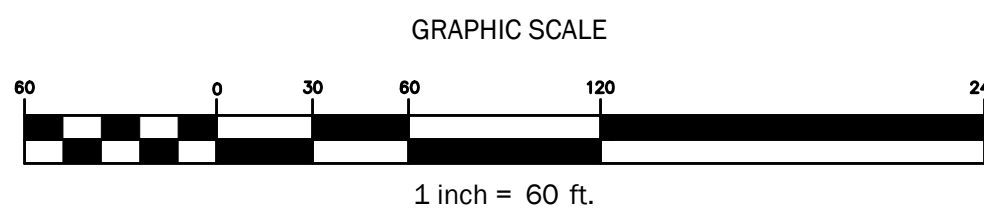
| Line Segment | Bearing     | Distance |
|--------------|-------------|----------|
| L1           | N44°12'56"W | 70.00'   |
| L2           | N12°22'03"W | 39.09'   |
| L3           | N12°22'03"W | 72.67'   |
| L4           | N12°22'03"W | 104.48'  |
| L5           | N12°22'03"W | 78.14'   |
| L6           | S60°47'04"W | 34.11'   |
| L7           | N29°12'56"W | 50.00'   |

| Line Segment Table |             |          |
|--------------------|-------------|----------|
| Line Segment       | Bearing     | Distance |
| L8                 | N60°47'04"E | 40.00'   |
| L9                 | N29°12'56"W | 40.00'   |
| L10                | N60°47'04"E | 40.00'   |
| L11                | N29°12'56"W | 60.00'   |
| L12                | S12°22'03"E | 25.09'   |
| L13                | S44°12'56"E | 70.00'   |
| L14                | N60°47'04"E | 25.00'   |

This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

  
Nicholas S. Elliston, P.L.S. #2518

| Curve Segment Table |              |              |               |              |
|---------------------|--------------|--------------|---------------|--------------|
| Curve Segment       | Curve Radius | Curve Length | Chord Bearing | Chord Length |
| C1                  | 275.00'      | 152.86'      | N28°17'30"W   | 150.90'      |
| C2                  | 225.00'      | 13.35'       | N14°04'04"W   | 13.35'       |
| C3                  | 10.00'       | 18.06'       | N67°29'30"W   | 15.70'       |
| C4                  | 10.00'       | 15.71'       | N15°47'04"E   | 14.14'       |
| C5                  | 275.00'      | 80.87'       | S20°47'30"E   | 80.57'       |
| C6                  | 225.00'      | 11.11'       | S13°46'56"E   | 11.11'       |
| C7                  | 225.00'      | 113.96'      | S29°42'23"E   | 112.74'      |



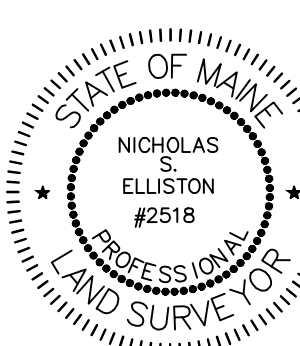
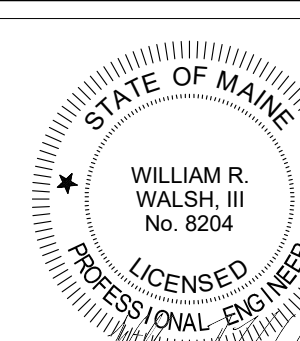
ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION

| Rev. | Date       | Description                                  | Drawn | Check |
|------|------------|----------------------------------------------|-------|-------|
|      | 6/15/2021  | Biddford Subdivision Sketch Plan Review      | CAR   | WRW   |
| 1    | 9/15/2021  | Biddford Subdivision Preliminary Plan Review | CAR   | NGC   |
| 2    | 10/20/2021 | Revised per City Review Comments             | CAR   | NGC   |
| 3    | 1/10/2022  | Issued to City for Final Subdivision Review  | CAR   | NGC   |
| 4    | 2/8/2022   | Revised per Planning Board Review Comments   | CAR   | NGC   |
|      |            |                                              |       |       |
|      |            |                                              |       |       |
|      |            |                                              |       |       |

# Subdivision Plan

|          |               |
|----------|---------------|
| Job No.: | 742           |
| Date:    | June 15, 2021 |
| Scale:   | 1" = 60'      |
| Drawn:   | CAR           |
| Checked: | WRW           |

**\$1.0**

|                                                                                                                                                                                                       |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <h1>WALSH</h1> <p>ENGINEERING ASSOCIATES, INC.</p>                                                                                                                                                    |  |
| <p>One Karen Dr., Suite 2A   Westbrook, Maine 04092<br/>ph: 207.553.9898   <a href="http://www.walsh-eng.com">www.walsh-eng.com</a></p>                                                               |  |
| <p>Copyright © 2022</p>                                                                                                                                                                               |  |
| <div><p>STATE OF MAINE<br/>NICHOLAS S.<br/>ELLISTON<br/>#2518<br/>PROFESSIONAL<br/>ENGINEER AND SURVEYOR</p></div> |  |
| <div><p>STATE OF MAINE<br/>WILLIAM R.<br/>WALSH, III<br/>No. 8204<br/>LICENSED<br/>PROFESSIONAL ENGINEER</p></div> |  |

## Windward Ridge

918 Pool Street  
Biddeford, Maine 04005

PREPARED FOR:

ger Hill, LLC

18 Early way  
del, Maine 04046



| EXISTING |                                 | PROPOSED |
|----------|---------------------------------|----------|
|          | PROPERTY LINE                   |          |
|          | ABUTTERS PROPERTY LINE          |          |
|          | EASEMENT                        |          |
|          | PROPERTY SETBACK                |          |
|          | IRON ROD OR PIN FOUND           |          |
|          | IRON ROD OR PIN SET             |          |
|          | CONCRETE MONUMENT FOUND         |          |
|          | GRANITE MONUMENT FOUND          |          |
|          | MONUMENT SET                    |          |
|          | STORM DRAIN LINE                |          |
|          | FOUNDATION DRAIN LINE           |          |
|          | STORM DRAIN CULVERT             |          |
|          | RIP RAP IN/OUT PROTECTION APRON |          |
|          | WATERLINE                       |          |
|          | SANITARY SEWER LINE             |          |
|          | UNDERGROUND UTILITY             |          |
|          | UTILITY POLE                    |          |
|          | BUILDING                        |          |
|          | RIPRAP                          |          |
|          | LANDSCAPE/RETAINING WALL        |          |
|          | BITUMINOUS PAVEMENT             |          |
|          | GRAVEL                          |          |
|          | CONCRETE                        |          |
|          | INDEX CONTOUR                   |          |
|          | INTERMEDIATE CONTOUR            |          |
|          | TREELINE                        |          |
|          | TREE                            |          |
|          | SILT FENCE                      |          |
|          | EROSION CONTROL BERM            |          |
|          | TURF REINFORCEMENT MATTING      |          |
|          | CONSTRUCTION ENTRANCE           |          |

1. SEE SHEET C1.0 FOR PLAN REFERENCES, ZONING INFORMATION, ETC.

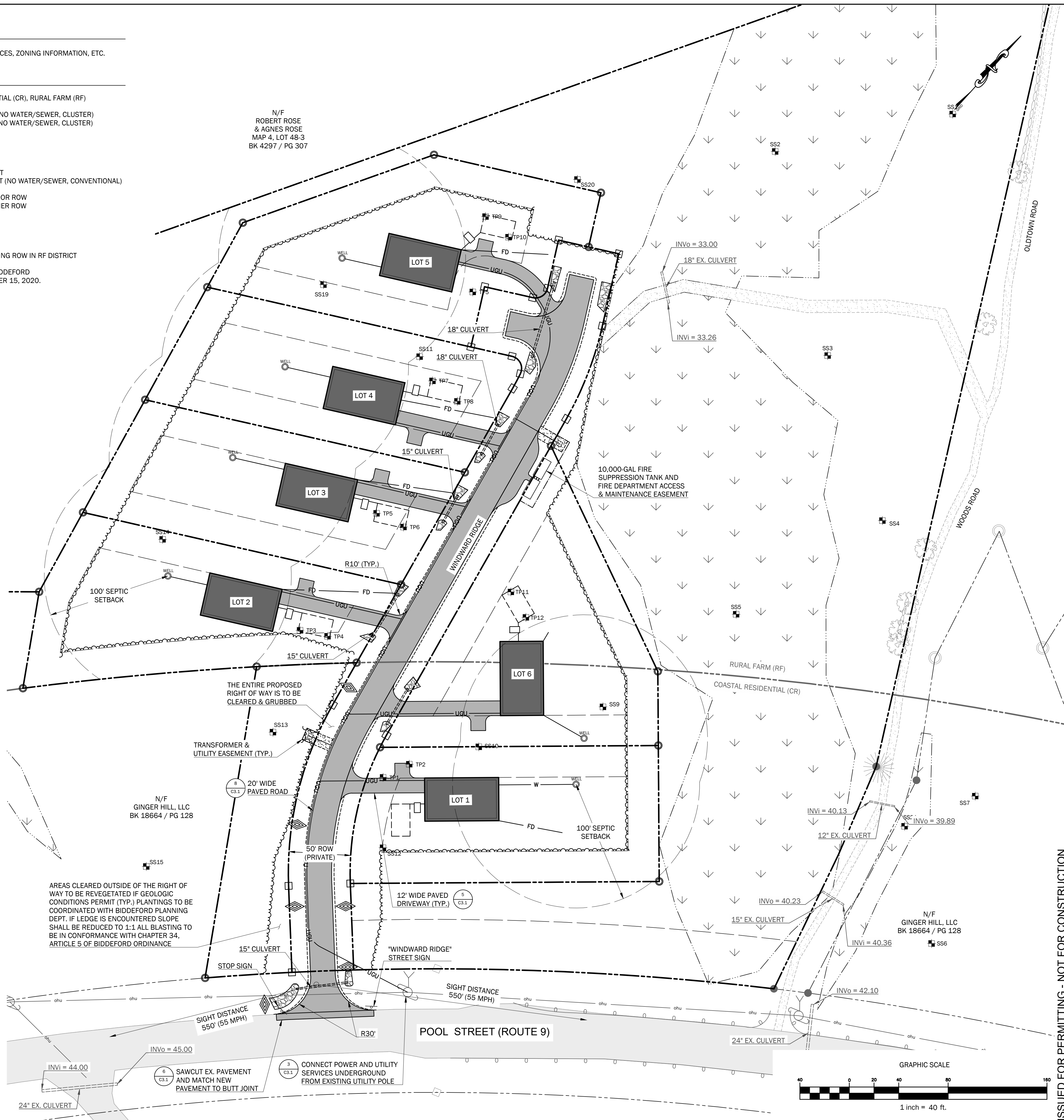
1. CLASSIFICATION: COASTAL RESIDENTIAL (CR), RURAL FARM (RF)
2. MIN. LOT AREA: CR: 40,000 SF (NO WATER/SEWER, CLUSTER)  
RF: 20,000 SF (NO WATER/SEWER, CLUSTER)
3. MAX. LOT COVERAGE: 30%
4. MAX. BUILDING HEIGHT: 35 FT
5. MIN. STREET FRONTAGE: CR: 150 FT  
RF: 200 FT (NO WATER/SEWER, CONVENTIONAL)

\*ZONING STANDARDS FROM TOWN OF BIDDEFORD  
CODE OF ORDINANCES, DATED DECEMBER 15, 2020

1. ALL DIMENSIONS, LOCATIONS AND CONTROLS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE OWNER OR OWNER'S REPRESENTATIVE.
2. DO NOT SCALE THE DRAWINGS FOR REQUIRED DIMENSIONS. ANY DISCREPANCIES IN DIMENSIONING SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE.
3. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SHOWN.
4. ALL EDGES OF PAVING SHALL BE STAKED OUT BY THE CONTRACTOR AND REVIEWED BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
5. PROVIDE A SMOOTH TRANSITION WHERE NEW WORK MEETS EXISTING.
6. ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL BE LOAMED AND SEEDDED.
7. CENTERLINES OF DRIVEWAY AND WALKWAY, PROPOSED PARKING LOTS AND PROPOSED UTILITY LINES SHALL BE LOCATED AND LAID OUT BY PROFESSIONALLY LICENSED SURVEYOR.
8. LOT GRADING, UTILITIES, PROPOSED UNIT LOCATIONS, AND LAWN AREAS ARE CONCEPTUAL ONLY AND MAY BE MODIFIED IN THE FIELD BASED ON ACTUAL BUILDING DESIGNS AND LOCATIONS.

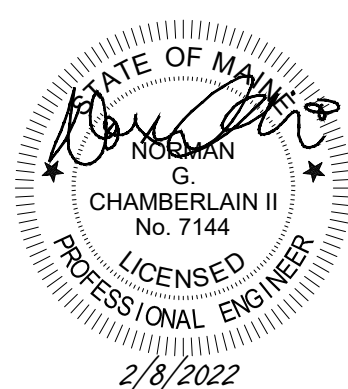
1. REFER TO SHEET C1.0 FOR BOUNDARY AND TOPOGRAPHIC INFORMATION.
2. PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTRACTOR SHALL VERIFY ALL AFFECTED GRADES. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE OWNER OR OWNER'S REPRESENTATIVE.
3. ALL AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL NOT DISTURB THESE AREAS AND PRESERVE EXISTING VEGETATION.
4. GRADE ALL NEW WORK FOR POSITIVE DRAINAGE AND NO PUDDLING. MATCH EXISTING GRADES SMOOTHLY AND CONTINUOUSLY.
5. DRAINAGE AT TERMINUS OF CURBING SHALL BE RIP-RAPPED UNLESS OTHERWISE SPECIFIED OR NOTED ON THE PLANS, OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
6. OWNER AND PROJECT ENGINEER WILL BE CLOSELY MONITORING FINISH GRADING IN THE FIELD. CONTRACTOR SHALL PERFORM FINISH WORK AS DIRECTED BY THE OWNER OR PROJECT ENGINEER TO ACHIEVE THE FINISH GRADE CONDITIONS SHOWN ON THE PLANS.
7. ALL SITE IMPROVEMENTS INCLUDING UTILITIES MUST CONFORM TO THE CITY OF BIDDEFORD'S TECHNICAL GUIDELINES AND STANDARDS.

1. THE CONTRACTOR SHALL INSTALL ALL EROSION AND SEDIMENTATION CONTROL MEASURES PRIOR TO CONSTRUCTION. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE DRAWINGS, SPECIFICATIONS.
2. THE CONTRACTOR SHALL COMPLY WITH THE MAINE EROSION AND SEDIMENT CONTROL BMPS MANUAL AS PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S BUREAU OF LAND AND WATER QUALITY, MARCH 2003 OR LATEST EDITION.
3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING. ALL DISTURBED AREAS ON SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED, OR BY OTHER METHODS AS REQUIRED BY THE WRITTEN EROSION CONTROL PLAN.
4. DISTURBED AREAS SHALL BE LIMITED TO ONLY THOSE AREAS UNDER ACTIVE CONSTRUCTION. FOR DISTURBED AREAS THAT ARE NOT UNDER ACTIVE CONSTRUCTION AND THAT CAN NOT YET UNDERGO FINAL GRADING, INSTALL TEMPORARY SEEDING AND MULCHING (REFER TO WRITTEN EROSION CONTROL PLAN).
5. PERMANENT SEEDING OR STABILIZATION SHALL BE CARRIED OUT IMMEDIATELY AFTER FINAL GRADING IS COMPLETED, OR TEMPORARY MEASURES SHALL BE APPLIED SUCH AS MULCHING OR SEEDING UNTIL PERMANENT STABILIZATION MEASURES ARE IN PLACE.
6. TOPSOIL SHALL BE STOCKPILED IN AREAS AWAY FROM PROTECTED NATURAL RESOURCES AND IN AREAS WHICH HAVE A MINIMAL POTENTIAL FOR EROSION; REFER TO OWNER FOR LOCATION OF MATERIAL STOCKPILE.
7. ALL EROSION CONTROL MEASURES SHALL BE ROUTINELY INSPECTED AND REPAIRED IN ACCORDANCE WITH THE WRITTEN EROSION CONTROL PLAN FOR THE DURATION OF THE PROJECT UNTIL ALL AREAS ARE STABILIZED. REMOVE ACCUMULATED SILT AND SEDIMENT AS NEEDED AND MAINTAIN SILT FENCE IN GOOD, OPERABLE CONDITION.



