

City of Biddeford
Planning Board
January 20, 2021 6:00 PM Zoom Remote Meeting

When: Jan 20, 2021 06:00 PM Eastern Time (US and Canada)

Topic: Planning Board

Please click the link below to join the webinar:

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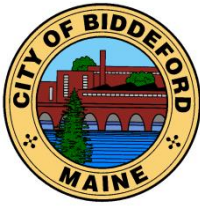
- 1. PLEDGE OF ALLEGIANCE**
- 2. DECLARATION OF QUORUM/VOTING MEMBERS**
- 3. ADJUSTMENTS TO THE AGENDA**
- 4. PLANNER’S BUSINESS**
- 5. CONSENT AGENDA**
 - 5.A. Approval of the Minutes of December 16, 2020
[PB Minutes 121620-DRAFT.pdf](#)
- 6. UNFINISHED BUSINESS**
- 7. NEW BUSINESS**
 - 7.A. New Business - Packet Summary - January 20, 2021
[Packet Summary January 20, 2021.pdf](#)
 - 7.B. 2020.41 Shoreland Zoning Determination of Greatest Practical Extent for Linda Nash and Steve Rosenfield at 1 Sea Spray Drive (Tax Map 67, Lot 26-1) in the Coastal Residential and Limited Residential (Shoreland Zone).
[2020.41 Board Report- RosenfieldNash- 1 Sea Spray.pdf](#)
[2020.41 1 Sea Spray Dr GPE FOF DRAFT.pdf](#)
[Rosenfield-Nash Biddeford PB application relocation FINAL 12-15-2020.pdf](#)
 - 7.C. 2020.08 Subdivision/Site Plan Review Application for K & S Development to construct a 3-Unit “Townhouse” style condominium project at 45 Hill Street (Tax Map 39, Lot 112) in the MSRD-2 Zone.

[2020.08 Board Report \(Jan20-21\)- K&S Devlp - 45 Hill St.pdf](#)

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 and Development Department

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Planning Board Meeting Minutes (DRAFT)

Date: December 16, 2020
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Declaration of Quorum/Voting Members
 - Quorum Present: Chair William Southwick, Roch Angers, Sean Tarpey, Spiros Droggitis, Bruce Benway, Alexa Plotkin (Alternate Voting Member), Michael Cantara (Alternate Voting Member).
2. Adjustments to the Agenda
3. Planner's Business
 - Planner, Greg Tansley, made a brief introduction about the meeting. There are 2 Public Hearings 1) the Marijuana Zoning Amendment and 2) Delete Contract Zone #8 for John Conroy. The meeting will also discuss proposed changes for the Historic Preservation Ordinance, and update on the proposed VMU Zone and the most recent City Council meeting.
4. Consent Agenda
 - 4A. Approval of Planning Board Meeting Minutes of December 2, 2020 & December 9, 2020

MOTIONS:

 - Benway-MOTION: To approve Meeting Minutes for December 2 & 9
 - Angers-SECOND
 - Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway)
5. Unfinished Business
6. New Business
 - 6A. 2020.35 Public Hearing regarding various zoning amendments related to Marijuana Establishments
 - Planner Tansley gave a brief introduction of some of the proposed changes including updating definitions to better coincide with the State's Laws and Definitions. There is no adult use retail of marijuana proposed in Biddeford.
 - Chair Southwick asked Planner Tansley to describe how the City notifies the public of Public Hearings.

- Planner Tansley explained that the Public Hearing is posted on the City's website and posted in the Portland Press Herald 15 days prior to the meeting. The major difference with COVID is that because The Planning Department is not open to the public no notice is hung outside of the office.
- Mr. Droggittis asked about the proposed limitations to the marijuana businesses in the I-3 zone as opposed to the I-1 & 2 zones.
- Planner Tansley mentioned it had been discussed by the Board at a previous Planning Board meeting and as a Board it was decided not to new aspects of the marijuana process in the I-3 zone due to the odor and the business community that is in the I-3 zone.
- Chair Southwick opened the meeting to the public
- Scott Reed introduced himself as a principal at Curaleaf Maine and he asks the Planning Board to support adult use, as well as cultivation in the I-3 zone. Curaleaf has a contract to bring their business into an I-3 zone in Biddeford if the zone works with their industry. Curaleaf would bring 80 new jobs to Biddeford. If this is not decided within the next 6 months Curaleaf will have to move their business to Brunswick who will get to benefit from their money and job market changes.
- Ken Buechs asked the Planning Board to go back to the meeting minutes to verify the conversation about the limitations in the I-3 zone for marijuana instead of relying on the Planner's memory.
- Patrick Donahue would like the Planning Board to support cultivation (as well as all 3 uses) of marijuana in the I-3 zone. He is with Curaleaf as well and explained that in order to adopt the state standard their business uses a sealed environment where the air is recycled and the odor does not leave the building. He mentioned that other businesses have odor emissions that are acceptable such as breweries. He mentioned they are looking into taking over the former Tribune Building for Curaleaf.
- Steve Kinz also representing Curaleaf would like to support all uses of marijuana in the I-3 zone. They use the best practices from the state and have a strong odor mitigation system.
- Malina Dumas-attorney for Drummond Woodsum spoke on behalf of Maine Organic Therapy and Curaleaf. She would like the Planning Board to open and approve cultivation, etc. of cannabis in the I-3 zone for 3 reasons:
 - 1) It is not adverse on the city, in fact it would have a positive effect bringing jobs and income to Biddeford.
 - 2) This is being supported by area residents and businesses.
 - 3) It is a robust industry and Curaleaf uses the highest and best odor mitigation standards
- David Gould stated that he owns a business on Pomerleau Street in the I-3 zone. He wanted to remind the Board that there are child and adolescent services in the area. This area of Biddeford has been considered the gateway to Biddeford and they have always been careful of the businesses established in that area. He has no strong opinion one way or another but felt the Board need a reminder.

- After no other comments the Chair closed the Public Comment section and turned the item back to the Board.
- Planner Tansley stated that he has gone through the minutes and cannot find where the Board discussed the I-3 issue, he was going from memory.
- Mr. Cantara said he remembers the discussion as well and agrees with Planner Tansley.
- Mr. Droggittis asked why the Planning Board would use odor as a limitation for marijuana in the I-3 zone as the odor is now under control.
- Mr. Tarpley asked about outdoor growing operations
- Mr. Droggittis answered no this was all indoors.
- Chair Southwick mentioned he had received complaints of established growing operations.
- Mr. Angers asked Planner Tansley about the voting when Counsel sent the item to Planning Board, he wondered if it was a unanimous vote
- Planner Tansley could not recollect.
- Chair Southwick read the item #2020.90 from Counsel meeting minutes two counselors were against the item.

MOTIONS:

- Benway-Motion- to pass the proposed changes
- Droggittis-Second
- Plotkin stated she is in favor of the proposed changes and asked why there is no adult use store proposed, she is not opposed to cultivation in I-3
- Droggittis-Amend Motion-to include all uses of marijuana in the I-3 zone
- Droggittis mentioned to monitor adult use and in 6 months to a year come back to it (Planning Department to monitor)
- Mr. Droggittis mentioned that cannabis is no longer illegal and the City is losing revenue where some cities and towns have adult use retail operations but Biddeford has none.
- Chair Southwick suggested putting it in the Comp Plan and getting more public input on that aspect of the marijuana use.
- Benway Seconded Mr. Droggittis' amended motion
- Planner Tansley clarified that the Board meant for cultivation, manufacturing and testing marijuana in the I-3 zone
- Chair Southwick-Roll Call for Vote on the Amended Motion-the Motion passed 3-1 (Droggittis, Benway, Tarpey in favor; Angers against)
- Chair Southwick-Roll Call for Vote on the original Motion-the Motion passed 3-1 (Droggittis, Benway, Tarpey in favor; Angers against)

6B. 2020.36 Public Hearing take comments, and make a recommendation to the City Council to delete Contract Zone #8 for John Conroy at 72 Hill Street and 37 Pool Street or amend Contract Zone #8 that two of the units be designated as affordable housing and not necessarily the two additional units that the applicant is requesting.

- Planner Tansley introduced the item told the history of the contract zone, why Mr. Conroy had the Contract Zone and why he now wants to delete his Contract Zone.
 - Chair Southwick asked the public for any comments, questions or concerns
 - Mr. Conroy asked this be passed as it would be beneficial to both he and the city.
 - Richard Rhames stated that he was on the counsel and worked on the Comp Plan when Mr. Conroy received the Contract Zone. He said the focus of growth was for the urban core of the city and increase in density, decrease in the outlying areas. He said it would be better if other landlords do better and the counsel has to do more to provide decent housing which is not only to be developed by the private sector. Public housing would be better and cheaper when the profit is taken out of housing. Housing is a human right. He is happy that the Planning Board is looking at this and he would also like them to look at the Comp Plan Growth Management Act to preserve rural resources and increase density in the urban core decrease it in the outlying areas.
 - After no further comments by the public the session was closed to the public and turned back over to the Planning Board.
 - Mr. Cantara stated that there is a need for affordable housing, housing is a human right and in the history of fairness and decency he would like to see Contract Zone 8 deleted.
 - Mr. Angers concurred with Mr. Cantara.
- MOTIONS**
- Benway-Motion-to Delete Contract Zone 8
 - Angers-Second
 - Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway)

6C. 2020.39 Discussion of proposed changes to the Historic Preservation Ordinance

- Planner Tansley introduced the staff liaison to the Historic Preservation Commission, Economic Development Coordinator, Brad Favreau
- Mr. Favreau spoke on the reason for making these changes to the ordinance would give the City Certified Local Government status (CLG status).
- The state encourages each municipality to obtain CLG status
- Our ordinance is largely consistent with the National Historical Preservation Act but we need to go the next step in getting the CLG status through the Maine State Historic Preservation Commission.
- Getting the CLG status will make us eligible for grant money
 1. There is a small grant fund which gives money to fund lectures and architectural surveys
 2. Funds to rehab buildings
 - a. On the National Registry
 - b. Contributing Structures

- Getting CLG status would also make available Design & Technical Assistance.
- In order to get the ordinance ready only 2 sections needed to be added
 - 1) Outline the criteria for historic districts, landmarks and sites
 - 2) Explain the process for becoming eligible for historic status
- Section 6 is for eligibility and section 7 is for expense
- Other changes made:
 - a. Definitions
 - b. Cleared up ambiguities
 - c. Cleared up typos
 - d. Added a subsection (Mr. Favreau explained how asphalt being paved over cobble stones between buildings 36 & 13W in the Mill District prompted this subsection)
 - e. Review of improvements to Historic Preservation Commission
 - f. How to apply
- Chair Southwick voiced his confusion over whether homeowners could choose to participate or if this was mandated.
- Mr. Favreau answered that if they are in an MSRD district they are mandated
- Chair Southwick asked if this certification would make resources available to owners
- Mr. Favreau yes
- Mr. Angers asked if this goes back to Counsel for approval
- Mr. Favreau answered after the Planning Board holds a Public Hearing on it.
- Mr. Cantara mentioned that ideally the Historical Society should review it.
- Mr. Favreau mentioned that Catherine Glynn who is the director of the Historical Society assisted in the changes.
- Chair Southwick asked the public for comments
- Jeff Cabral-Chair of the Historic Preservation Commission mentioned the major changes and progress the HPC has made in his 7 years on the Commission. He said that getting CLG status is critical to keep on pace with other communities and he stressed the importance of getting an updated survey. Mr. Cabral urges the Planning Board to endorse the proposed changes to the HP ordinance.
- Richard Rhames said in the 1990 Comp Plan Charlie Butler recommended the Russell Wright survey. Historical structures have been lost he mentioned the Birch School being burned down, the demolition of the original Reilly's Bakery building and the destruction of St. Mary's School only to be replaced with a plastic building. The HPC does important work and he would like this proposal passed.
- Mr. Cantara asked if the next step would be a Public Hearing and then onto Counsel after Planning Board votes on it.
- Mr. Tarpey asked Mr. Favreau how much time he needs
- Planner Tansley said the earliest for a Public hearing would be January 13, 2021, he would set that up.

7. Other Business

- VMU update
- Mathew Eddy Director of Planning and Development is in the process of summarizing notes, coming through minutes to create a red line of a proposal to think about.
- Expansion of Thatcher Brook setbacks is being looked at
- The Counsel is adamant for them to focus on the Comp Plan
- Comp Plan will be the focus after the January 13th meeting.
- Planner Tansley told of the Comp Plan being a priority and the video that was made for the Comp Plan with Chair Southwick speaking.
- Mr. Benway confirmed that the Planning Board has 2 weeks off then meeting weekly for the foreseeable future.
- Mr. Tarpey asked about the 3-way study
- Mr. Eddy said that it is concerning the 111 interchange, there is not a permit design, finding issues, consultant bidding for alternative assessment; MTA & MDOT are involved. Looking to lessen the traffic coming back into town and lesson the traffic jams on I-95
- Mr. Tarpey asked if we should table the VMU until the study is complete
- Mr. Eddy said he had not pondered that idea
- Mr. Tarpey mentioned they have to focus on the Comp Plan.
- Mr. Eddy said the study would not be done until spring (9 Months).
- Mr. Benway mentioned that the VMU, Master Planning of the Comp Plan and the study all go hand in hand
- Chair Southwick thanked the Board for all of their hard work.

8. Adjourn

Benway-Motion to adjourn

Angers-Second

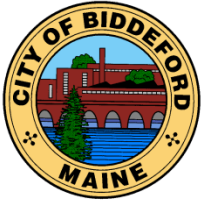
Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor
(Angers, Tarpey, Droggitis, Benway)

Meeting Adjourned at 8:03 PM

Planning Board Chair/Vice Chair

Date

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



CITY OF BIDDEFORD

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Planning Board *New Business* Packet Summary for January 20, 2021

Item #	Applicant	Item Type	Staff Recommendation	Sample Motions
2020.41	Nash and Rosenfield	Shoreland Zoning Greatest Practical Extent	Staff recommend the Planning Board consider this item for approval.	A. <i>Motion to approve the Determination of Greatest Practical Extent for Rosenfield and Nash based on the approved plans for 1 Sea Spray Drive (Tax Map 67, Lot 20-1), approve the findings of fact, and sign the plans based on the conditions recommended in the Board Report dated January 14, 2021 from Long Meadow Planning and Landscape Architecture, LLC.</i> B. <i>Motion to continue this item to XXXXXXXX for the following reasons:</i> a) _____ b) _____ C. <i>Motion to deny Determination of Greatest Practical Extent based upon the following reasons:</i> a) _____ b) _____
2020.08	K&S Development	Site Plan and Subdivision Review	Following Board review and comments, recommend continuing this item to the next meeting.	A. <i>Motion to continue this item to February 3, 2021 subject to the applicant addressing all outstanding issues by January 25, 2021.</i>

**PLANNING
BOARD REPORT**

January 14, 2021

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

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

Reconstruction of a Nonconforming Structure in the Shoreland Zone

Review Status: New Application

Board members and Mr. Tansley,

The following application information has been provided for review:

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

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

PROJECT DESCRIPTION

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

will be required to submit an Individual Permit under the Natural Resources Protection Act (NRPA) to the MDEP for review and approval.

APPLICATION COMPLETENESS REVIEW

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

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

COMPLIANCE WITH THE CITY'S ORDINANCES

LAND USE REGULATIONS

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

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

The applicant addresses each of the above factors in the submitted narrative. It is suggested that due primarily to the limited size of the lot and building envelope defined by the minimum setbacks from the protected resource and the street ROW (25-foot setback) that there is no suitable location other than 33.71 feet from the easterly Highest Annual Tide (HAT) line and 86.74 feet from southerly HAT. The proposed location is slightly further back from where the current building currently lies.

When considering the Site Plan submitted it appears the new location is not as close as possible to the 25-foot Front Yard Setback. Speaking with the applicant's agent, the applicant is concerned with the logistics (i.e. safe and reasonable maneuvering in and out) to relocating the existing driveway further back. The Board should decide if maintaining the driveway location is reasonable

and will not conflict with determining that the structure location conforms to the setback from the protected resource *to the greatest practical extent*.

ADDITIONAL COMMENTS

1. The Site Plan needs an approval signatory block, a recording block, and a plan note that describes the regulatory approval that is being sought.

WAIVER REQUESTS

None requested.

CONCLUSION

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

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

SUGGESTED MOTION

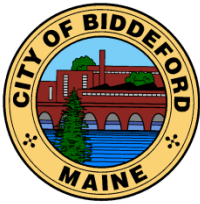
Move to approve with conditions the application for Beach Dogs KPT, LLC, at 1 Spray Drive, Tax Map 67, Lot 20-1 for the Reconstruction of a Nonconforming Structure within the Shoreland Zone.

Feel free to contact me with questions.

Best regards,



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CITY OF BIDDEFORD

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

Determination of the Setback to the Greatest Practical Extent

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

Findings of Fact:

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

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

	Final Review and Determination of Greatest Practical Extent:	Meeting on January 20, 2021
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Conclusions of Law:

The Planning Board concludes based on the following that the proposed location of the nonconforming structure at 1 Sea Spray Drive, being 33.71 feet from the easterly Highest Annual Tide (HAT) line and 86.74 feet from southerly HAT, and as depicted on the approved plan for Beach Dogs KPT, LLC signed by the Planning Board on January XX, 2021, is in compliance with the required shoreline setback to the greatest practical extent.

1. Pursuant to the City's Land Use Regulations, Article XIV, Section 12.C, when considering the relocation, reconstruction or replacement of a nonconforming structure located less than the required setback from the shoreline, the Planning Board shall consider the following:
 - a. ***The size of the lot:*** With a modest lot size and required minimum setbacks limits locating the structure further from the Highest Annual Tide elevation than shown on the plan is not practical;
 - b. ***The slope of the land:*** The topography is modest in relief and does not limit the location of the structure, however, will not impede on adequate draining of wastewater from house to replacement septic;
 - c. ***The potential for soil erosion:*** There are no soil conditions or features that would yield soil erosion from proposed activity or affect the location of the structure;
 - d. ***The location of other structures on the property and on adjacent properties:*** There are no other structures on the property, and the structures located adjacent to the property do not limit the location of the structure.
 - e. ***The location of the septic system and other on-site soils suitable for septic systems:*** The existing and planned replacement septic location do not limit locating the structure further away from the protected resource; and
 - f. ***The type and amount of vegetation to be removed to accomplish the relocation:*** The type and amount of vegetation likely to be removed is not significant and does not limit locating the structure further away from the protected resource.
2. Pursuant to the City's Land Use Regulations, Article XIV, Section 16.D, the Planning Board, based on the application submitted and information presented makes positive findings on the following:
 - a. ***Will maintain safe and healthful conditions;*** The structure's location is further from the shoreline.

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

Determination:

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

Conditions of Approval:

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

1. No new (reconstruction) structure is permitted closer to the shoreline as what is depicted on the approved plan entitled: *Site Plan, Rosenfield-Nash, 1 Sea Spray Drive, Biddeford, Maine, prepared by Kevin Brown Architecture*, with the revision date [REDACTED].
2. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no

further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

3. Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
4. The Code Enforcement Officer shall review and approve conformance to Section 15 of the Shoreland Zoning Ordinance.
5. Obtain all required permits from Maine Department of Environmental Protection and the Biddeford Code Enforcement Office.
6. This approval shall expire one year from the date below if a substantial start is not made in construction. If a substantial start is made within one year of the date below, the applicant shall have one additional year to complete the project, thereinafter this approval shall expire.

Planning Board Chairman

Date

CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

APPLICATION FORM

Type of Application:

- | | | |
|---|---|--------------------------------------|
| ☒ Shoreland Zoning Permit | ☐ Site Plan Review | ☐ Extraction |
| ☐ Conditional Use Permit | ☐ Subdivision | ☐ Private Way |
| ☐ Other: _____ | | |

Applicant Information:

Applicant's Name: Beach Dogs KPT LLC/ Linda Nash and Steve Rosenfield

Applicant's Mailing Address: 5220 N. Casa Blanca Drive, Paradise Valley, AZ 85253

Applicant's Telephone: 480-305-4401

What is Applicant's legal interest in the property?

- ☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Name: _____

Owner's Address: _____

Owner's Telephone: _____

Agent's Name: Mike Morse, Morse Environmental Consulting, LLC

Agent's Address: 16 Liberty Road, Falmouth, Maine 04105

Telephone: 207-558-0842

Engineer/Surveyor: Livingston-Hughes, Professional Land Surveying Corporation

Engineer/Surveyor's Address: 88 Guinea Road, Kennebunkport, Maine 04046

Telephone: 207-967-9761

Project Location and Lot Information:

Street Address: 1 Sea Spray Drive, Biddeford

Tax Map: 67 Lot: 20-1

Current Zoning: CR- Coastal Residential Zone Shoreland Zoning: LR- Limited Residential Zone

Size of lot: 28,385.6 ☐ acres ☒ s.f. Lot Frontage: Road: 341.65' / Shore: 248.84'

Existing Use of Property: Residential dwelling unit (house)

Property currently serviced by:

☒ City Road	☐ Private Road
☐ Public Sewer	☒ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☒ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☐ Yes ☒ No If yes, attach information

Do you plan to bring fill onto the lot? ☒ Yes ☐ No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: Removal of existing residential structure and replacement with a new residential structure. This application is submitted in accordance with Article XIV, Section 12(C)(4), for determination of relocation of the existing structure in compliance with the shoreline setback to the greatest practical extent.

