



**City of Biddeford
City Council**

October 23, 2025 at 6:00 PM
City Hall Council Chambers

1. General Meeting of Citizens Materials
 - 1.a Materials

Fwd: Citizens Meeting

Craig A. Pendleton <cpendle5@gmail.com>

Tue, Oct 14 at 11:18 AM

To: <Walexanderele@gmail.com>

----- Forwarded message -----

From: **Craig A. Pendleton** <cpendle5@gmail.com>

Date: Tue, Oct 14, 2025 at 11:14 AM

Subject: Citizens Meeting

To: Grohman, Martin <martin.grohman@biddefordmaine.org>, <walexanerele@gmail.com>

Cc: Dever, Truc <Truc.dever@biddefordmaine.org>

Hey guys, I know the three of us have discussed the possibility of me moderating the General Meeting of the Citizens scheduled for October 23. I have given it some very careful thought, especially after Friday's debate, and I've concluded that I'm willing to take this on.

My concerns are that I want this to be orderly, civil, and professional. Under no circumstance do I want any chaos or drama. Walter and I are all too familiar with those types of meetings from our fisheries days. And so I have two conditions that I'd like to be satisfied.

Although I'm OK with suggesting a time limit for all speakers, I strongly feel that cutting anybody off would be a bad mistake. I will do my best as moderator to corral people, and do so gently, but if people go over by a few seconds or even more than that, we should err on the side of generosity. This is a very important meeting, only the third such event in Biddeford's history, according to my understanding. Based on my limited involvement, people want to be listened to and heard.

Second, before testimony begins, I intend to put together a brief summary of information that is available on the public record. It will be factual, I will not advocate in any way, but I believe context and history for those viewing the meeting is super important, so that they can understand why the speakers to follow are addressing the Mayor and Council the way they are.

I think those are two reasonable requests. If you're OK with this approach, I would be glad to help out and serve as moderator.

I look forward to hearing from you.

Respectfully,

Craig

[Quoted text hidden]

CITY ORDINANCES

prerequisite to the operation of such a vessel;

- (2) Is submerged to a level substantially above its normal water line, and remains so for a period of at least 48 consecutive hours without reasonable attention; or
- (3) Is damaged to such an extent that it cannot be moved under its own power.

Sec. 74-31 No-wake zones, headway speed zones, idle speed zones, no-wake speed zones, slow-no-wake zones.

[Ord. of 4-20-1993, § 26-24; Ord. No. 2007.11, 3-6-2007]

No-wake zones, headway speed zones, idle speed zones, no-wake speed zones, slow-no-wake zones may be established by the Harbor Commission by the posting of such zones in the designated areas.

Sec. 74-32 Obstructing public wharves, landings.

[Ord. of 4-20-1993, § 26-26; Ord. No. 2007.11, 3-6-2007]

No person shall obstruct by any means whatsoever the free use of piers, docks and other common landing places. The City wharves shall be used only for loading and unloading. Vessels shall not remain moored to the wharf or float for a period longer than reasonably necessary for this purpose, except by permission of the Harbormaster.

Sec. 74-33 Diving, swimming on or near public wharves, landings.

[Ord. of 4-20-1993, § 26-27; Ord. No. 2007.11, 3-6-2007]

No person shall dive from or swim within 30 feet of public wharves and landings.

Sec. 74-34 Fishing from City floats.

[Ord. of 4-20-1993, § 26-28; Ord. No. 2007.11, 3-6-2007]

No person shall fish from City floats.

Sec. 74-35 Construction of wharf, pier or landing regulated.

[Ord. of 4-20-1993, § 26-29; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7; 9-19-2023 by Ord. No. 2023.102]

- (a) No additions, alterations, new construction or/or changes to an existing wharf, pier or landing shall be made without prior permission of the Harbormaster.
- (b) Permission for the construction of any new wharf or pier within the jurisdictional limits of the City shall not be granted without approval of the Harbormaster, along with federal, state and local governing authorities.
- (c) To obtain permission for any new wharf or pier, the applicant must provide the following information:
 - (1) A formal boundary survey that has been documented at the Registry of Deeds.
 - (2) A copy of the boundary survey showing the littoral zone, established by extending property lines seaward.
 - (3) A location map from a portion of a USGS topographic map or coastal chart.
 - (4) Distance to navigable channels or any federal navigation project.
 - (5) Mean high- and low-water boundary.

