

City of Biddeford
Planning Board
February 05, 2020 6:00 PM City Hall
Council Chambers,

- 1. PLEDGE OF ALLEGIANCE**
 - 2. DECLARATION OF QUORUM/VOTING MEMBERS**
 - 3. ADJUSTMENTS TO THE AGENDA**
 - 4. PLANNER'S BUSINESS**
 - 5. CONSENT AGENDA**
 - 5.A. Consideration of Minutes: December 4, 2019
[PB Minutes 120419.doc](#)
 - 6. UNFINISHED BUSINESS**
 - 7. NEW BUSINESS**
 - 7.A. Election of Vice Chair and Secretary.
 - 7.B. 2019.12 Final Subdivision Review and Conditional Use Permit for Jason Labonte of Home Innovations, LLC for a 7-lot Cluster Subdivision located at 30 Buzzell Road (Tax Map 6, Lot 43) in the RF zone.
[2019.12 Labonte Buzzell Road Final SR 020520.docx](#)
 - 7.C. 2019.36 Revised Conceptual Site Plan Review/Contract Zone for Maine Governmental Facilities Authority for the construction of a courthouse with an approximate 34,545 sf building footprint, parking facilities, and the construction of a gravel road to connect Elm Street to Hill Street located at 511-515 Elm Street (Tax Maps 88 & 3, Lots 5 & 66-1) in the B2 and R1A zones.
[2019.36 York County JC Concept SR 020520.docx](#)
 - 7.D. 2020.01 Final Site Plan Review and Shoreland Zoning for Biddeford Riverwalk Community, LLC for a proposed Parking Garage located at 3 Lincoln Street (Tax Map 71, Lot 2) in the MSRD-3 zone.
[2020.01 3 Lincoln Street Garage SR 020520.docx](#)
 - 8. OTHER BUSINESS**
 - 9. ADJOURN**
- The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.**



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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Planning Board Minutes

Date: Wednesday, December 4, 2019
Time: 6:00 PM
Location: Council Chambers, City Hall

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
 - A. Quorum present: Chair William Southwick, Bruce Benway, Sean Tarpey, Spiros Droggitis, Michael Cantara (alt-voting member).

3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda
 - A. Consideration of Minutes: November 20, 2019

MOTION:

Benway- Motion: I move adoption of Consent Agenda.

Cantara- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

6. Unfinished Business
7. New Business
 - A. 2019.36 CONCEPTUAL Site Plan Review/Contract Zone for Maine Governmental Facilities Authority for the construction of a courthouse with an approximate 34,545 sf building footprint, parking facilities, and the construction of a gravel road to connect Elm Street to Hill Street located at 511-515 Elm Street (Tax Maps 88 & 3, Lots 5 & 66-1) in the B2 and R1A zones.

Clair Colburn, Project Engineer with Finegold Alexander Architects: Update on the neighborhood meeting regarding building height, buffering, sound (traffic and building) and lighting.

Chris DiMatteo, Gorrill-Palmer: Gave an overview with other agencies.

Greg Tansley, City Planner: I did receive five emails over the weekend. The Board and Applicant have copies.

Sterling Roop, 16 Pinewood Circle: Sent a detailed email to the Planning Board highlighting where he believes the Biddeford code conflicts with what the contract zoning code provides. Has issues with codes, buffers, fencing and water.

Clair Colburn, Project Manager with Finegold Alexander Architects: Clarified the setbacks and buffering.

Judy Jurevic, 9 Pinewood Circle: Has issues with water.

Margen Soliman, 507 Elm Street: Who is going to take care of the vegetation maintenance? Has issues with water and the characteristics of the building.

Judy Jurevic, 9 Pinewood Circle: Has issues with noise, lighting, the way the building will sit on the property and blasting.

Clair Colburn, Project Manager with Finegold Alexander Architects: Addressed the concerns regarding sound, blasting and concerns about the Fire Department not being able to reach.

Jon Hall, 14 Travers Street: Has concerns with water pressure and safety.

Chair Southwick: Talked about where the Courthouse is currently located there has never been a safety issue and talked about the water pressure.

Meaghan Daly, 16 Pinewood Circle: Would like to request a full scoping of the sewer system done prior to blasting and a professional assessment done regarding the Contract Zone. All views shown have been from the summer, would like to see views from wintertime as well. Has issues with blasting and fencing.

Clair Colburn, Project Manager with Finegold Alexander Architects: We are in the process of having a tree survey done. We be willing to do some views from winter.

Sterling Roop, 16 Pinewood Circle: It is very clear that in section 9F 4C determination of adequacy of visual screening shall be based on line of sight observations from existing structures. This should be done from every abutter. It is important that we do our diligence.

Discussion between Board, Staff and Applicant: Regarding blasting, traffic study and water pressure.

Discussion between Board, Staff and Public: Regarding keeping the public better informed with any/all materials on the project.

8. Other Business

9. Adjourn

MOTION:

Benway- Motion: to Adjourn.

Cantara- Second.

Chair Southwick- Call for Vote- Unanimous Approval (4-0) all in favor.

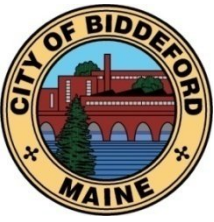
o Planning Board Chair

Date

o

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



CITY OF BIDDEFORD PLANNING DEPARTMENT

2019.12

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PLANNING BOARD REPORT

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

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

DATE: January 30, 2020

RE: NEW BUSINESS ITEM #B – 2019.12 Final Subdivision Review and Conditional Use Permit for Jason Labonte of Home Innovations, LLC for a 7-lot Subdivision located at 30 Buzzell Road (Tax Map 6, Lots 43 and 44) in the RF zone.

MEETING DATE: February 5, 2019 @ 6:00 PM

1. INTRODUCTION:

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

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

The Concept Plans were reviewed by the Planning Board in March 2019. At that meeting, the Board determined it was a "Major" Subdivision. On November 6, 2019, the Planning Board reviewed and approved the Preliminary Subdivision Plan for this project. It also granted the waiver for the requirement for the Applicant to conduct a wildlife study.

Since that time the Applicant, City Staff, and the City's 3rd Party Engineer have been communicating regarding the final design of the project. Based on numerous communications, the proposal that is before the Board now represents a design that satisfies the 3rd Party Engineer and City Staff.