Property to be serviced by:

☒ City Road	☐ Private Road
☐ Public Sewer	☒ Septic System
☒ Public Water	☐ Private Well
☒ Public Trash	☐ Private Hauler

Is this project part of a larger project? ☐ Yes ☒ No

☒ If in a Shoreland Zone:Percent of residential lot coverage (Max. 20%): Existing: 31.4%Percent of structure expansion (Max. 30%): To be determined after relocation☐ If Subdivision Review, number of lots proposed: _____☐ If a Private Way is proposed, number of lots served: _____☐ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact - 282-9986
- ☐ Ability to Serve – Maine Water - 282-1543
- ☐ Ability to Serve - Engineering Department (Sewer) - Contact - 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application): \$140.00

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

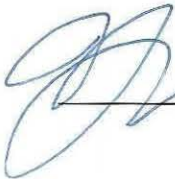
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:



Date: 12/15/2020

Signature of owner of property:

Date: _____

Morse Environmental Consulting, LLC

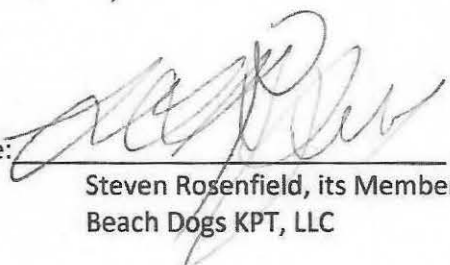
www.morseenvironmental.com
mike@morseenvironmental.com
207-558-0842

To whom it may concern:

Linda S. Nash and Steven Rosenfield, both as Members of Beach Dogs KPT LLC, hereby authorize Mike Morse and Morse Environmental Consulting, LLC, to submit permit applications on their behalf, to the State of Maine Department of Environmental Protection and the City of Biddeford. Such permit applications are intended for the proposed removal and reconstruction of a residential structure located at 1 Sea Spray Drive, Biddeford.

Signature: 
Linda S. Nash, its Member
Beach Dogs KPT, LLC

Date: 12-14-20

Signature: 
Steven Rosenfield, its Member
Beach Dogs KPT, LLC

Date: 12-14-20

Morse Environmental Consulting, LLC

www.morseenvironmental.com
mike@morseenvironmental.com
207-558-0842

Steven Rosenfield & Linda Nash

Non-conforming Structure Relocation Review

1 Sea Spray Drive, Biddeford

Project Description

The applicants purchased the subject property in September 2020. The parcel is developed with a residential structure with an attached patio, a driveway, several walkways, septic system, and lawn area. The structure is located 28.33 feet from the Highest Annual Tide (HAT) to the east, and 79.75 feet from the HAT in a southerly direction (opposite side of Sea Spray Drive), and therefore is considered to be a non-conforming structure under the City of Biddeford Code.

The project proposes to remove the existing non-conforming structure and construct a replacement structure. Such projects are subject to City Code, Article XIV, Section 12(C)(4), Reconstruction or Replacement. Specifically, City Code allows the removal and reconstruction of a non-conforming structure within the shoreland zone, provided that the structure's footprint is relocated to be in compliance with the shoreline setback to the greatest practical extent, as determined by the Planning Board.

Pursuant to the City's Code, when relocating a non-conforming structure in compliance with the shoreline setback to the greatest practical extent, the Planning Board shall consider 6 specific criteria (see Article XIV, Section 12 (C)(3)). These criteria include, but are limited to the following:

- 1) Size of the lot
- 2) Slope of the land
- 3) Potential for soil erosion
- 4) Location of other structures on the property and on adjacent properties
- 5) Location of the septic system and other on-site soils suitable for septic systems
- 6) The type and amount of vegetation to be removed to accomplish the relocation

Discussion

The subject lot is slightly larger than 28,000 square feet. The lot is affected by minimum shoreline setbacks from two different directions, a minimum road setback, and minimum property line setback requirements. Relocation of the existing structure to improve the shoreline setback cannot violate any other setback requirements. With respect to the 6 relocation criteria discussed above, we provide the following:

- 1) Size of the lot: Considering the modest lot size and multiple minimum setback restrictions, along with other essential development on the lot (driveway, septic, etc), there is very limited opportunity for the structure to be relocated. In the attached proposed Site Plan (SP1.1, dated 12/11/2020, by Kevin Browne Architecture), we propose to relocate the structure in a northwesterly direction to improve both shoreline setbacks to the greatest practical extent. The lot size and other existing essential development on the lot do not provide any other practical location in which to relocate the structure further from the shoreline than is currently proposed.
- 2) Slope of the land: the land is very gently sloping from the sea wall toward Sea Spray Drive, with the higher elevation at or near the sea wall. The slope of the land provides no limitation on the relocation of the structure, but should beneficially provide positive drain of wastewater from the house to a replacement septic system (see #5, below).
- 3) Potential for soil erosion: There are no unique soil conditions or other soil features such that the redevelopment of the site would create a risk of soil erosion from the lot, and there is no soil erosion potential that affects the relocation of the structure.
- 4) Location of other structures on the property and on adjacent properties: There are no other structures that are located on the property. An existing driveway restricts relocation of the structure in a westerly direction. A structure on the immediately abutting lot to the north is located approximately 25 feet from the HAT, and a structure located on a parcel to the west is located approximately 65 feet from the HAT. Due to the relocation constraints already present on the subject parcel, the locations of structures on the two adjacent lots are immaterial to the proposed relocation.
- 5) Location of the septic system and other on-site soils suitable for septic systems: An existing concrete septic tank is located approximately 10 feet from the southeasterly corner of the house. The existing septic system is presumed to be located in a southerly direction beyond the location of the tank, but this has not been confirmed (no HHE200 could be located for the existing system in either the City or State records). The proposed structure relocation is in the opposite direction from this general area, so the existing septic location does not affect relocation.

Additionally, a replacement septic system is proposed to be installed along with the reconstruction of the structure. The replacement system has not yet been designed, but it will likely be located in the northwesterly portion of the lot. A replacement septic system design will be submitted to the City's Local Plumbing Inspector for approval prior

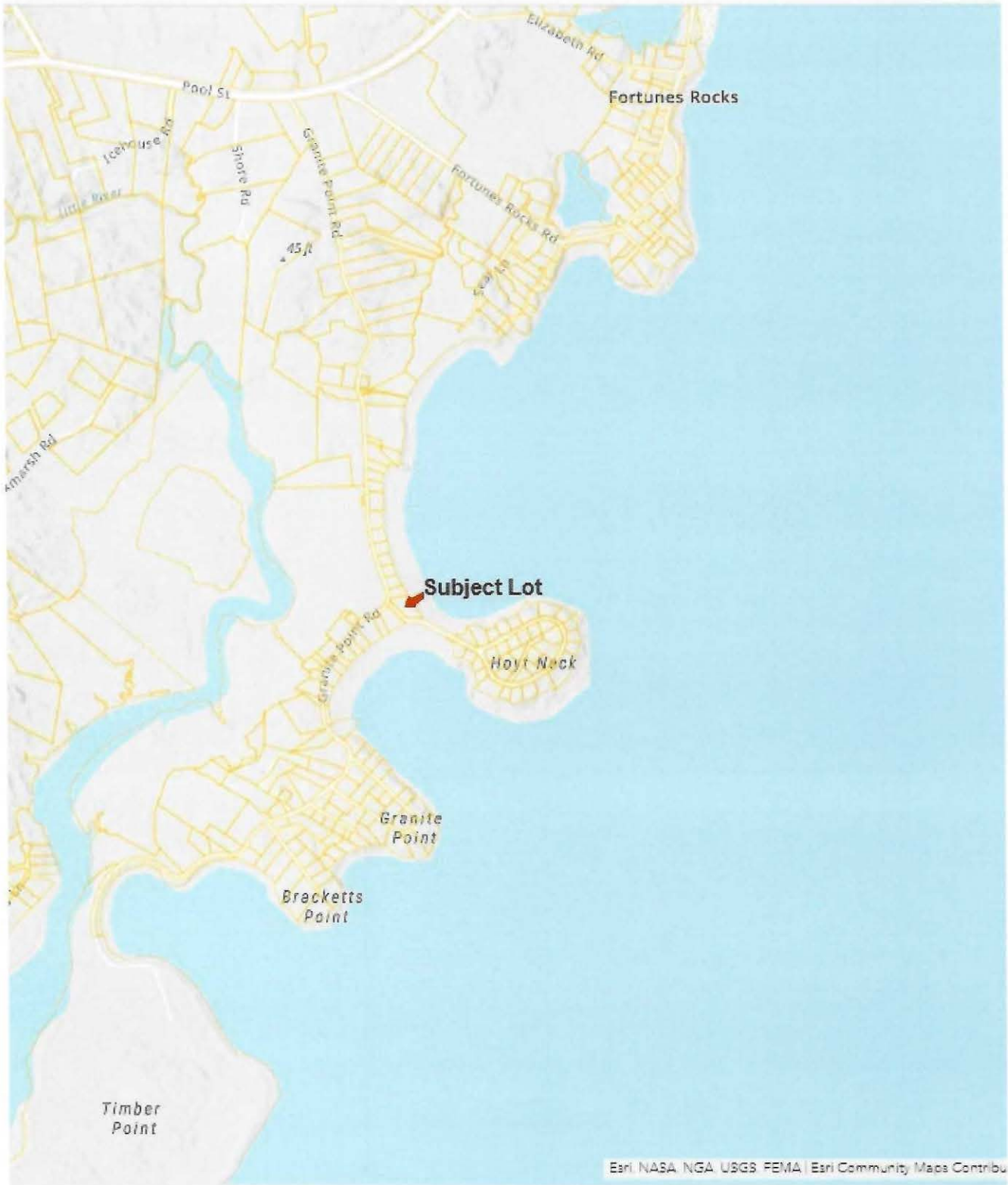
to construction. Other soils located southwesterly of the existing structure and driveway must be preserved for a future replacement septic system.

- 6) The type and amount of vegetation to be removed to accomplish the relocation: The portion of the property subject to the structure's proposed relocation is primarily an existing grass lawn area with limited ornamental landscape plantings and therefore does not affect the relocation of the structure. The existing location from where the structure will be relocated will be replanted with similar grass lawn and ornamental landscape plantings. This minimal vegetation removal does not affect the relocation of the structure.

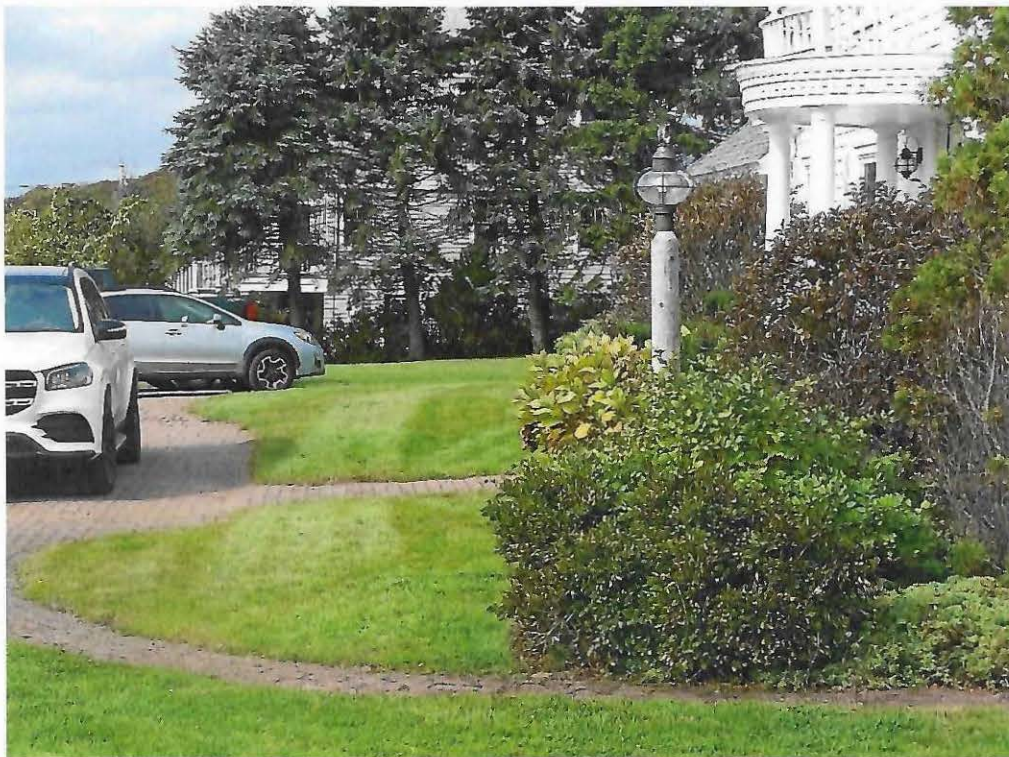
Summary

Due to the relatively small lot size, minimum setback requirements from multiple directions, other essential development, and as otherwise discussed above, it is our opinion that the proposed footprint relocation of the existing non-conforming structure complies with the minimum shoreline setback to the greatest practical extent. Accordingly, the applicant respectfully requests the Planning Board's concurrence in the matter, that the structure's greatest practical extent relocation on the lot is 33.71 feet from the easterly HAT line and 86.74 feet from the southerly HAT line as represented in the attached proposed site plan.

Location Map



Photographs





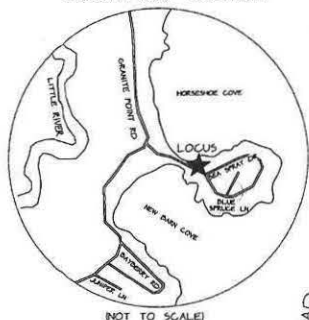


Overhead Photograph (Google Earth)

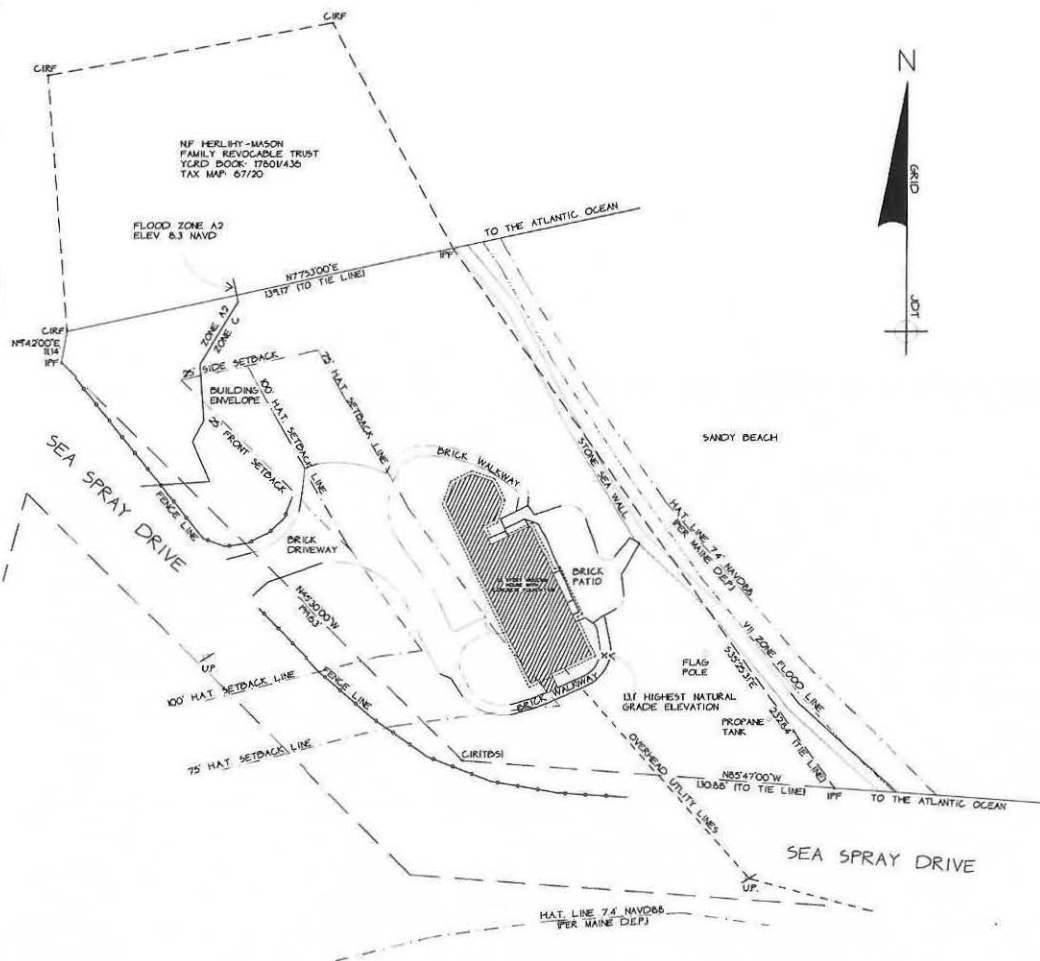
Site Plans

(Existing Survey & Proposed Relocation)

LOCATION SKETCH



GRANITE POINT ROAD
UP



EXISTING LOT COVERAGE CHART

BRICK PATIO	855.6 SQFT.
BRICK WALKWAYS	1358.0 SQFT.
BRICK DRIVEWAY	1896.0 SQFT.
HOUSE	18725 SQFT.
NON-VEGETATED AREA	2729.3 SQFT.
TOTAL COVERAGE	87216 SQFT.
LOT AREA	28385.6 SQFT.
COVERAGE	3142

LOCUS DEED REFERENCE

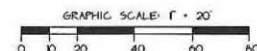
YORK COUNTY REGISTRY OF DEEDS (YCRD)
BOOK 18377 PAGE 318

NOTES

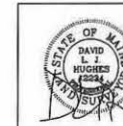
- ELEVATIONS:
1ST FLOOR - 14'9"
ROOF PEAK - 37.4'
- THE AREA OF THE LOT IS CALCULATED TO THE HAT LINE.
- THE LOCUS PARCEL IS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 23045, PANEL 001B. THE LOT IS SUBJECT TO THE FLOOD ZONE V AND A2, AS DELINEATED HEREIN.
- THE LOT IS WITHIN THE COASTAL RESIDENTIAL ZONE. THE LOT IS ALSO WITHIN THE LIMITED RESIDENTIAL ZONE. BUILDING SETBACKS ARE:
FRONT - 25 FEET
SIDE - 25 FEET
REAR - 25 FEET
HAT LINE - 100 FEET
- THE HAT LINE SHOWN IS 7.4' NAVD88.
- THE AVERAGE EXISTING GRADE WAS CALCULATED TO BE 12.4' THE 'MEAN ORIGINAL GRADE ON THE DOWNHILL SIDE OF THE HOUSE' IS 12.2'.
- THE ROOF PEAK IS 37.4' THE LOWEST ADJACENT GRADE IS 12.2' THE HIGHEST ADJACENT GRADE IS 13.1'.
- THE BUILDING AND BRICK PATIO HAVE A FOOTPRINT OF 2728.3 SQFT. WITHIN 100' OF THE HAT, THE AREA GREATER THAN 75' AND LESS THAN 100' IS 38.7 SQFT.

