



**City of Biddeford
Conservation Commission**

November 18, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

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Or call in by phone: +1 312 626 6799
Meeting ID: 926 3650 3583
Passcode: 023144

1. Adjustment(s) to Agenda
2. Secretary Report
 - 2.a Approval of Meeting Minutes from July, August, September & October 2024
3. Presentations/Discussions
 - 3.a Project Canopy/IRA
 - 3.b Swan Pond Brook lot conservation
 - 3.c Solar Ordinance-Draft? Process?
 - 3.d Comp plan deficiencies: The "**Not Found**" (see memo, June 26, 2024)
 - 3.e Family Forest Carbon Update-Erik (Comp plan interface?)
 - 3.f UNE visit: Interns?
 - 3.g Climate C.O.P.
 - 3.h Bunny cut event, thoughts?
4. New Business
5. Other Business
6. Adjourn-Next Meeting???? Request for Council Chambers sent for December 23, 2024 6:00 PM

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

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

Guests: David Galbraith

Call to order: 6:13pm

1.
Adjustment(s) to Agenda

1.1
West Brook/Winding Creek Development update.

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

2.
Secretary Report

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

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

3.
Presentations/Discussions

3.a

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

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

4.

Management Plan Cost-Share Update

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

5.

Swan Pond Brook Lot - Update from Planner

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

6.

Water Quality Monitoring Update

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

7.

Climate Cluster - Maxwell's Farm Closure, etc.

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

8.

Solar Ordinance Update

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

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

9.

Other Business

9.a

Next meeting scheduled for 8/28

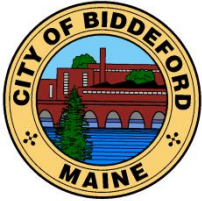
9.b

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

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

10.

Adjourn at 7:17pm.



CITY OF BIDDEFORD

Planning and Development Department

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HPC MEETING
August 14, 2024
Meeting Minutes
4:00
DRAFT

Staff Members in attendance: Brad Favreau & Nan Whitten

Commission Members in Attendance: Erin Ware (Vice Chair), Shannon Chisholm, Alley Tobey, Scott Joslin (Alternate Member)

Joslin to vote at this meeting in place of missing members

Meeting brought to order 4:07 PM by Eric Ware

- 1. Adjustments to the Agenda-4b was heard prior to 4a applicant for 4a did not attend the meeting.**

- 2. Consent Agenda**

Approval of Meeting Minutes from July 17, 2024

MOTIONS:

Motion- Chisholm- Motion to approve the Meeting Minutes from July 17, 2024 as presented

Second-Tobey

Vote-Motion passed unanimously

- 3. Old Business**

- 4. New Business**

- 4.a 2024.38 HPC The Historic Preservation Commission will review a project by Sacred Profane Brewery to construct a fence on their property at 50 Washington Street (Tax Map 38, Lot 346) in the MSRD-1 zone**

- Favreau introduced the project**
- Fence & sign both being replaced with aluminum products**
- New owner wanted to restore structure but it was too badly damaged.**

MOTIONS: 4:33PM

Motion-Chisholm-Motion to approve

Second-Tobey

Vote-Motion passed unanimously

- 4.b 2024.39 HPC The Historic Preservation Commission will review a project for Andrew Charest for exterior renovations at 55 Green Street (Tax Map 38, Lot 274) in the MSRD-2 zone.**

- Andrew Charest represented the application**
- Replacing 8 windows that have rotted out, 4 upstairs and 4 on the Birch Street side of the house (3 in front, 2 on the side and 5 in the back)**
- 9 windows are original to the house, wants to change them with vinyl**

- Ware explained that wood is more authentic to the house, vinyl does not wear as well, there are organizations that help homeowners with this.
- Replacement windows are wood and rotting, they are 30 years old.
- Chisholm asked the commission is there a provision that prohibits the vinyl windows to replace historic windows-no not at this time.
- Chisholm asked what the house is sided with. Vinyl sided
- Windows will be 2/2 to match? 1/1
- Chisholm for late 19 sentry house which window would be more appropriate? 2/2 or 2/1
- House has lost most of its historic integrity
- Chisholm is happy to approve vinyl if the applicant will go with 2/2 or 2/1 to preserve some historic integrity.
- Joslin if it has lost its historic integrity has vinyl siding vinyl windows are not that big but in the spirit of what the Commission stands for it should preserve some of the historic integrity
- Applicant does not like the look of the windows being suggested

MOTIONS: 4:28

Motion- Tobey -Motion to approve Certificate of Appropriateness for Andrew Charest to install new vinyl windows at 55 Green Street, based on materials and assertions submitted, and conditioned on the following:

All permits must be obtained from Code Enforcement prior to beginning any work.

Second-Chisholm

Vote-Motion passed unanimously

4. c 2024.40 HPC The Historic Preservation Commission will review a project for Seeds of Hope Neighborhood Center to make exterior renovations to their building at 35 South Street aka 18 Crescent Street (Tax Map 38, Lot 196 in the MSRD-2 Zone.