2. PROJECT DATA/INFORMATION:

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Jason Labonte 57 Smutty Ln. Saco, ME 04072
2.	Owner of Property:	Home Innovations, LLC 57 Smutty Ln. Saco, ME 04072
3.	Agent:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Engineer/Architect:	Andrew Morrell, P.E. BH2M Engineers 28 State Street Gorham, ME 0403
4.	Project Location:	30 Buzzell Road
5.	Project Tax Map #/Lot #:	Tax Map 6, Lots 43 and 44
6.	Existing Zoning:	R-F
7.	Overlay Zoning:	None
8.	Existing Use:	Vacant
9.	Proposed Use:	7-lot Subdivision and "Open Space"
10.	City Approvals Required:	Subdivision, Cluster Subdivision (Conditional Use)
11.	Uses in the Vicinity:	Residential, Agricultural, Woodlands
12.	Parcel Size:	12.2 acres
13.	Number of Lots/Units in Subdivision:	7 Residential Lots (one existing) and one "Open Space" lot at the rear. An "open space" area is also proposed along Buzzell Road.
14.	Minimum Lot Size Required: Provided:	20,000 SF (Upland) 20,000 SF Minimum.
15.	Frontage Required:	100'
16.	Front Setback Required:	25'
17.	Side Setbacks Required:	15'
18.	Rear Setback Requires:	15'

19.	Height Requirements:	Maximum 35'
20.	Water Supply:	Drilled Private Wells
21.	Sewerage Disposal:	On-site Private Septic Systems
22.	Solid Waste Disposal:	City of Biddeford if accepted as a City Street. If not accepted as a City Street, residents may be able to bring waste/recycling to Buzzell Road subject to City approval.
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None
25.	Wetland/Surface Water Impacts:	3,353 SF +/-
26.	Soil Study Provided:	Mark Hampton Associates, Inc.
29.	Ownership of Road:	Buzzell Road is a City Street. Crickett Lane is proposed as a City Street.
32.	Estimated Site Development Costs:	TBD
33.	Financial Capacity Letter:	Provided by Peoples Choice Credit Union.
34.	Waivers Needed:	a. Wildlife Study.
35.	Waivers Granted:	a. Wildlife study (waiver granted November 6, 2019).
36.	Variances Needed for Approval:	None
37.	Other Permits Obtained:	None
38.	Other Non-City Permits Required:	None
39.	Covenants, By-laws, Restrictions Required by the Planning Board:	None
40.	LDR Attachment A: Fees Paid:	Yes
41.	Planning Board Review History:	
	Conceptual Review:	March 6, 2019
	Preliminary Review:	November 6, 2019
	Final Review:	February 5, 2020

3. EXISTING CONDITIONS:

The project site is currently vacant and is located north of Buzzell Road, east of the existing Crickett Lane. Much of the property is wetlands and they have been mapped on the submitted plans.



Source: "30 Buzzell Road". <http://gis.vgsi.com/BiddefordMEMap/index.html?pid=863>. Accessed Date: 10/29/2019.



Source: "30 Buzzell Road, Biddeford, Maine." 43°30'44.11" N 70°32'00.53" W. Google Earth Street View. Imagery Date: 8/2011. Accessed Date: 10/29/2019.

4. PROJECT PROPOSAL:

The proposal is to create 7 new lots on the east side of Crickett Lane. Open Space would be provided along Buzzell Road and in the rear. The proposal is for the road to become public (same as was proposed previously). The applicant has received a waiver for the requirements for a sidewalk should the road be submitted for public acceptance. In lieu of the sidewalk, the applicant has added an additional 3 feet of pavement to the road to serve as a walking area.

5. PUBLIC COMMENT:

Concept Review:

No Comments were received prior to the meeting.

Preliminary Review:

No Comments were received prior to the meeting.

Final Review:

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

6. STAFF REVIEW:

- a. ZONING: The proposed use is a Conditional Use permitted in the R-F.
- b. REVIEW STANDARDS: Performance Standards for Cluster Subdivisions and Subdivision Review.
- c. WAIVERS: Wildlife Study (Article VI, Section 70).
- d. OUTSTANDING ITEMS TO BE ADDRESSED WITH OR PRIOR TO APPROVAL:

1. Fee Due PRIOR TO APPROVAL:

a. Admin:	\$40.00
b. FINAL Approval:	\$500.00
<u>b. Engineering Inspection:</u>	<u>\$1,500.00</u>
TOTAL DUE:	\$2,040.00

2. Provide Performance Guarantee Cost Estimate for additional improvements on City Form.

3. Provide plan set - 1 mylar set & 1 paper set (to be retained by the City), as well as an additional paper of the signature sheet (for applicant recording purposes) provided to the Planning Department not later than Tuesday, February 4, 2020 by NOON.

7. STAFF RECOMMENDATION

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

1. Prior to any ground disturbance/site work the following must be completed:
 - a. A pre-construction meeting with all the contractors needs to be held with the Engineering Department to discuss inspection requirements, including but not limited to compaction related to any trench or cuts into Crickett Lane reflected in Note #44 of Sheet 1 of the approved plans.
 - b. Erosion Control/Site Stabilization Bond of an amount to be determined by the Planning Department must be submitted.
 - c. The applicant must submit a recorded copy of the subdivision plan to the Planning Department.
 - d. Best management practices shall be adhered to during all ground disturbance operations.
2. Prior to the sale or conveyance of a lot/unit or issuance of any building permits:
 - a. A performance guarantee (acceptable to the Engineering Office) in the amount of 150% of the remaining improvements (amount to be determined by the Planning Department) shall be submitted to the Planning Department.
 - b. If the street is still private at the time a building permit is requested the driveway location needs to be approved of by the Planning Department to ensure compliance with the plan and City requirements prior to issuance of any permits.
 - c. If the street is still private at the time a building permit is requested a copy of the registered homeowner's association documents must be provided to the Planning Department.
3. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
4. Prior to City acceptance of the road:
 - a. The Homeowner's Association shall be responsible for the handling of trash collection and disposal (private curbside or private dumpster) until such time as the City has accepted the Street as a Public Street. No trash is permitted to be hauled to the intersection of Buzzell Road for City collection. Alternatively, the residents/lot owners may petition the Public Works Department for curbside trash collection on a private road.
 - b. All Monuments shall be Granite.
5. All street lighting shall be approved by the City of Biddeford.
6. 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.
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. Applicant/Owner shall provide a perpetual deeded easement or include in the road ROW the fire suppression tanks and associated land. If by virtue of an easement, the easement (acceptable to the City) shall be recorded at the York County Registry of Deeds. If Crickett Lane is to become a City street, this area may also be included in the road ROW, subject to approval by the City.
9. Once completed, as-built drawings of the site shall be provided to the Planning Department. Project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans on the as-built drawings. Acceptance of the Road will not be considered without the City having been provided acceptable as-builts and project engineer certification of the completeness of the project.
10. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th 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.
11. Standard Conditions of Approval apply.

8. NEXT STEPS/SUGGESTED ACTIONS

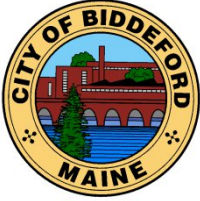
- Consider approving the project based on Staff's recommended Conditions of Approval.

9. SAMPLE MOTIONS

- A. *Motion to approve the Final Subdivision and Conditional Use Permit for Buzzell Road Estates for a 7-Lot Cluster Subdivision off Buzzell Road (Tax Map 6, Lots 43 and 44) in the RF zone, approve the findings of fact, and sign the plans based on the conditions recommended by Staff in its report dated January 30, 2020.*
- B. *Motion to deny Final Subdivision Approval/Conditional Use Permit based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS

1. Final Subdivision Application and Plan package dated December 5, 2019 and January 29, 2020 .
2. Draft Findings of Fact and Conclusions of Law.



CITY OF BIDDEFORD

Planning and Development Department

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PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: January 30, 2020

RE: NEW BUSINESS ITEM #C – 2019.36 Conceptual Site Plan Review/Contract Zone for Maine Governmental Facilities Authority for the construction of a courthouse with an approximate 34,545 SF +/- building footprint, two parking lots and construction of a gravel road to connect Elm Street to Hill Street located at 511-515 Elm Street (Tax Maps 88 & 3, Lots 5 & 66-1) in the B2 and R1A zones.