One Karen Dr., Suite 2A | Westbrook, Maine 04092  
ph: 207.553.9898 | [www.walsh-eng.com](http://www.walsh-eng.com)

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918 Pool Street  
Biddeford, Maine 04005  
Map 4, Lot 48

PREPARED FOR:  
**Ginger Hill, LLC**  
18 Early Way  
Arundel, Maine 04046

| Rev. | Date       | Description                                  | Drawn | Checked |
|------|------------|----------------------------------------------|-------|---------|
|      | 6/15/2021  | Bideford Subdivision Sketch Plan Review      | CAR   | WRW     |
| 1    | 9/15/2021  | Bideford Subdivision Preliminary Plan Review | CAR   | NGC     |
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| 4    | 2/8/2022   | Revised per Planning Board Review Comments   | CAR   | NGC     |
|      |            |                                              |       |         |
|      |            |                                              |       |         |
|      |            |                                              |       |         |

|             |
|-------------|
| Sheet Title |
|-------------|

## Site Layout & Utilities Plan

|          |               |
|----------|---------------|
| Job No.: | 742           |
| Date:    | June 15, 2021 |
| Scale:   | 1" = 40'      |
| Drawn:   | CAR           |
| Checked: | WRW           |

Sheet No. \_\_\_\_\_

C20

ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION



| EXISTING   |                                 | PROPOSED                                        |
|------------|---------------------------------|-------------------------------------------------|
|            | PROPERTY LINE                   |                                                 |
|            | ABUTTERS PROPERTY LINE          |                                                 |
|            | EASEMENT                        |                                                 |
|            | PROPERTY SETBACK                |                                                 |
| IRF or IPF | IRON ROD OR PIN FOUND           | 5/8" REBAR<br>TO BE SET                         |
|            | IRON ROD OR PIN SET             | CONCRETE<br>or GRANITE<br>MONUMENT<br>TO BE SET |
|            | CONCRETE MONUMENT FOUND         |                                                 |
|            | GRANITE MONUMENT FOUND          |                                                 |
|            | MONUMENT SET                    |                                                 |
| sd         | STORM DRAIN LINE                | SD                                              |
| fd         | FOUNDATION DRAIN LINE           | FD                                              |
|            | STORM DRAIN CULVERT             |                                                 |
|            | RIP RAP IN/OUT PROTECTION APRON |                                                 |
| w          | WATERLINE                       | W                                               |
| ss         | SANITARY SEWER LINE             | SS                                              |
| ugu        | UNDERGROUND UTILITY             | UGU                                             |
| u          | UTILITY POLE                    | U                                               |
|            | BUILDING                        |                                                 |
|            | RIPRAP                          |                                                 |
|            | LANDSCAPE/RETAINING WALL        |                                                 |
|            | BITUMINOUS PAVEMENT             |                                                 |
|            | GRAVEL                          |                                                 |
|            | CONCRETE                        |                                                 |
| 100        | INDEX CONTOUR                   | 100                                             |
| 101        | INTERMEDIATE CONTOUR            | 101                                             |
|            | TREELINE                        |                                                 |
|            | TREE                            |                                                 |
|            | SILT FENCE                      | SF                                              |
|            | EROSION CONTROL BERM            | ECB                                             |
|            | TURF REINFORCEMENT MATTING      |                                                 |
|            | CONSTRUCTION ENTRANCE           |                                                 |

1. SEE SHEET C1.0 FOR PLAN REFERENCES, ZONING INFORMATION, ETC.

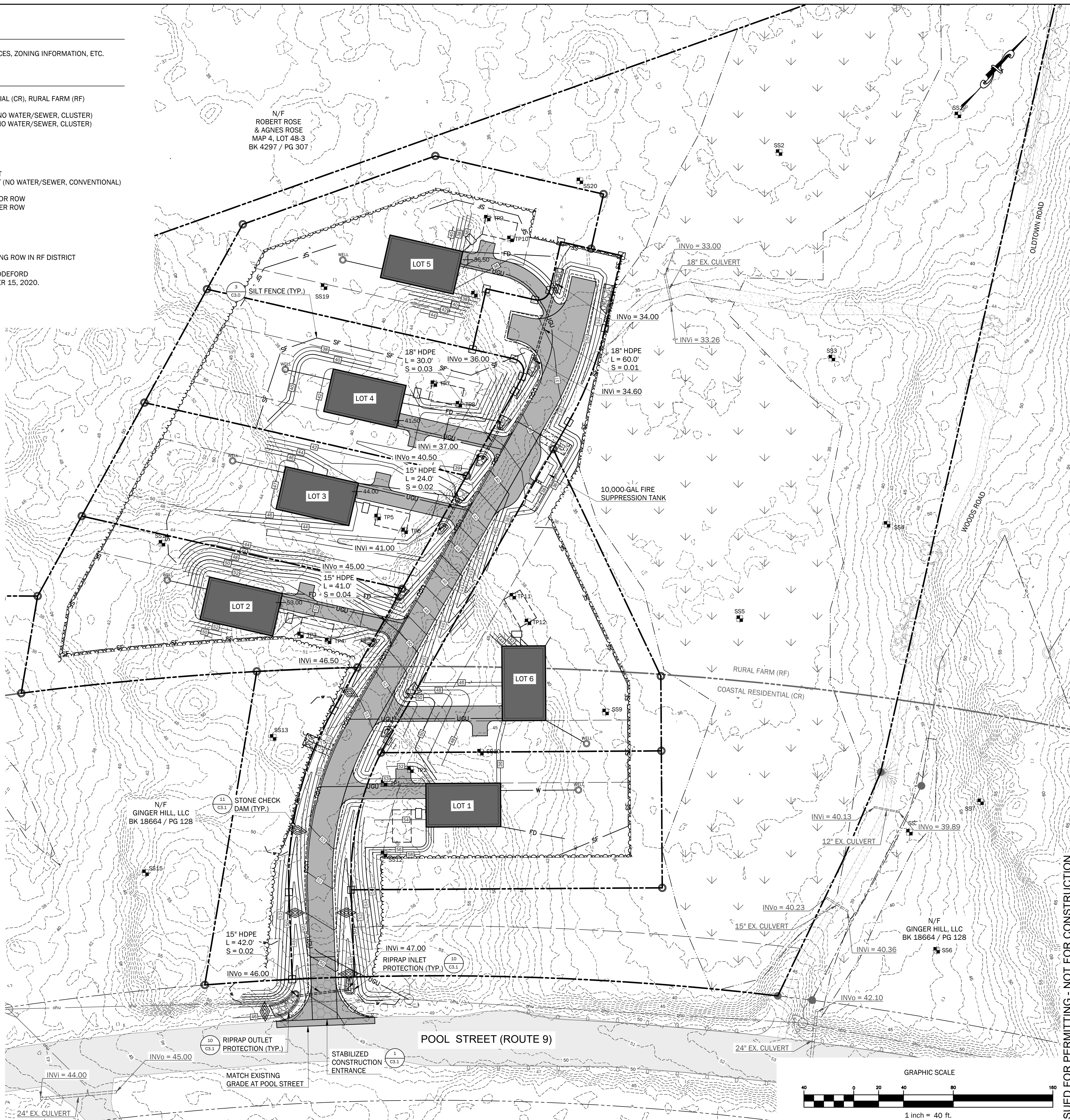
1. CLASSIFICATION: COASTAL RESIDENTIAL (CR), RURAL FARM (RF)
2. MIN. LOT AREA: CR: 40,000 SF (NO WATER/SEWER, CLUSTER)  
RF: 20,000 SF (NO WATER/SEWER, CLUSTER)
3. MAX. LOT COVERAGE: 30%
4. MAX. BUILDING HEIGHT: 35 FT
5. MIN. STREET FRONTAGE: CR: 150 FT  
RF: 200 FT (NO WATER/SEWER, CONVENTIONAL)

\*ZONING STANDARDS FROM TOWN OF BIDDEFORD  
CODE OF ORDINANCES, DATED DECEMBER 15, 2020.

1. ALL DIMENSIONS, LOCATIONS AND CONTROLS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE OWNER OR OWNER'S REPRESENTATIVE.
2. DO NOT SCALE THE DRAWINGS FOR REQUIRED DIMENSIONS. ANY DISCREPANCIES IN DIMENSIONING SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE.
3. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE SHOWN.
4. ALL EDGES OF PAVING SHALL BE STAKED OUT BY THE CONTRACTOR AND REVIEWED BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
5. PROVIDE A SMOOTH TRANSITION WHERE NEW WORK MEETS EXISTING.
6. ALL DISTURBED AREAS NOT OTHERWISE TREATED SHALL BE LOAMED AND SEEDDED.
7. CENTERLINES OF DRIVEWAY AND WALKWAY, PROPOSED PARKING LOTS AND PROPOSED UTILITY LINES SHALL BE LOCATED AND LAID OUT BY PROFESSIONALLY LICENSED SURVEYOR.
8. LOT GRADING, UTILITIES, PROPOSED UNIT LOCATIONS, AND LAWN AREAS ARE CONCEPTUAL ONLY AND MAY BE MODIFIED IN THE FIELD BASED ON ACTUAL BUILDING DESIGNS AND LOCATIONS.

1. REFER TO SHEET C1.0 FOR BOUNDARY AND TOPOGRAPHIC INFORMATION.
2. PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTRACTOR SHALL VERIFY ALL AFFECTED GRADES. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE OWNER OR OWNER'S REPRESENTATIVE.
3. ALL AREAS NOT REQUIRING GRADING SHALL BE LEFT UNDISTURBED. CONTRACTOR SHALL NOT DISTURB THESE AREAS AND PRESERVE EXISTING VEGETATION.
4. GRADE ALL NEW WORK FOR POSITIVE DRAINAGE AND NO PUDDLING. MATCH EXISTING GRADES SMOOTHLY AND CONTINUOUSLY.
5. DRAINAGE AT TERMINUS OF CURBING SHALL BE RIP-RAPPED UNLESS OTHERWISE SPECIFIED OR NOTED ON THE PLANS, OR AS DIRECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.
6. OWNER AND PROJECT ENGINEER WILL BE CLOSELY MONITORING FINISH GRADING IN THE FIELD. CONTRACTOR SHALL PERFORM FINISH WORK AS DIRECTED BY THE OWNER OR PROJECT ENGINEER TO ACHIEVE THE FINISH GRADE CONDITIONS SHOWN ON THE PLANS.
7. ALL SITE IMPROVEMENTS INCLUDING UTILITIES MUST CONFORM TO THE CITY OF BIDDEFORD'S TECHNICAL GUIDELINES AND STANDARDS.

1. THE CONTRACTOR SHALL INSTALL ALL EROSION AND SEDIMENTATION CONTROL MEASURES PRIOR TO CONSTRUCTION. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE DRAWINGS, SPECIFICATIONS.
2. THE CONTRACTOR SHALL COMPLY WITH THE MAINE EROSION AND SEDIMENT CONTROL BMPS MANUAL AS PUBLISHED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S BUREAU OF LAND AND WATER QUALITY, MARCH 2003 OR LATEST EDITION.
3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING. ALL DISTURBED AREAS ON SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED, OR BY OTHER METHODS AS REQUIRED BY THE WRITTEN EROSION CONTROL PLAN.
4. DISTURBED AREAS SHALL BE LIMITED TO ONLY THOSE AREAS UNDER ACTIVE CONSTRUCTION. FOR DISTURBED AREAS THAT ARE NOT UNDER ACTIVE CONSTRUCTION AND THAT CAN NOT YET UNDERGO FINAL GRADING, INSTALL TEMPORARY SEEDING AND MULCHING (REFER TO WRITTEN EROSION CONTROL PLAN).
5. PERMANENT SEEDING OR STABILIZATION SHALL BE CARRIED OUT IMMEDIATELY AFTER FINAL GRADING IS COMPLETED, OR TEMPORARY MEASURES SHALL BE APPLIED SUCH AS MULCHING OR SEEDING UNTIL PERMANENT STABILIZATION MEASURES ARE IN PLACE.
6. TOPSOIL SHALL BE STOCKPILED IN AREAS AWAY FROM PROTECTED NATURAL RESOURCES AND IN AREAS WHICH HAVE A MINIMAL POTENTIAL FOR EROSION; REFER TO OWNER FOR LOCATION OF MATERIAL STOCKPILE.
7. ALL EROSION CONTROL MEASURES SHALL BE ROUTINELY INSPECTED AND REPAIRED IN ACCORDANCE WITH THE WRITTEN EROSION CONTROL PLAN FOR THE DURATION OF THE PROJECT UNTIL ALL AREAS ARE STABILIZED. REMOVE ACCUMULATED SILT AND SEDIMENT AS NEEDED AND MAINTAIN SILT FENCE IN GOOD, OPERABLE CONDITION.



STATE OF MAINE  
NORMAN G.  
CHAMBERLAIN II  
No. 7144  
LICENSED  
PROFESSIONAL ENGINEER  
2/8/2022

PREPARED FOR:  
**Ginger Hill, LLC**  
18 Early Way  
Arundel, Maine 04046

|          |          |
|----------|----------|
| Scale:   | 1" = 40' |
| Drawn:   | CAR      |
| Checked: | WRW      |