- Jim Godbout represented the applicant
- Favreau said this project is in process in cooperation with the City of Biddeford
- Much of the work has been started, completed and is “after the fact”
- Jim was summonsed to provide a safe place for the unhoused to sleep and a kitchen for people to cook for the unhoused.
- This project is to be expedited
- 9 windows have already been replaced due to safety issues
- He had no idea he had to appear before the commission
- They have replaced the roof because it was leaking badly
- Heat pumps have been installed
- He needs to add mechanicals to the outside.
- Ware asked about the ADA ramp, prior it was a wooden ramp with a lot of trash & garbage, they had to put a platform over the stairs and use a switchback to minimize slope to adhere to ADA rules
- Ware asked if the ramp will be removable. There have been multiple renovations stairs began as brick then someone poured concrete over them. None of the stairs that remain are original

- Ware asked Favreau why the City did not follow its own rules. He is not sure that question has been circulated with no concrete answer.
- Joslin asked how the lines are being run, placed so that no one can see the conduit from the outside.
- Upper unit on the roof will be seen from the street-yes but if they paint it black it will blend in well.
- Ware asked about the roof
- Ware stated she has a major issue with the windows, the windows used were for security purposes
- Joslin asked about hardship Ware answered that it is not part of the ordinance so to be consistent it is not considered.
- Joslin asked what the desired look would be. Ware said it would be more about the material
- Ware said the windows are not appropriate
- There is good quality paint that would go over the vinyl
- Condition: when other windows are replaced these windows will be replaced with appropriate windows.
- Ware stated that the ordinance serves all of the City of Biddeford they are trying to preserve the feel of the historical significance of Downtown Biddeford

MOTIONS: 5:08 PM

Motion-Tobey-Motion to approve with the condition all permits be obtained prior to continuing construction. Roof vent painted to match roof, window trim painted to match the side of the building, when other windows are replaced these windows that have been replaced in this project be replaced with appropriate materials.

Second-Ware

Vote-Motion passed unanimously

5. Other Business

- Favreau talked about proposals that have come in for the grant for design guidelines that we have been awarded. Strongest was JMT from New York which came with glowing references. Favreau mentioned that after reviewing they are leaning towards JMT. Chisholm & Tobey voiced that they had no problem with using JMT. Chisholm asked if they have a Planner on their team-yes. Timeline? April 21, 2025 hard deadline.

MOTIONS: 4:44PM

Motion-Tobey-Motion to approve JMT for Design Guidelines

Second-Chisholm

Vote-Motion passed unanimously

- Open Discussion
- Budget
- Tobey suggested community outreach programs to educate the public about historic structures.
- Lecture series

6. Adjourn 5:14 PM

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

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

Guests: David Galbraith

Call to order: 6:23pm

1.
Adjustment(s) to Agenda

2.
Secretary Report

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

3.
Management Plan, Cost-Share, Project Canopy Coordinator/Director: Jan Ames Santerre

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

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

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

4.

Swan Pond Brook Lot - Planner Update

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

5.

Water Quality Update

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

6.

Family Forest Carbon Program

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

7.

Conservation Commission: Winter Projects

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

City of Biddeford
Conservation Commission
September 25, 2024 at 6:00 PM
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8.

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

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

9.

Climate Cluster

10.

BCC archive status update

- Every 2022 and earlier is missing for the Conservation Commission

11.

Solar Installations

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

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

12.

Other Business

12.a

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

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

12.b

UNE Internship Placements for conservation-minded students.

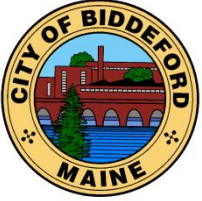
- Prior projects involved GIS, and interest waned
- Streamline communications and archiving
- Clifford Park signage and work needs
- Water Quality studies
- Plan to meet with Dylan to discuss the opportunities and interests - Erik to respond to the email chain

12.c

Next Meeting — 10/23/24

6.

Adjourn at 8:45pm.



CITY OF BIDDEFORD

Planning and Development Department

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HPC MEETING October 9, 2024 Meeting Minutes 4:00 **DRAFT**

Staff Members in attendance: Nan Whitten

Meeting brought to order 4:03 PM

1. Quorum/Voting Members in attendance:

Julie Larry, Erin Ware (Vice Chair), Allie Tobey,

2. Adjustments to the Agenda-Items 5B, 5C & 5D will be discussed in November

3. Consent Agenda

Approval of Meeting Minutes from September 11, 2024

MOTIONS: 4:03 PM

Larry-MOTION-To approve Meeting Minutes as presented

Tobey-SECOND

Vote- Motion passed unanimously

4. Unfinished Business-none

5. New Business

5.a. 2024.44 HPC Review for Reveler Development to revise previously approved new construction at 10 Upper Falls Road, Tax Map 40, Lot 56-1 in the MSRD 3 Zone.

- Mike Barton of Reveler represented the applicant
- This is for 10 Upper Falls only
- Approved by Planning Board 9-18-24
- Facing economic challenges make changes from 56-51 units, no under story parking, veneer changing from veneer system to veneer panel
- No longer restaurant in ground floor no longer adding floor to top
- Barton presented a Power Point presentation
- Ground level aesthetics unchanged with removal of retail
- Second, third and fourth floors remain unchanged
- Considered an 18' x 6'-10' panel
- Changes nothing around the window jams
- No public comments
- Larry-Did you consider changing the first-floor windows with the change of use
- Barton-no we were respecting the original design and approvals
- Larry-this is a rain screen correct?
- Barton-yes
- Ware-prefers to stay with the red modern
- Tobey agrees with the Board members

- Larry-we do not dictate colors; the colors will pop but do look modern
- No issues with losing the floor or no retail

MOTIONS:

Motion-Tobey-Approval of project #2024.44 HPC for Reveler Development to revise the previously approved construction at 10 Upper Falls Road with the Condition that all permits be obtained prior to construction.

Second-Tobey

Vote: Motion passed unanimously

- 5.b. Past Project Review
- 5.c. Budget
- 5.d. Design Guidelines Project
- 6. Other Business
 - Larry will be focusing on getting the surveys done of Tattler Corner.
- 7. Adjourn 4:25PM

Chair: Historic Preservation Commission

Date

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