MEETING DATE: February 5, 2019 @ 6:00 PM

1. INTRODUCTION

In March 2017 the City of Biddeford conveyed three parcels of land to the Maine Governmental Facilities Authority to facilitate plans for the consolidation of the York County District and Superior Courts into one judicial facility off Elm Street (Route 1). The location is south of Marden's on the east side of Route 1 on a property that has been locally referred to as the 'Pate' property, although the total property under consideration includes land continuing on to Hill Street.

As described below, the project needs a Contract Zone to accommodate the 70' (+/-) height of the structure in an otherwise 35' zone (B-2). On September 17, 2019 the City Council endorsed the concept of a Contract Zone.

The application submitted indicates a proposal that includes a new building with a footprint of approximately 34,545 SF. The facility would be four (4) stories in height, the top story being a utility penthouse.

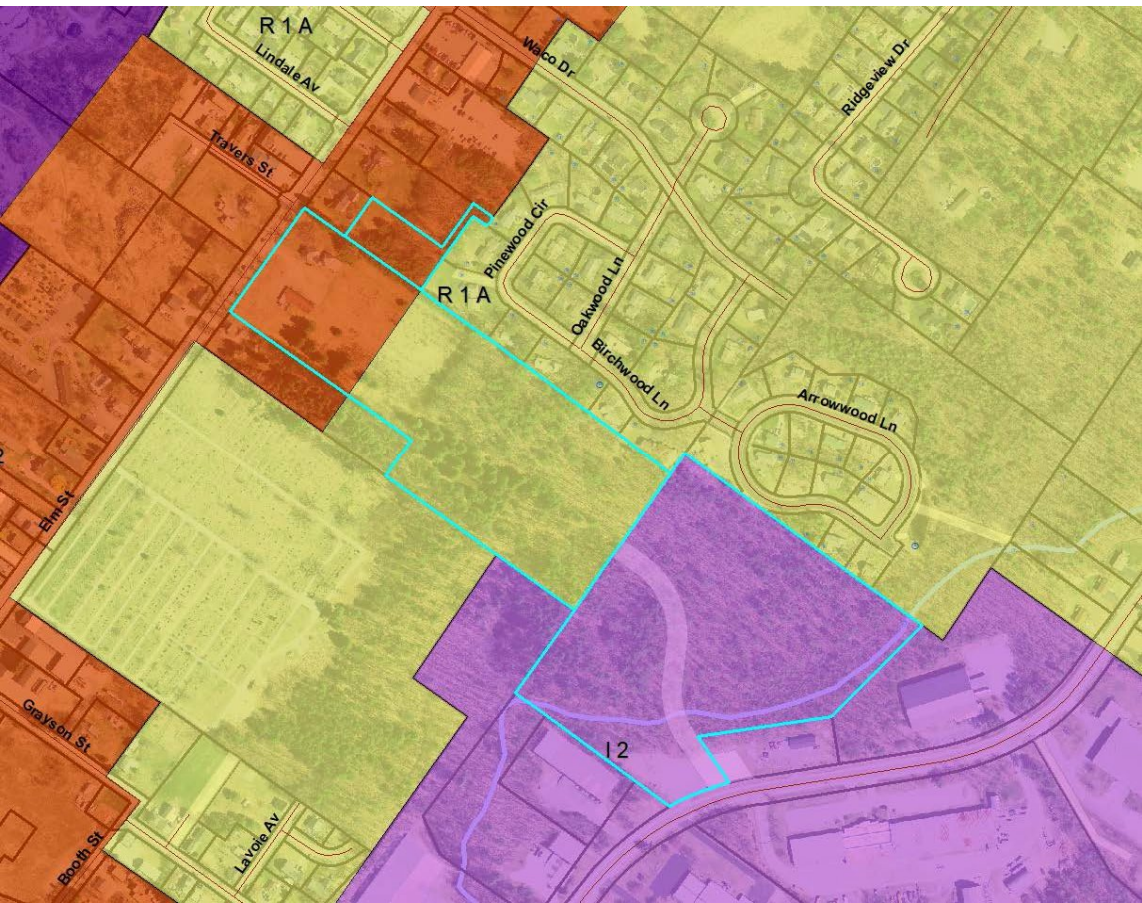
The Concept Plan before the Board includes a site layout including the building, access ways, and parking. As proposed, a controlled (limited) vehicle access to Hill

Street would be constructed for emergency access.

The proposed use (Public Facility) is a Permitted (P) Use in the B-2 Zone and is a Conditional (C) Use in the R1-A and I-2 Zones. The judicial center building itself is proposed entirely within the parcel of land zoned B-2. Due to the proposed height of the structure (approximately 70 feet), the project requires a zoning adjustment since the maximum height in the B-2 (and R1-A) Zone where the building would be located is only 35'. Staff have recommended the consideration of a Contract Zone in order to accommodate this height difference, as well as any other zoning adjustments that may not yet be known, but are necessary to facilitate the project.

See below STAFF RECOMMENDATION 1 which discusses height in greater detail,

The three parcels involved are highlighted as follows:



2. PROJECT DATA/INFORMATION

Note: **HIGHLIGHTED** information is pending.

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
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	Applicant:	Maine Governmental Facilities Authority 127 Community Drive
		P.O. Box 2268 Augusta, ME 04338-2268 207-622-9386
2.	Owner of Property:	Maine Governmental Facilities Authority 127 Community Drive P.O. Box 2268 Augusta, ME 04338-2268 207-622-9386
3.	Agent:	James T. Glessner State Court Administrator 125 Presumpscot Street P.O. Box 4820 Portland, ME 04112-4820 207-822-0781
4.	Engineer:	Gorrill-Palmer 707 Sable Oaks Drive, Suite 30 South Portland, ME 04106 207-772-2515
5.	Surveyor:	Titcomb Associates 133 Gray Road Falmouth, ME 04105
6.	Project Location:	511-515 Elm Street and 384 Hill Street
7.	Project Tax Map #/Lot #:	Tax Maps 88 & 3, Lots 5 & 66-1
8.	Existing Zoning:	B-2 and R1-A. I-2 on the Hill Street side.
9.	Overlay Zoning:	None
10.	Existing Use:	Vacant, Cell Tower (by lease)
11.	Proposed Use:	York County Consolidated Judicial Center
12.	City Approvals Required:	Site Plan Review/Conditional Use Permit, Contract Zone
13.	Uses in the Vicinity:	Industrial, Commercial, Residential
14.	Parcel Size:	28.5 Acres Total
15.	Number of Lots/Units in Subdivision:	N/A
16.	Minimum Lot Size Required:	N/A (20,000 SF if in either the B-2 or R1-A Zone)
	Provided:	28.5 Acres Total
17.	Frontage Required:	150 feet
	Provided:	More than 150 feet (approximately 397')
18.	Front Setback Required:	30 feet
	Provided:	Approximately 80 feet
19.	Side Setbacks Required:	10 feet
	Provided:	10 feet