LEGEND

- N/F - NOW OR FORMERLY
- TM - TAX MAP
- IPF - IRON PIPE FOUND
- CIRS - CAPPED IRON ROD SET
- CIRP - CAPPED IRON ROD FOUND
- UP - UTILITY POLE
- HAT - HIGHEST ANNUAL TIDE
- TDS - TO BE SET



REVISION NO.	DATE	REVISION PURPOSE



BOUNDARY SURVEY OF LAND AT
1 SEA SPRAY DRIVE
BIDDEFORD, MAINE

PREPARED FOR:

LINDA NASH

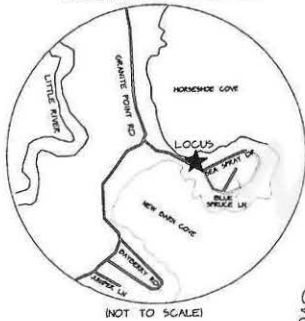
MAILING ADDRESS: 5520 R. GARA BLANCA DRIVE
FRENCH VALLEY, ME 05033
OWNERS OF BEACHED BEACH 0008 OFF LLC
LINDA NASH AND STEVE ROSEWOLD
MAILING ADDRESS: 5520 R. GARA BLANCA DRIVE
FRENCH VALLEY, ME 05033

BY:

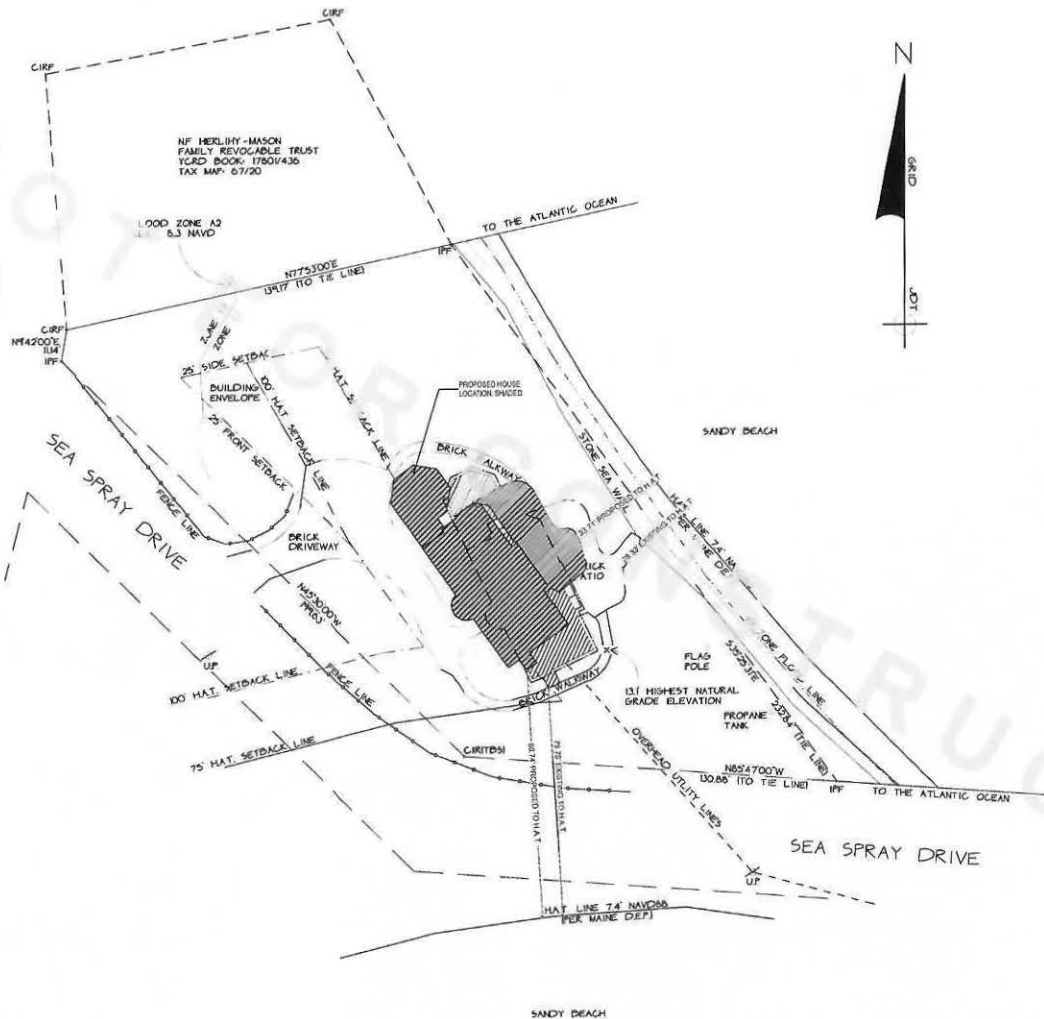
LIVINGSTON-HUGHES
PROFESSIONAL LAND SURVEYING CORPORATION
55 GUINEA ROAD, KENNEDUNKPORT, MAINE 04046

REVISION NO. DAVID L. HUGHES PLAN 2334 DATE: 01-24-2020 DRAWN: JDT CHECK: CLM FIELD BOOK: DMS-15 PROJECT: 20-037

LOCATION SKETCH



GRANITE POINT ROAD
UP



LOCUS DEED REFERENCE

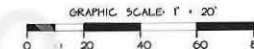
YORK COUNTY REGISTRY OF DEEDS (YCRD)
BOOK 16027 PAGE 555

NOTES

- ELEVATIONS:
1ST FLOOR - 14.9'
ROOF PEAK - 37.4'
- THE AREA OF THE LOT IS CALCULATED TO THE HAT LINE.
- THE LOCUS PARCEL IS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 230445 PANEL 001B. THE LOT IS SUBJECT TO THE FLOOD ZONE V AND A2, AS DELINEATED HEREIN.
- THE LOT IS WITHIN THE COASTAL RESIDENTIAL ZONE. BUILDING SETBACKS ARE:
FRONT - 25 FEET
SIDE - 25 FEET
REAR - 25 FEET
- THE HAT LINE SHOWN IS 7.4' NAVD83.
- THE AVERAGE EXISTING GRADE WAS CALCULATED TO BE 12.4'.
- THE ROOF PEAK IS 37.4' THE LOWEST ADJACENT GRADE IS 12.2' THE HIGHEST ADJACENT GRADE IS 13.1'.
- THE BUILDING AND BRICK PATIO HAVE A FOOTPRINT OF 2,726.3 SQ.FT. WITHIN 100' OF THE HAT.

LEGEND

- N/F - NOW OR FORMERLY
- TM - TAX MAP
- IPF - IRON PIPE FOUND
- CIRS - CAPTED IRON ROD SET
- CIRP - CAPTED IRON ROD FOUND
- UP - UTILITY POLE
- HAT - HIGHEST ANNUAL TIDE
- TD - TO DE SET



COVERAGE CHART

BRICK WALK/DRIVE	4,032.5 SQ.FT.
HOUSE	18,725.0 SQ.FT.
TOTAL COVERAGE	5,405.0 SQ.FT.
LOT AREA	28,385.6 SQ.FT.
NON-VEGETATED AREA	2,721.3 SQ.FT.
100 YEAR FLOOD AREA	2,008.0 SQ.FT.
NET LOT AREA	23,387.7 SQ.FT.
COVERAGE	25.2%

1 SITE PLAN

SCALE: 1" = 30'

DO NOT SCALE FROM THIS DRAWING.

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

This site plan is not intended or represented to be a land or property survey. This site plan was drawn based on the survey completed 8/24/20 by Livingston-Hughes, Professional Land Surveying Corporation, Kennebunkport, Maine.
Copyright 2020 ©
The material contained in these drawings and the design they are intended to convey are the exclusive property of Kevin Browne Architecture confidentially in connection with construction of the building depicted herein as authorized by Kevin Browne Architecture. Any use, reproduction or disclosure of any information, in whole or in part, contained herein, without written permission of Kevin Browne Architecture, is expressly prohibited.

Deed

Space above for recording information

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that **TIMOTHY**

HARRINGTON of Biddeford, County of York and State of Florida, in consideration of One Dollar and other valuable consideration, grants to **BEACH DOGS KPT LLC**, a Maine limited liability company, of Paradise Valley, County of Maricopa and State of Arizona, with a mailing address of 5220 N Casa Blanca Drive, Paradise Valley, Arizona 85253, with **warranty covenants**, the following described property:

A certain lot or parcel of land, with the buildings and improvements thereon, situated in the City of Biddeford, County of York and State of Maine, in that part thereof known as Fortune's Rocks near Granite Point, so-called, bounded and described as follows:

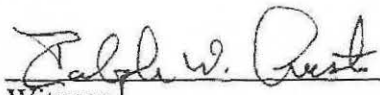
Beginning at an iron pipe driven into the ground on the Southeasterly side of the King's Highway, so-called, said iron pipe being the Southwesterly corner of a parcel of land conveyed by Kirkland S. Gourley et al to Leo P. Taillon et al by deed dated July 24, 1964; thence Southwesterly by the Southeasterly side of said King's Highway, it being by a regular curve deflecting to the right and having a radius of two hundred eleven and thirty-seven hundredths (211.37) feet, a chord distance of eleven and fourteen hundredths (11.14) feet to another iron pipe driven into the ground at the intersection of the Southeasterly said of said King's Highway with the Easterly side of a reserved street; thence Southerly by the Easterly side of the said reserved street on a line forming an included angle of 124° 48' with said chord and by a line which is parallel with and forty (40) feet Easterly of the Easterly sideline of land, now or formerly, of one Rust, one hundred ninety-nine and sixty-three (199.63) feet to a spike driven into the pavement at an angle in said reserved street; thence Southeasterly by the Northeasterly side of said reserved street on a line forming an included angle of 139° 43' with the last described line, one hundred thirty and eighty-eight hundredths (130.88) feet to another iron pipe driven into the ground and land, now or formerly, of Kirkland S. Gourley et al

Maine R.E. Transfer Tax Paid

near the top of the bank of Ocean or Seal Bay, so-called; thence Easterly by said land, now or formerly, of Kirkland S. Gourley et al and by a line which is normal to the top of the bank, Southeasterly to said Ocean or Seal Bay; thence, Northerly by said Ocean or Seal Bay to the Southerly side of said land conveyed by Leo P. Taillon et al as aforesaid; thence, Westerly by said Taillon land to another iron pipe driven into the ground at the top of the bank of said Ocean or Seal Bay, a traverse line between the last two (2) mentioned iron pipes from an included angle of $50^{\circ} 22'$ with the Northeasterly side of said reserved street and is two hundred thirty-two and eighty-seven hundredths (232.87) feet in length to the iron pipe last above-mentioned; thence, Westerly still by said Taillon land on a line forming an included angle of $113^{\circ} 18'$ with said traverse line, a distance of one hundred thirty-nine and seventeen hundredths (139.17) feet to the point of beginning, said last described line forming an included angle of $111^{\circ} 49'$ with the chord first above-mentioned.

Being the same premises conveyed to Timothy Harrington by deed from Marisa S. Daley dated July 24, 2020 and recorded in the York County Registry of Deeds in Book 18329, Page 786.

IN WITNESS WHEREOF the said TIMOTHY HARRINGTON has set his hand and seal this 11th day of September, 2020.

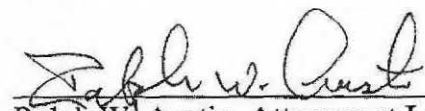

Witness


TIMOTHY HARRINGTON

STATE OF MAINE
YORK, ss.

September 11, 2020

Then personally appeared the above named Timothy Harrington and acknowledged the foregoing instrument to be his free act and deed, before me.


Ralph W. Austin, Attorney at Law
Bar No. 1156

PLANNING
BOARD REPORT

January 13, 2021

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

Application: 3-Unit Condominium Development - K&S Development, Inc.
45 Hill Street (Tax Map 39 Lot 112)

Site Plan/Subdivision Review

Review Status: Final Plan Review

Board members and Mr. Tansley,

The following application information has been provided for review:

1. Application (revised) and cover letter prepared by Oak Point Associates, dated 12/16/2020.
2. Plan entitled: *Standard Boundary Survey for K & S Development, Inc. 45 Hill Street, Biddeford, Maine 04005, prepared by John E. Perry Jr., PLS #2127...*
3. Engineering Plan set entitled: *3 Unit Condominium Development, 45 Hill Street, Biddeford, Maine, K & S Development, 16 Rachet Way, Biddeford, Maine 04005, prepared by Oak Point Associates. (Existing Conditions Plan, Site Plan and Grading Plan) dated 12/16/2020.*
4. Architectural Plan set entitled: *Hill Street, Biddeford, Maine, prepared for John Korpaczewski, prepared by Drafting Plus. (Elevations, Floor Plan, Sections and Foundation Details) issued 12/13/2020.*
5. Letter from Bangor Savings Bank dated 12/15/2020.
6. Stormwater Review Letter from Oak Point Associates dated 12/16/2020
7. Engineering peer-review letter from Site Design Associates dated 1/5/2021.

With review of the above information and the City's Zoning ordinance and the Site Plan and Subdivision regulations, and in addition to the attached comments from the City's Peer-review Engineer, I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The project site, a 7,180 sf vacant lot, is located in the MSRD 2 Zone with two existing buildings located to either side of the property (39 Hill St. to the north and 47 Beacon Street to the south). The applicant is seeking approval for the construction of 3 dwelling units in a new multifamily townhouse style two-story (three stories at the tow of slope) building with attached garages. The application was last before the Board at their May 20, 2020 meeting for Conceptual Review. The Board voted to determine the application is a Minor Subdivision and waived the full subdivision review process.

APPLICATION COMPLETENESS REVIEW

The application is before the Planning Board as a Major Development per Article XI Site Plan Review, Section 4.B.II (Land Development Regulations) and as a Minor Subdivision per 66-32 of the Subdivision Ordinance.

When considering these two ordinances the following submittal information is outstanding and the applicant should address, and the Board should determine applicability:

1. Performance Guaranty. The applicant needs to prepare Unit Cost Estimate for the construction of the proposed development and submit for review by the City Engineer. Once approved this estimate is used as the basis for the required Performance Guaranty.
2. The application submitted at Sketch Plan Review included letters from Fire, Police, and Sewer departments and Maine Water, however, it is evident that the design has progressed with the Final Plan application. The applicant should share the most current plans with the departments and agencies, or at a minimum, have the Fire Department review and approve the current plans, prior to the Planning Board granting approval.
3. Draft covenants and restrictions. Condominium Association documents that will govern the use of the property and those sections that will be required to ensure access for emergency public safety personnel is in place, i.e. no-parking areas and snow removal requirements, and maintaining any screening the Board may require.

COMPLIANCE WITH THE CITY'S ORDINANCES

LAND USE REGULATIONS

Under Article 4 Section 6 District regulations/land use/lot size requirements, multifamily along with nonresidential uses shall be subject to Site Plan (Article XI) Review. The following are performance standards that may be applicable for multifamily development:

Article 6 Section 47 Multifamily developments:

1. Subsection B Design requirements appear to have been met or will be met through the Building Permit application process, with the exception of the requirement for a group or common mailbox system located on site. The applicant should address the specifics of this item.
2. Subsection C Stormwater and drainage has been addressed by the applicant. See comments from the Engineering Peer-review letter prepared by Site Design Associates.
3. Subsection D Access, circulation, and parking appears to have been addressed and the proposed development will provide for safe access to the site.

Article 6 Section 49 Off-Street Parking and Loading: Subsection 11 are standards pertinent to the MSRD District. As with the above standards, some are not applicable to nonresidential development.

- a) *Parking areas with more than two parking spaces shall be so arranged that it is not necessary for vehicles to back into the street.*

Appears to have been met.

- b) *No off-street parking area shall have more than two openings onto the same street, each opening not to exceed 26 feet in width.*

Appears to have been met.

- c) *Off-street parking and loading spaces for nonresidential uses,*

Not applicable

- d) *where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than nine feet in height along exterior lot lines, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front of a building unless the applicant can prove that there is no other alternative.*

Anticipated parking outside of the proposed garages is not be screened. There is not sufficient space for effective vegetative screening along the southwest portion of the property (adjacent to 47 Beacon Street). Perhaps, if the Board finds this standard pertinent to the application, the Planning Board and the applicant may consider fencing to provide screening in this area and/or at the front of the property. Perhaps in the vicinity of the proposed granite block

wall and grass area, a fence together with suitable vegetation may be appropriate in effectively screening the parked cars.

e) Exterior lighting shall not create glare onto the street or onto or into residential properties. Lighting fixtures shall be in concert with the existing historic lighting on Main Street.

No exterior lighting details as to fixture type and intensity has been provided making it difficult to determine compliance. Though this specific standard, appears to be aimed at non-residential development, a photometrics plan for the parking and primary entrances should be prepared prior to final approval.

f) A parking facility may be jointly used by two or more principal buildings or uses where it is clearly demonstrated that said parking facility would substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees of such establishments.

Not applicable.

g) Parking spaces shall be provided as required and made available for use prior to the issuance of the certificate of occupancy.

Appears to be no issue

h) The existing landscaping shall be preserved in its natural state wherever possible. Parking lots shall be landscaped with a continuous border of shrubbery along all lot lines. Large parking lots covering more than one quarter of an acre shall be proposed with a landscape plan stamped by a licensed landscape architect. The plan should include plantings in coordination with the City's arboretum, if possible. Except where screening is provided, parking areas should be designed and landscaped to avoid long, uninterrupted rows of vehicles. Parking lots containing more than 30 spaces shall be broken as by the use of landscaped islands, pedestrian and bicycle areas and/or buildings.

This specific standard, however, appears to be aimed at non-residential development.

Table 6-49B Parking Space Requirements. The minimum required parking for a residential use is 2 spaces per dwelling unit, plus 5% more for multifamily developments. The proposed development complies with providing a total of 8 spaces (3 garaged) where 6.3 is required. The Peer-review Engineer notes the full required width for stall and aisle (18' + 24') is slightly under. This technically requires a waiver, which is reasonable since the existing building to the south appears to encroach on the property. The Final Plan should include the actual parking spaces marked for pavement

striping. The driveway/parking aisle should be considered to be marked 'no parking' and perhaps 'fire lane' if applicable.

SUBDIVISION ORDINANCE

Under Section 69-36 (b). (Board Action on approval of preliminary plan), there are approval criteria the Planning Board should review prior to final approval.

Section 66-77 trees, esplanades, Open spaces may be required. There appears to be an opportunity to provide for a small street tree (under the power lines) and road salt tolerant landscape plantings at the back of sidewalk within the ROW. The Board may want to consider suitable plantings in this area.

ADDITIONAL COMMENTS

1. It should be clearer from the plans that this is a subdivision plan as well as site plan and a recording block needs to be added to the sheets. Perhaps the title is revised to include *Subdivision* along with a plan note that describes the purpose of the plans.
2. The areas for snow storage seem inadequate in size and the applicant should anticipate hauling snow off the property to ensure that the site has appropriate egress and ingress for public safety calls during emergencies. Snow removal should be facilitated by a contract that is funded by the Condo Association and is part of their legal documents.

WAIVER REQUESTS

None requested.

The applicant should:

1. Review the proposed parking dimensions and determine if a modification to the required dimensions (Table 6-49-A) will be necessary.
2. Review Section 5.B.f.1 that states no parking or paving is permitted in the side or rear property line setbacks. The applicant should review this provision and request a waiver, which seems to be necessary to maintain the proposed site design.

CONCLUSION

The submitted application for Site Plan and Subdivision approval appears to be complete and suitable for Planning Board deliberation and public hearing. The Board may want to consider continuing the application providing the applicant an opportunity to address comments from Staff, Peer-review Engineer, public and board members prior to considering final approval.

In the event Staff receives the additional information requested in a timely manner (No later than 1/25) and the City's Peer-review Engineer has an opportunity to review response comments from

the applicant that adequately address his comments, the Planning Board would likely have an application ready for the Board to act on at their February 3 meeting.

The following information is needed:

1. Written response to engineering comments outlined in Site Design Associates' letter dated 1/5/21.
2. Written response to comments outlined in this report and any comments, if any, made at the 1/20 meeting by members of the Planning Board and from public testimony.
3. Written confirmation from the Code Enforcement Officer that a reduction of the 15-foot Front Setback will be granted.
4. Draft Condominium Association legal documents that include covenants, declarations and bylaws, and demonstrate the manner in which common features on the site will be maintained, including, maintaining access to the site during the winter season for public safety vehicles.
5. A photometrics plan that includes the type of light fixtures and mounting height and that demonstrates there will be no glare and excessive light spillage on to adjacent properties.
6. A Unit Cost estimate for the proposed development's construction.
7. Approval letter from the Fire Department.
8. Written waiver requests

SUGGESTED MOTION

Move to continue the Site Plan and Subdivision application for K&S Development, Inc. at 45 Hill Street, Tax Map 39, Lot 112 to the Planning Board's February 3, 2021 meeting...

Feel free to contact me with questions.

Best regards,



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

Site Design Associates

Consulting Engineering and Land Planning

January 5, 2021

Mr. Greg Tansley
Via email

**RE: 45 Hill Street
Site Plan Application**

Dear Greg;

Per your request Site Design Associates has undertaken a review of the plans and documentation submitted in support of a site plan review application for a three unit residential development located at 45 Hill Street.

Our comments are based on a review of civil plans and stormwater management narrative, along with a site visit, the ordinance requirements, and standard engineering practice.

Based on our review we offer the following comments for your and the applicant's consideration:

A. Stormwater Management

A letter was included with the application indicating the city engineer agreed that for the purposes of stormwater management, existing conditions can be considered those conditions which existed prior to the demolition and removal of the structure and parking formerly located on the site.

The letter further indicates that the impervious surface resulting from the proposed project will be less than the "existing" conditions and that the runoff will be tributary to the enclosed city owned system in Hill Street, as in the past. The letter states that the city has verified that the runoff from the site should not impact the capacity of the system.

B. Drawings

1. Standard Boundary Survey – Should be sealed, dated, and signed.
2. Existing Conditions Plan CX101 – Will the stone boulder in the 39 Hill Street right of way be removed?
3. Site Plan CS101
 - a. The minimum parking aisle and stall width will be a little short of the 42 feet required and shown on the drawing in the southerly corner. Will a waiver be required?