## C2.1

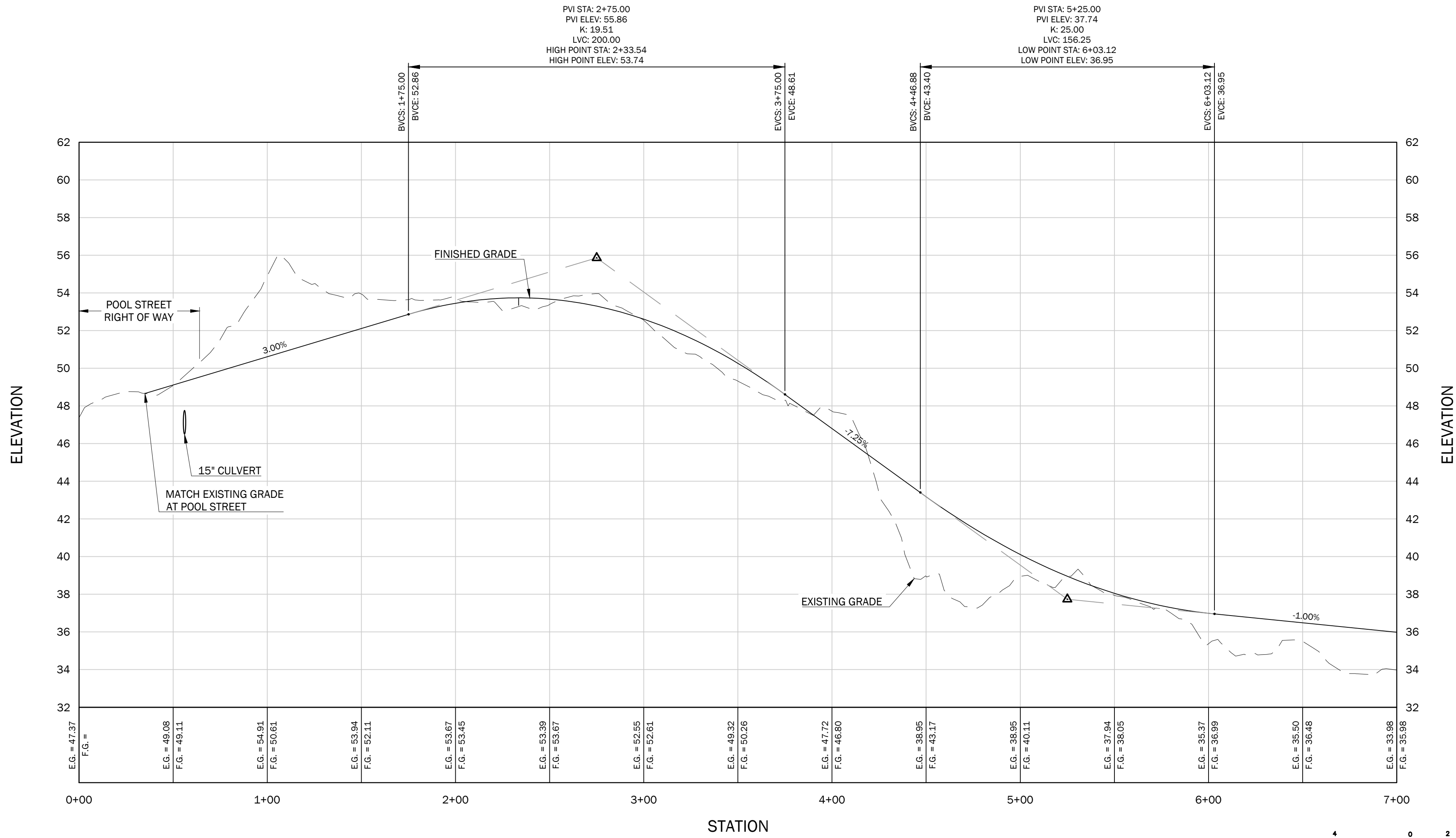
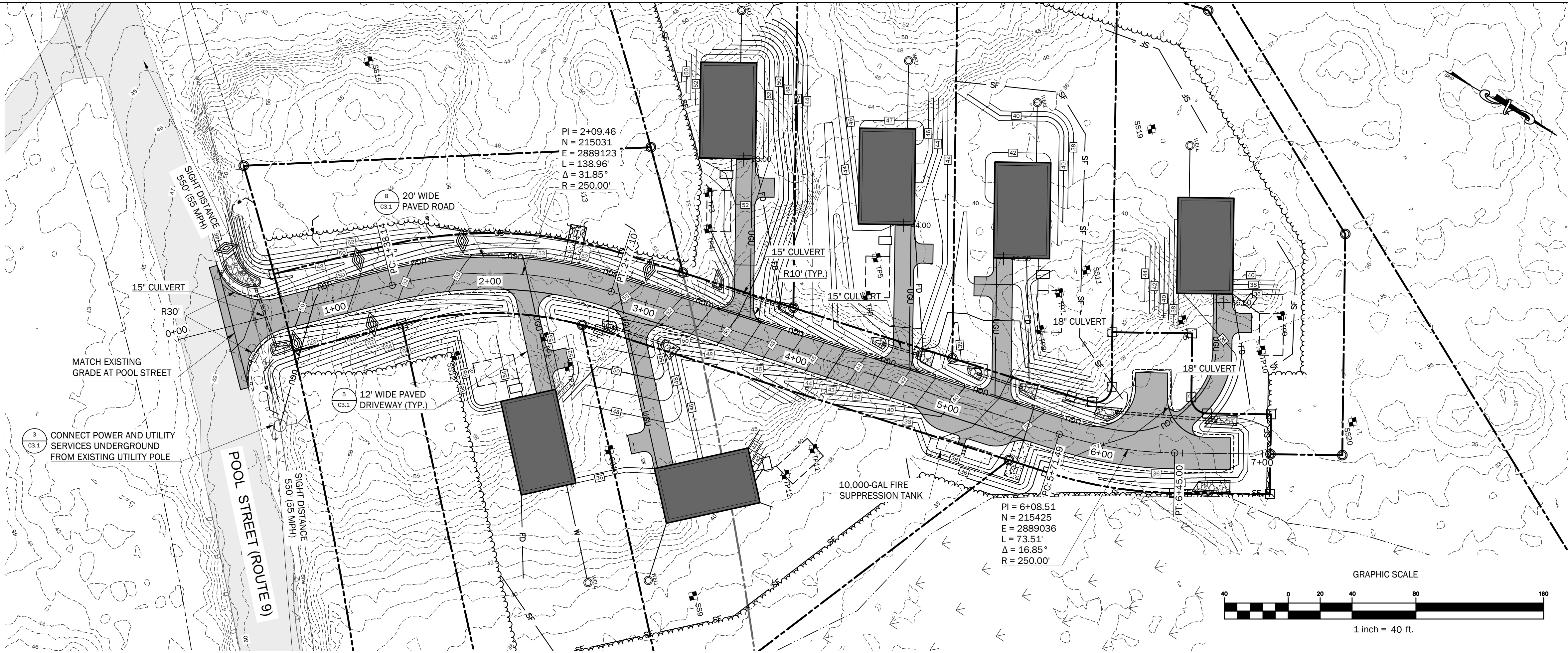
ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION



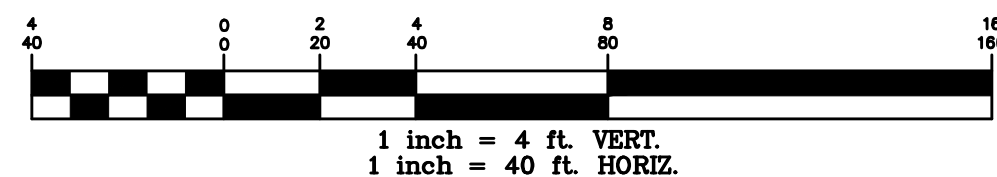
| LEGEND   |                                 |
|----------|---------------------------------|
| EXISTING | PROPOSED                        |
|          | PROPERTY LINE                   |
|          | ABUTTERS PROPERTY LINE          |
|          | EASEMENT                        |
|          | PROPERTY SETBACK                |
|          | IRON ROD OR PIN FOUND           |
|          | IRON ROD OR PIN SET             |
|          | CONCRETE MONUMENT FOUND         |
|          | GRANITE MONUMENT FOUND          |
|          | MONUMENT SET                    |
|          | SD                              |
|          | FD                              |
|          | SD                              |
|          | RIP RAP IN/OUT PROTECTION APRON |
|          | W                               |
|          | SS                              |
|          | UGU                             |
|          | UTILITY POLE                    |
|          | BUILDING                        |
|          | RIPRAP                          |
|          | LANDSCAPE/RETAINING WALL        |
|          | BITUMINOUS PAVEMENT             |
|          | GRAVEL                          |
|          | CONCRETE                        |
|          | INDEX CONTOUR                   |
|          | INTERMEDIATE CONTOUR            |
|          | TREELINE                        |
|          | TREE                            |
|          | SILT FENCE                      |
|          | EROSION CONTROL BERM            |
|          | TURF REINFORCEMENT MATTING      |
|          | CONSTRUCTION ENTRANCE           |

PLAN NOTES:

- SEE SHEET C1.0 FOR PLAN REFERENCES, ZONING INFORMATION, ETC.
- THIS PLAN IS TO ACT AS THE "PLAN OF PRIVATE WAY" IN ACCORDANCE WITH ARTICLE VI, SECTION 51, PART D OF THE CITY OF BIDDEFORD LAND DEVELOPMENT REGULATIONS.
- THE CITY OF BIDDEFORD SHALL NOT BE RESPONSIBLE OF THE COST OF MATERIALS, INSTALLATION, MAINTENANCE, OR POWER FOR THE STREET LIGHTING. THE HOMEOWNER'S ASSOCIATION SHALL ASSUME ALL COSTS ASSOCIATED WITH THE LIGHTING SYSTEM.
- THE CITY OF BIDDEFORD WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, OR PLOWING OF THE PRIVATE WAY AND THAT FURTHER LOT DIVISIONS UTILIZING THE PRIVATE WAY ARE PROHIBITED WITHOUT PRIOR APPROVAL OF THE BOARD.



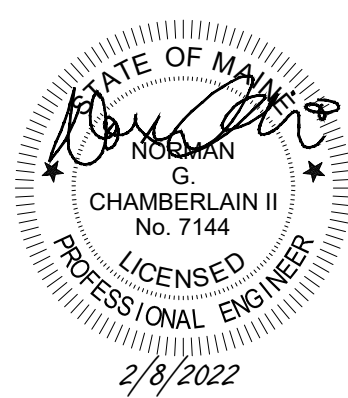
WINDWARD RIDGE PROFILE



**WALSH**  
ENGINEERING ASSOCIATES, INC.

One Karen Dr., Suite 2A | Westport, Maine 04092  
ph: 207.553.9898 | www.walsh-eng.com

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Windward Ridge

919 Pool Street  
Biddeford, Maine 04005  
Map 4, Lot 48

PREPARED FOR:  
**Ginger Hill, LLC**  
18 Early Way  
Arundel, Maine 04046

| Rev. | Date       | Description                                   | Drawn | Check |
|------|------------|-----------------------------------------------|-------|-------|
| 1    | 6/15/2021  | Biddeford Subdivision Sketch Plan Review      | CAR   | WRW   |
| 2    | 9/15/2021  | Biddeford Subdivision Preliminary Plan Review | CAR   | NGC   |
| 3    | 10/20/2021 | Revised per City Review Comments              | CAR   | NGC   |
| 4    | 11/23/2021 | Issued to City for Final Subdivision Review   | CAR   | NGC   |
| 5    | 3/28/2022  | Revised per Planning Board Review Comments    | CAR   | NGC   |

Sheet Title:

Windward Ridge  
Plan & Profile View

Job No.: 742  
Date: June 15, 2021  
Scale: As Shown  
Drawn: CAR  
Checked: WRW

Sheet No.:

C2.2

ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION



PLANNING BOARD  
REPORT

February 11, 2022

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

Application: Leeward Meadows – Ginger Hill, LLC  
158 Oak Ridge Road (Tax Map 4 Lot 57)

**Subdivision Final Plan Review**

Review Status: Final Approval review tabled to the February 16 meeting.

(Revised comments are in red and **bolded**)

Board members and Mr. Tansley,

The following application and attached information has been provided for review:

1. Application form dated 9/15/2021.
2. Cover letter and Application Submission entitled: *Final Subdivision Application for Leeward Meadows Subdivision, located at 158 Oak Ridge Road, Biddeford, Maine 04005, Map 4. Lot 57. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046.* Prepared by Walsh Engineering Associates, dated 1/12/2022. This includes Declaration of Covenants & Restrictions, Fire Department Review Comments and Stormwater Report.
3. Engineering Plan set entitled: *Leeward Meadows, Oak Ridge Road, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046.* Prepared by Walsh Engineering Associates, REV. date 1/12/2022.
4. Response to Comments Letter: *RE: Response to Engineer Review, Winward Ridge & Leeward Meadows Subdivisions, Biddeford, Maine.* Prepared by Walsh Engineering Associates, dated 1/20/2022.
- 5. Response to Comments Letter: RE: Review Comment Response Leeward Meadows Subdivision – Ginger Hill, LLC, Oak Ridge Road, Biddeford, Maine 04005. Prepared by Walsh Engineering Associates, dated 2/10/2022.**
- 6. Letter from Emily Ingwersen, Ginger Hill Design + Build, dated February 10, 2022.**

- 7. Subdivision Plan entitled: *Leeward Meadows, Oak Ridge Road, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, REV. date 2/04/2022.***
- 8. Landscape Plan entitled: *Leeward Meadows, Oak Ridge Road, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Scott Strynar Landscape Architect, LLC, REV. date 2/08/2022.***

With review of the above information and the Land Development Regulations and Subdivision Ordinance, I offer the following comments on compliance with the City's ordinances. See attached for remaining outstanding engineering related comments from Site Design Associates. Responses to the previous comments are in red.

### **PROJECT DESCRIPTION**

The applicant seeks to create 6 residential lots along a proposed 735-foot private road on a 15.5 AC parcel located in the Rural Farm (RF) zone. The site includes a large freshwater wetland among open field and woods.

### **COMPLETENESS REVIEW**

The application is before the Planning Board as required by Chapter 66 (Subdivisions) subject to Subdivision review and approval. Per the City's Subdivision ordinance (66-26), all applications have a three-tier approval process beginning with a Sketch plan review. The Planning Board reviewed the Sketch Plan in July and approved the Preliminary Plan in November of last year. The applicant has submitted a final plan submission for review that appears to be complete.

### **COMPLIANCE WITH THE CITY'S ORDINANCES**

The proposed minimum lot sizes and net density calculations appear to be in order. Required setbacks are also depicted and the applicant engaged a Landscape Architect to design the required Rural Farm Zone vegetated buffer. The latter may need logistical and design tweaks to be more effective and clearer as to its designated location.

City Staff, including Long Meadow P&LA and Site Design Associates, have had an opportunity to share comments on an earlier submission prior to placing the application on the Board's agenda. Considering the revised plans and the response to comments, the following are comments and recommendations that Board, and the applicant may want to consider:

#### **AGRICULTURAL SOILS (Sec. 66-2)**

In speaking with the State Soil Scientist's office and the NRCS, it appears the soils listed in the HISS prepared by Mark Hampton, Associates do not include the specific soils listed as prime agricultural or having state-wide significance. It was suggested, however, that if the project used federal aid or

funding, that an application to the NRCS regarding agricultural and state-wide significant soils was required since its medium intensity soil surveys depict these soils on the property.

As requested the City Planner contacted Wayne Munroe at the NRCS office in Scarborough, and he agreed that a Medium Intensity Soil Survey (MISS), which is used to determine prime agricultural or having state-wide significance would not overrule a High Intensity Soil Survey (HISS). Mr. Munroe added that once the Soil Series are identified (mapped at the higher intensity development standards) the web soil survey (medium intensity) can still be used to identify the HISS mapped Soil Series site limitations and capabilities for various proposed land uses. It is Staff's understanding that the applicant's soil scientist reviewed this information and identified that there were no prime agricultural or having state-wide significance on the site.

#### OPEN SPACE DESIGN

The open space design provides for a compact development towards the front of the parcel while preserving the majority of the riparian habitat that abuts existing conservation land to the rear. The latter is proposed to be protected under an easement held by the Kennebunkport Land Trust. The boundary of conservation land should be marked in some manner to identify it as such, and making it known in the HOA documents, drawing a distinction from the other open spaces, would be helpful too. The open space that is not proposed to be held by the Land Trust, should also be marked in some manner to articulate the line between lots and open space. **This comment has been addressed.**

#### PRESERVATION IN PERPETUITY

As outlined in Sec. 16.E, Article VI of the Land Development Regulations, Open Space in a cluster development shall be preserved by means of a conservation easement held by a third party or held by the HOA by means of its declarations and covenants. A draft agreement and easement between the applicant and the land trust should be provided to the Board for review and approval. The draft HOA documents does not appear to include any language related to the non-land trust open space being preserved in perpetuity. **The applicant has provided a draft conservation easement that conforms to Sec. 16 and addresses this comment.**

#### SUBDIVISION IN THE RURAL FARM (RF) ZONE (Sec. 66-79)

Buffer Location: This provision, among other items, requires a 75-foot wide vegetated buffer. The Plan depicts the 75-foot buffer in the location specified by the ordinance, measured from the public street. With consultation with City Staff, the applicant has located the required plantings for the buffer adjacent to the new private street instead. This provides for the current meadow/field to be maintained along Ridge Road.