20.	Rear Setback Requires: Provided:	10 feet 10 feet
21.	Height Requirements: Provided:	N/A – To be established by Contract Zone See Contract Zone
22.	Water Supply:	Maine Water (Public)
23.	Sewerage Disposal:	City of Biddeford
24.	Solid Waste Disposal:	Private Hauler
25.	Fire Protection:	City of Biddeford
26.	Floodplain Status:	None
27.	Wetland/Surface Water Impacts:	None
28.	Soil Study Provided:	N/A
29.	Parking Spaces Required:	TBD
30.	Parking Spaces Provided (total): # Handicapped Spaces:	TBD TBD
31.	Ownership of Road:	Elm Street (Route 1) is a State Road within an urban compact area where the City is responsible for the maintenance of the roadway. Hill Street is a City Street.
32.	Impervious Surface Area:	The proposal includes 34,545 SF of building footprint and 159,501 SF of paving/parking.
33.	Total Disturbed Area:	TBD
34.	Estimated Site Development Costs:	TBD
35.	Financial Capacity Letter:	Not yet submitted.
36.	Waivers Needed:	a.
37.	Waivers Granted:	a.
38.	Variances Needed for Approval:	None
39.	Other Permits Obtained:	None
40.	Other Non-City Permits Required:	Maine DEP Site Location of Development Act (SLODA), Maine DOT Traffic Movement Permit (TMP), Maine DEP Stormwater
41.	Covenants, By-laws, Restrictions Required by the Planning Board:	See Contract Zone.
40.	LDR Attachment A: Fess Paid:	No
41.	Planning Board Review History: Conceptual Review:	October 2, 2019 Meeting Date. Posted in City Hall September 24, 2019. Mail Notices to all abutters within 250' sent September 24, 2019 - 220 notices sent).

3. EXISTING CONDITIONS

The subject property is vacant aside from a cellular tower located on the Hill Street side. Combined the subject site is 28.5 Acres in size.

4. PROJECT PROPOSAL

See attached application package and Concept Plan for more information.

5. PUBLIC COMMENT

Concept Review:

Numerous Public Comments have been received and shared with the Board.

6. STAFF REVIEW

- A. ZONING: The proposed use (Public Facility) is a Permitted (P) Use in the B-2 Zone. It is a Conditional (C) Use in the R1-A and I-2 Zones, although the building itself, as proposed, is entirely within the B-2 Zone.

A Contract Zone is under consideration due to the requested height of the structure (70' (+/-)) and for other situations that may arise through the review process.

- B. REVIEW STANDARDS: Site Plan Review (Article XI), Conditional Uses (Article VII), Performance Standards (Article VI).

- C. WAIVERS: **None.**

- D. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO FEBRUARY 5, 2020:

- o None.

- E. OUTSTANDING ITEMS TO BE ADDRESSED WITH THE SUBMISSION OF A FINAL APPLICATION PACKAGE:

1. Full Site Plan Review Application package, including Stormwater Analysis and all requirements in Article XII (Site Plan Review) and Article VI (Performance Standards). Any waiver requests (if applicable and if something that can be granted by the Planning Board) must also be presented in writing with an explanation as to why such a request is being made.
2. Submit all remaining Fees Due.
3. Provide a Draft Contract Zone Agreement and Draft Findings of Fact for the Contract Zone (examples are available from the Planning Department).

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

7. STAFF RECOMMENDATION/DISCUSSION:

Staff recommend that the Planning Board consider taking a position on several issues which seem to keep coming up:

1. Height of the Building
2. Setbacks
3. Buffering and Fencing
4. Lighting
5. Access to/from Hill Street

Staff encourage the Planning Board and the public to understand the nature of a Contract Zone. A Contract Zone essentially creates a new zone for a particular location. It is like an overlay, but not an overlay. One of the notions behind a Contract Zone is that it can be specific to a proposed use on a particular site.

Staff strongly advise against using the term “variance”. A “variance” is a legal term used in zoning which has no bearing on a Contract Zone. There should be no need for a “variance” since the proposed project should conform to the Contract Zone that was created for it.

1. Height of the Building:

Neighbors have argued that the height of the building is too high, being almost 70 feet. The height of the building may be almost 70 feet on paper, but this is somewhat misleading.

Biddeford’s Definition of “Building Height”:

BUILDING HEIGHT:

The vertical distance from grade to top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.

This is quite important. The only reason that the building height (by definition) reaches 68.5 +/- feet is because of the utility enclosure on the roof. The enclosure is there to mitigate potential noise from the rooftop units. They could leave the rooftop units exposed with no “penthouse” enclosure and this would, by definition, reduce the height to 56.5 feet +/-.

Staff are of the opinion that as a result of this, the appreciable height, at its most, is only 58.5 +/- feet tall.

From the Application Cover Letter:

Building Height

On September 17th the City Council voted to endorse a contract zone for York Judicial Center. This allows for the Planning Board to consider a building height that is over the current 35-foot height limit under the B-2 zone

The proposed building is, at its highest point, approximately 68-1/2± feet tall. This height is in the vicinity of the penthouse level (housing only heating, ventilation and air conditioning equipment) which is narrower than the full width of the building and only half the length. This amounts to only about 30% of the area that is predominately the three story portion of the building. This three story portion is 56-1/2± feet tall and transitions to lower heights that are approximately 36-1/2 feet in height. The transitions are apparent at the main entrance, south façade and at the north façade where more than two thirds of the length is stepped down to the lower height.

When considering the renderings and building elevations (Section 3) it is evident that the proposal is not simply a single building at 68-1/2 feet in height, but is deliberately designed to step down in height to reduce the overall building mass. The proposed building is predominately 56-1/2± feet tall with a limited apex that is approximately 12 feet greater in height and with two story step-downs that are 20 feet lower in height, similar to the base zone's height limit. This varied height and size allows for a building that can transition in overall mass while still providing for the functional space required by the York Judicial Center.

QUESTION:

Is the Planning Board comfortable with the Building Height, as explained above and in the applicant's cover letter, given it is somewhat artificially increased due to the utility "penthouse" enclosure designed to minimize potential noise impacts, that the "penthouse" enclosure is located as far from the north property line as possible on the proposed building, and that the utility enclosure represents the highest point on the building only by definition.

2. Setbacks.

Staff believe there is confusion over this issue and a general misunderstanding of how the plan reads.

First, setbacks and buffers are quite different.

Biddeford's Definition of "Setback":

STRUCTURE

Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, including decks, stacks, satellite dishes, and antennas, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors, as well as sidewalks, driveways, parking lots, and field or garden walls or embankment retaining walls.

For the purposes of this plan (and others), the setback requirements relate to the building itself. The plan identifies a 10' setback on it. This reflects the underlying zone setback requirements. This proposal, however, demonstrates a building setback of what appears to be at least 50 feet from its closest property line to the North.

This is a building setback roughly 5 times more than what would be required in the underlying zone for building setbacks.

Important Points:

- The Planning Board, if it approved the Site Plan as it is, in doing so would approve the building where it is located on the plan being at least 50 feet from its closest side property line.
- The Site Plan approval would be the approved site layout, including the building location, which if approved by the Council, would be tied into the Contract Zone.
- The Contract Zone language has not yet been drafted but depending on how the site plan review process goes, will be worded to reflect the setbacks as approved on a site plan.

QUESTION:

Is the Planning Board comfortable with the building setbacks depicted on the plan by the building location being at least 50 feet +/- from any property and given the building location presented on the submitted plan? The plan and the language within the Contract Zone Agreement would ultimately reflect this.

3. Buffers and Fencing:

As stated above, setbacks and buffers are quite different.