23 Whitney Way Topsham, Maine 04086
Phone: (207) 449-4275 email: info@sitedesignassociates.biz

- b. It appears based on the building dimensions and elevation plans that the overhang will be in the 10 ft setback on the left, northerly side. This may not be an issue, depending on how the setback is measured.
- c. Will a waiver of the driveway dimensions in section 62-111.(2) be required for the 11 ft wide access drive?
- d. Is it the intent to leave the existing concrete walk and begin driveway construction on the south side of the walk?
- e. A saw cut and butt joint should be called out at all pavement joints and a detail provided.
- f. Is an Inserta Tee connection of the 10 inch diameter site drain to the 24 inch concrete storm drain in Hill Street acceptable to public works and engineering?
- g. With the site stormdrain at a somewhat shallow depth under Hill Street and sidewalk, compaction will be extremely important. We suggest that a detail be provided for the trench showing widths, pavement and material thicknesses, insulation if required, and compaction requirements. Reference should be made to the appropriate city specifications for required materials. The pavement repair depths should match what is existing or the appropriate city standard, whichever is thicker.
- h. With the construction activity involving the sidewalk, we suggest that the concrete sidewalk repair extend from the existing pavement repair to the end of the curb at the 39 Hill Street driveway right of way, at a minimum. Should this be pavement as noted, or concrete?
- i. It may be advisable for a note to be added to the drawings requiring that the city be contacted prior to any lane closures or construction activity in Hill Street, along with the appropriate department contact information.
- j. Do the building access points need to meet ADA accessibility requirements?

4. Grading Plan – CG101

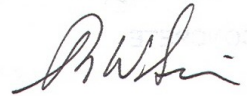
- a. The storm drain piping material should be more specific, rather than referencing the ASTM general standard.
- b. The stormwater letter discussed a break point in the parking lot grading, but it is not clear where that is. More spot grades are required.
- c. The grading indicates that the stormwater runoff from a portion of the parking lot will drain via the drive and directly into the street, which could result in a winter maintenance issue. We suggest that the installation of a catch basin near the drive intersection with the sidewalk tied into the proposed drain manhole may be a better solution.
- d. The plan indicates that the runoff from the remainder of the parking will drain toward the rear of the lot and into a swale, which will tend to concentrate the runoff and outlet it onto the drive and along the building on the adjacent property. If a catch basin were installed as noted in item d, above, could the parking lot be regraded to eliminate this situation?

Another option would be a catch basin in the southeasterly corner of the parking lot tied into the basin at the drive.

- e. Erosion control measure locations and details should be shown on the drawing.
- f. The building elevation drawings should be reviewed, as there are conflicts with the grading plan.

If you or the applicant have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,
Site Design Associates

A handwritten signature in black ink, appearing to read 'Tom Saucier', with a stylized flourish at the end.

Tom Saucier, P.E.
President



OAK POINT
ASSOCIATES

architecture
engineering
planning

December 16, 2020

Greg Tansley
Biddeford Planning Department
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

Re: Site Plan Review Application
3-Unit Condominium Development
45 Hill Street
Biddeford, Maine 04005

Dear Greg,

Please find enclosed the following submission items for the above referenced project:

1. Three (3) copies of the Revised Site Plan Review Application
2. Three (3) copies of The Boundary Survey Drawing
3. Three (3) copies of Site Plans and Architectural Drawings
4. Three (3) copies of a letter of financial capacity for the Applicant
5. Three (3) copies of the stormwater analysis letter.

The above documents are being submitted to address comments that arose during Planning Board review of the Site Plan Review Application filed by K&S Development for the Site in May, 2020.

Below are review comments from the Planning Board Report Dated May 15, 2020. Our responses to these comments are in **RED**

1. Historic Preservation Commission review and approval required. Contact Brad Favreau at Brad.Favreau@biddefordmaine.org or 207-282-7119.
OPA Response: The Commission approved the location indicated on the attached site plans at their meeting on December 6.
2. Provide a financial capacity letter from a recognized institution indication the applicant has sufficient financial resources to complete the project.
OPA Response: The financial capacity letter is attached.
3. Provide at least 1 bicycle rack on-site (5 bicycle parking spaces). Please show on plan.
OPA Response: Bicycle rack is indicated on the Site Plan (sheet CS101).
4. Need additional building designs, especially for the face along Hill Street.
OPA Response: Building floor plans and elevations are attached.
5. Provide detailed building designs, including materials.
OPA Response: Building floor plans and elevations are attached.

6. Site Lighting?

OPA Response: Site Lighting will be building-mounted and will consist of motion-activated security lighting over the garage doors.

7. Landscaping Plans and Details?

OPA Response: Landscaping will be limited to turf areas along Hill Street and the northeast and southeast sides of the building as indicated on the Site Plan (sheet CS101).

8. Need parking lot and access drive details.

OPA Response: Parking lot and access drive layout is indicated on the Site Plan (sheet CS101).

9. Need pavement/parking striping details.

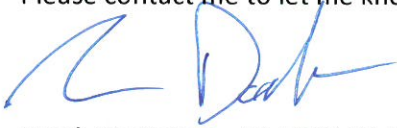
OPA Response: Parking lot striping layout is indicated on the Site Plan (sheet CS101).

10. Need engineered stormwater plan and analysis for review, including 3rd Party Review.

OPA Response: Site Grading is indicated on the Grading Plan (sheet CG101). This plan also includes erosion and sediment control notes. A stormwater analysis letter is attached.

Please also note that the City of Biddeford Historic Preservation Commission approved the building layout and elevations included in this revised application package at their meeting on December 9th.

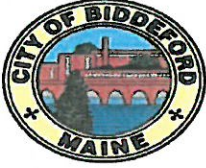
Please contact me to let me know if you have any questions or comments.



Jonah DeWaters., PE, LEED AP BD+C
Civil Engineer

Enclosures

CC: John Korpaczewski, K+S Development



City of Biddeford
Planning Board Application

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☐ Shoreland Zoning Permit

☒ Site Plan Review

☐ Extraction

☐ Conditional Use Permit

☐ Subdivision

☐ Private Way

☐ Other: _____

Applicant Information:

Name: K & S Development

Mailing Address: 14 Ratchet way Bidd. ME 04005

Telephone: 207-282-9990

Email: john@mainelypaving.com

What is your legal interest in the property?

☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: Same

Mailing Address: _____

Telephone: _____

Email: _____

Agent's Information:

Name: N/A

Mailing Address: _____

Telephone: _____

Email: _____

Engineer/Surveyor's Information: (REV 2/16/2020)

Name: John Perry / Jonch Dewaters, Oak Point Associates

Mailing Address: 231 Main Street, Biddeford, ME 04005

Telephone: 207-590-2956 / 207-283-0193

Email: jdewaters@oakpoint.com

Project Location and Lot Information:

Street Address: 45 Hill St. Biddeford

Tax Map: 0391120000

Lot: 0391120000

Current Zoning: MSRD 2

Shoreland Zoning: _____

Size of Lot: 7180 () acres (✓) s.f.

Lot Frontage: 89.1 Ft.

Existing use of Property: NONE - LOT

Property currently serviced by:

☒ City Road ☒ Public Sewer ☒ Public Water ☒ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3% slope) ☒ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15%+ Slope)

Are there any wetlands or waterbodies on the site? ☐ (Yes) ☒ (No) if yes attach information

Do you plan to bring fill onto the lot? ☐ (Yes) ☒ (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

3 townhouse style condos with attached
garage for each unit.

Property to be Serviced by:

☒ City Road ☒ Public Sewer ☒ Public Water ☒ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Is this project part of a larger project? ☐ (Yes) ☒ (No)

If in a Shoreland Zone:

Percent of residential lot coverage (Max 20%): _____

Percent of structure expansion (Max 30%): _____

If Subdivision Review, number of lots proposed: _____

If a Private Way is proposed, number of lots served: _____

If Site Plan Review, you must provide the following information:

Total new square feet footprint of structure: Approx. 2,380 Sq. ft (Rev 12/16/2020)

Total new square feet paving/parking: Approx. 2,833 Sq. ft (Rev 12/16/2020)

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☒ Fire Department-Contact Chief or Deputy Chief – 282-9986
- ☒ Ability to Serve for Water Service – Maine Water – 282-1543
- ☒ Ability to Serve for Sewer Service – Engineering Dept – Tom Milligan 284-9118
- ☒ Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127

- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

- \$40 Nonrefundable Administration Fee is required for every application.
- Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

 Project proposed to have 1 acre or more of Site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of Applicant: _____

Date 3/13/2020 *

Signature of Property Owner: _____

Date 3/13/2020 *
* (Rev. 12/16/2020)

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE
PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE)
CHECK WITH PLANNING STAFF FOR CLARIFICATION.**



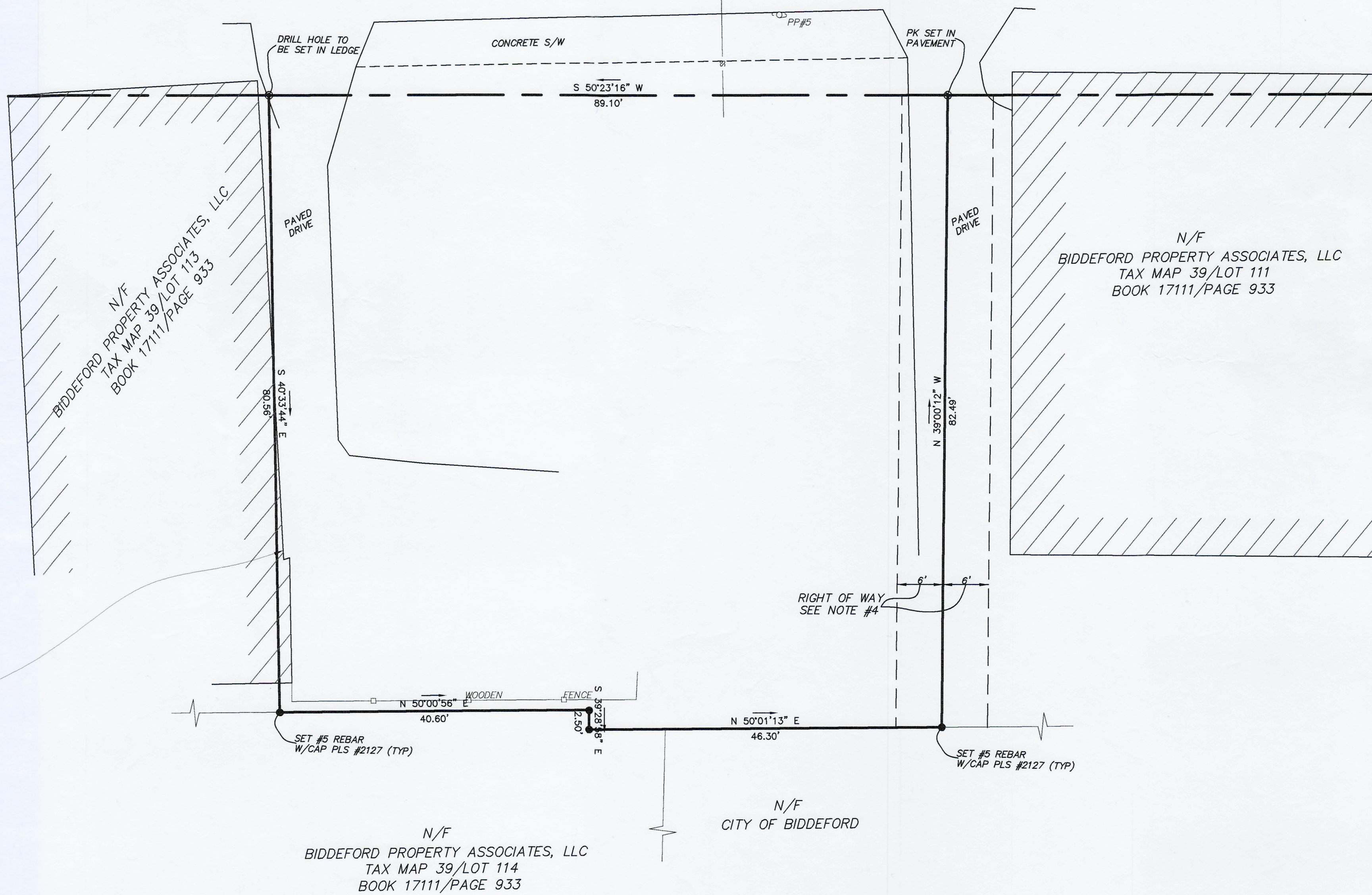
LOCATION MAP
N.T.S.



HILL STREET

TO MAIN STREET

BACON STREET



- NOTES:
- 1) OWNER & APPLICANT: K & S DEVELOPMENT, INC
16 RATCHET WAY
BIDDEFORD, MAINE 04005
 - 2) PROPERTY LOCATION: 45 HILL STREET
BIDDEFORD, MAINE 04005
 - 3) DEED REFERENCE: RICHARD P. LANGEVIN &
DENISE A. LANGEVIN TO K & S
DEVELOPMENT, INC. IN YORK COUNTY
REGISTRY OF DEEDS BOOK 17903/PAGE 653
 - 4) RIGHT OF WAY DEED REFERENCE: BOOK 831/PAGE 368
 - 5) PLAN REFERENCES:
A) "SKETCH SHOWING LAND SURVEYED FOR
RAYMOND LEDOUX BIDDEFORD-MAINE"
SCALE 1 IN. = 20 FT. DATED DEC. 8, 1973
BY DOW, COULOMBE & BROWN, INC.
B) "PLAN SHOWING A SURVEY OF STREET LINES
PIERSON LANE NEIGHBORHOOD IMPROVEMENT
PROJECT BIDDEFORD, MAINE, H.U.D. PROJECT
I.D. No. B-81-DN-23-0011"
SCALE: 1" = 40' DATED: APRIL 30, 1982
BY DOW & COULOMBE, INC.
C) "BOUNDARY SURVEY FOR CITY OF BIDDEFORD
FOR PROPERTY LOCATED ON #38 & #40
PIERSON LANE BIDDEFORD, MAINE" DATED AUG. 2,
2007 SCALE 1" = 10' BY THE CITY OF BIDDEFORD
ENGINEERING DEPARTMENT - CITY FILE TD-1690
 - 6) ZONING: MSRD 2
 - 7) SETBACKS: SEE CITY OF BIDDEFORD
CODE ENFORCEMENT OFFICE
FOR SETBACK DETAILS
 - 8) LOCUS TAX MAP: MAP 39 LOT 112
 - 9) TOTAL AREA OF PARCEL: 7,180 SQ. FT.

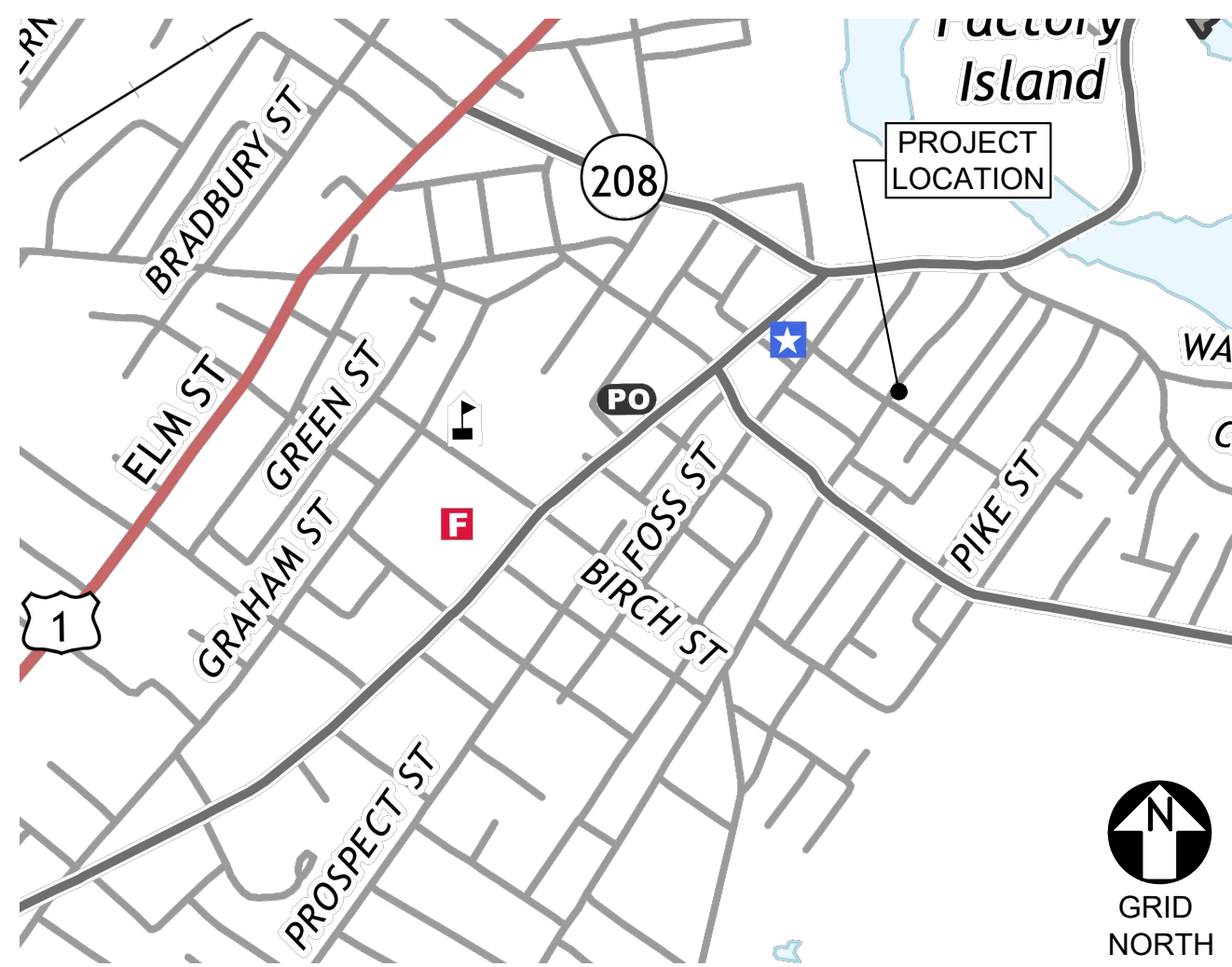
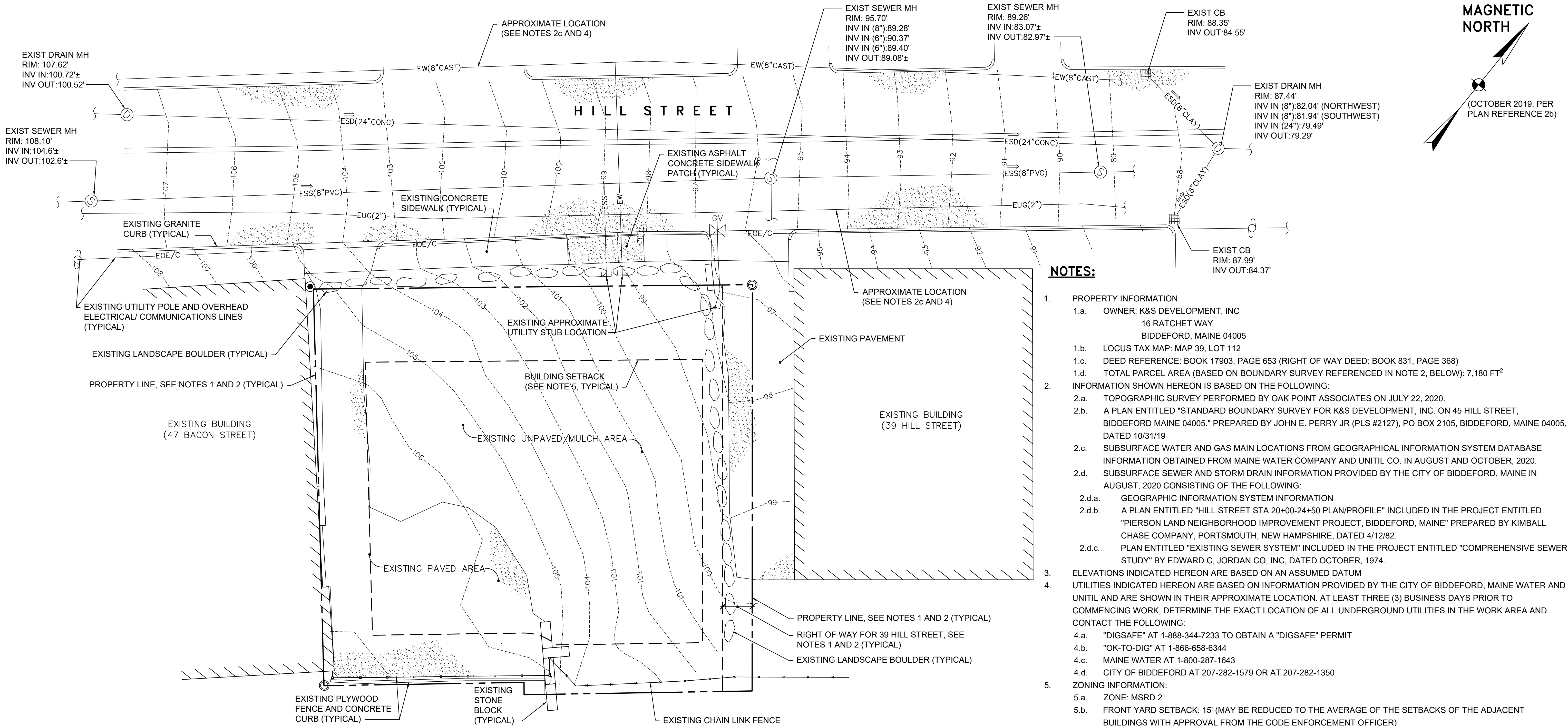
ENCROACHMENT DETAIL
N.T.S.