If the Planning Board is amenable to this, a waiver to locate the required 75-wide buffer adjacent to proposed private street would be prudent, so it is clear from a regulatory perspective the proposed plantings' purpose. A note should be added to the plan indicating that the plantings shown are

maintained as a buffer required under Sec. 66-79. **The following plan note has been added to Sheet S1.0:**

***THE 75-FOOT WIDE VEGETATED BUFFER DEPICTED ON THIS PLAN IS REQUIRED PER BIDDEFORD CITY CODE SEC. 66-79 AND IS TO BE MAINTAINED AS EFFECTIVE SCREEN OF THE DEVELOPMENT AND AS DEPICTED ON THE PLANNING BOARD APPROVED LANDSCAPE PLAN PREPARED BY SCOTT STRYNAR, LANDSCAPE ARCHITECT, LLC, REV. DATE DECEMBER 18, 2021.***

**The REV date referenced should be the date for the latest revised plan, which is at this point in time February 8, 2022.**

Buffer Design: The applicant has engaged with a landscape architect that has prepared a planting plan with an appropriate mix of plant species. The Board and the applicant should consider the following tweaks to the design:

1. The planting proposed is less than 75 feet wide, however, per 66-79 (3) b, the width can be reduced to no less than 50 feet wide. The Plan depicts 40 feet, of which 15 feet is located within the Street Right-Of-Way (ROW). This does not seem to be appropriate since the ROW is dedicated to street and related utilities and infrastructure, which is likely to be in conflict with maintaining a vegetated buffer. **The revised plans address this comment.**
2. The proposed vegetated buffer along the proposed street should be shifted out of the ROW and the planting strip increased to 50 feet wide. Added evergreen trees to make up the difference in width should be utilized to provide for an effective screen. **The revised plans address this comment.**
3. The actual delineation of the 75-foot buffer should be shown adjacent to the new street where the planting is proposed to be rather than measured from Ridge Road. (See attached sketch) **The revised plans address this comment.**
4. The plant species arborvitae is not comparable in size at maturity to the other Evergreen trees listed, having a spread of 12 feet vs. 20 feet for the spruce and fir trees. It is recommended that they are substituted with more of the evergreen species listed. **The revised plans address this comment.**
5. The addition of the native grasses and wildflower seeding to provide a “pollinator” meadow should be a nice asset to the proposed development. The final drawings should include details on the best practices of executing this in a manner that will not provide an opportunity for invasive/exotic weeds to get established during establishment. **The revised plans address this comment.**
6. Lot 6 could benefit with one or two more evergreen trees to provide a more effective screen between the proposed house and Oak Ridge Road. **This comment has been addressed. One evergreen tree has been added.**

7. Installation size of evergreen trees, at least in those areas abutting lot 6 and lot 1, should be of a large size, perhaps 8-10 feet high. **This comment has been addressed. The installation size has been increased to 7-8 feet high.**
8. Installation size of the deciduous trees should be increased to 2" – 2-1/2" caliper, which is typical for street trees and would better benefit the effectiveness of the buffer.

**This comment has been addressed. In lieu of street trees the deciduous canopy trees have been moved out of the Street ROW and into the buffer area where the smaller caliper-sized trees will likely fare better.**

#### HOMEOWNERS ASSOCIATION DOCUMENTS

1. The open space that is not to be held by the land trust (*common area*) should be more defined in terms of management, as it relates to buffer requirements and maintaining existing natural screening of the development. The HOA documents should be drafted to help make expectations clear in maintaining the planted trees and shrubs in the open space as a buffer and vegetated screen, and existing vegetation that currently provide screening that is not proposed to be cleared, should be maintained as such. **Exhibit A refers to Open Space 1 and Open Space 2 as protected property subject to the conservation easement. The language in Declaration of Covenants and Restrictions does address the comment here, though, should reflect the separate conservation easement when discussing *Open Space*. Perhaps the area held in common that is not subject to the conservation easement should be referenced/named to set it apart to limit confusion. Possibly Exhibit A may do that, however, it has not been submitted. In either case there may be some benefit in itemizing, what appears to be, three different types of open space: two are subject to the conservation easement, and a third is between the proposed street and Oak Ridge Road that includes the Buffer Strip.**

**This comment has been addressed. Exhibit A is to be the approved subdivision plan that depicts the two types of open space.**

2. Art. VI Sec. 12.~~dc~~ should include a reference to receiving Planning Board approval if granting easements is not reflected on the approved subdivision plan. Art VIII Sec. 2 should be subject to Board approval of an amended plan as well. **The revised plans address this comment.**
3. Encroachment of the open space by the homeowners or abutters should be addressed in terms of accountability as it relates to the open space being undeveloped and/or clearing that is contrary to the approved plan. **The revised documents address this comment (See Art. 6 Sec. 12.D).**
4. There does not appear to be any sections that address the shared maintenance of the private street, especially having the responsibility of contacting or ensuring that snow is



removed in a reliable manner to aid in public safety access. **The revised documents address this comment (See Art. 6 Sec. 12.A).**

#### FIRE SAFETY

Chapter 30-87 requires underground fire suppression tanks for new (private/public) subdivisions, which are located outside the hydrant districts. The applicant should review the ordinance and coordinate with the Fire Department and demonstrate compliance prior to final approval. **The revised plans address this comment.**

#### PLAN RECOMMENDATIONS

1. A Stamped and signed final Boundary Survey should be submitted. **Submitted.**
2. The Existing Conditions Plan references GIS topography/contour data. Is this adequate for final road and site grading design? **Plan reference 1 on Sheet C1.0 reflects other sources of topographic data. Applicant should clarify what is used for the road design. This comment has been addressed.**
3. The Subdivision Plan should be prepared and certified by a Professional Land Surveyor, licensed in Maine. **Submitted**
4. The Subdivision Plan appears to not include typical/standard notes found on surveys and subdivision plans, e.g. deeds, ownership, plan references.... The latter is referenced to the cover sheet, however, the Subdivision Plan will be recorded and ideally should be one sheet, unless multiple sheets are recorded as well. **The revised plans address this comment.**
5. The Subdivision Plan notes should reflect any applicable City zoning or subdivision requirements, e.g. 75-foot buffer in the RF zone and Open Space preserved in perpetuity. **This does not appear to have been addressed. Concerning the buffer, see recommended plan note suggested in comment above for SUBDIVISION IN THE RURAL FARM (RF) ZONE (Sec. 66-79). With regard to open space, following plan note is suggested:**  
*This six-lot single family residential subdivision is approved as a cluster development pursuant to Article VI, Section 16 of the City's Land Development Regulations, and includes the designated open space in perpetuity.*  
**This comment has been addressed. See plan note #7 on Sheet S1.0.**
6. The plans should include signatory blocks and recording blocks where necessary. **The revised plans address this comment.**
7. Plan note 4 on Sheet S1.0 should be more specific and reference the actual declaration of covenants and restrictions and the conservation easement. **The plan note has been revised. It is recommended that the note reflects the documents are recorded at the York Registry of Deeds.**
8. Sec. 66-79(4)b. requires reference to the required buffer strip in the deed(s) of those lots that include the buffer area in fee. It is recommended that deeds for lots 1 and 2 include

the same language as recommended for the plan note on Sheet S1.0 (noted earlier in this review). **The applicant has addressed this. The draft deeds for review by the City Planner prior to recording should be considered as a condition of approval.**

### **WAIVER REQUESTS**

None requested.

### **CONCLUSION**

The Final Plan appears to be complete for the Planning Board's consideration and conforming in consideration of the above comments. If the Board is inclined to grant final approval it should consider it being with conditions that address all outstanding comments from board members, City Staff and peer-reviewers. **The applicant has revised the plans and declarations to address staff, peer-review and planning board comments. Other than the minor housekeeping items referenced above, Staff has no further comments.**

Feel free to contact me with questions.

Best regards,



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

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the provisions of the City of Biddeford Code of Ordinances Chapter 66 (Subdivisions) and the Land Development Regulations, Article VI, Section 16 Cluster development, the Biddeford Planning Board has considered the application of **Ginger Hill, LLC for a six-lot cluster development subdivision at 158 Oak Ridge Road**, 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 and Owner                                        | Emily Ingwersen<br>Ginger Hill, LLC<br>18 Early Way, Arundel, ME 04046                               |
| 2.  | Agent:                                                     | William R. Walsh III, PE,<br>Walsh Engineering Associates, Inc<br>1 Karen Drive, Westbrook, ME 04092 |
| 3.  | Surveyor:                                                  | Titcomb Associates<br>133 Gray Road, Falmouth, ME 04105                                              |
| 4.  | Project Location:                                          | 158 Oak Ridge Road                                                                                   |
| 5.  | Project Tax Map #/Lot #:                                   | Tax Map 4 Lot 57                                                                                     |
| 6.  | Lot Size:                                                  | 15.5 AC +/-                                                                                          |
| 7.  | Existing Zoning:                                           | Rural Farm                                                                                           |
| 8.  | Overlay Zoning:                                            | None                                                                                                 |
| 10. | Existing Use:                                              | Vacant                                                                                               |
| 11. | Proposed Use:                                              | Six Lot Single Family Clustered Subdivision                                                          |
| 12. | Floodplain Status:                                         | None                                                                                                 |
| 13. | Approvals Required:                                        | Subdivision Plan Review                                                                              |
| 14. | Uses in the Vicinity:                                      | Residential                                                                                          |
| 15. | Dimensional Requirements:                                  |                                                                                                      |
|     | Min. Setback from Major R.O.W:<br>40FT/ Other R.O.W: 25 FT | Min. Lot Size: 20,000 SF/ Unit*<br>*Clustered development                                            |
|     | Minimum Side/Rear Setback:25 FT                            | Maximum Height: 3 stories / 35 FT                                                                    |
| 16. | Waivers Needed:                                            |                                                                                                      |
|     | a. None                                                    |                                                                                                      |
| 17. | Waivers Granted:                                           | 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:                           | MDEP                                                                                                 |
| 22. | LDR Attachment A: Fees Paid:                               | Yes                                                                                                  |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                      |                         |                       |                             |                 |                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------|-----------------------|-----------------------------|-----------------|---------------------------------------------|
| 23.                   | <p><b>Application Materials Submitted:</b></p> <ol style="list-style-type: none"> <li>1. Application form dated 9/15/2021.</li> <li>2. Cover letter and Application Submission entitled: Final Subdivision Application for Leeward Meadows Subdivision, located at 158 Oak Ridge Road, Biddeford, Maine 04005, Map 4. Lot 57. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, dated 1/12/2022. This includes Declaration of Covenants &amp; Restrictions, Fire Department Review Comments and Stormwater Report.</li> <li>3. Engineering Plan set entitled: Leeward Meadows, Oak Ridge Road, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, REV. date 1/12/2022.</li> <li>4. Response to Comments Letter: RE: Response to Engineer Review, Winward Ridge &amp; Leeward Meadows Subdivisions, Biddeford, Maine. Prepared by Walsh Engineering Associates, dated 1/20/2022.</li> <li>5. Response to Comments Letter: RE: Review Comment Response Leeward Meadows Subdivision – Ginger Hill, LLC, Oak Ridge Road, Biddeford, Maine 04005. Prepared by Walsh Engineering Associates, dated 2/10/2022.</li> <li>6. Letter from Emily Ingwersen, Ginger Hill Design + Build, dated February 10, 2022.</li> <li>7. Subdivision Plan entitled: Leeward Meadows, Oak Ridge Road, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Walsh Engineering Associates, REV. date 2/04/2022.</li> <li>8. Landscape Plan entitled: Leeward Meadows, Oak Ridge Road, Biddeford, Maine 04005. Prepared For: Ginger Hill, LLC, 18 Early Way, Arundel, Maine 04046. Prepared by Scott Strynar Landscape Architect, LLC, REV. date 2/08/2022.</li> </ol> |                      |                         |                       |                             |                 |                                             |
| 24.                   | <p><b>Planning Board Review History:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                      |                         |                       |                             |                 |                                             |
|                       | <table border="1"> <tr> <td data-bbox="267 1528 751 1591">A. Conceptual Review</td><td data-bbox="751 1528 1336 1591">Meeting on July 7, 2021</td></tr> <tr> <td data-bbox="267 1591 751 1654">B. Preliminary Review</td><td data-bbox="751 1591 1336 1654">Meeting on November 3, 2021</td></tr> <tr> <td data-bbox="267 1654 751 1797">C. Final Review</td><td data-bbox="751 1654 1336 1797">Meeting on February 2 and February 16, 2022</td></tr> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | A. Conceptual Review | Meeting on July 7, 2021 | B. Preliminary Review | Meeting on November 3, 2021 | C. Final Review | Meeting on February 2 and February 16, 2022 |
| A. Conceptual Review  | Meeting on July 7, 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                         |                       |                             |                 |                                             |
| B. Preliminary Review | Meeting on November 3, 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |                         |                       |                             |                 |                                             |
| C. Final Review       | Meeting on February 2 and February 16, 2022                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                      |                         |                       |                             |                 |                                             |
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**Conclusions of Law:**

The Planning Board concludes based on the application information submitted, peer-review and staff reports prepared and testimony provided at their meetings, the application conforms to the following provisions:

A. Section 66-39 (below) applicable standard and requirements of Chapter 66 of the City's subdivision ordinance:

1. The project will not result in undue water or air pollution.
2. The project has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. The project will not cause an unreasonable burden on an existing water supply, if one is utilized;
4. The project will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy, condition may result;
5. The project will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. The project will provide for adequate sewage waste disposal;
7. The project will not cause unreasonable burden on the ability of the municipality to disposal of solid waste and sewage if municipal services are to be utilized;
8. The project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas or public rights for physical or visual access to the shoreline. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent;
9. The project is in conformance with a duly adopted subdivision regulation or ordinance, Comprehensive Plan, development plan, or land use plan, if any.
10. The subdivider has adequate financial and technical capacity to meet the above stated standards;
11. Whenever situated, in whole or in part, within 250 feet of any lake, pond, river or tidal waters, the project will not adversely affect the quality of that body of water, or unreasonably affect the shoreline of that body of water, as indicated on the City of Biddeford, Official Zoning Map and referenced in the City's Comprehensive Plan;
12. The project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13. The project is not in a flood prone area;
14. The project will not unreasonably obstruct abutting properties or structures access to direct sunlight;
15. If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.



B. Section 16, Cluster development, Article VI Performance Standards and other applicable standards of the of the City's Land Development Regulations.

**Determination:**

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

**Conditions of Approval:**

1. **Prior to any ground disturbance or issuance of any permits:**
  - a. All outstanding review comments shall be addressed to the satisfaction of the City Planner.
  - b. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.
  - c. A Unit Cost Estimate on City form shall be submitted to the City Planner for review.
  - d. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in an amount to be determined by the City based on Condition of Approval 1.d. shall be submitted to the Planning Department.
  - e. Performance bond for the planting and installation of the plants for the proposed buffer??
  - f. Executed recorded copy of the Conservation Easement??
2. **Prior to the issuance of any occupancy permits:**
  - a. A performance guarantee (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.
3. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
4. A Stabilized Construction Access shall be constructed and maintained through the duration of this project.
5. Best management practices shall be adhered to during all ground disturbance operations. All Catch Basin's in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
6. Copies of the maintenance logs for any stormwater facilities shall be submitted to the City for each calendar year no later than January 15<sup>th</sup> of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.

7. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.
8. Once completed, as-built drawings of the site shall be provided to the Planning Department.
9. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
10. Standard Conditions of Approval apply.

\_\_\_\_\_  
Planning Board Chairman

\_\_\_\_\_  
Date

DRAFT

February 10, 2022

Biddeford Planning Board  
c/o Mr. Greg Tansley, City Planner  
City of Biddeford  
205 Main Street  
P.O. Box 586  
Biddeford, ME 04005

RE: **Review Comment Response**  
**Leeward Meadows Subdivision – Ginger Hill, LLC**  
**Oak Ridge Road, Biddeford, Maine 04005**

Dear Board Members,

Walsh Engineering Associates (WEA) is pleased to provide these responses to comments from the City of Biddeford for the proposed residential subdivision at the subject property. These comments reflect comments from the following:

1. The planning board report prepared by Christopher Di Matteo dated January 27, 2022
2. Engineer review comments provided by Tom Saucier via email dated January 27, 2022
3. Comments from the Planning Board at the February 3, 2022, board meeting.

We have included a revised set of plans dated February 4, 2022, reflecting changes made in response to the comments and a draft of the road maintenance agreement have been included with this letter. More specifically as follows (corresponding to the order of Item 1):

**Planning Board Report by Di Matteo**

- **Agricultural Soils**

*Comment: In speaking with the State Soil Scientist's office and the NRCS, it appears the soils listed in the HISS prepared by Mark Hampton, Associates do not include the specific soils listed as prime agricultural or having state-wide significance. It was suggested, however, that if the project used federal aid or funding, that an application to the NRCS regarding agricultural and statewide significant soils was required since its medium intensity soil surveys depict these soils on the property.*

**Response:** This item has been addressed several times in discussion and in response. The soils on site, as mapped by Licensed Soil Scientist do not meet the criteria of Prime Agricultural Soils. This issue was addressed in a previous letter by Soil Scientist Mark Hampton, submitted to the staff and confirmed via email by Wayne Munroe of the NRCS in Scarborough by staff.