Biddeford's Definition of "Buffer":

Article VI, Section 12 of the Biddeford Zoning Ordinance states the following:

A. No structure shall be erected or any use permitted in nonresidential districts, which abut residential districts, unless a buffer strip at least 30 feet wide is provided and maintained between any adjoining residential district or use and the nonresidential structure or use. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or esthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Biddeford. This requirement may be waived by the Planning Board upon request of the applicant

if it can be demonstrated that the waiver is warranted or necessary due to existing conditions and/or if other means of eliminating or minimizing any adverse impacts on residential structures or uses can achieve the same purpose, such as, but not limited to, the installation of stockade fencing or noise barriers.

...

C. Required buffer areas shall not include parking or loading areas, and shall consist of coniferous or deciduous trees.

The **highlighted** portion is for emphasis. The buffer requirements are not hard and fast and provide for some flexibility given site characteristics.

However, as indicated on the plan, the proposal maintains a 30' buffer around it which does not include paving, parking, or structure. In many areas of this buffer, existing vegetation already provides a natural buffer and additional buffering may not be warranted.

Further, leading into the issue of fences, the applicant has indicated a 6' tall privacy fence to be installed around the perimeter of the project where it abuts to the north to the rear limit of the parking lot in its furthest north corner (see plans).

From the Application Cover Letter:

Buffering

After feedback from the public informational meeting we revised the site design to accommodate additional space along the northerly property line in proximity of Elm Street. This was accomplished by locating the proposed service drive closer to the building which was previously partially within the 30-

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Maine | Virginia

Mr. Tansley
January 15, 2020
Page 2



foot wide buffer. Section 5 includes pictures with proposed building superimposed to demonstrate the adequacy of the existing trees as a buffer.

There were also comments regarding the addition of fencing along the proposed development in the vicinity of the abutting properties to the north. The revised plan includes a 6-foot high privacy fence that is located from near the front of the property, in the vicinity of the service drive retaining wall to the rear of the development at the limits of the parking lot, adjacent to the abutting properties. The Sketch Plan and the Landscape Plan (Section 5) depict the limits of the proposed privacy fence.

Mr. Sterling Roop, 16 Pinewood Circle, has via e-mail referenced a clause in the Contract Zoning Section of the Ordinance as follows:

Part II, Land Development Regulations (LDR), Article V, Section 9, F1.4.(d):

(d) Parking/loading. Off-street parking areas for more than three vehicles and loading spaces as may be required shall be totally screened from the view of the adjoining property by trees, shrubs, fences and other landscaping material (such as a stockade fence or a dense evergreen hedge six feet or more in height). Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided.

Here is an aerial of the area, including the project site. Note that the project development area includes a parking lot that extends to approximately the existing tree line today between lawn and woods. The proposed fencing extends along the northern property line (off-set) to the rear limits of the main parking lot. Just wrapping around the corner.

Essentially, based on the submitted plan, the fence extends along the northern property boundary where the parking lots borders those properties. Where the

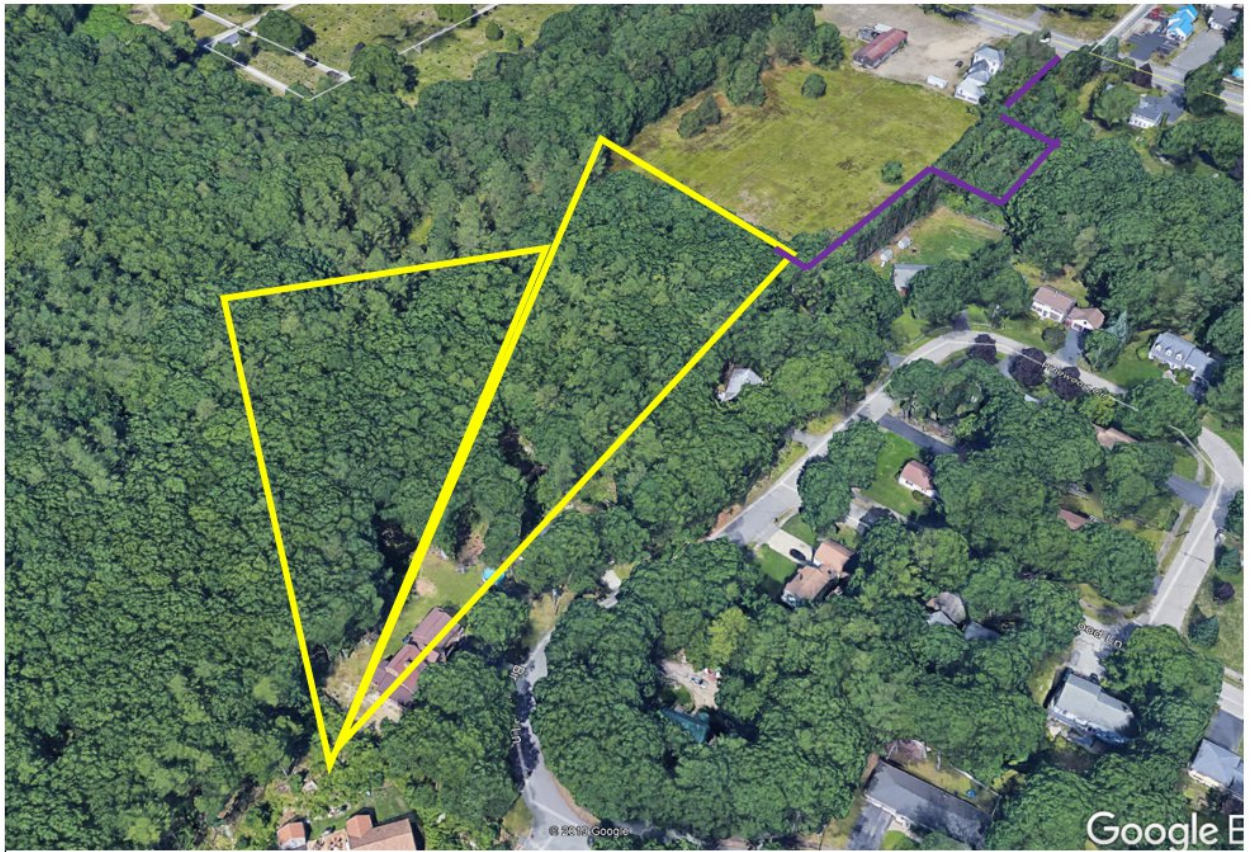
parking lot border to the woods to the rear (towards Hill Street), the property is naturally vegetated and wooded.

Admittedly, I can provide no insight into the children issue and do not know where this came from and how it should be interpreted. It is not in State Law from what I can tell, so I believe it is a Biddeford nuance within Contract Zoning and I do not recall it coming up with previous Contract Zone reviews and approvals other than for a project to be approved, this finding has been made.



Using a Google Earth perspective, Staff tried to better understand what is being buffered. In the crude picture on the next page, the **purple** line represents (roughly) the 6' privacy fence, and the **yellow** triangles approximate viewsheds for the furthest property (9 Birchwood Lane) from the development site and for those properties that abut the development site.

We hope this provides some context for the discussion about buffers for this proposed project, but again, this is crude and only provided here for representation purposes.



QUESTION:

Is the Planning Board comfortable with the buffer provisions indicated on the plans, including a 6' tall privacy fence as depicted on the plans?