JOHN E. PERRY JR.
PLS #2127
P.O. BOX 2105
BIDDEFORD, MAINE 04005

STANDARD BOUNDARY SURVEY
FOR
K & S DEVELOPMENT, INC.
ON
45 HILL STREET
BIDDEFORD, MAINE 04005

Date:	Drawn by:
10/31/19	RMS
H. Scale:	Chk'd by:
1" = 10'	JEP
V. Scale:	App'd by:
---	JEP
Sheet	Of

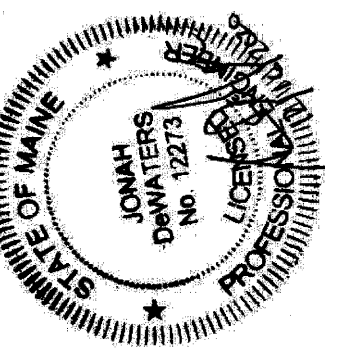
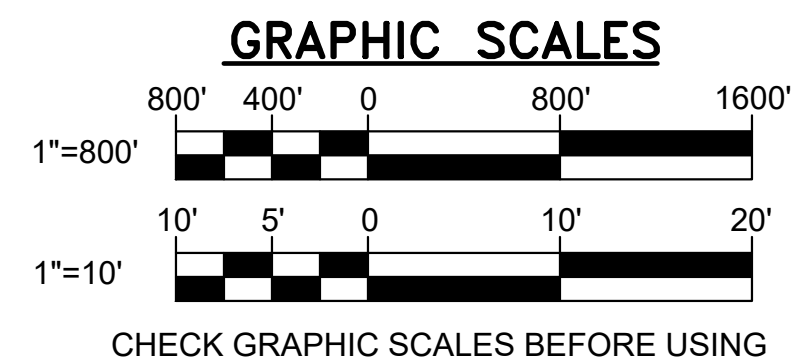
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CITY OF BIDDEFORD PLANNING BOARD APPROVAL
(APPLIES TO ALL SHEETS IN THIS SET)

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

APPROVAL NOTE: DUE TO THE CORONAVIRUS PANDEMIC AND THE GOVERNOR'S DECLARATION OF A CIVIL STATE OF EMERGENCY THE BIDDEFORD PLANNING BOARD AUTHORIZED THE CITY PLANNER TO SIGN THE FINAL PLAN ON BEHALF OF THE PLANNING BOARD AND DECLARED THAT THE FINAL PLAN ONCE SIGNED BY THE CITY PLANNER SHALL BE DEEMED TO HAVE BEEN SIGNED BY INDIVIDUAL MEMBERS OF THE PLANNING BOARD EVIDENCING APPROVAL OF THE FINAL PLAN.



DESIGNED BY: JSD
DRAWN BY: JSD
CHECKED BY: JLG
PROJECT: 22004.03

K&S DEVELOPMENT
16 Ratchet Way
Biddeford, Maine 04005
T (207) 282-9990

3 UNIT CONDOMINIUM DEVELOPMENT
45 Hill Street, Biddeford, Maine

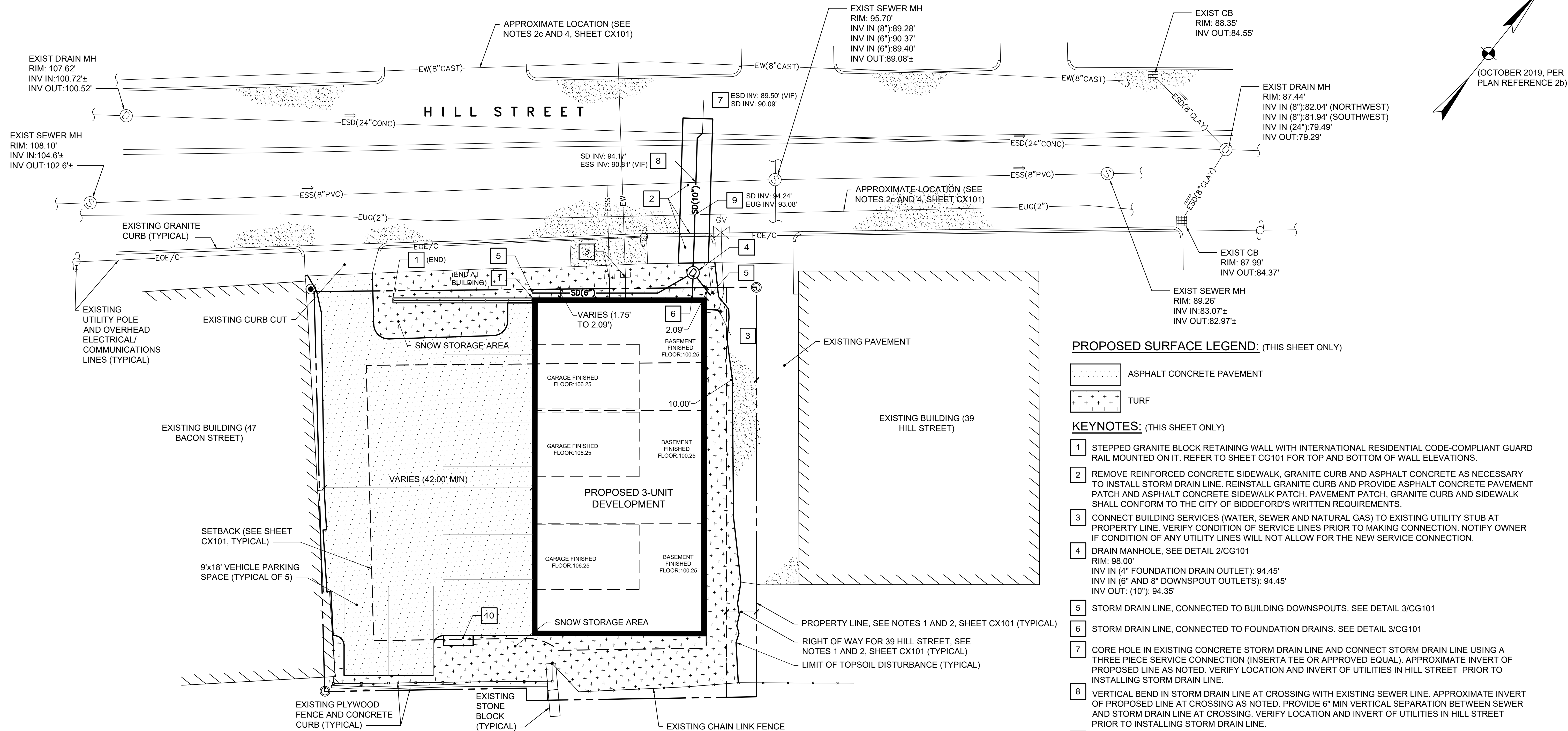
EXISTING CONDITIONS PLAN

SCALE: AS NOTED

DATE: 12-16-2020

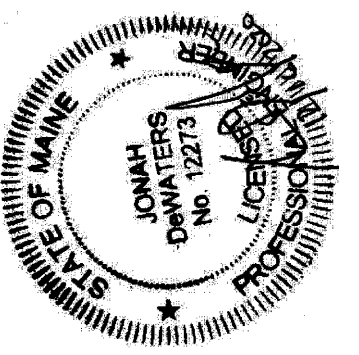
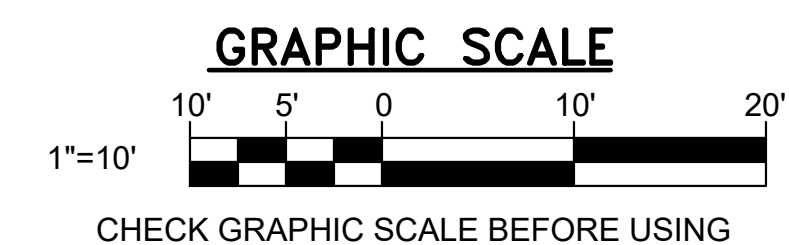
DWG.: CX101

SHEET: 1 OF 3



1 SITE PLAN
CS101 SCALE: 1"=10'

NOTE: REFER TO SHEET CG101 FOR GRADING INFORMATION



DESIGNED BY:	JSD
DRAWN BY:	JSD
CHECKED BY:	JLG
PROJECT:	22004.03

K&S DEVELOPMENT

16 Ratchet Way
Biddeford, Maine 04005
T (207) 282-9990

3 UNIT CONDOMINIUM DEVELOPMENT

45 Hill Street, Biddeford, Maine

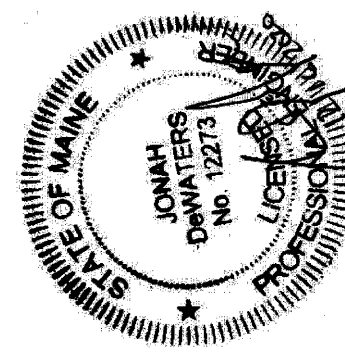
SITE PLAN

SCALE: AS NOTED

DATE: 12-16-2020

DWG.: **CS101**

SHEET: 2 OF **3**



DESIGNED BY: JSD
DRAWN BY: JSD
CHECKED BY: JLG
PROJECT: 22004.03

K&S DEVELOPMENT
16 Ratchet Way
Biddeford, Maine 04005
T (207) 282-9990

3 UNIT CONDOMINIUM DEVELOPMENT
45 Hill Street, Biddeford, Maine

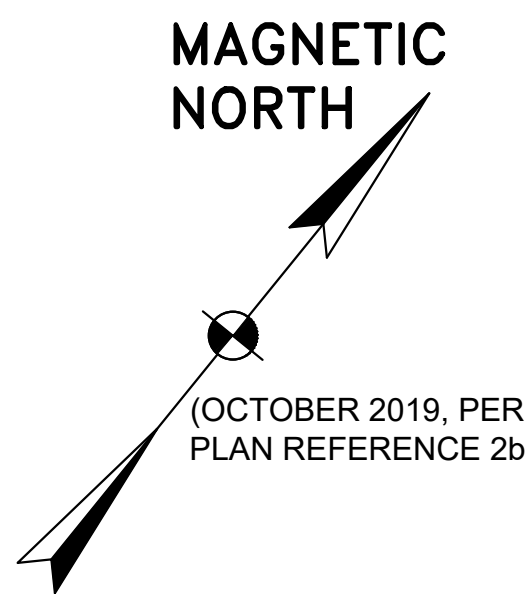
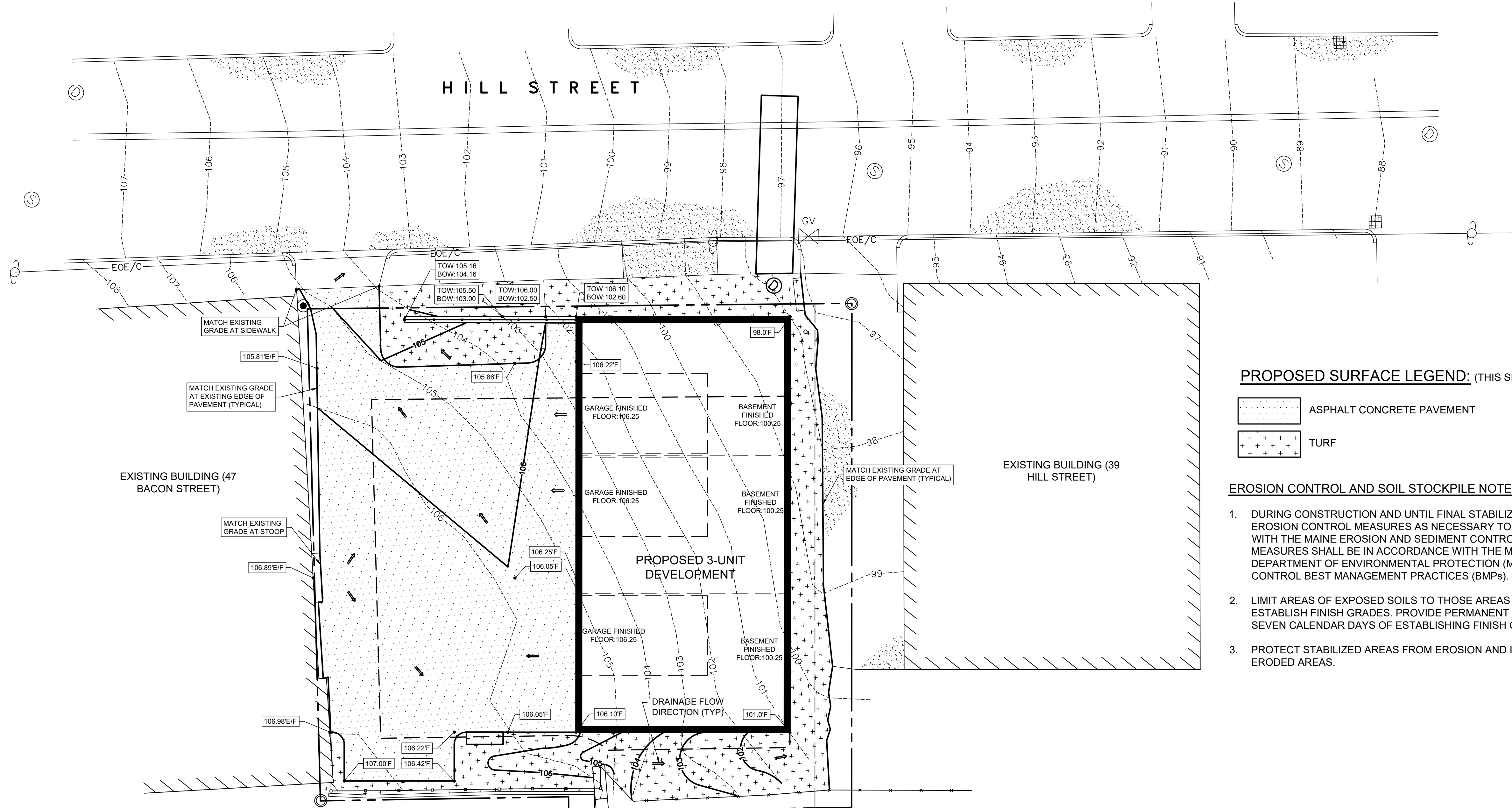
GRADING PLAN

SCALE: AS NOTED

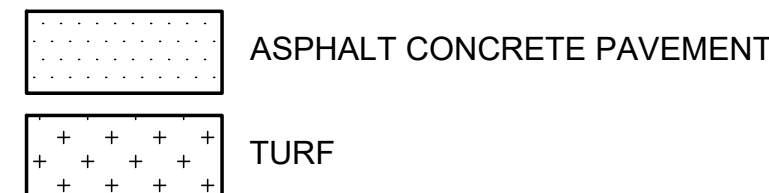
DATE: 12-16-2020

DWG.: CG101

SHEET: 3 OF 3



PROPOSED SURFACE LEGEND: (THIS SHEET ONLY)



EROSION CONTROL AND SOIL STOCKPILE NOTES

- DURING CONSTRUCTION AND UNTIL FINAL STABILIZATION OF THE SITE, IMPLEMENT EROSION CONTROL MEASURES AS NECESSARY TO CONTROL EROSION IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL LAW. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE MOST CURRENT EDITION OF THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MDEP) EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPs).
- LIMIT AREAS OF EXPOSED SOILS TO THOSE AREAS THAT WILL BE ACTIVELY WORKED TO ESTABLISH FINISH GRADES. PROVIDE PERMANENT STABILIZATION MEASURES WITHIN SEVEN CALENDAR DAYS OF ESTABLISHING FINISH GRADE.
- PROTECT STABILIZED AREAS FROM EROSION AND IMMEDIATELY REPAIR/REVEGETATE ERODED AREAS.

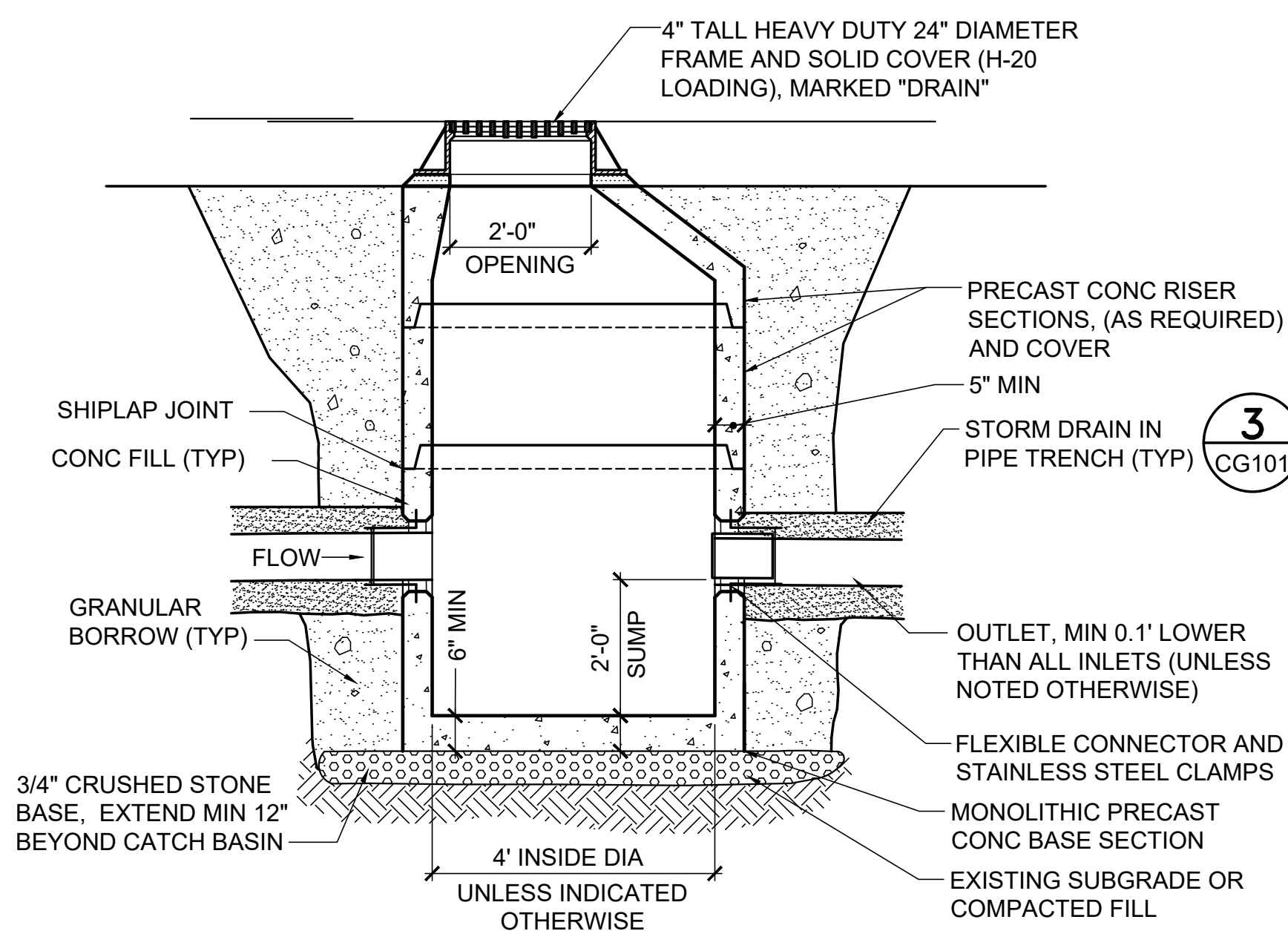
NOTE: REFER TO SHEET CS101 FOR UTILITY AND LAYOUT INFORMATION

1 GRADING PLAN

CG101 SCALE: 1"=10'

DRAIN MANHOLE NOTES:

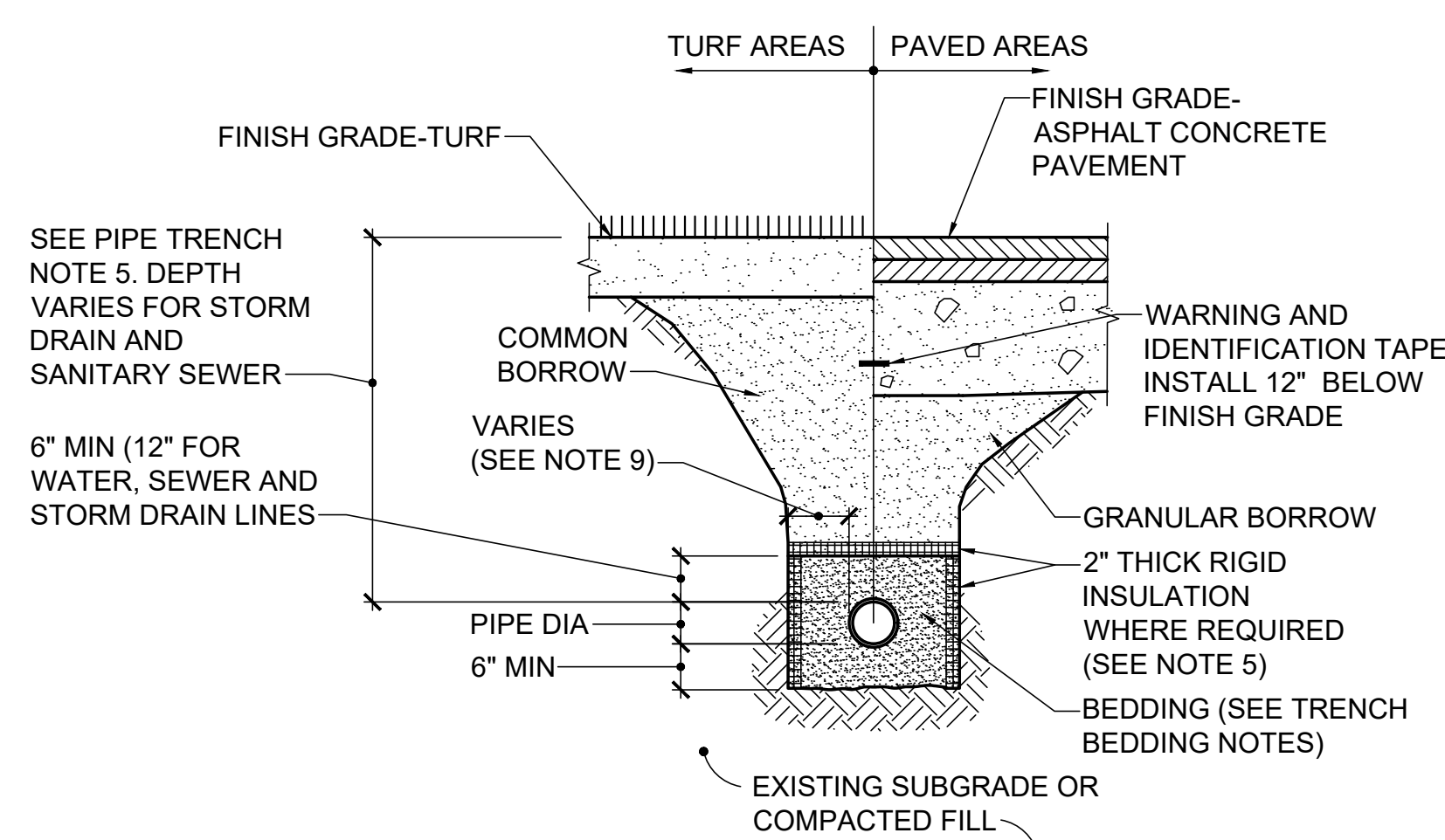
- CONCRETE SHALL BE MIN F'c=5,000 PSI.
- PROVIDE REINFORCING TO ACHIEVE AASHTO HS-20 LOADING CLASSIFICATION (32,000 POUND AXLE LOAD).
- DRAIN MANHOLES SHALL CONFORM TO ASTM C478, UNLESS INDICATED OTHERWISE.
- PROVIDE PIPE PENETRATIONS AS INDICATED ON PLANS.
- SHIPLAP JOINTS SHALL HAVE 2 STRIPS OF 1" DIA BUTYL RUBBER SEALANT, RAM-NEK GASKET OR APPROVED EQUAL.
- PROVIDE LOCK JOINT FLEXIBLE PIPE SLEEVES, CAST IN OR GASKET WITH EXPANSION SLEEVE.
- EACH CASTING TO HAVE LIFTING HOLES CAST IN. PLUG LIFTING HOLES WITH GROUT AFTER PLACING MANHOLE.



2 DRAIN MANHOLE DETAIL

CS101

CG101 NOT TO SCALE



PIPE TRENCH NOTES:

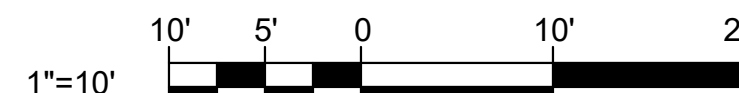
- INSTALL THERMOPLASTIC (PVC, HDPE) GRAVITY PIPING IN ACCORDANCE WITH ASTM D 2321. SEE ALSO PIPE TRENCH BEDDING NOTES.
- ALL EXCAVATION WORK SHALL COMPLY WITH OSHA STANDARDS. TRENCH SIDEWALLS SHALL BE VERTICAL FROM TRENCH BOTTOM TO 12" ABOVE TOP OF PIPE.
- PROVIDE A MINIMUM OF 12" VERTICAL CLEARANCE BETWEEN PIPES AND WATERLINES AT CROSSINGS. PROVIDE A MINIMUM OF 6" VERTICAL CLEARANCE BETWEEN ALL OTHER CROSSING PIPES.
- IF EXISTING SITE CONDITIONS DO NOT ALLOW FOR THE UTILITY TO MEET THE COVER REQUIREMENTS OF THE UTILITY COMPANY, IT MAY BE ABLE TO REDUCED IF 2" THICK RIGID INSULATION IS PROVIDED ABOVE AND ON EITHER SIDE OF PIPE. OBTAIN WRITTEN PERMISSION FROM THE UTILITY COMPANY BEFORE INSTALLING PIPES THAT WILL REQUIRE INSULATION DUE TO REDUCED COVER.
- PROVIDE MIN 0.005'/FT (0.5%) PITCH ON ALL GRAVITY PIPING.
- INSTALL WATER SUPPLY PIPING IN ACCORDANCE WITH WATER DISTRICT'S WRITTEN INSTRUCTIONS.
- PIPE BEDDING SHALL BE ASTM D 2321, CLASS 1B OR II BEDDING, EXCEPT WITH 100 PERCENT PASSING A 1" SIEVE AND GREATER THAN 75 PERCENT PASSING A NO. 4 SIEVE, EXCEPT AT SEWER AND STORM DRAINAGE PIPING, WHERE 3/4" CRUSHED STONE SHALL BE USED.

3 TYP PIPE TRENCH DETAIL

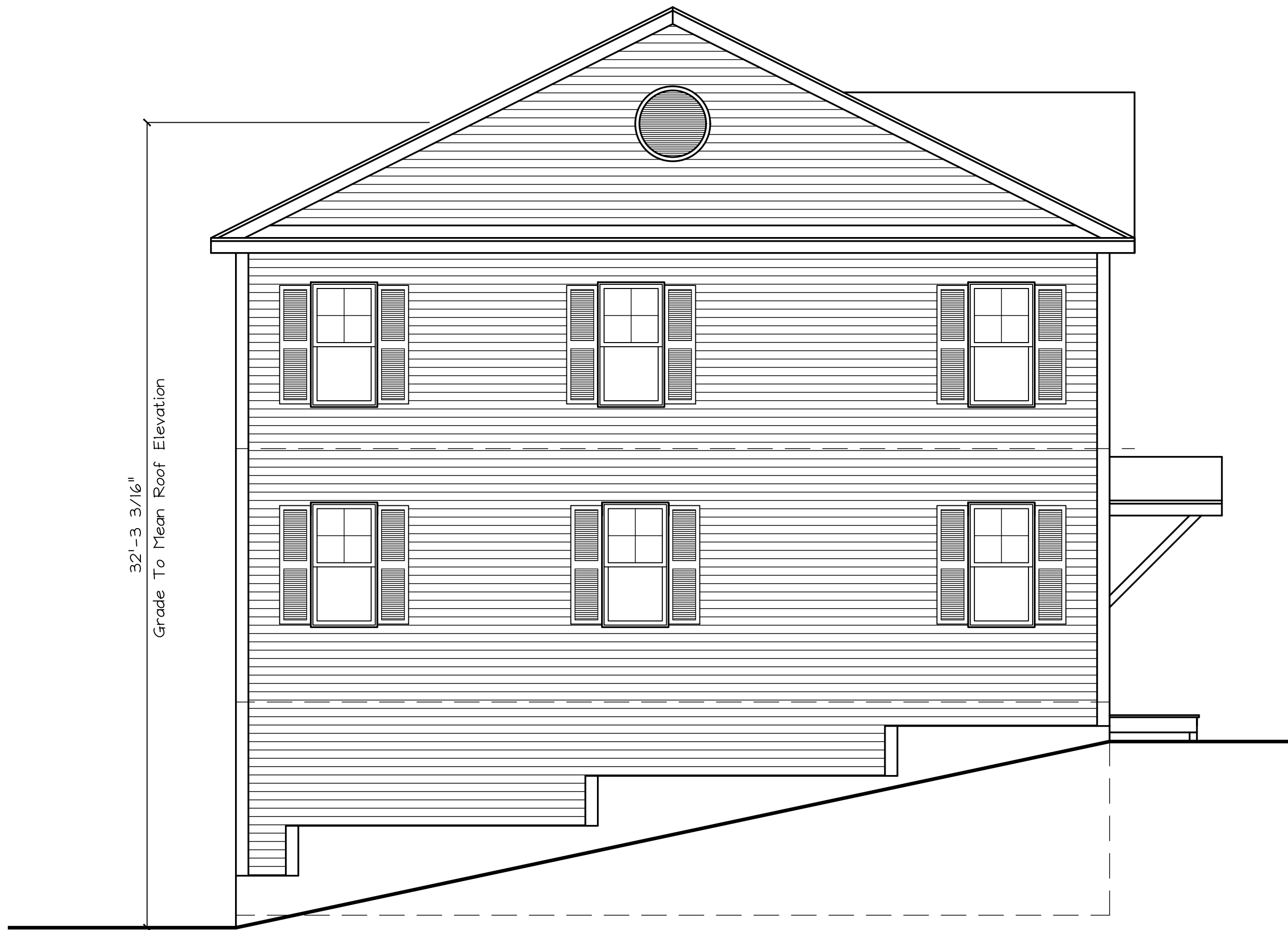
CS101

CG101 NOT TO SCALE

GRAPHIC SCALE



CHECK GRAPHIC SCALE BEFORE USING



Front Elevation

Scale: 1/4" = 1'-0"



Right Elevation

Scale: 1/4" = 1'-0"

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architectural firm. It is the
responsibility of the general
contractor to size structural
beams and to ensure that this
home is built according to all
state & local codes in effect
at the time of construction.

Prepared For: John Korpaczewski

Hill Street

Maine

Approvals

Revisions

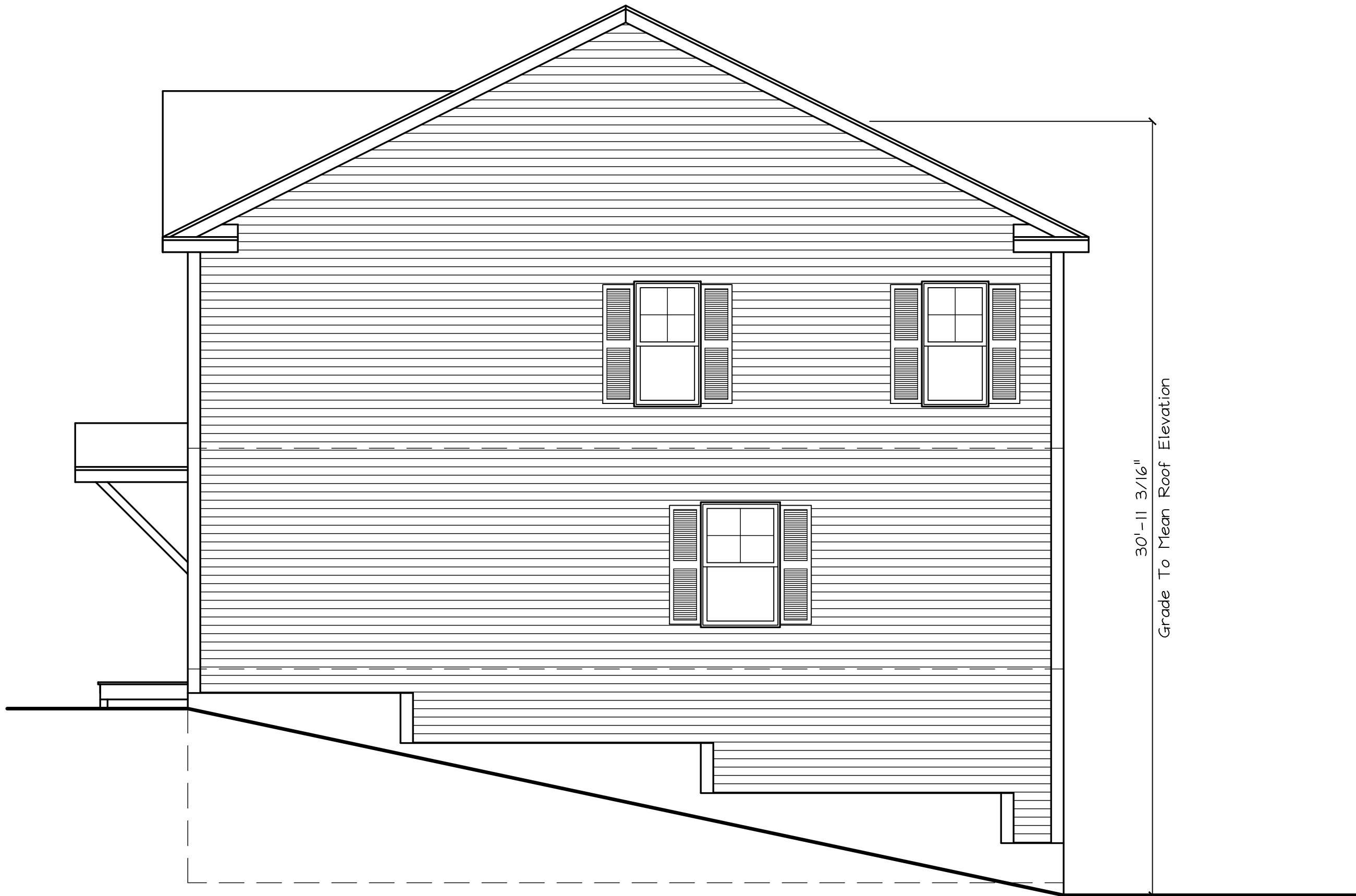
Date: 11/22/2020
Issued: 12/13/2020
Dr. By: John A. Perron
Sheet No. 1/2

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BIDDEFORD, ME
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Left Elevation

Scale: 1/4" = 1'-0"



Rear Elevation

Scale: 1/4" = 1'-0"

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beams and to ensure that this
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state & local codes in effect
at the time of construction.

Prepared For: John Korpaczewski

Hill Street

Biddeford

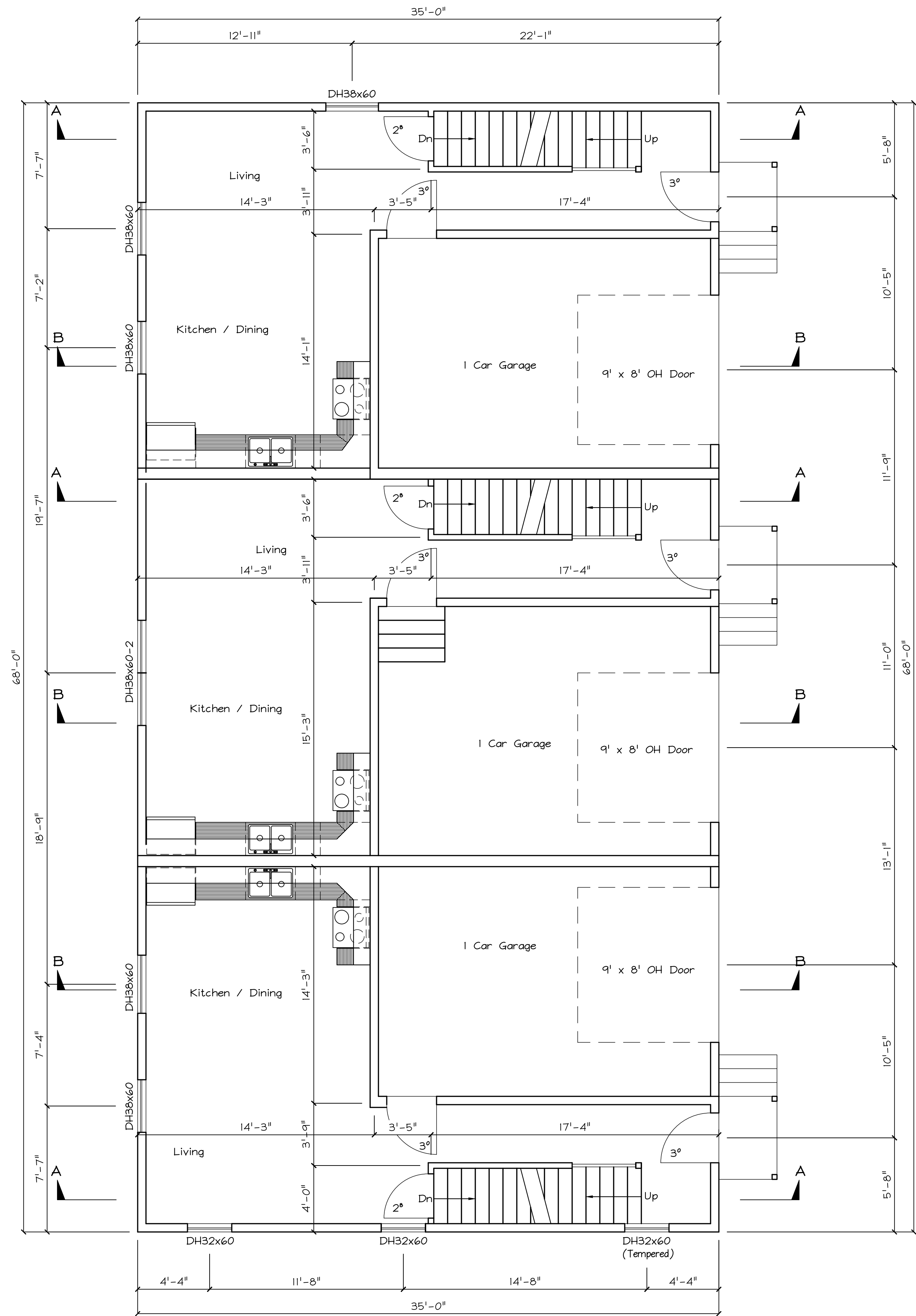
Maine

Approvals

Revisions

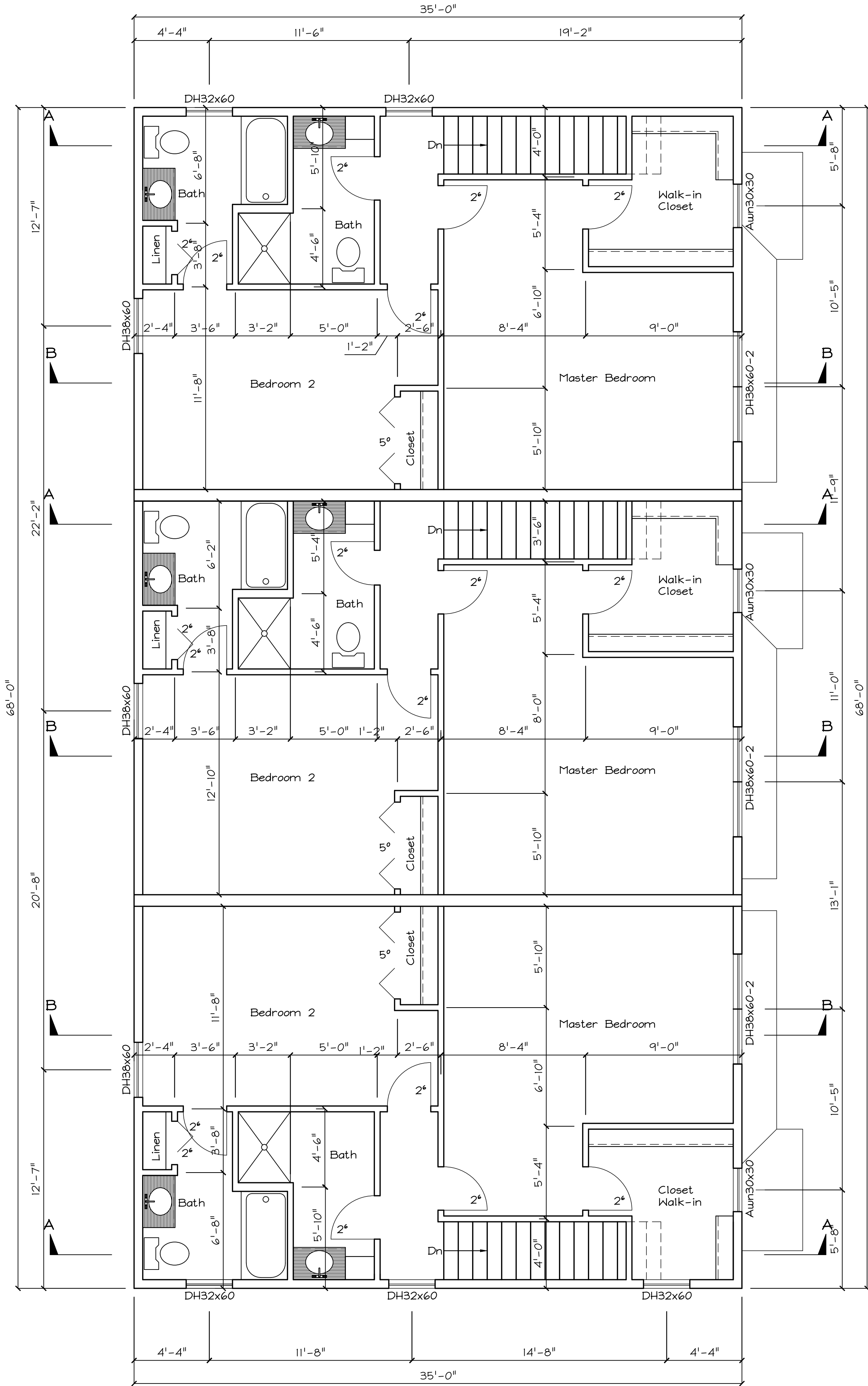


Date: 11/22/2020
Issued: 12/13/2020
Dr. By: John A. Perron
Sheet No. 2/7



First Floor Plan

Scale: 1/4" = 1'-0"