DIVISION 2 HARBORMASTER

Sec. 74-46 Position created.

[Code 1975, § 16-16; Ord. of 4-20-1993, § 26-1; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007]

(a) Pursuant to the authority granted by state law, the position of Harbormaster is hereby created.

Sec. 74-47 Authority.

[Code 1975, § 16-17; Ord. of 4-20-1993, § 26-2; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7]

The appointed and qualified Harbormaster for the City may have the authority of a law enforcement officer, if that person is certified as a law enforcement officer by the Maine Criminal Justice Academy and is approved by the Chief of Police.

Sec. 74-48 Statutory authority; mooring disputes.

[Code 1975, § 16-18; Ord. of 4-20-1993, § 26-3(b); Ord. No. 2007.11, 3-6-2007]

The authority granted to the Harbormaster under this article is in addition to and not in limitation of his authority under state law, including, without limitation, 38 M.R.S.A. §§ 1 through 6. The Harbormaster shall settle all mooring disputes in the harbor.

Sec. 74-49 General duties.

[Code 1975, § 16-18; Ord. of 4-20-1993, § 26-3(a); Ord. No. 2007.11, 3-6-2007]

The Harbormaster shall enforce the rules and regulations enacted by the City Council or Harbor Commission for the keeping open of convenience channels for the passage of vessels in the harbors located in the City, the supervision of the boundary lines of such channels as established by the Harbor Commission or Harbormaster, and the supervision of such portions of the harbors as assigned for anchorage or mooring by the Harbor Commission or Harbormaster (see Division 4 to this article).

Sec. 74-50 Compensation.

[Code 1975, § 16-19; Ord. of 4-20-1993, § 26-4; Ord. No. 2000.21, 5-2-2000; Ord. No. 2007.11, 3-6-2007; amended 2-19-2013 by Ord. No. 2013.7]

As compensation for performing the duties of Harbormaster, a yearly stipend not to exceed \$9,000, with a recommendation from the Harbor Commission, shall be paid to the Harbormaster and each duly authorized assistant. This stipend shall be paid quarterly and shall be drawn from the revenue fund designated in accordance with the provisions of Section 74-77.

Sec. 74-51 Criteria.

[Ord. of 2-17-1998(2); Ord. No. 2007.11, 3-6-2007]

The criteria for the Harbormaster is as follows:

- (1) Must be a voting resident of five years;
- (2) Must have at least five years of marine experience with a minimum of two years on the ocean; and

(3) Must attend annual Maine Harbormasters Association training seminar.

Sec. 74-52 through Sec. 74-60. (Reserved)



DIVISION 3 HARBOR COMMISSION

Sec. 74-61 Appointment; terms, qualifications of members.

[Ord. of 4-20-1993, § 26-15(a); Ord. of 2-17-1998(2); Ord. No. 2007.11, 3-6-2007]

The Mayor shall appoint, subject to confirmation by the City Council, a Harbor Commission.

- (1) The Commission shall consist of five members serving staggered three-year terms.
- (2) The initial terms of Commissioners shall be two Commissioners for three-year terms, two Commissioners for two-year terms, and one Commissioner for a one-year term.
- (3) The Commission shall be comprised of two recreational boaters; two from the commercial fishing field; and one at-large, with all appointees having demonstrated experience of at least five years with the adjacent waterways of the City.

Sec. 74-62 Duties generally.

[Code 1975, § 16-47; Ord. of 4-20-1993, § 26-15(b), (c); Ord. No. 2007.11, 3-6-2007]

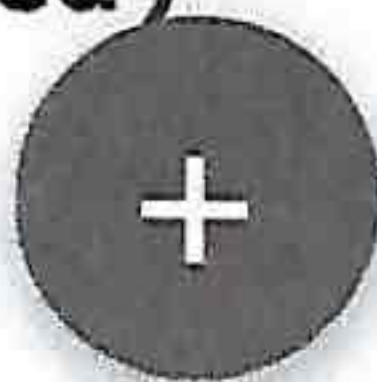
- (a) The Harbor Commission shall meet to hear appeals of decisions made by the Harbormaster and to act as an advisory vehicle for any construction from the mean high water line down, and to perform the other functions specified or implied by this article.
- (b) The Harbor Commission shall submit annually a budget for approval by the City Council, such expenditures to be drawn from the revenues designated by Section 74-77.

Sec. 74-63 Appeals.