4. Lighting

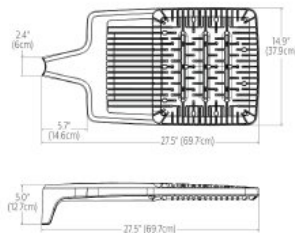
The Applicant previously provided an illumination plan (in color) depicting footcandles of illumination. The standards call for no greater than .5 footcandles on abutting residential properties, which this diagram illustrates. As such, this standard is met.

The applicant has informed staff that the design calls for 16 foot poles, with full cut-off fixtures. The applicant provided the following cutsheet for the lighting demonstrating the full cut off design.

Image:



Detail:



EP2

Parking Light

Description

LED Pole mounted parking light with reduced output, full cut-off, and with House Side Shield

Physical Requirements

Dimensions: 37.2" W x 14.9" L x 5" H per luminaire

Construction: One-piece die cast aluminum housing with self retained, hinged, one-piece die cast door frame.

Optic: Type III Distribution with house side shield

Finish: Electrostatically applied, textured polyester powdercoat finish, color per architect

Mounting: Pole mounted at 16ft above grade

Listing: UL Wet, IP66, B2-U0-G1

Location: Parking

Luminaire Performance Criteria

Lumen Output: 6044 lm (delivered) Static White LED

CCT: 3000K

CRI: 80+

LED Life: 60,000+ hr L70

Electrical Requirements

Load: 56W

Voltage: Primary: 277V Secondary:

Driver: Integral

Control: Automatic profile dimming

Basis Of Design

Manufacturer: Signify

Model: Gardco EcoForm

Model Number: ECF-S-32L-530-WW-G2-SF-3-UNV-CE50-PCB-F1-HIS-

Alternates

Alternate 1: Weef

Alternate 2: Lithonia

Notes:

Coordinate pole height with concrete footing for luminaire installation at specified height above grade. Contractor to submit coordinated shop drawing for luminaire and pole installation, including all accessories.

The applicant has also indicated their willingness to reduce the lighting in the night hours to that which is only required for security purposes. A Condition of Approval to this effect could be placed on the project if the Board (and/or City council) felt it appropriate.

QUESTION(S):

At this time, is the Planning Board comfortable with the lighting provisions proposed demonstrating compliance with our 0.5 footcandles maximum requirements and the use of full cut-off fixtures as part of the site design, also considering the above discussion regarding buffering and fencing?

Does the Board wish to consider a Condition of Approval on the project somehow limits the lighting of the parking lot(s) after and/or before a certain time of the day?

5. Access to/from Hill Street

Questions appear to continue regarding the Hill Street access. It is designed and intended for emergency access only. No public (vehicular) access would be permitted. Shown on the plans is a gate with a Knox box (emergency access box) that would limit any travel along the 24' gravel access road to only authorized vehicles.

QUESTION:

Is the Planning Board satisfied with the proposed plans to provide for emergency access only to authorized vehicles through this 24' gravel, gated, access way?

8. NEXT STEPS/SUGGESTED ACTIONS

- A. Staff would like the Board to provide direction to the Applicant and Staff regarding these critical issues. I am asking that the Board respond to the following questions:
1. *Is the Planning Board comfortable with the Building Height, as explained above and in the applicant's cover letter, given it is somewhat artificially increased due to the utility "penthouse" enclosure designed to minimize potential noise impacts, that the "penthouse" enclosure is located as far from the north property line as possible on the proposed building, and that the utility enclosure represents the highest point on the building only by definition.*
 2. *Is the Planning Board comfortable with the building setbacks depicted on the plan by the building location being at least 50 feet from any property and given the building location presented on the submitted plan? The plan and the language within the Contract Zone Agreement would ultimately reflect this.*
 3. *Is the Planning Board comfortable with the buffer provisions indicated on the plans, including a 6' tall privacy fence as depicted on the plans?*
 4. *At this time, is the Planning Board comfortable with the lighting provisions proposed demonstrating compliance with our 0.5 footcandles maximum requirements and the use of full cut-off fixtures as part of the site design, also considering the above discussion regarding buffering and fencing?*

Does the Board wish to consider a Condition of Approval on the project somehow limits the lighting of the parking lot(s) after and/or before a certain time of the day?

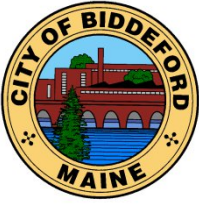
5. *Is the Planning Board satisfied with the proposed plans to provide for emergency access only to authorized vehicles through this 24' gravel, gated, access way?*

- B. Staff recommends that per Ordinance, the Board approve the Concept Plan. The Ordinance reference is as follows (Article XI (Site Plan Review), II, Section 3:

When an application, on a form provided by the City, is submitted to the Planning Board, that application will have formal standing before the Planning Board. The Planning Board shall then consider the sketch plan and provide planning direction to the applicant in accordance with all pertinent provisions of the ordinance. After completing its review of the application, the Planning Board shall vote to deny, approve or approve with conditions. The date of sketch plan approval, denial, or conditional approval shall be the date that the Planning Board votes on a sketch plan application.

9. SAMPLE MOTIONS:

- A. *Motion to approve the Concept Plan for the York County Judicial Courts to develop a new consolidated courthouse at 511-515 Elm Street.*
- B. *Motion to approve the Concept Plan for the York County Judicial Courts to develop a new consolidated courthouse at 511-515 Elm Street. based upon the following CONDITIONS:*
a) _____
b) _____
- C. *Motion to deny the Concept Plan for the York County Judicial Courts to develop a new consolidated courthouse at 511-515 Elm Street based upon the following reasons:*
a) _____
b) _____



CITY OF BIDDEFORD
Planning and Development Department

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207-282-7119 or 207-284-9115
Greg.Tansley@biddefordmaine.org

PLANNING BOARD REPORT

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

FROM: Greg Tansley, AICP, City Planner

DATE: January 30, 2020

RE: NEW BUSINESS ITEM #D – 2020.01 Final Site Plan Review/Shoreland Zoning Review for Biddeford Riverwalk Community, LLC for a proposed Parking Garage located at 3 Lincoln Street (Tax Map 71, Lot 2) in the MSRD-3 zone.

MEETING DATE: FEBRUARY 5, 2020

1. INTRODUCTION

This proposal is for a 5-Level Parking Facility (Garage) and associated site infrastructure at the 3 Lincoln Street site, known locally as the former MERC site. As part of the project, the existing surface parking lot serving the Lofts at Saco Falls will be displaced and a new temporary parking lot will be constructed as shown on sheet C-102.

The total parcel size is 7.28 acres, the parking facility would be constructed solely upon a 1.63-acre parcel carved out (leased) for that purpose. The lease area includes the property where the fire access lane is to be located east of the parking structure.

The project site was formerly the location of a waste-to-energy facility that was previously purchased and closed by the City. Ultimate plans are for the complete redevelopment of the site, including commercial/residential uses surrounding the parking facility both immediately east and west of the structure; at this time the only project requesting approval is the parking facility.

The parking facility, through a Joint Development Agreement (JDA), would be constructed/financed by Biddeford Riverwalk Community 1, LLC. The specific arrangement regarding the JDA is provided in the applicant's packet APPENDIX J.

Numerous outside agency permits are also required for this project, including the Saco River Corridor Commission (approved permit enclosed), Maine DEP Chapter 500 Stormwater, and Maine DEP Natural Resources Protection Act (possibly). The project is

exempt from the Maine DEP Site Location of Development Act (SLODA) permit requirements due to Biddeford having been designated as having “Municipal Capacity” to review SODA. In other words, our own ordinances and review process have been deemed as, if not more, rigorous than is the Maine DEP SLODA requirements and process.