- Open Space Design

*Comment: The open space design provides for a compact development towards the front of the parcel while preserving the majority of the riparian habitat that abuts existing conservation land to the rear. The latter is proposed to be protected under an easement held by the Kennebunkport Land Trust. The boundary of conservation land should be marked in some manner to identify it as such, and making it known in the HOA documents, drawing a distinction from the other open spaces, would be helpful too. The open space that is not proposed to be held by the Land Trust, should also be marked in some manner to articulate the line between lots and open space.*

Response: The Open Space on the property has been delineated as “Open Space 1” and “Open Space 2” on the Subdivision Plan. As well, both areas 1 & 2 will be part of the Conservation Easement that will be held by the Kennebunkport Conservation Trust and is called out in “Exhibit A” of the “Conservation Easement Open Space Area of Leeward Meadows Subdivision”, that has been provided to the staff.

- Preservation in Perpetuity

*Comment: As outlined in Sec.16.E, Article VI of the Land Development Regulations, Open Space in a cluster development shall be preserved by means of a conservation easement held by a third party or held by the HOA by means of its declarations and covenants. A draft agreement and easement between the applicant and the land trust should be provided to the Board for review and approval. The draft HOA documents does not appear to include any language related to the non-land trust open space being preserved in perpetuity.*

Response: This has been addressed in the draft conservation easement and conforms to Sec. 16 and on the Subdivision Plan, Sheet S1.0

- Subdivision in the Rural Farm Zone (Sec 66-79)

Buffer Location

*Comment: This provision, among other items, requires a 75-foot-wide vegetated buffer. The plan depicts the 75-foot buffer in the location specified in the ordinance, measured from the public street. With consultation with City Staff, the applicant has located the required plantings for the buffer adjacent to the new private street instead. This provides for the current meadow / field to be maintained along Oak Ridge Road. If the Planning Board is amenable to this, a waiver to locate the required 75-wide buffer adjacent to proposed private street would be prudent, so it is clear from a regulatory perspective the proposed plantings purpose. A note should be added to the plan indicating that the plantings shown are maintained as a buffer required under Sec. 66-79.*

Response: Plan Sheet S1.0, note 8 has been added as requested.

- Buffer Design

1. *Comment: The planting proposed is less than 75 feet wide, however, per 66-79(3)b, the width can be reduced to no less than 50 feet wide. The Plan depicts 40 feet, of which 15 feet is located within the*

*Street Right-Of-Way (ROW). This does not seem to be appropriate since the ROW is dedicated to street and related utilities and infrastructure, which is likely to be in conflict with maintaining a vegetated buffer.*

Response: Has been addressed as confirmed by Mr. Di Matteo

2. *Comment: The proposed vegetated buffer along the proposed street should be shifted out of the ROW and the planting strip increased to 50 feet wide. Added evergreen trees to make up the difference in width should be utilized to provide for an effective screen.*

Response: The 75-ft buffer was moved out of the ROW and is shown on Sheet S1.0

3. *Comment: The actual delineation of the 75-foot buffer should be shown adjacent to the new street where the planting is proposed to be rather than measured from Oak Ridge Road. (See attached sketch).*

Response: Has been revised on Sheet L1.0 as requested.

4. *Comment: The plant species arborvitae is not comparable in size at maturity to the other Evergreen Trees listed, having a spread of 12 feet vs. 20 feet for the spruce and fir trees. It is recommended that they are substituted with more of the evergreen species listed.*

Response: Plant material has been adjusted as requested and shown on the Landscape Plan, Sheet L1.0

5. *Comment: The addition of the native grasses and wildflower seeding to provide a “pollinator” meadow should be a nice asset to the proposed development. The final drawings should include details on the best practices of executing this in a manner that will not provide an opportunity for invasive/exotic weeds to get established during establishment.*

Response: The Landscape Plan, Sheet L1.0 shows the “Meadow Preparation & Seeding (3-year scope) addressing this item.

6. *Comment: Lot 6 could benefit with one or two more evergreen trees to provide a more effective screen between the proposed house on Oak Ridge Road.*

Response: An Evergreen has been added between the house and the road. Refer to Landscape Plan, Sheet L1.0

7. *Comment: Installation size of evergreen trees, at least in those area abutting lot 6 and lot 1 should be of large size, perhaps 8-10 feet high.*

Response: The plants have been increased in size to 7-8 ft. Refer to Landscaping Plan, Sheet L1.0

8. *Comment: Installation size of the deciduous trees should be increased to 2”-2 ½” caliper, which is typical for street trees and would better benefit the effectiveness of the buffer.*



Response: The trees have been removed from the street right of way and included within the buffer area. Therefore, the sizes are adequate as specified. Refer to Landscaping Plan, Sheet L1.0

### **Homeowners Association Documents**

*Comment: Exhibit A refers to Open Space 1 and Open Space 2 as protected property subject to the conservation easement. The language in Declaration of Covenants and Restrictions does address the comment here, though, should reflect the separate conservation easement when discussing Open Space.*

*Perhaps the area held in common that is not subject to the conservation easement should be referenced/named to set it apart to limit confusion. Possibly Exhibit A may do that, however, it has not been submitted. In either case there may be some benefit in itemizing, what appears to be, three different types of open space: two are subject to the conservation easement, and a third is between the proposed street and Oak Ridge Road that includes the Buffer Strip.*

Response: Exhibit B of the Conservation Easement will be a reduced sized copy of Sheet S1.0. Labels identifying “Open Space 1” and “Open Space 2” have been added to Sheet S1.0 as intended by the language of the easement. There is not a third type of open space.

*Comment: Art. VI Sec. 12.d should include a reference to receiving Planning Board approval if granting easements is not reflected on the approved subdivision plan. Art VIII Sec. 2 should be subject to Board approval of an amended plan as well.*

Response: Article VI Sec. 12.D has been revised to reflect approval by the planning board. Article VIII Sec. 2 has been revised to reflect Planning Board Approval.

*Comment: Encroachment of the open space by the homeowners or abutters should be addressed in terms of accountability as it relates to the open space being undeveloped and/or clearing that is contrary to the to the approved plan.*

Response: Refer to Article VI, Sec. 12D, this item has been addressed.

*Comment: There does not appear to be any sections that address the shared maintenance of the private street, especially having the responsibility of contacting or ensuring that snow is removed in a reliable manner to aid in public safety access.*

Response: See Article VI, Sec. 12.A, The revised documents address this comment.

- **Fire Safety**

*Comment: Chapter 30-87 requires underground fire suppression tanks for new (private/public) subdivisions, which are located outside the hydrant districts. The applicant should review the ordinance and coordinate with the Fire Department and demonstrate compliance prior to final approval.*

Response: Fire Tanks and dry hydrants have been added to the plan set. This has been reviewed by the fire department who is satisfied with this solution.

## **Plan Recommendations**

1. Comment: *A Stamped and signed final Boundary Survey should be submitted.*

Response: Has been addressed by Mr. Di Matteo.

2. Comment: *The Existing Conditions Plan references GIS topography/contour data. Is this adequate for final road and site grading design. Plan Reference 1 on Sheet C1.0 reflects other sources of topographic data. Applicant should clarify what is used for road design.*

Response: The plan references on Sheet C1.0 reflect the sources of data shown on the plans. Note 6 has been added to Sheet S1.0 stipulating that the extents of the proposed right-of-way will be field surveyed prior to road construction as agreed upon.

3. Comment: *The Subdivision Plan should be prepared by a certified Professional Land Surveyor, licensed in Maine.*

Response: A revised stamped plan is included.

4. Comment: *The Subdivision Plan appears to not include typical/standard notes found on surveys and subdivision plans. e.g. deeds, ownership, plan references.... The latter is referenced to the cover sheet, however, the Subdivision Plan will be recorded and ideally should be one sheet, unless multiple sheets are recorded as well.*

Response: The Subdivision Plan has been provided with the appropriate notes.

5. Comment: *The Subdivision Plan notes should reflect any applicable City zoning or Subdivision requirements, e.g. 75-ft buffer in the RF zone and Open Space preserved in perpetuity. This does not appear to have been addressed. Concerning the buffer, see recommended plan note suggested in the comment above for SUBDIVISION IN THE RURAL FARM (RF) ZONE (SEC.66-79). With regard to open space, the following plan note is suggested: This six lot single family residential subdivision is approved as a cluster development pursuant to Article VI, Section 16 of the City's Land Development Regulations, and includes the designated open space in perpetuity.*

Response: This note has been added to the Subdivision Plan, note 7. Also refer to notes 8-11 on the Subdivision plan.

6. Comment: *The plans should include signatory blocks and recording blocks where necessary.*

Response: The signatory blocks and recording blocks have been added to the plan set.

7. Comment: *Plan note 4 on Sheet S1.0 should be more specific and reference the actual declaration of covenants and restrictions and the conservation easement.*

Response: Note 4 has been revised to "The Property is benefited by and subject to the Easement, Covenants, and restrictions set forth in "Leeward Meadows Subdivision Declaration of Covenants

and Restrictions” and “Conservation Easement Open Space Area of Leeward Meadows Subdivision”.

8. Comment: *Sec. 66-79(4)b. requires reference to the required buffer strip in the deed(s) of those lots that include the buffer area in fee. It is recommended that deeds for lots 1 and 2 include the same language as recommended for the plan note on Sheet S1.0 (noted earlier in this review).*

Response: This has been addressed on the Subdivision Plan note 7 and reads “This six-lot Residential Subdivision is approved as a cluster development pursuant to Article VI, Section 16 of the City’s Land Development Regulations, and includes the designated open space in perpetuity. Language similar to this note regarding the vegetated buffer requirements will be included in the deed descriptions for lot 1 and lot 6.

### **Engineer Review**

Comment: *We had requested that the applicant refer to Section 51 of the code for private way requirements. In response, the applicant updated the Plan/Profile drawing with the required notes. Those notes should be added to the subdivision plan which will be recorded at the York County Registry of Deeds.*

Response: The notes referring to Section 51 of the City of Biddeford Code have been added to Sheet S1.0.

Comment: *Section 51.D.6. of the code requires that a road maintenance agreement be prepared, provided to the city for review, and ultimately be recorded at the York County registry of Deeds.*

Response: The information requested for a road maintenance agreement per Section 51.D.6. of the City of Biddeford Code has been included in Article III of the Declaration of Covenant & Restrictions for the city’s review.

### **Planning Board Comments from February 3, 2022**

- Open Space

Comment: *Mr. Droggitis - How will dead diseased trees be removed from the open space if they are not allowed?*

Response: The Declaration of Covenants and Restrictions, Article VI – Protective Covenants, Section 9 was written in order to keep motorized vehicles such as snowmobiles and ATV’s to protect and preserve these areas. Section 9 has been revised to allow for the removal of diseased and dying trees from the wooded area by motorized vehicles/equipment.

Comment: *Mr. Tarpey - Was concerned with the open space issues. Particularly how can the open space have solar panels.*

Response: As explained at the last Planning Board meeting by the applicant, the project is being proposed as a net zero development. The use of solar panels to reduce the carbon footprint is integral to achieving this goal. The proposed plan is to allow solar panels in the meadow area of the open

space without removing trees for the PV panels. The principal purpose of any PV panels on the site and within the open space will be to serve the electrical needs of the Leeward Meadows development only and not for commercial use. This language has been added to Article III, Section 2 of the Declaration of Covenants and & Restrictions for the city's review.

Comment: *Mr. Angers felt that 8 evergreen trees should be adjusted.*

Response: Trees have been added on Lot 6 and the size has been increased as previously explained.

Comment: *Mr. Tarpey – Public Access to the Open space should be encouraged.*

Response: The primary purpose of the proposed open space is to preserve and protect the meadow, the woodlands, the habitat, and ecological qualities of the undeveloped land which directly benefits the public. By providing an easement to the Kennebunkport Conservation Trust, access rights will be granted to them, thereby connecting this property to a much larger open space network managed by KCT. The easement granted to KCT will be held in perpetuity by them. Public access to the open space is not a requirement of the ordinance, however by providing the easement to them and by the greater open space network controlled by KCT, public access has been provided for.

It should be noted that the required open space for this development, per the City of Biddeford Code is 107,157 sq. ft. (2.46 Ac.). As proposed, this development provides 353,007 sq. ft. (8.1 acres) of Open Space area, which is over 3 times the requirement.

Comment: *Mr. Benway – why are there two addresses with 158 Oak Ridge?*

Response: We have checked twice with the Assessor's office. They have verified that this is 158 Oak Ridge Road.

Comment: *Mr. Cantara – Felt the planning comments needed to be incorporated into the documents.*

Response: The planning comments have been included as noted above.

Comments: *Mr. Southwick – wanted to have the motorized vehicle issue clarified.*

Response: As noted above, Section 9 of the Covenants has been revised.

We trust that we have adequately addressed the planning board report, engineer review, and planning board comments provided. All work completed with this application have been done so in compliance with the City of Biddeford Code. Please contact me if you require any additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "William R. Walsh, III". The signature is fluid and cursive, with the last name "Walsh" being more prominent.

William R. Walsh, III, P.E., LEED AP  
Walsh Engineering Associates, Inc.

cc. Emily Ingwersen, Ginger Hill, LLC  
Robert Ingwersen, Ginger Hill, LLC

Enc. Revised Draft Declaration of Covenants & Restrictions  
Revised Final Subdivision Plan dated 2/4/2022  
Revised Landscaping Plan dated 2/8/2022



Emily Ingwersen  
Ginger Hill Design + Build  
18 Early Way  
Arundel, ME 04046

February 10, 2022

Biddeford Planning Board  
P.O. Box 586  
Biddeford, ME 04005

Dear Biddeford Planning Board Members,

Following the February 2<sup>nd</sup> meeting I wanted to take a moment to reiterate Ginger Hill's intentions, mission and process when considering the two new neighborhoods, Windward Ridge and Leeward Meadows, that we have presented to you. Ginger Hill Design + Build was founded in 2010 by myself and my husband, Rob. We both grew up in the area and wanted to return to raise our family here and start our business. Our mission has been clear from the outset, to make super-efficient homes accessible to the average consumer with sustainability and conservation being an utmost priority. Our most recent projects are all either Net Zero or Net Zero ready homes with minimal carbon footprints. We have completed over 50 projects in southern Maine since we were founded and have many clients, subcontractors, consultants and code enforcement officers who can attest to the quality of our work and the sustainability measures we employ. We were attracted to Biddeford because of the requirement for cluster subdivisions as best practice for development from a conservation perspective, and we felt that our goals of sustainability and conservation were aligned with the city's. As we concluded a development in Arundel we identified the parcels in Biddeford as an opportunity to work with a municipality that took conservation seriously and in a community that we care about.

As evidence of our commitment to conservation and the community we took the following measures for each subdivision prior to developing preliminary plans:



- Hired Jones Associates, professional environmental consultants who have been operating for over twenty years, to conduct wildlife studies
- Engaged Mark Hampton, a reputable, licensed soils scientist who has worked in Maine for over 30 years, to conduct high intensity soils surveys

While developing plans for Windward Ridge we:

- Considered the existing landscape and site conditions when creating a lot layout and road location, minimizing disturbance area by utilizing an existing woods road
- Voluntarily met with the Conservation Commission to discuss the project
- Created lots that are as small as the zoning ordinance allows
- Clustered development areas in locations close to existing disturbance and as close to route 9 as feasible
- Ensured the wetlands on the site were left untouched
- Maximized the open space and ensured it would remain open in perpetuity, creating a public benefit by conserving the land
- Moved lot #6 as requested by the planning board and the conservation commission, thereby ensuring the maximum amount of clustering possible

While developing plans for Leeward Meadows we:

- Reduced the site plan from 8 to 6 lots to minimize our impact on the land, create less disturbance and keep development as close to Oak Ridge Road as possible
- Voluntarily met with the Conservation Commission to discuss the project
- Voluntarily restricted development to prescribed building envelopes on the individual lots
- Ensured a public benefit of land conservation by maximizing open space that will remain so in perpetuity
- Partnered with a local, reputable land trust to develop a conservation easement that will protect the land indefinitely
- Proposed a landscaped buffer that was more in line with the feel of the neighborhood and the ecosystem that will enhance existing pollinator habitat in the area

Throughout the process with the Planning Board, we took suggestions to heart and made changes that were requested of us, although not required, per the zoning ordinance. Our intention has been to go above and beyond with conservation measures as compared to your typical developer, which is evidenced by our decisions and process. We know that the homes that we build will outperform conventional construction in

terms of sustainability and carbon footprint impacts. Our preference has been a collaborative, rather than adversarial, process.