Second Floor Plan

Scale: 1/4" = 1'-0"

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Prepared For:

John Korpaczewski

Address:

Hill Street

City:

Biddeford

State:

Maine

Approvals

Revisions

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Date:

11/22/2020

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12/13/2020

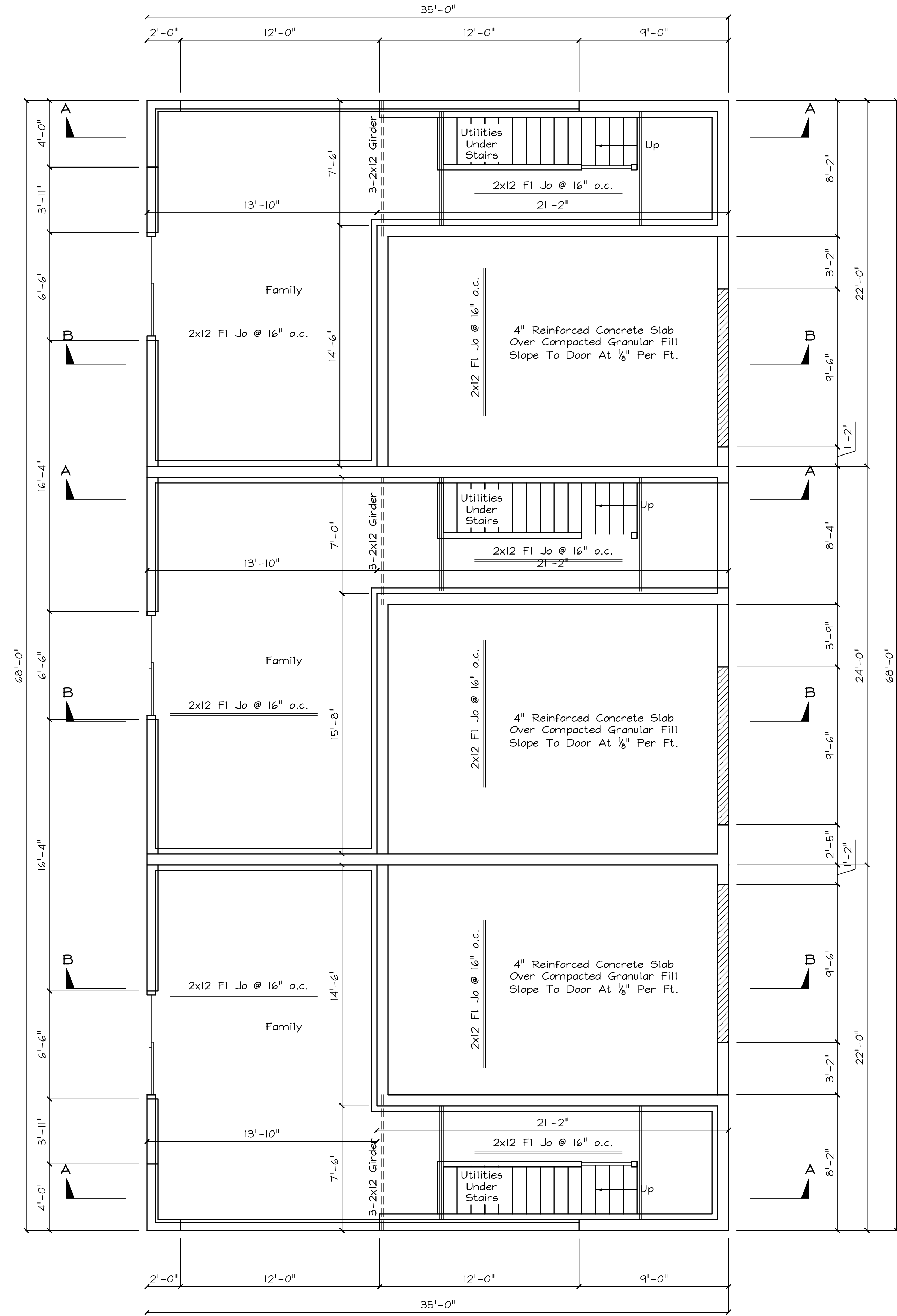
Dr. By:

John A. Perron

Sheet No.

3

7



Basement Floor Plan

Scale: 1/4" = 1'-0"

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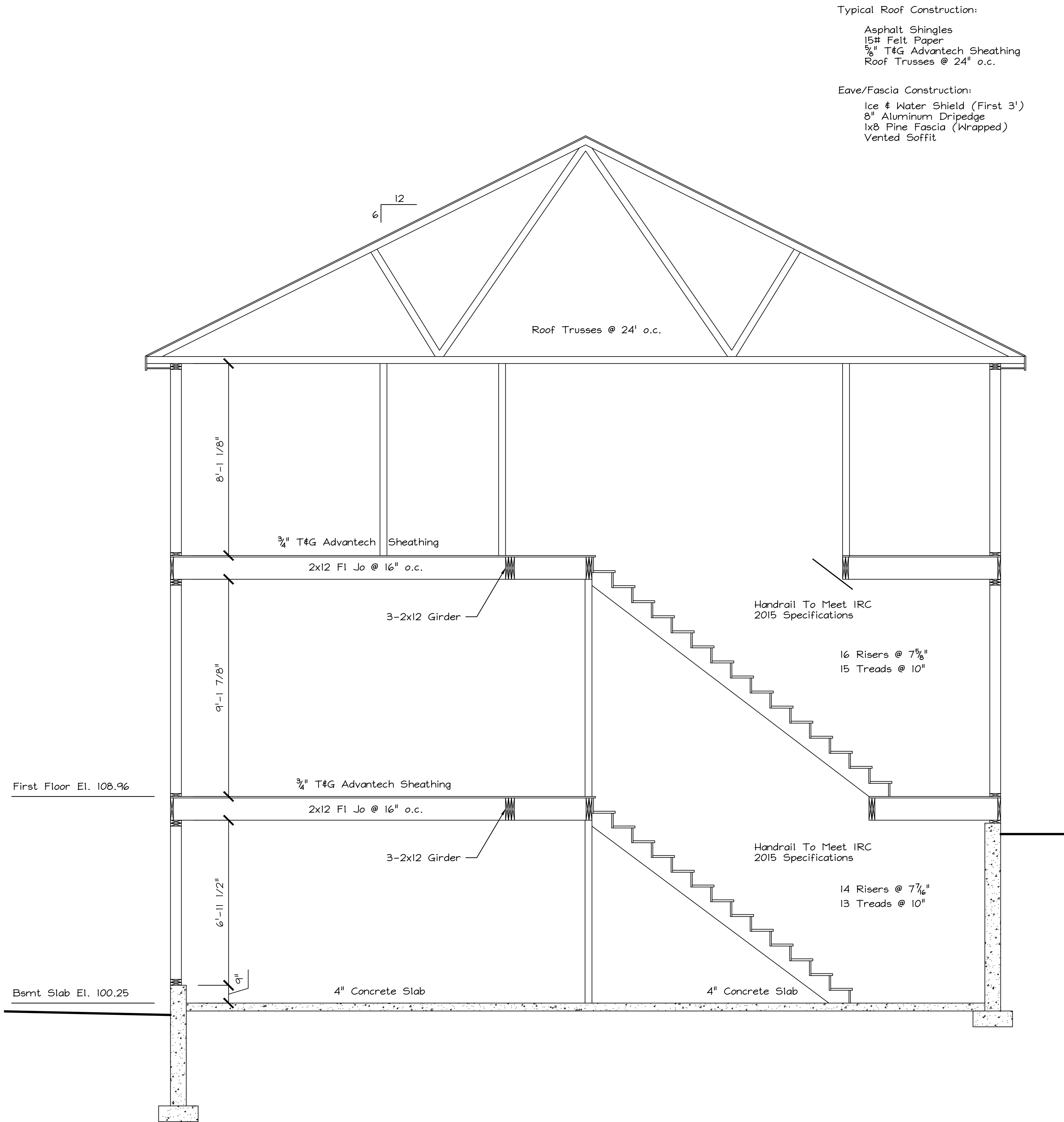
Date: 11/22/2020
Issued: 12/13/2020
Dr. By: John A. Perron
Sheet No. 4 / 7

Prepared For: John Korpaczewski
Biddeford
Maine

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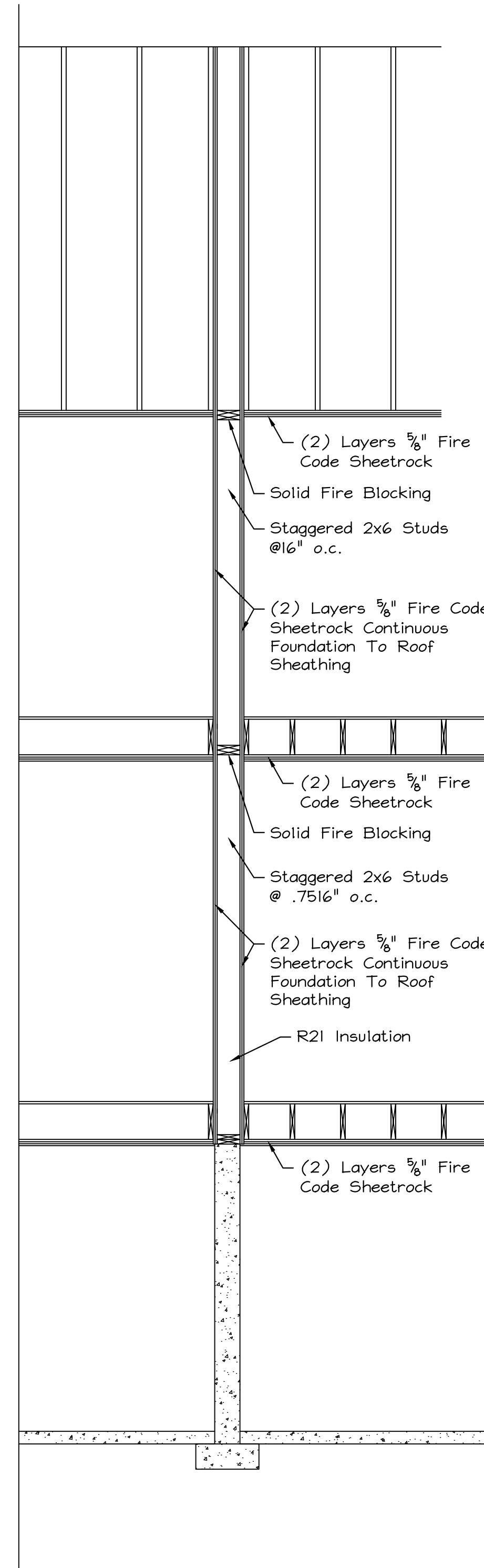
Revisions

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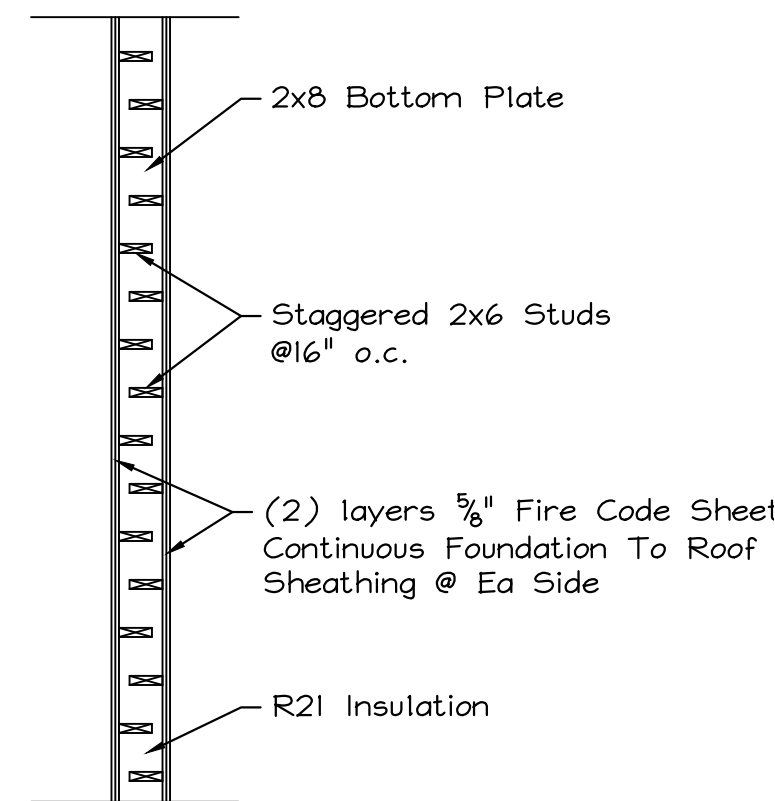
Section A-A

Scale: 3/8" = 1'-0"



Party Wall Section

Scale: 3/8" = 1'-0"



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Prepared For: John Korpaczewski

Address: Hill Street, Biddeford, Maine

Approvals

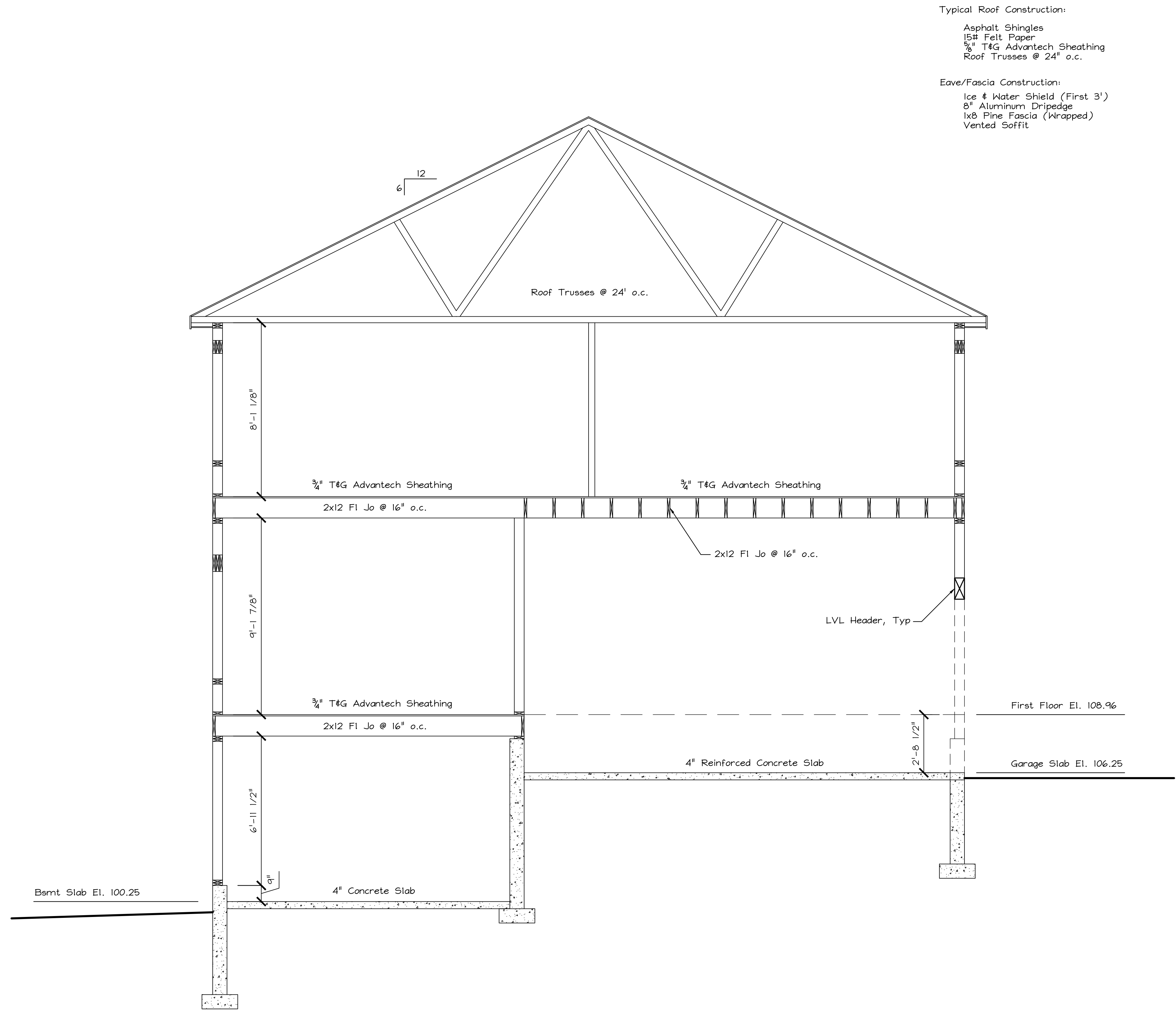
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Revisions

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Date: 11/22/2020
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Dr. By: John A. Perron
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Section A-A

Scale: 3/8" = 1'-0"