The Maine Department of Inland Fisheries and Wildlife (MDIF&W) were consulted on this project and have responded with a letter in your packets. They have concluded that no significant wildlife habitat exists on the subject parcel.

Vehicular access to and from the facility will be off Pearl Street, which comes off Lincoln Street. Under the Maine Department of Transportation policy, a Traffic Movement Permit is not required for Parking Structures since they, in and of themselves, do not generate traffic. It is the uses around the garage that in fact may warrant, possibly, the need for a Traffic Movement Permit.

The City’s 3rd Party Review Engineer completed his review of the project on January 27, 2020. The applicant has provided an itemized response on January 30, 2020, to the 3rd Part Review engineer’s comments. This response (e-mail) is included in your packet.

The application is before the Board for Site Plan Review and Shoreland Zoning Review. The reason for Shoreland Zoning is that the stormwater conveyance system runs into the 250’ GD-1 Shoreland Zoning, leading to the Stormwater Treatment Facility, which is entirely located within the Shoreland Zone. The location of the underground treatment R-TANK, however, is located beyond the required 25’ setback from the river. The principal standard under Shoreland Zoning related to unvegetated surfaces. The amount of non-vegetated surfaces within the Shoreland Zone will not increase as a result of this project. In fact, the project as a whole, when completed will reduce the amount of non-vegetated surfaces both within and outside the Shoreland Zone.

2. PROJECT DATA/INFORMATION

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Biddeford Riverwalk Community 1, LLC 40 Forest Falls Drive, Suite 2 Yarmouth, ME 04096
2.	Owner of Property:	City of Biddeford, Maine P.O. Box 586 Biddeford, ME 04005
3.	Agent:	Matthew Dieterich 40 Forest Falls Drive, Suite 2 Yarmouth, ME 04096
4.	Project Location:	3 Lincoln Street
5.	Project Tax Map #/Lot #:	Tax Map 71, Lot 2
6.	Existing Zoning:	MSRD-3
7.	Overlay Zoning:	GD-1 Shoreland Zone

8.	Existing Use:	Vacant property used partly for parking for the Lofts at Saco Falls
9.	Proposed Use:	5-Story Parking Facility
10.	Approvals Required:	Site Plan, Shoreland Zoning
11.	Uses in the Vicinity:	Mixed-use of residential, commercial, and light industrial.
12.	Parcel Size:	7.28 acres. 1.63 acres would be leased to the applicant for the parking facility.
13.	The number of Lots/Units in Subdivision:	N/A
14.	Minimum Lot Size Required: Provided:	N/A – MSRD-3 7.28 acres (1.63 acres development parcel (leased))
15.	Frontage Required: Provided:	None N/A
16.	Front Setback Required: Provided:	None N/A
17.	Side Setbacks Required: Provided:	None N/A
18.	Rear Setback Requires: Provided:	None N/A
19.	Height Requirements: Provided:	Minimum 2 stories, 26 feet More than the minimum existing
20.	Water Supply:	Maine Water
21.	Sewerage Disposal:	City of Biddeford
22.	Solid Waste Disposal:	Private Hauler
23.	Fire Protection:	City of Biddeford
24.	Floodplain Status:	None.
25.	Wetland/Surface Water Impacts:	None.
26.	Soil Study Provided:	Geotechnical Report and MEMO Summary contained in the Final Application Submission, Appendix C, completed by Geotechnical Partnership, Inc. April 2018.
27.	Parking Spaces Required:	N/A
28.	Parking Spaces Provided (total): # Handicapped Spaces:	641 (in-garage) 13 (3 Van Accessible)
29.	Ownership of Road:	Pearl Street is a Public and Private Road with various rights within it.
30.	Impervious Surface Area Net Change:	Net reduction (within the Shoreland Zone)
31.	Total Disturbed Area:	1.63 acres of the leased area, plus additional off-site disturbances as depicted on the approved plans.
33.	Estimated Site Development Costs:	TBD

34.	Financial Capacity Letter:	Provided by Applicant through a Joint Development Agreement, included in the Application Packet dated January 14, 2020, APPENDIX J.
35.	Technical Capacity:	Demonstrated on January 14, 2020, in the Application Package, Section 6.0.
36.	Waivers Needed:	1. Article XI, 5.A.7.i The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and location, indicating whether above or below ground. 2. Article XI, 5.A.7.n The location and type of lighting for outdoor facilities. 3. Article XI, 5.A.7.p Surveyed property lines showing their bearing and distances and monument locations. Note: This waiver is in relation to the entire 7.28-acre parcel, not the garage lease site. 4. Article XI, 5.B.3.f Lots shall be illuminated for security purposes. The lighting shall be designed in such a way that offsite glare is minimized. Photometrics: Article VI, Section 49.C.3.K1.E.
37.	Waivers Granted:	1. Article XI, 5.A.7.i The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and location, indicating whether above or below ground. 2. Article XI, 5.A.7.n The location and type of lighting for outdoor facilities. 3. Article XI, 5.A.7.p Surveyed property lines showing their bearing and distances and monument locations. Note: This waiver is in relation to the entire 7.28-acre parcel, not the garage lease site. 4. Article XI, 5.B.3.f Lots shall be illuminated for security purposes. The lighting shall be designed in such a way that offsite glare is minimized. Photometrics: Article VI, Section 49.C.3.K1.E.
38.	LDR Attachment A: Fees Paid:	All Planning Application Fees Paid.

39.	Other Permits Required:	Saco River Corridor Commission (granted January 22, 2020). Maine DEP Chapter 500 – Pending. Maine DEP NRPA – Possible. Maine DEP SLODA – Project is exempt from SLODA due to Municipal Capacity. Maine DOT TMP – Not Applicable.
40.	Planning Board Review History:	February 5, 2020 Meeting Date; Posted in City Hall and abutter notices sent January 29, 2019.

3. EXISTING CONDITIONS

The property (3 Lincoln) is vacant (aside from parking) site that was a former industrial site. It is, for the most part, unvegetated and impervious. The garage site is approximately 250 feet back from Lincoln Street.

4. PROJECT PROPOSAL

650 space Parking garage and associated site improvements, including a temporary parking lot for accommodating displaced vehicle parking during construction.

5. PUBLIC COMMENT

No Public Comments have been received to date.

6. STAFF REVIEW

- a. ZONING: The proposed use (Parking Facility) is permitted in the MSRD-3 Zone.
- b. REVIEW STANDARDS: Site Plan Review, Shoreland Zoning.
- c. WAIVERS:

The following waivers have been requested/identified as necessary for the project to proceed. Staff recommends APPROVING all of these requests if the Board concurs that these issues can be dealt with after the approval by City Staff.

- 1. Article XI, 5.A.7.i The size and location of all other existing and proposed public service connections including, without limitation, gas lines, power lines, telephone lines, and fire alarm connections and location, indicating whether above or below ground.
- 2. Article XI, 5.A.7.n The location and type of lighting for outdoor facilities.
- 3. Article XI, 5.A.7.p Surveyed property lines showing their bearing and distances and monument locations.