We recognize that Southern Maine, and Biddeford in particular, is going through a transformational time with record development taking place. Growing pains are expected and I understand the heartburn this causes, particularly for long- time residents of the community. We, too, have concerns about the pace of growth in the area, which is why we feel it is our responsibility to approach development from a conservation minded perspective and work towards a result we can be proud of.

We also recognize the meticulous work that is taking place with regards to the Comprehensive Plan and understand that changes to the ordinance may be warranted. Zoning ordinances are imperfect and there is always room for improvement, however, as a developer, we must follow the rules that are in place and do not have the option to stray from those rules.

There is also a housing crisis that needs to be addressed and, in our opinion, essential new housing stock should have minimal carbon footprints, be affordable and help address the climate crisis as much as possible. Land conservation should absolutely be part of the equation and there should be clear guidance on what that means in practice. Collaboration between developers, conservation trust agencies, planning boards and municipalities is essential in order to address all of these challenges and we continue to hope that the city will work in collaboration with us to achieve our mutual goals and protect our mutual community. I hope the board will take the accommodations and effort we have made into account when reviewing our proposed projects and voting on approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Emily Ingwersen', with a long horizontal stroke extending to the right.

Emily Ingwersen

**LEEWARD MEADOWS SUBDIVISION  
BIDDEFORD, MAINE**

**DECLARATION OF COVENANTS AND RESTRICTIONS**

This Declaration is made this \_\_\_\_ day of \_\_\_\_\_, 2022, by Ginger Hill, LLC, with a place of business in Arundel, in the County of York and State of Maine (hereinafter called “Declarant”).

**W I T N E S S E T H:**

WHEREAS, Declarant is the owner of real property situated on the southwesterly side of Oak Ridge Road, in the City of Biddeford, in the County of York and State of Maine, and desires to create a residential community thereon, pursuant to subdivision approval for such property, such approval being evidenced on “Standard Boundary Survey Showing Leeward Meadows Subdivision, Oak Ridge Road, Biddeford, Maine” by \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the York County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_; and

WHEREAS, Declarant desires to ensure the preservation of values and amenities in the community and, to this end, desires to subject the real property described in ARTICLE I to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which are for the benefit of said property and each owner thereof; and

WHEREAS, Declarant has deemed it desirable for the efficient preservation of the values and amenities in the community to create an agency to which will be delegated and assigned the powers of maintaining and administering the common areas and facilities and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, Declarant has incorporated or will incorporate under the laws of the State of Maine, as a nonprofit corporation, LEEWARD MEADOWS OWNERS ASSOCIATION for the purpose of exercising the aforesaid functions.

NOW, THEREFORE, Declarant declares that the real property described in Article I is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as “covenants and restrictions”) hereinafter set forth in conveyances of lots.



**ARTICLE I**  
**PROPERTY SUBJECT TO THIS DECLARATION**

The real property which is, and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in the City of Biddeford, in the County of York and State of Maine, and is all of the land area shown on a plan entitled "Standard Boundary Survey Showing Leeward Meadows Subdivision, Oak Ridge Road, Biddeford, Maine" by \_\_\_\_\_, dated \_\_\_\_\_ and recorded in the York County Registry of Deeds in Plan Book \_\_\_\_, Page \_\_\_\_, hereinafter referred to as "the Plan," to which reference is made for a complete description thereof, all of which real property shall hereinafter be referred to as the "Property," specifically including all of the numbered lots, roads, easements, rights of way, and such other lands or areas which may be designated by Declarant. All conditions, restrictions and limitations shown on said Plan, whether or not specifically referred to herein, are incorporated by reference into this Declaration and made a part hereof.

**ARTICLE II**  
**DEFINITIONS**

**Section 1:** "Association" shall refer to Leeward Meadows Owners Association, its successors and assigns.

**Section 2:** "Owner (s)" shall refer to the record owner, whether one or more persons or entities, of fee simple title to any Lot as depicted on the Plan.

**Section 3:** "Member" shall mean and refer to lot owners as provided in Article V.

**Section 4:** "Lot (s)" shall refer to those single-family residential lots as depicted on said Plan.

**Section 5:** "Common Area" shall mean all real property owned by Declarant, or the Association after transfer, with improvements thereon, or real property in which Declarant or the Association has easement rights and which are intended for the common use and/or benefit of the Owners as depicted on said Plan, including areas shown on the Plan as "Open Space" and the subdivision road known as "Leeward Meadows".

**ARTICLE III**  
**OWNERSHIP, MAINTENANCE AND USE OF COMMON AREAS**

**Section 1:** Every Owner shall have equal rights with respect to the common areas which shall pass with the title to every lot, subject to the right of the Association to charge reasonable fees for the maintenance and upkeep of any portion of the common area. All common areas shall be managed by the Association, which shall establish rules and regulations for the use thereof in accordance with the provisions of this Declaration.

**Section 2:** The common areas on the Plan denoted as “Open Space” shall remain in their natural state, including existing vegetation and wetlands. Trees and shrubs that are planted in the “Open Space” as a buffer and vegetated screen, and existing vegetation that is proposed to remain, shall be maintained as such. The Board of Directors of the Association may allow the removal of dead, dying or diseased trees. Those areas of the “Open Space” that are fields shall be mowed a minimum of once each year. The Board of Directors of the Association may also allow common garden space in certain areas of the “Open Space,” subject to such rules and regulations as the Board may adopt. The Board of Directors may also allow the placement of solar panels in the meadow area of Open Space 1; these are to be used only to serve the needs of the subdivision and are not for commercial use. The purpose of these regulations is to preserve the habitat of the “Open Space” as much as possible. This provision may not be substantially changed without prior approval of the Biddeford Planning Board.

**Section 3:** The Association will grant a conservation easement to Kennebunkport Conservation Trust over both Open Space 1 and Open Space 2 in order to preserve and protect those areas. As part of the conservation easement, the Association shall retain responsibility for maintenance of Open Space 1 and any landscaping therein, including annual mowing of the fields.

**Section 4:** The subdivision road shall be maintained by the Association. Maintenance shall include repair, repaving, snowplowing and sanding, all as necessary.

**Section 5:** Any Owner may delegate, in accordance with the Association’s Bylaws, his/her right of enjoyment to the common area and facilities to members of his/her family, his/her tenants and his/her invitees for limited periods of time.

**Section 6:** Unless earlier conveyed, the common areas shall be conveyed by Declarant to the Association within thirty (30) days after the sale of the last lot. The Declarant, or the Board of Directors of the Association, has the authority to grant a conservation easement over the Open Space to a conservation commission or to a recognized land trust.

#### **ARTICLE IV**

#### **COVENANT FOR MAINTENANCE ASSESSMENTS**

**Section 1:** The Owner of each lot hereby covenants, and by acceptance of a deed thereof, agrees to pay to the Association an annual assessment or charge. The assessment, together with interest, costs, and reasonable attorney’s fees incurred for collection of the same shall be a continuing lien on the Owner’s lot. The assessments levied by the association shall be used exclusively to maintain and/or improve the common areas, and for the maintenance of the subdivision road.

**Section 2:** Both annual and special assessments shall be fixed at a uniform rate for all lots, with the exception of fees incurred pursuant to Article VI, Section 14E herein, which shall be designated the sole and exclusive obligation of such Owner in breach of these Covenants and Restrictions.

**Section 3:** The Directors shall fix the amount of the annual assessment and any special assessments in accordance with the procedure set forth in the Bylaws of the Association.

**Section 4:** The Directors shall upon demand furnish a certificate in recordable form setting forth whether the assessments on a specified lot have been paid. Such a certificate may be signed by the President, Treasurer or other designated officer.

**Section 5:** In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the common area including maintenance of the drainage easements to assure adequate runoff from the rights-of-way. Special assessments shall be determined by the Directors of the Association on an “as needed basis.”

**Section 6:** Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at a rate to be determined by the Directors, but in any event not less than ten percent (10%) per annum. The Directors, on behalf of the Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property, in the manner as a mortgage on real estate or by any other means presently or hereafter provided by law or in equity. A suit to recover a money judgment for unpaid assessments, interest, penalties and cost of collection may be maintained against the lot owner personally without foreclosing or waiving the lien securing such assessment.

## **ARTICLE V**

### **MEMBERSHIP AND VOTING RIGHTS**

**Section 1:** The Association shall have one (1) class of voting Membership. The Members of the Association shall have no redemptive rights, as such Members, to acquire any Memberships of this Association that may, at any time, be issued by the Association, except as may be specifically provided in this Article.

**Section 2:** The Association shall elect a minimum of three (3) Directors to manage Association business. The Directors shall be chosen, and shall serve terms, as designated and set forth in the Bylaws of the Association. Directors shall elect corporate officers, which shall consist of a President, a Vice President, and a Treasurer.



**Section 3:** Meetings shall be called and conducted, and notices thereof sent, as provided and set forth in the Bylaws.

**Section 4:** Notwithstanding the foregoing or anything contained in this Declaration to the contrary, Declarant shall have the sole and exclusive right to appoint officers and directors to the Board until sixty (60) days after the sale of last lot in the subdivision or until Declarant voluntarily transfers control of the Association to the Members, whichever occurs first. During the period of control as set forth herein, Members of the Association, otherwise qualified hereunder, shall have non-voting membership, unless the provisions of this sentence are expressly waived relative to a particular issue by a writing signed by the Declarant.

## **ARTICLE VI**

### **PROTECTIVE COVENANTS**

**Section 1:** Declarant hereby declares that the following protective covenants shall apply to all lots in Leeward Meadows Subdivision for the benefit of all Owners. These covenants shall become effective immediately and shall run with the land described in any deed of conveyance, and be binding upon all persons claiming under the Declarant, as developer or otherwise, until termination by operation of law, or as hereinafter provided. The covenants and restrictions set forth herein shall be referenced in any future deeds of lots in Leeward Meadows Subdivision.

**Section 2:** Each lot shall be used for residential purposes. No lot may be subdivided. No structure shall have vinyl siding or pace/plastic trim. No residence shall more than 3,500 square feet of living space, excluding garages and basements. In any event, no buildings or additions shall be erected, placed or allowed to stand on any lot in the subdivision unless and until the plans, specifications and locations thereof have been approved in writing by a duly authorized agent of Declarant, its successors or assigns, or the Association after assumption of control by the Association. All buildings and other structures, including fences, must be placed within the building envelope as shown on the Plan. Notwithstanding the foregoing, fences may be allowed in the Open Space for enclosure of animals, such as horses, with permission of the Declarant or the Board of Directors of the Association, as the case may be.

**Section 3:** No unregistered automobiles, trucks, motorcycles, motor homes or travel trailers, snowmobiles or boats or other similar motorized vehicles shall be stored on the premises for more than six (6) months without approval of the Board of Directors of the Association.

**Section 4:** Once construction of a building is commenced, work thereon must be prosecuted diligently and must be completed within a reasonable time, and in any event, within one (1) year from commencement of said work, provided, however, that additional

time shall be allowed for exigent circumstances, including labor shortages, material shortages or delays and pandemics. "Completion" shall include grading, loaming and seeding.

**Section 5:** The erection or use of any satellite dish over twenty-four inches (24") in diameter within the limits of said subdivision must be approved, in writing, by the Board of Directors of the Association.

**Section 6:** Any use of the property must be in strict conformity with the provisions of any applicable zoning law, ordinance or regulation. Nothing contained in this article, or elsewhere in this Declaration, shall be construed to prohibit the Declarant from the use of any lot or dwelling for promotional or display purposes, or as "model homes," a sales office, or the like.

**Section 7:** No temporary structures shall be built upon the land other than those necessary and used in the course of construction of permanent buildings, and all such structures shall be removed immediately upon completion of any building operation. Storage and garden sheds shall be allowed, within the building envelope for each lot as shown on the Plan.

**Section 8:** Any fence constructed upon the property shall be made of non-pressure treated wood or made of metal, but no other material.

**Section 9:** The use and operation of motorized vehicles of any kind or type, including but not limited to snowmobiles and ATVs, shall be prohibited in any wooded area of the Subdivision, including the wooded area of a lot owned by the operator or user of any such motorized vehicle. Notwithstanding the foregoing, the Kennebunkport Conservation Trust may enter upon the Open Space areas by motorized vehicles and equipment to remove dead, dying or diseased trees.

**Section 10:** The discharge of firearms of any kind or type, for any purpose, is prohibited anywhere within the Subdivision.

**Section 11:** The use of chemical pesticides and herbicides on lawns and gardens is prohibited. Owners are encouraged to follow the recommendations of the City of Biddeford's "Yard Smart" program as set forth in the pamphlet entitled "10 Simple Steps Toward a Safe & Healthy Lawn" (<https://www.biddefordmaine.org/DocumentCenter/View/1762/Conservation-Commission-Resources---Combined-PDF>).

**Section 12:** The Association shall have control over the common areas and its Directors shall enforce the aforementioned and following covenants, which shall be deemed to run with the land:

A. The Association shall, until transfer to a public authority or agency, arrange and provide for the proper maintenance of Leeward Meadows, including the subdivision road and Open Space. The Association shall ensure that the subdivision road is properly maintained, and that snow removal occurs in a reliable manner to aid in public safety access.

B. The Association shall prohibit any use of the property designated “Drainage Easement” on the plan for any purpose other than as a natural drainage swale, and shall arrange and provide for maintenance of said easements so that they continue to perform the function for which they are intended, but none other, including periodic cleaning, if necessary. Nothing contained herein shall allow the Association to enter upon said easement area for the purpose of cutting or removing any natural vegetation unless absolutely essential to the proper operation of said easement.

D. The Declarant, and Association, after transfer of the common areas, shall retain the sole right and power to grant any and all necessary easements over common areas to public utility authorities to carry out its obligations hereunder, either for installation or repair of same. Any such easements not shown or reflected on the approved subdivision plan must also receive approval from the Biddeford Planning Board.

E. In addition to any other remedies provided for the Association herein, upon the apparent breach of Protective Covenants by any Lot Owner (s), the Directors on behalf of the Association, shall notify said Owner(s) by certified mail of such breach, and include a reasonable description of the actions necessary to correct or cure such breach. If said Owner (s) does not take corrective action within seven (7) days from receipt of said notice, or object to the proposed action to be taken within said time period, the Directors shall, without further notice, be entitled to take such action as set forth in the Notice and to surcharge as a special assessment to said Owner (s) solely for all necessary and incidental expenses, including attorney’s fees incurred in taking such corrective action. For this purpose, the Association or any agent thereof shall and by these presents, does have the right to enter upon land of any such breaching Owner to clean all drainage easements of all debris, to clean and maintain the culverts required by said Covenant, or to remove drainage water in accordance with the Plan, and to ensure compliance with any other applicable covenant, restriction or condition.

**Section 13:** Enforcement shall be by the Association as Plaintiff in a proper case, or by any Owner by proceeding at law or in equity against any persons violating, or attempting to violate any covenants, restrictions or conditions, either to restrain violation or to recover damages, or both, in the sole discretion of the party so proceeding. Any party successfully enforcing any of these covenants shall be entitled to recover against the party violating such covenant (s), as a monetary award, for the reasonable attorney’s fees and costs incurred in such enforcement proceedings.

**ARTICLE VII**  
**RESERVATION OF RIGHTS AND EASEMENTS**

Declarant reserves the following rights and easements:

**Section 1:** The right to install, maintain, repair and replace under, over and upon the common property and areas designated as easements or rights of way on the plan, and any ways on which said land abuts, or shall abut, such electric light, power, telephone and telegraph cables and wires, water, sewer and drainage pipes, mains and conduits, catch basins, surface drains and culverts, and such other facilities, installations, appurtenances and things as Declarant may deem necessary or convenient in connection with the provision of adequate drainage, sewerage disposal, water, electricity, telephone communications and other utilities to any portion of the property, and for the benefit of any other land owned by Declarant, its successors and assigns, including, but not limited to adjoining property, now owned or hereafter acquired by Declarant, which Declarant may choose to develop in the future; all of which rights and easements, Declarant, its successors and assigns, may assign to telephone, telegraph, power, water and other public and private utility companies and corporations as Declarant may determine;

**Section 2:** The right to add to or designate additional lands or areas as common areas as herein defined, or to dedicate and subject additional lands to the terms and conditions of this Declaration.