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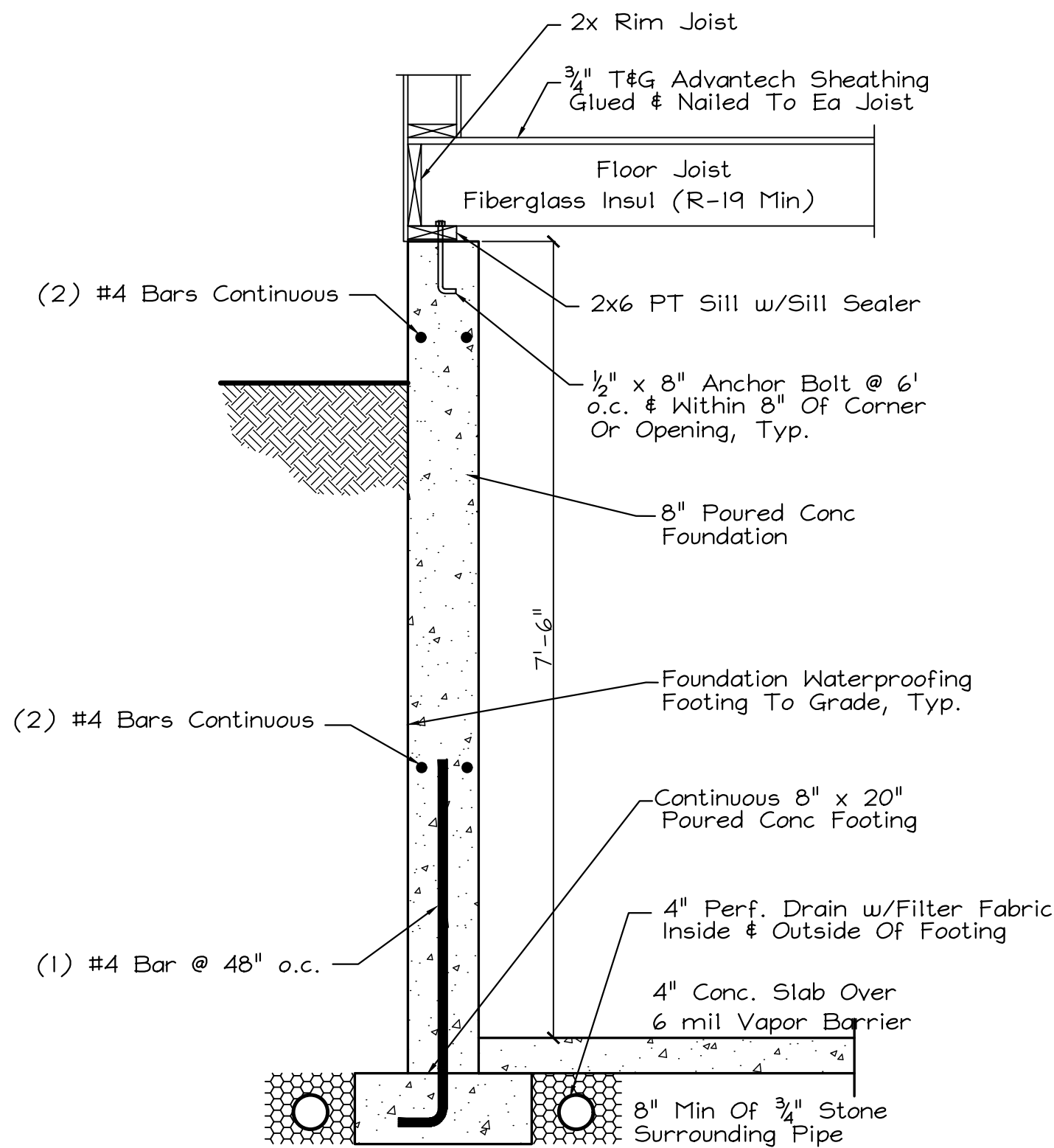
Prepared For:	John Korpaczewski	Maine
	Hill Street	
	Biddeford	

Approvals

Revisions



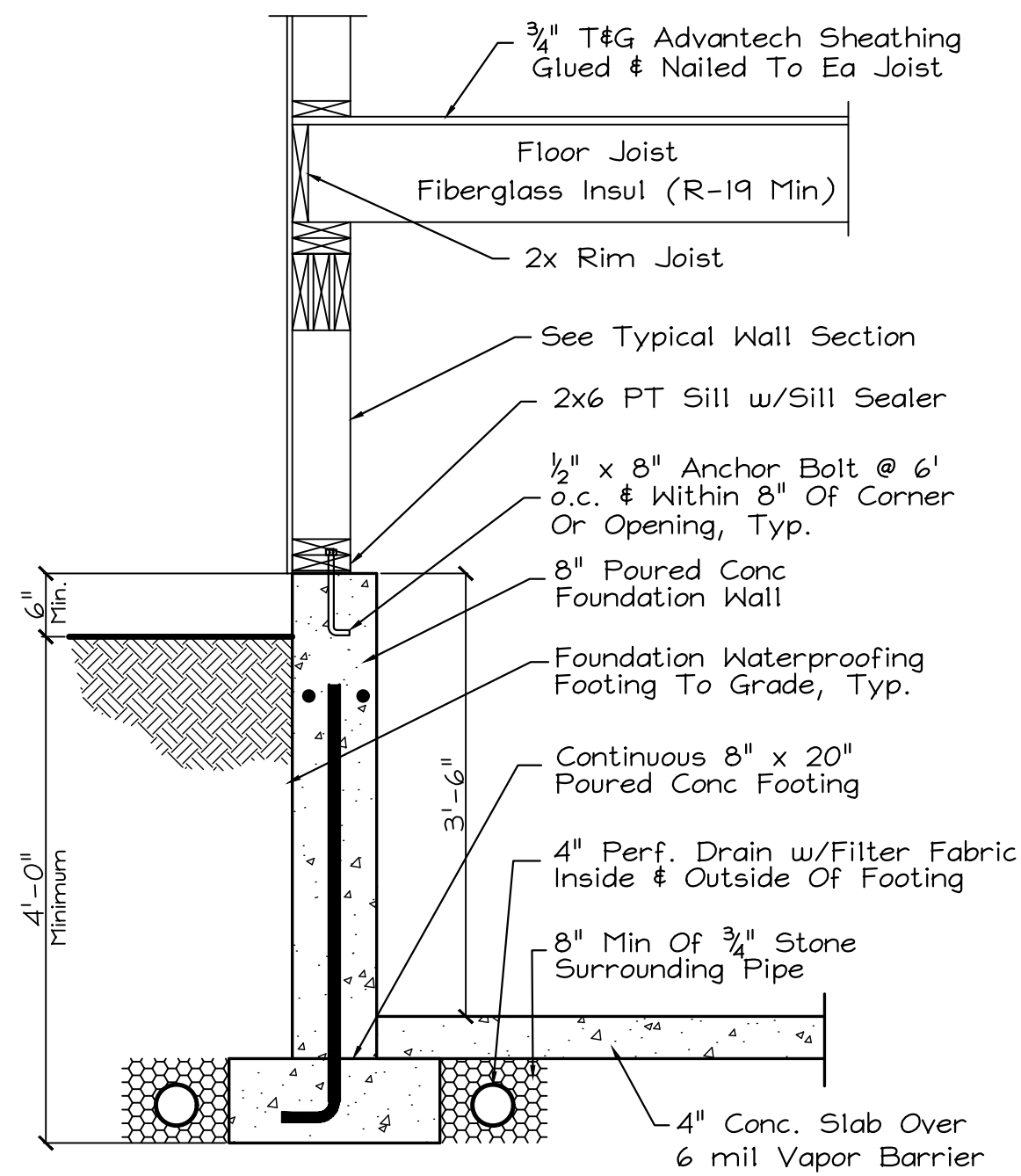
Date:	11/22/2020
Issued:	12/13/2020
Dr. By:	John A. Perron
Sheet No.	6 / 7



Typical Foundation Wall

Scale: 3/4" = 1'-0"

Interior Bearing Wall Header & Girder Schedule			
Supporting 1 Floor (Up To 28' Wide)		Supporting 2 Floors (Up To 28' Wide)	
(2) 2x6	Up To 2'-11"	(2) 2x6	Up To 2'-9"
(2) 2x8	Up To 5'-0"	(2) 2x8	Up To 3'-6"
(2) 2x10	Up To 6'-1"	(2) 2x10	Up To 4'-3"
(2) 2x12	Up To 7'-0"	(2) 2x12	Up To 5'-0"
(3) 2x8	Up To 6'-3"	(3) 2x8	Up To 4'-5"
(3) 2x10	Up To 7'-7"	(3) 2x10	Up To 5'-4"
(3) 2x12	Up To 8'-10"	(3) 2x12	Up To 6'-3"
(4) 2x10	Up To 8'-9"	(4) 2x10	Up To 6'-2"
(4) 2x12	Up To 10'-2"	(4) 2x12	Up To 7'-2"

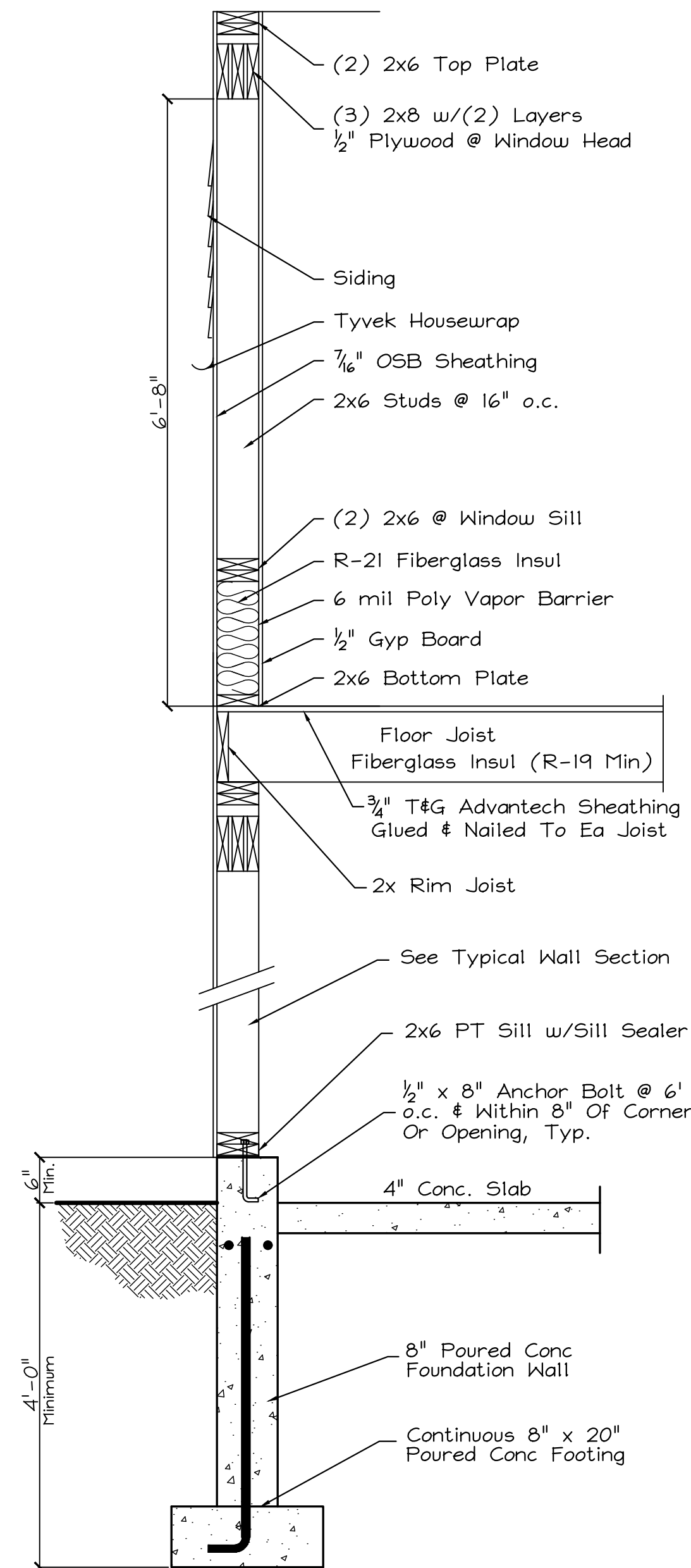


Daylight Foundation Wall

Scale: 3/4" = 1'-0"

Insulation Schedule		
Exterior Walls	5 1/2" HD Fiberglass	R-21
Floors	Fill Cavity	R-19 Min
Attic	3 1/2" Over 12" Fiberglass	R-49
Basement Walls (Unconditioned)	None	n/a
Basement Walls (Conditioned)	3" Styrofoam Or 5 1/2" Fiberglass	R-15 R-19
Frost Walls	2" Styrofoam (To 4')	R-10

Fastening Schedule		
Framing To Framing	16d @ 12" o.c.	
Sheathing To Framing	8d @ 12" o.c. (midspan) 8d @ 6" o.c. (edges)	



Walkout Bsmt Or Frost Wall

Scale: 3/4" = 1'-0"

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state & local codes in effect
at the time of construction.

John Korpaczewski

Prepared For:

Maine

Hill Street

Biddeford

Approvals

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BIDDEFORD, ME
207-282-7744
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Date: 11/22/2020
Issued: 12/13/2020

Dr. By: John A. Perron

Sheet No.

7/7



December 15, 2020

Re: John E. Korpaczewski; Account XXXXXX8162

To Whom It May Concern;

Let this letter serve as a Letter of Guarantee for the above named customer. This letter is to inform you that Bangor Savings Bank will acknowledge the availability of up to \$500,000 (Five Hundred Thousand Dollars & 00/100).

If you have any questions please feel free to contact myself or Bangor Support at 1.877.Bangor1 (1.877.226.4671) or directly at my branch.

Sincerely,

Heather Gendron
Branch Manager
270 Main Street
Saco, ME 04072
PH: 207.282.9210
heather.gendron@bangor.com



December 16, 2020

Greg Tansley
Biddeford Planning Department
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

Re: Stormwater Review
3-Unit Condominium Development
45 Hill Street
Biddeford, Maine 04005

Dear Greg,

The following letter serves as my analysis of the stormwater impact from the above referenced project.

Existing Conditions

Per e-mail discussions with Tom Milligan in September, 2020, for the purposes of stormwater analysis, the "pre-development" condition is considered to be prior to the destruction/removal of the building and parking area that formerly occupied it. This generally consisted of:

Former Building (roof drains connected to the City's sanitary sewer system): 3,800 ft² footprint
Impervious Area (pavement): 1,700 ft²
Total impervious area: 5,500 ft²
Total pervious area (turf): 1,680 ft²

Pre-development topography from when the former building was present on site is unavailable. However a topographic survey conducted in July, 2020 indicates that the majority of on-site runoff likely drained overland to the east toward the adjacent site (39 Hill Street) before draining north toward Hill Street and being collected by the catch basins along the southeast side of Hill Street.

Proposed Conditions

Building (roof drainage connected directly to the City's storm drain system): 2,380 ft² footprint
Impervious Area (pavement): 2,833 ft²
Total impervious area: 5,213 ft² (287 ft² decrease over pre-development conditions)
Total pervious area (turf): 1,967 ft² (287 ft² increase over pre-development conditions)

As indicated on the Grading Plan, post-development topography will consist of a slight ridge through the parking lot approximately aligned with the boundary between units 2 and 3. The ridge will direct runoff

overland from the front 2/3 of the site towards the proposed turf area along Hill Street and the existing curb cut. Runoff from the rear 1/3 of the site will drain overland into the turf area on the southwest side of the building before flowing to the northeast. As with the pre-development conditions, the runoff from the site will ultimately be collected by the existing catch basins along Hill Street.

Building Drainage Connections

To comply with the City's current requirements, it is necessary to ensure that the building's roof runoff is no longer connected to the existing 8" diameter sanitary sewer line beneath Hill Street. Instead, the building's storm drain system and foundation drains will be hard-piped directly into the existing 24" diameter storm line under the north side of Hill Street. Discussions with Ron Kinney at the City indicated that the existing storm drain line has sufficient capacity to accommodate the runoff.

Stormwater Impacts

As indicated above, the project proposes to decrease the total amount of impervious area on the site when compared to the pre-development condition, resulting in an overall decrease in stormwater runoff. Additionally, directing more of the runoff from the site toward Hill Street will lessen the amount of runoff flowing onto the adjacent property.

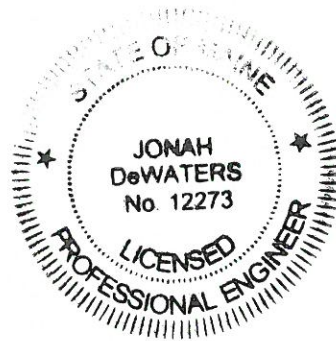
The reduction in stormwater runoff combined with disconnecting the building from the sanitary sewer main will reduce the site's overall impact on the City's infrastructure.

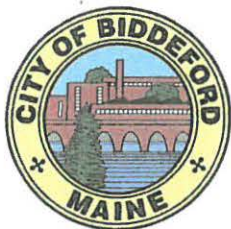
Please contact me to let me know if you have any questions or comments.



Jonah DeWaters., PE, LEED AP BD+C
Civil Engineer

cc: John Korpaczewski, K+S Development





City of Biddeford, Maine

City of Biddeford

Public Works Department / Engineering Division
P.O. Box 586 • 205 Main Street, Suite 301
Biddeford, ME 04005
Phone: (207) 284-9118 • Fax: (207) 571-0662

City of Biddeford, Maine
Wastewater Department
205 Main Street • PO Box 586 • Biddeford, Maine 04005-0586
Telephone 207 284-9118

Letter of Wastewater Treatment Plant Capacity to Serve

45 Hill Street

John Korpaczewski
16 Ratchet Way
Biddeford, Maine 04005

March 5, 2020

Brief description of project: **3 condo units-** Estimated increase in flows: **0 gpd.**

Determination

You are proposing to build 3 attached single family condo units each unit having 3 bedroom on the subject parcel. You have indicated that previously there were 6-8 apartment units in a single structure located on this lot.

The City of Biddeford Wastewater Department has reviewed the request to serve the above-described project. It has been determined that at this time the City has sufficient capacity at the City's Wastewater Treatment Facilities to serve the above described project. It is estimated that 0 gpd of additional flows will be added from the project. Changes to the project from that presented to this department may require a new review of the request for ability to serve. This determination will be effective for a period of one year from the date above.

Upon approval of the Planning Board the applicant must make application for sewer service. Flow amounts for the project will be determined at the time application is made and may or may not be the amount stated above. The applicant will be required to pay all fees based on the flow amount calculated at the time application is made and prior to the issuance of any building permits.

This Capacity to Serve Letter is intended only to determine the City of Biddeford Wastewater Treatment Facilities ability to handle and treat the flow from the above stated project once it is received at the treatment facility. The Planning Department, Engineering Department or other persons from the Wastewater Department may require further studies or documentation regarding the impact on the City's sewer collection system or its components.

205 Main Street, Biddeford, ME 04005 P: 207.284.9313 F: 207.571.0678 www.biddefordmaine.org

*The City of Biddeford is an equal opportunity provider. To file a complaint, write to
Human Resource Director, 205 Main Street Biddeford, ME 04005, or call (207) 286-0593.*

Thomas Milligan, PE
City Engineer
City of Biddeford Engineering Department
Tom.milligan@biddefordmaine.org
207-284-9118

CC: Jeff Demers, Public Works/Wastewater Director
Roby Fecteau, Code Enforcement
Greg Tansley, City Planner
Alex Buechner, Superintendent



March 6th, 2020

K & S Development Inc.
ATTN: John Korpaczewski
16 Ratchet Way
Biddeford, Maine 04005

Re: Ability to Serve Determination – 3 Unit Condo Style Development at 45 Hill St, Biddeford

Dear Mr. Korpaczewski,

The Maine Water Company (MWC) has received your request for our Ability to Serve Determination for a 3-unit Condo style development for the above referenced project. Domestic water and fire protection is available to your project. MWC does have sufficient capacity in the area from the existing 8-inch cast iron main on Hill St. The static pressure in the area is approximately 50psi. Additional infrastructure improvements may be required at the expense of the developer to meet the overall needs of this project.

Conditions of Service

- Fire and domestic services must each be individually tapped from public main on Hill St.
- Additional plan approval, paperwork and fees associated with services for this project will require further coordination with MWC.
- If fire services are required, a hydrant flow test at the nearest hydrant must be evaluated to ensure that adequate flows can be met during a peak fire demand event.

Should a Customer Agreement for service not be executed within one year of the date of this letter, MWC reserves the right to reevaluate its ability to serve this project.

All work must be completed in accordance with Maine Water Company material and installation specifications. All appropriate paperwork must be completed and the deposit paid prior to the start of construction. Please forward all design plan revisions as the project develops to prevent construction delays.

Water service will be provided in accordance with our standard terms and conditions as well as Maine Public Utilities Commission rules. If you have any additional questions, please do not hesitate to contact our office at 1-800-287-1643 or by email at Marcus.Knipp@mainewater.com. We look forward to working with you throughout design and construction.

Sincerely,
The Maine Water Company

Marcus Knipp, E.I.T.
Engineer



**CITY OF BIDDEFORD
FIRE DEPARTMENT**

152 Alfred Street
Biddeford, Maine 04005
Tel: 207-282-6632
Fax: 207-283-8243

Chief Scott R. Gagne
Assistant Chief Paul R. LaBrecque
Deputy Chief Kevin D. Duross

K&S Development
16 Rachel Way
Biddeford, Maine 04005

Subject: Ability to Serve 45 Hill Street
March 5, 2020

Dear Mr. Korpaczewski,

It is the position of the Biddeford Fire Department, that we will provide emergency service for the property located at 45 Hill Street Biddeford as long as the fire department is available at time of request. It is of the understanding that the Biddeford Fire Department may request assistance from mutual aid fire departments in the event the fire department is not available to respond at time of request.

Please contact the Biddeford Fire Department if you have any questions and or concerns.

Respectfully,



Paul R. LaBrecque

Cc: Greg Tansley Planning Office

3/5/2020

45 Hill St new construction

From: "Fisk, JoAnne" <joanne.fisk@biddefordmaine.org>
Subject: 45 Hill St new construction
Date: Thu, March 5, 2020 8:39 am
To: "john@mainelypaving.com" <john@mainelypaving.com>
Cc: "Hall, Shannon" <Shannon.Hall@Biddefordmaine.org>, "Fecteau, Roby" <roby.fecteau@biddefordmaine.org>

John,

Regarding the property located at 45 Hill Street the individual units should be labeled as noted below:

45 Hill Street unit #101

" 102

" 103

Regards,
JoAnne



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Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Attachments:

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Size: 23 k

Type: image/jpeg

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