4. Article XI, 5.B.3.f Lots shall be illuminated for security purposes. The lighting shall be designed in such a way that offsite glare is minimized. Photometrics: Article VI, Section 49.C.3.K1.E.

d. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL

1. Identify areas for construction staging and security.
2. Provide Traffic Control Plan for construction commencement and the duration of construction activity.
3. Provide a Salt Management Plan.
4. Provide an emergency protocol plan to address any oil or gas spills in parking areas, including within the garage.
5. Site design narrative (7th page in - no page numbers) identifies no benches proposed at this time and that bike racks would match city standards.
 - This is basically an urban downtown street in front of a parking garage where people may meet, wait for rides, etc. Benches need to be provided in the vicinity of the entrance, at least. Add to plans with specs and details, including mounting on concrete pads if none are currently proposed. Flexibility should be incorporated in the design of infrastructure to accommodate changing needs in the public space such as the integration of retail pop-ups.
 - Outside trash receptacles and bike racks need to be included in this project.
 - Suggest a minimum of 2-4 trash receptacles outside of the parking garage's main entrance.
 - Identify locations on the plan (C-103 to identify conflicts with landscaping) and provide cut sheets/specs. Bicycle parking should be provided at a minimum of 10% of automobile parking spaces and needs to be in an adequately lit area. If stand-alone racks, provide concrete pad if not on a level hard surface.
6. Parking calculation. Three sheets conflict with each other in the total number of parking and resulting ADA required parking, including van-accessible parking.
 - Sheet G002, Sheet C-102, and Sheet A101A – Please correct these sheets so they are consistent with each other.
7. Landscaping.
 - Lump-Sum of \$12,500 based on the proposed plan appears unrealistic. Provide itemized planting list by cost.
 - Cost should include cost “installed”.
 - Cost should include costs for grates.
 - Irrigation?
 - Future site amenities such as water features (Infrastructure needs to be built now)?
8. Loam and seed. Remove grass from Pearl Street ROW. Propose alternative no-to-low maintenance alternatives. Decorative pavers are an option.

9. Show concrete pad for snow removal on plans.
10. We agree with Mr. Saucier about stop signs at the exit of the garage. You have also indicated no intention of adding stop bars on the pavement. Minimum "Yield", and "Watch For Pedestrians" signs seem appropriate.
11. Revise plans to identify 25' radii at Lincoln Street and Pearl Street.
12. Accessible (detectable) warnings should be provided at the garage entrance/exit. Amend plans accordingly.
13. Update all plans to reflect Tom Saucier's comments in his January 27, 2020, Engineering Review letter (concurrent with your response dated January 30, 2020).
14. Lighting Performance Guarantee Estimate.
 - Identify 4 street lights at total cost \$12,000. This cost estimate seems very unrealistic, especially if it is intended to reflect a complete, installed, cost. Use City Light Pole standard (see Lincoln Street), including banner/utility arms. Revisit cost estimate and provide lighting cut sheets.
15. Performance Guarantee Unit Cost Estimate needs to include ALL site improvements, not just landscaping and lighting. This includes everything from pipes, subgrade, base, concrete, site amenities, etc. Submit for staff review.
16. Add a signature block (with Date) to the Plan Set COVER SHEET.
17. Owen-Haskell Survey Plan needs to be stamped.
18. Provide final plan sets and all requested materials to the Planning Department by Noon, Tuesday, February 4, 2020. The City requires 1 Complete Mylar Set and 1 Complete Paper Set. Additional copies for signature may also be provided by the applicant, for the applicant.

7. STAFF RECOMMENDATION

Waiver(s): Staff are of the opinion that due to the complexity of the site and the multiple parties involved in the site design, especially of Pearl Street (a City Street), these waivers are appropriate if the Board agrees that these issues can be dealt with through staff prior to any site disturbance. Much of this will be achieved through the continued design work to re-construct Pearl Street.

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

1. Prior to any ground disturbance or issuance of any permits:
 - a. City of Biddeford to approve Pearl Street design, including the potential for requiring full-depth reconstruction which is recommended.
 - b. A Salt Management Plan must be provided for review and approval by the Planning Department.

- c. Provide an emergency protocol plan to address any oil or gas spills in parking areas.
 - d. The Planning Department shall approve the final lighting plan based on the review of a site photometric analysis.
 - e. The Planning Department to review final electrical, lighting, and utility plans upon completion of coordination with CMP.
 - f. A pre-construction meeting with the contractor needs to be held with the Planning Department to discuss inspection requirements.
 - g. 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.
 - h. A Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX shall be submitted to the Planning Department.
 - i. The applicant shall provide a final, stamped survey of the entire 7.28-acre parcel.
2. Prior to the installation of any stormwater facilities, including the R-Tank System, City shall approve such work after the applicant has verified with the City any pre-requisite needs for additional geotechnical/engineering analysis regarding the existing "stack".
 3. Prior to commencing any work in the City Right-of-Way, the applicant must obtain a road-opening permit from the Public Works Department.
 4. All site amenities within the Pearl Street ROW shall be approved by the Planning Department after consultation with the Public Works Department.
 5. A Sewer Permit application must be filed and applicable fees paid as determined by the Wastewater Department.
 - a. The applicant shall pay is proportionate impact fee (per Part II (Land Development Regulations), Article VI (Performance Standards), Section 62) necessary for wastewater infrastructure improvement costs to accommodate the additional flows in the conveyance system. Applicant's share shall be proportionately based on expected flows to the costs of the improvements which currently are estimated to be \$79,000 per e-mail from Tom Milligan, P.E., City Engineer, dated October 29, 2019. The final impact fee to be determined by the Director of the Department of Public Works.
 6. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.
 7. Standard Conditions of Approval apply.
 8. Prior to issuance of an occupancy permit:
 - a. The Planning Department shall conduct a compliance inspection and shall determine that all required site improvements related to the public's health, safety, and welfare have been completed and that the City holds a Performance Guarantee sufficient to cover any remaining site improvements and/or deficiencies.
 9. 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.

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 approval.
11. As-built plans are required at the completion of the project.

8. NEXT STEPS/SUGGESTED BOARD ACTIONS

- Consider granting the waivers and the final Site Plan/Shoreland Zoning approval based on the conditions outlined above.

9. SAMPLE MOTIONS

- A. *Motion to grant the waiver to Article XI, 5.A.7.i - The size and location of all existing and proposed public service connections.*
- B. *Motion to grant the waiver to Article XI, 5.A.7.n The location and type of lighting for outdoor facilities.*
- C. *Motion to grant the waiver to Article XI, 5.A.7.p Surveyed property lines showing their bearing and distances and monument locations.*
- D. *Motion to grant the waiver to Article XI, 5.B.3.f Lots shall be illuminated for security purposes. The lighting shall be designed in such a way that offsite glare is minimized. Photometrics: Article VI, Section 49.C.3.K1.E.*
- E. *Motion to approve the Final Site Plan and Shoreland Zoning Biddeford Riverwalk Community 1, LLC for a 5-level parking facility at 3 Lincoln Street (Tax Map 71, Lot) in the MSRD-3 zone and approve the Findings of Fact based on the conditions recommended by Staff in its report dated January 30, 2020.*
- F. *Motion to deny the project based upon the following reasons:*
 - a) _____
 - b) _____

ATTACHMENTS:

1. Application Package dated January 14, 2020
2. Supporting materials
3. Draft Findings of Fact and Conclusions of Law