**Section 3:** An easement and right of way over all ways and other common spaces shown on the plan for ingress and egress by Declarant to adjoining property now owned or hereafter acquired by Declarant, its successors and assigns for all purposes related to development of such adjoining property and for permanent egress and ingress to such adjoining property by future owners of homes therein.

**Section 4:** The right to enter upon the land or any sold or unsold lot for the purpose of selectively cutting trees and clearing trees and brush to improve the physical appearance of the land.

**Section 5:** The right to waive or modify certain of the conditions, covenants and restrictions set forth in Article VI with respect to any additional lands dedicated and subject to the terms and conditions of this Declaration.

**ARTICLE VIII**  
**GENERAL PROVISIONS**

**Section 1:** Invalidation of any one of these covenants or restrictions by judgment or court order shall not affect any other provisions which shall remain in full force and effect.

**Section 2:** The Covenants and Restrictions of this Declaration, which shall be recorded at the York County Registry of Deeds, shall run with and bind the land. This Declaration may be amended by an instrument signed by not less than sixty percent (60%) of said Owners. Any amendments hereto must be recorded at the York County Registry of Deeds. Any amendments to the approved subdivision plan must also be approved by the Biddeford Planning Board.

WITNESS:

GINGER HILL, LLC

\_\_\_\_\_

By: \_\_\_\_\_  
Emily Ingwersen  
Its: Manager Duly Authorized

STATE OF MAINE  
YORK, ss

\_\_\_\_\_, 2022

Personally appeared Emily Ingwersen, Authorized Manager of Ginger Hill, LLC, and acknowledged the foregoing Declaration to be her free act and deed in her said capacity and the free act and deed of said company.

Before me,

\_\_\_\_\_  
Ralph W. Austin /Attorney at Law  
Bar #1156



| LEGEND   |                                 |
|----------|---------------------------------|
| EXISTING | PROPOSED                        |
|          | PROPERTY LINE                   |
|          | ABUTTERS PROPERTY LINE          |
|          | EASEMENT                        |
|          | PROPERTY SETBACK                |
|          | IRON ROD OR PIN FOUND           |
|          | IRON ROD OR PIN SET             |
|          | CONCRETE MONUMENT FOUND         |
|          | GRANITE MONUMENT FOUND          |
|          | MONUMENT SET                    |
|          | STORM DRAIN LINE                |
|          | FOUNDATION DRAIN LINE           |
|          | STORM DRAIN CULVERT             |
|          | RIP RAP IN/OUT PROTECTION APRON |
|          | WATERLINE                       |
|          | SANITARY SEWER LINE             |
|          | UNDERGROUND UTILITY             |
|          | UTILITY POLE                    |
|          | BUILDING                        |
|          | RIPRAP                          |
|          | LANDSCAPE/RETAINING WALL        |
|          | BITUMINOUS PAVEMENT             |
|          | GRAVEL                          |
|          | CONCRETE                        |
|          | INDEX CONTOUR                   |
|          | INTERMEDIATE CONTOUR            |
|          | TREELINE                        |
|          | TREE                            |

#### PLAN REFERENCES:

- TOPOGRAPHIC AND PROPERTY BOUNDARY INFORMATION TAKEN FROM A COMPILATION OF THE FOLLOWING:
  - A PLAN TITLED "PLAN OF BOUNDARY SURVEY 158 OAK RIDGE ROAD, BIDDEFORD, MAINE", MADE FOR GINGER HILL DESIGN & BUILD BY TITCOMB ASSOCIATES OF FALMOUTH, MAINE 04105, DATED APRIL 14, 2021.
  - A PLAN TITLED "A STANDARD BOUNDARY SURVEY MADE FOR JAMES L. THOMSON, II AND NANCY P. THOMSON", PREPARED BY DOW AND COULOMBE, INC. LAND SURVEYORS & PLANNERS OF SACO, MAINE 04072, DATED MAY 10, 1999.
  - DIGITAL ELEVATION INFORMATION OBTAINED FROM NOAA DATA VIEWER ON MARCH 29, 2021.
  - ZONING BOUNDARY OBTAINED FROM A MAP TITLED "OFFICIAL ZONING MAP" FOR THE CITY OF BIDDEFORD, DATED JULY 3, 2012.
- WETLAND DELINEATION PROVIDED BY MARK HAMPTON ASSOCIATES, INC. ON TITCOMB ASSOCIATES PLAN. NO DATE PROVIDED.
- SOIL BOUNDARIES AND PROPERTIES FROM A HIGH INTENSITY SOIL SURVEY PREPARED BY MARK HAMPTON ASSOCIATES, INC DATED MAY 03, 2021.

#### GENERAL NOTES:

- BOOK AND PAGE REFERENCES ARE TO THE YORK COUNTY REGISTRY OF DEEDS, (YCRD) UNLESS OTHERWISE NOTED.
- BEARINGS ARE REFERENCED TO GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83.
- UTILITY INFORMATION ON THIS PLAN IS APPROXIMATE, BASED ON LOCATION OF VISIBLE FEATURES. DIGSAFE AND/OR THE APPROPRIATE UTILITIES SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION.
- THE PROPERTY IS BENEFITED BY AND SUBJECT TO THE EASEMENTS, COVENANTS, AND RESTRICTIONS SET FORTH IN "LEEWARD MEADOWS SUBDIVISION DECLARATION OF COVENANTS AND RESTRICTIONS" AND "CONSERVATION EASEMENT OPEN SPACE AREA OF LEEWARD MEADOWS SUBDIVISION".
- LOT GRADING, UTILITIES, PROPOSED UNIT LOCATIONS, AND LAWN AREAS ARE CONCEPTUAL ONLY AND MAY BE MODIFIED IN THE FIELD BASED ON ACTUAL BUILDING DESIGNS AND LOCATIONS.
- THE EXTENTS OF THE PROPOSED RIGHT-OF-WAY SHALL BE FIELD SURVEYED PRIOR TO ROAD CONSTRUCTION.
- THIS SIX-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION IS APPROVED AS A CLUSTER DEVELOPMENT PURSUANT TO ARTICLE VI, SECTION 16 OF THE CITY'S LAND DEVELOPMENT REGULATIONS, AND INCLUDES THE DESIGNATED OPEN SPACE IN PERPETUITY.
- THE 75-FOOT WIDE VEGETATED BUFFER DEPICTED ON THIS PLAN IS REQUIRED PER BIDDEFORD CITY CODE SEC. 66-79 AND IS TO BE MAINTAINED AS EFFECTIVE SCREEN OF THE DEVELOPMENT AND AS DEPICTED ON THE PLANNING BOARD APPROVED LANDSCAPE PLAN PREPARED BY SCOTT STRYNAR, LANDSCAPE ARCHITECT, LLC, REV. DATE DECEMBER 18, 2021.
- THIS PLAN IS TO ACT AS THE "PLAN OF PRIVATE WAY" IN ACCORDANCE WITH ARTICLE VI, SECTION 51, PART D OF THE CITY OF BIDDEFORD LAND DEVELOPMENT REGULATIONS.
- THE CITY OF BIDDEFORD SHALL NOT BE RESPONSIBLE OF THE COST OF MATERIALS, INSTALLATION, MAINTENANCE, OR POWER FOR THE STREET LIGHTING. THE HOMEOWNERS ASSOCIATION SHALL ASSUME ALL COSTS ASSOCIATED WITH THE LIGHTING SYSTEM.
- THE CITY OF BIDDEFORD WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, OR PLOWING OF THE PRIVATE WAY AND THAT FURTHER LOT DIVISIONS UTILIZING THE PRIVATE WAY ARE PROHIBITED WITHOUT PRIOR APPROVAL OF THE BOARD.

#### BIDDEFORD PLANNING BOARD

GREG TANSLEY, CITY PLANNER, DULY AUTHORIZED TO SIGN ON BEHALF OF THE BIDDEFORD PLANNING BOARD.

NOTE: THIS PLAN IS SIGNED BY THE CITY PLANNER ON BEHALF OF THE BIDDEFORD PLANNING BOARD AND SHALL BE DEEMED TO HAVE BEEN SIGNED BY THE INDIVIDUAL MEMBERS ON THE PLANNING BOARD EVIDENCING APPROVAL OF THE FINAL PLANS.

State of Maine, York ss.

Registry of Deeds

Received \_\_\_\_\_, 20\_\_

at \_\_\_\_h \_\_\_\_m \_\_\_\_M, and recorded in

Plan Book \_\_\_\_\_, Page \_\_\_\_\_

Attest: \_\_\_\_\_

Register

#### CERTIFICATION

This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

*Nicholas S. Elliston*  
Nicholas S. Elliston, P.L.S. #2518

#### PARCEL INFORMATION:

- OWNER OF RECORD: GINGER HILL, LLC dba GINGER HILL DESIGN & BUILD BY DEED RECORDED AT THE (YCRD) DEED BOOK 18667, PAGE 573, DATED MAY 13, 2021.
- STREET ADDRESS: OAK RIDGE ROAD, BIDDEFORD, MAINE 04005
- PARCEL SHOWN HEREON IS TOWN OF BIDDEFORD TAX MAP 4, LOT 57.
- TOTAL AREA OF PARCEL: 15.5± AC (675,530 SF)
- CURRENT ZONE: RURAL FARM (RF)

#### FLOOD ZONE INFORMATION:

- CLASSIFICATION: ZONE C, AREAS OF MINIMAL FLOODING
- FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 230145 0010 B
- EFFECTIVE DATE: MAY 15, 1984

#### ZONING INFORMATION\*:

- CLASSIFICATION: RURAL FARM (RF)
- MIN. LOT AREA: 40,000 SF (NO WATER, NO SEWER, CONVENTIONAL)  
20,000 SF (NO WATER, NO SEWER, CLUSTER)
- MAX. LOT COVERAGE: 30%
- MAX. BUILDING HEIGHT: 35 FT
- MIN. STREET FRONTAGE: 200 FT (NO WATER, NO SEWER, CONVENTIONAL)
- FRONT SETBACK: 40 FT FROM MAJOR ROW  
25 FT FROM OTHER ROW
- SIDE SETBACK: 25 FT
- REAR SETBACK: 25 FT
- PARKING REQUIREMENTS: 2 PER DWELLING UNIT
- 75' VEGETATED BUFFER FROM EXISTING ROW

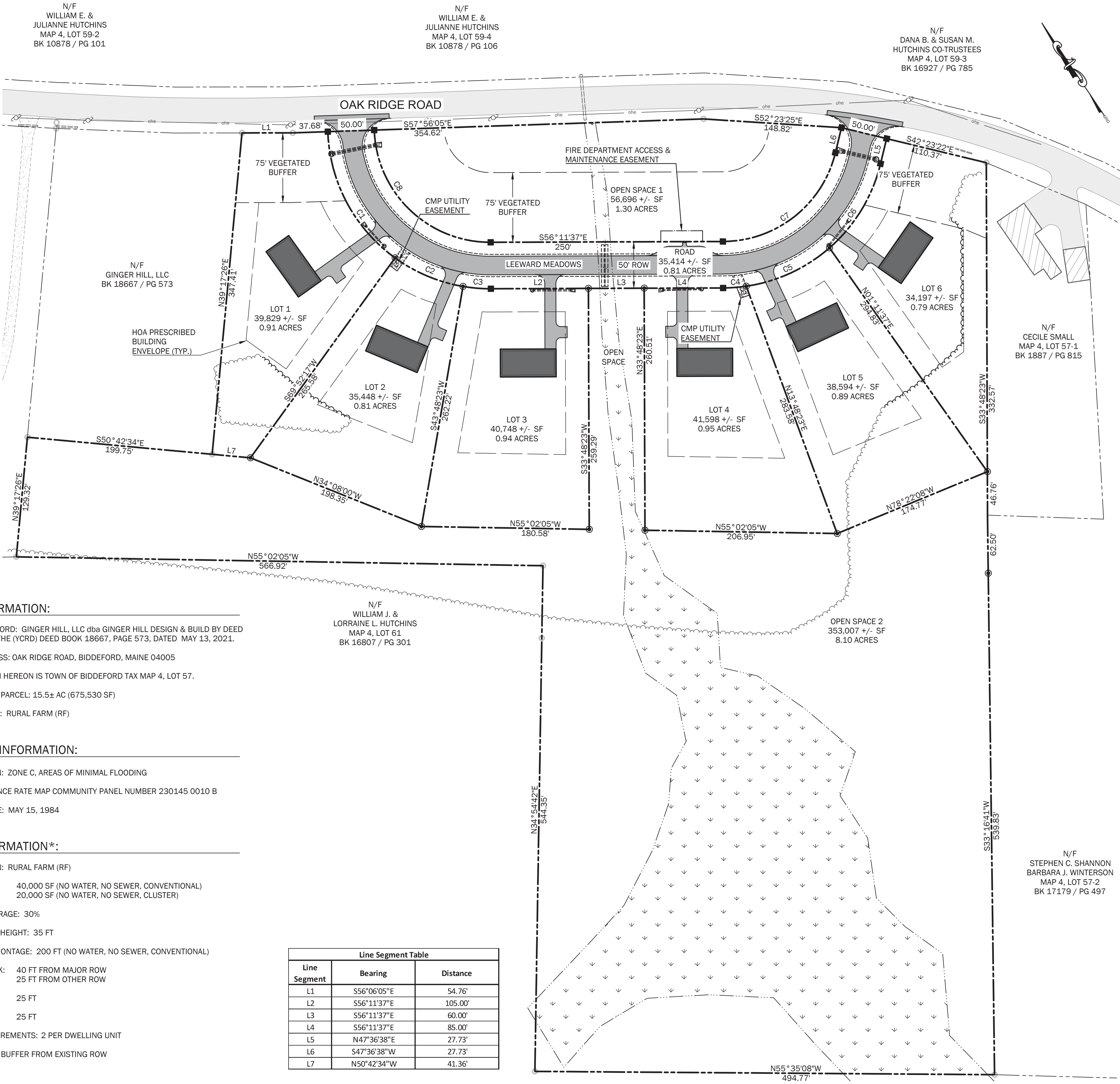
| Curve Segment Table |              |              |               |              |
|---------------------|--------------|--------------|---------------|--------------|
| Curve Segment       | Curve Radius | Curve Length | Chord Bearing | Chord Length |
| C1                  | 175.00'      | 159.42'      | S05°58'06"W   | 153.96'      |
| C2                  | 175.00'      | 80.00'       | S33°13'29"E   | 79.31'       |
| C3                  | 175.00'      | 30.15'       | S51°15'26"E   | 30.12'       |
| C4                  | 175.00'      | 25.00'       | S60°17'11"E   | 24.98'       |
| C5                  | 175.00'      | 100.00'      | S80°44'57"E   | 98.64'       |
| C6                  | 175.00'      | 107.73'      | N65°14'44"E   | 106.03'      |
| C7                  | 125.00'      | 166.23'      | S85°42'30"W   | 154.25'      |
| C8                  | 125.00'      | 192.55'      | N12°03'51"W   | 174.07'      |

| Line Segment Table |             |          |
|--------------------|-------------|----------|
| Line Segment       | Bearing     | Distance |
| L1                 | S56°06'05"E | 54.76'   |
| L2                 | S56°11'37"E | 105.00'  |
| L3                 | S56°11'37"E | 60.00'   |
| L4                 | S56°11'37"E | 85.00'   |
| L5                 | N47°36'38"E | 27.73'   |
| L6                 | S47°36'38"W | 27.73'   |
| L7                 | N50°42'34"W | 41.36'   |

N/F  
WILLIAM E. &  
JULIANNE HUTCHINS  
MAP 4, LOT 59-2  
BK 10878 / PG 101

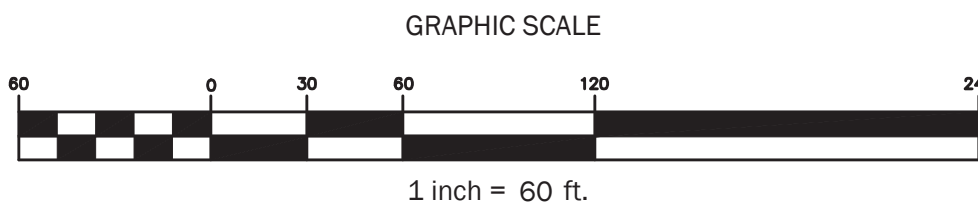
N/F  
WILLIAM E. &  
JULIANNE HUTCHINS  
MAP 4, LOT 59-4  
BK 10878 / PG 106

N/F  
DANA B. & SUSAN M.  
HUTCHINS CO-TRUSTEES  
MAP 4, LOT 59-3  
BK 16927 / PG 785



N/F  
KENNEBUNKPORT  
CONSERVATION TRUST  
MAP 39-1, LOT 11  
BK 16236 / PG 147

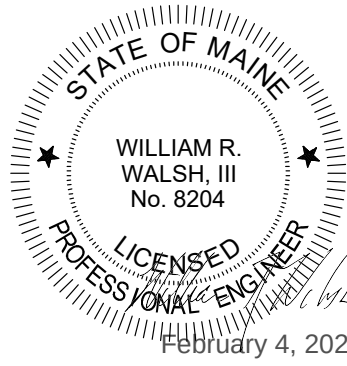
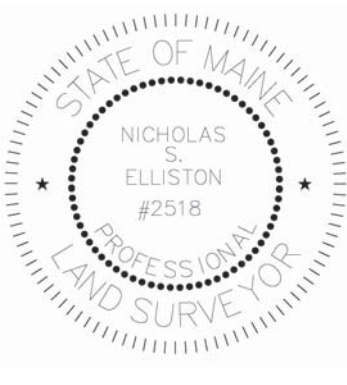
N/F  
STEPHEN C. SHANNON &  
BARBARA J. WINTERSON  
MAP 38-1, LOT 13  
BK 17179 / PG 497



**WALSH**  
ENGINEERING ASSOCIATES, INC.

One Karen Dr., Suite 2A | Westbrook, Maine 04092  
ph: 207.553.9898 | www.walsh-eng.com

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#### Leeward Meadows

Oak Ridge Road  
Biddeford, Maine 04005  
Map 4, Lot 57

PREPARED FOR:  
**GINGER HILL, LLC**  
18 Early Way  
Arundel, Maine 04046

| Rev.      | Date       | Description                                   | Drawn | Check |
|-----------|------------|-----------------------------------------------|-------|-------|
| 6/15/2021 |            | Biddeford Subdivision Sketch Plan Review      | CAR   | WRW   |
| 1         | 9/15/2021  | Biddeford Subdivision Preliminary Plan Review | CAR   | NGC   |
| 2         | 10/20/2021 | Revised per City Review Comments              | CAR   | NGC   |
| 3         | 1/13/2022  | Issued to City for Final Subdivision Review   | CAR   | NGC   |
| 4         | 2/4/2022   | Revised per Planning Board Review Comments    | CAR   | NGC   |

Sheet Title:

#### Subdivision Plan

Job No.: 742

Date: June 15, 2021

Scale: 1" = 60'

Drawn: CAR

Checked: WRW

Sheet No.:

**S1.0**

ISSUED FOR PERMITTING - NOT FOR CONSTRUCTION



PLAN REFERENCES:  
1. EXISTING CONDITIONS SURVEY, TOPOGRAPHY, TREELINE, DRAINAGE & DEVELOPMENT CONCEPT TAKEN FROM ELECTRONIC FILE. PREPARED BY WALSH ENGINEERING FOR GINGER HILL, LLC. DATED October, 6, 2021



- PLANTING NOTES:
- THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN.
  - ANY SUBSTITUTION OF SPECIFIED PLANTS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT. ONLY NATIVE SPECIES AND/OR VARIETIES WILL BE ACCEPTABLE.
  - ALL TREE, SHRUB, VINE, AND PLANT BED (GROUNDCOVERS, PERENNIALS, BULBS, ETC.) LOCATIONS SHALL BE STAKED OR MARKED BY CONTRACTOR AND THEN APPROVED BY THE LANDSCAPE ARCHITECT IN THE FIELD PRIOR TO PLANTING. CONTRACTOR MUST GIVE A MINIMUM 3 DAY NOTICE BETWEEN STAKING AND PLANTING.
  - ALL PLANTS INSTALLED SHALL MEET THE SPECIFICATIONS OF THE AMERICAN STANDARD FOR NURSERY STOCK (LATEST EDITION) AS SET FORTH BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
  - ALL PLANTS SHALL BE DELIVERED TO THE SITE FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
  - THE LANDSCAPE CONTRACTOR IS ADVISED OF THE EXISTENCE OF UNDERGROUND UTILITIES, THE LOCATION OF WHICH SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION OPERATIONS. SHOULD THE LOCATION OF PROPOSED PLANTINGS CONFLICT WITH ANY OF SAID UTILITIES, ADJUST PLANT LOCATIONS ACCORDINGLY AFTER CONSULTATION WITH THE LANDSCAPE ARCHITECT.
  - PLANTING TREES AND SHRUBS: EXCAVATE PLANTING PITS WITH SLOPING SIDES, AND WITH BOTTOM OF EXCAVATION RAISED IN CENTER FOR DRAINAGE. LOOSEN HARD SUBSOIL IN BOTTOM OF EXCAVATION, AND LOOSEN SOIL ON SIDES OF SLOPES. SET PLANTS IN CENTER OF PIT WITH TOP OF BALL RAISED SLIGHTLY ABOVE FINISH GRADES. PLACE A SETTING LAYER OF COMPACTED PLANTING MIX. REMOVE BURLAP AND WIRE BASKETS FROM TOP OF BALLS. ON SIDES, FOLD BACK WIRE AND REMOVE UPPER PORTIONS OF BURLAP. DO NOT USE PLANT IF ROOT BALL IS CRACKED OR BROKEN. IF CONTAINER, REMOVE CONTAINER AND SOOUP PERIMETER SOIL AND ROOTS. PLACE PLANTING MIX AROUND BALL/CONTAINER IN LAYERS, TAMPING TO ELIMINATE VOIDS AND AIR POCKETS. DO NOT COVER TOP OF ROOT BALL. PRUNE, THIN, AND SHAPE AFTER PLANTING.
  - MULCH PLANTING BEDS WITH 3" CONSERVATION MIX MULCH OR AS SPECIFIED ON THE PLAN.
  - ALL DISTURBED LAWN AREAS TO BE LAWSED AND SEEDS AS NECESSARY AT NO ADDITIONAL COST TO OWNERS(S).
  - GRADES SHOWN REPRESENT PROPOSED GRADES PER CONTRACT. CONTRACTOR TO VERIFY GRADES AS NEEDED.
  - PLANT MATERIALS SHALL BE GUARANTEED FOR ONE (1) YEAR AFTER PLANTING. ANY DEAD, UNSIGHTLY, OR UNHEALTHY PLANTS SHALL BE REPLACED IN KIND AT NO COST TO THE OWNERS(S).
  - THE CONTRACTOR SHALL REPLACE OR REPAIR TO ORIGINAL CONDITION ANY AND ALL UTILITIES, PAVING, CURBING, ETC., DAMAGED AS A RESULT OF THEIR OPERATIONS AT NO ADDITIONAL COST TO THE OWNER(S).
  - A PRECONSTRUCTION MEETING SHALL BE HELD PRIOR TO LANDSCAPE CONTRACTOR BEGINNING CONSTRUCTION OR ORDERING PLANT MATERIALS.

PLAN LIST:

| QUANTITY    | TREES: | LABEL | NAME                                                                                      | SCIENTIFIC             | SIZE          |
|-------------|--------|-------|-------------------------------------------------------------------------------------------|------------------------|---------------|
| 4           | LT     |       | RED MAPLE                                                                                 | ACER RUBRUM            | 1.25-1.5" CAL |
| 3           | LT     |       | RED OAK                                                                                   | QUERCUS RUBRA          | 1.25-1.5" CAL |
| 3           | LT     |       | SWAMP WHITE OAK                                                                           | QUERCUS BICOLOR        | 1.25-1.5" CAL |
| 3           | LT     |       | AMERICAN BEECH                                                                            | FAGUS GRANDIOFOLIA     | 1.25-1.5" CAL |
| UNDERSTORY: |        |       |                                                                                           |                        |               |
| 4           | ST     |       | YELLOW BIRCH                                                                              | BETULA ALLEGHANIENSIS  | 6-7 FT HT     |
| 6           | ST     |       | HORNBEAM                                                                                  | CARPINUS CAROLINIANA   | 6-7 FT HT     |
| 8           | ST     |       | SERVICEBERRY                                                                              | AMELANCHIER CANADENSIS | 4-5 FT HT     |
| 3           | ST     |       | PAGODA DOGWOOD                                                                            | CORNUS ALTERNIFOLIA    | 6-7 FT HT     |
| EVERGREENS: |        |       |                                                                                           |                        |               |
| 7           | ET1    |       | WHITE SPRUCE                                                                              | PICEA GLAUCA           | 7-8 FT HT     |
| 2           | ET     |       | WHITE SPRUCE                                                                              | PICEA GLAUCA           | 5-6 FT HT     |
| 3           | ET1    |       | WHITE PINE                                                                                | PINUS STROBUS          | 7-8 FT HT     |
| 3           | ET     |       | WHITE PINE                                                                                | PINUS STROBUS          | 5-6 FT HT     |
| 3           | ET1    |       | BALSAM FIR                                                                                | ABIES BALSAMEA         | 7-8 FT HT     |
| 3           | ET     |       | BALSAM FIR                                                                                | ABIES BALSAMEA         | 5-6 FT HT     |
| SHRUBS:     |        |       |                                                                                           |                        |               |
| 8           | SH     |       | WITHERED VIBURNUM                                                                         | VIBURNUM CASSINOIDES   | 24"-30" B&B   |
| 9           | SH     |       | COMMON WITCH HAZEL                                                                        | HAMAMELIS VIRGINIANA   | 24"-30" B&B   |
| 15          | SH     |       | FORSYTHIA                                                                                 | FORSYTHIA X INTERMEDIA | 24"-30" B&B   |
| 24          | SH1    |       | RED CHOKEBERRY                                                                            | ARONIA ARBUTIFOLIA     | 18-24" HT     |
| 16          | SH1    |       | WINTERBERRY                                                                               | ILEX VERTICILLATA      | 18-24" HT     |
| 16          | SH1    |       | NORTHERN BAYBERRY                                                                         | MYRICA PENNSYLVANICA   | 18-24" HT     |
| 14          | SH1    |       | SWEET PEPPERBUSH                                                                          | CLETHRA ALNIFOLIA      | 18-24" HT     |
| MEADOW:     |        |       |                                                                                           |                        |               |
| 29,000 SF   | MEADOW |       | NEW ENGLAND CONSERVATION / WILDLIFE MIX (NEW ENGLAND WETLAND PLANTS, INC. (413) 548-8000) |                        | 1 LB/1,750 SF |

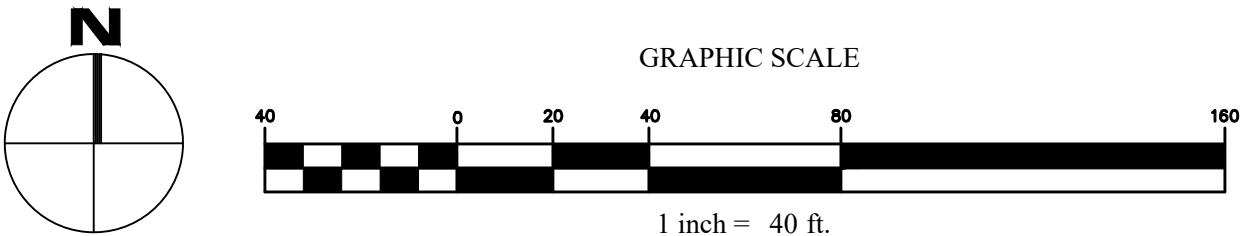
MEADOW PREPARATION & SEEDING: (3 YEAR SCOPE)

- YEAR ONE:
- INSTALL EROSION CONTROL MEASURES.
  - REMOVE ALL ALL WOODY VEGETATION AND DEEPLY ROTOTILL ENTIRE MEADOW AREA TO A DEPTH OF 12 INCHES.
  - APPLY A LAYER OF COMPOST AND LIGHTLY ROTOTILL THE MEADOW AREA TO A DEPTH NO MORE THAN 6 INCHES.
  - APPLY AN ANNUAL SEED COVER CROP OF BUCKWHEAT OR APPROVED EQUAL.
  - LET GROW FOR ONE FULL SEASON, WEED AS NECESSARY. ANNUAL CROP WILL DIE AT FIRST FROST.
- YEAR TWO:
- THE FOLLOWING SPRING, LIGHTLY RAKE SOIL TO REMOVE DEAD AND DEBRIS.
  - SEED MEADOW AREA EVENLY WITH WILDFLOWER SEED MIX MIXED WITH SAND, ROLL AREA AND COVER WITH CLEAN HAY. (SEED @ RATE 0.5 LBS PER 1,000 SF)
  - LET GROW FOR FULL SEASON, REMOVE WEEDS AS NECESSARY, TRY TO MINIMIZE SOIL DISTURBANCE.
- YEAR THREE:
- MONITOR MEADOW AND REMOVE WEEDS OR WOODY VEGETATION AS NEEDED.
  - CONTINUED MAINTENANCE. MOW MEADOW TO A HEIGHT OF 6" TO 8" IN HEIGHT EVERY OTHER YEAR.
  - REPAIR DAMAGED OR BARE PORTIONS STARTING WITH ITEM #6.
- WILDFLOWER SEED MIX:  
NATIVE NORTHEAST WILDFLOWER SEED MIX AVAILABLE FROM AMERICAN MEADOWS (877) 309-7333 (WWW.AMERICANMEADOWS.COM) (RATE OF .5 LBS / 1,000SF)

MIXTURE OF NATIVE DECIDUOUS & CONIFEROUS TREES AND SHRUBS TO PROVIDE VISUAL SCREEN AT MATURITY.

PLANT SYMBOL / LEGEND

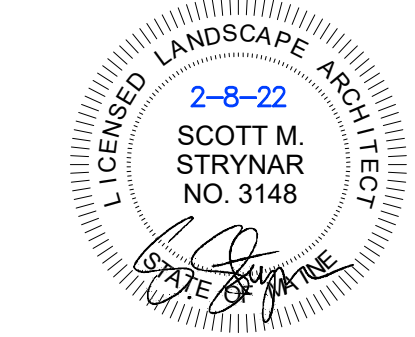
|        |                             |
|--------|-----------------------------|
| LT     | - DECIDUOUS TREE LARGE      |
| ST     | - DECIDUOUS TREE UNDERSTORY |
| ET     | - EVERGREEN TREE            |
| SH     | - SHRUB B&B                 |
| SH1    | - SHRUB                     |
| MEADOW | - SEEDED POLLINATOR MEADOW  |



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Leeward Meadows

Oak Ridge Road  
Biddeford, Maine 04005  
Map 4, Lot 57

PREPARED FOR:  
GINGER HILL, LLC  
18 Early Way  
Aundel, Maine 04046

| Rev.       | Date       | Description                                      | Drawn | Check |
|------------|------------|--------------------------------------------------|-------|-------|
| 01/15/2021 |            | Biddeford Subdivision<br>Sketch Plan Review      | CAR   | WRW   |
| 1          | 01/15/2021 | Biddeford Subdivision<br>Preliminary Plan Review | CAR   | NGC   |
| 2          | 10/03/2021 | Revised per Engineer<br>Review Comments          | CAR   | WRW   |
| 3          | 12/16/2021 | Revised per Peer<br>Review Comments              | SS    | SS    |
| 4          | 2/8/2022   | Revised Plant Sizes                              | SS    | SS    |

Sheet Title:  
Landscape Plan

Job No.: 742  
Date: June 15, 2021  
Scale: 1" = 40'  
Drawn: CAR  
Checked: WRW

Sheet No.:  
L1.0

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