[Ord. of 4-20-1993, § 26-23; Ord. No. 2007.11, 3-6-2007]

A person who is aggrieved by a decision or action of the Harbormaster relating to this article may appeal to the Harbor Commission within 30 days of the date of such act or decision.

Sec. 74-64 through Sec. 74-75. (Reserved)



STATE STATUTES

Title 38: WATERS AND NAVIGATION

Chapter 1: OPERATION OF VESSELS

Subchapter 1: HARBOR MASTERS

§1-A. Training

The following provisions govern the training of harbor masters and deputy harbor masters appointed pursuant to [section 1 \(../38/title38sec1.html\)](#) or [2 \(../38/title38sec1-A.html\)](#). [PL 2005, c. 525, §1 (NEW).]

1. Basic training course. A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association that represents Maine harbor masters within one year after being appointed or reappointed unless that person has previously completed such a course. If a person has not held the position of harbor master or deputy harbor master within the last 5 years prior to being appointed or reappointed, that person upon appointment or reappointment must complete the basic harbor master training course.

[PL 2021, c. 53, §1 (AMD).]

1-A. Continuing education. A person appointed or reappointed a harbor master or deputy harbor master who has completed the basic training course under subsection 1 shall complete, at a minimum, 8 hours of training every 3 years to maintain certification as a harbor master or deputy harbor master. The training requirement of this subsection may be met by completing continuing education training offered or approved by a statewide harbor masters association that represents Maine harbor masters.

[PL 2021, c. 53, §1 (NEW).]

2. Payment; reimbursement. Nothing in this section may be construed to prohibit a municipality, at its sole discretion, from paying for or reimbursing a harbor master or deputy harbor master for the cost of training under this section.

[PL 2021, c. 53, §1 (AMD).]

3. Additional training. Nothing in this section may be construed to prohibit a municipality from requiring a harbor master or deputy harbor master to obtain training beyond that required by this section.

[PL 2005, c. 525, §1 (NEW).]

4. Training format. During any 3-year period, the training courses offered by the statewide harbor masters association must include, at a minimum, in-person, remote and online options.

[PL 2021, c. 53, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 525, §1 (NEW). PL 2017, c. 54, §1 (AMD). PL 2021, c. 53, §1 (AMD).

Title 38: WATERS AND NAVIGATION

Chapter 1: OPERATION OF VESSELS

Subchapter 1: HARBOR MASTERS

§1. Appointment; compensation

The municipal officers of a town that borders or contains territorial waters, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall appoint a harbor master for a term of not less than one year, who is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, municipal harbor commissioners, municipal port authorities or other such bodies empowered to regulate municipal harbors. The municipal officers may establish the harbor master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the harbor master and appoint another one. [PL 2005, c. 492, §4 (AMD).]

The municipal officers may prohibit a harbor master from making arrests or carrying a weapon. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I ([../25/title25sec2804-I.html](http://25/title25sec2804-I.html)). Any law enforcement officer vested with the authority to carry a weapon and make arrests has the authority to enforce this subchapter. [PL 1999, c. 682, §6 (AMD).]

For purposes of this section, "territorial waters" has the same meaning as provided in Title 12, section 6001, subsection 48-B ([../12/title12sec6001.html](http://12/title12sec6001.html)). [PL 2005, c. 492, §4 (NEW).]

SECTION HISTORY

PL 1977, c. 696, §330 (AMD). PL 1985, c. 531, §2 (AMD). PL 1985, c. 692, §§1,4 (RPR). PL 1987, c. 412, §§1,8 (RPR). PL 1987, c. 655, §1 (AMD). PL 1999, c. 682, §6 (AMD). PL 2005, c. 492, §4 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

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Title 38: WATERS AND NAVIGATION

Chapter 6: SACO RIVER CORRIDOR

§953. Saco River Corridor established

There is hereby created the Saco River Corridor, herein referred to as the "corridor," which includes the Saco River from the landward side of the rock jetty in Saco Bay to the New Hampshire border; the Ossipee River from its confluence with the Saco River to the New Hampshire border; and the Little Ossipee River from its confluence with the Saco River to the New Hampshire border at Balch Pond. [PL 1995, c. 171, §3 (AMD).]

The corridor also includes the lands adjacent to these rivers to a distance of 500 feet as measured on a horizontal plane from the normal or mean high water line of these rivers or to the edge of the 100-year floodplain if that extends beyond 500 feet, up to a maximum of 1,000 feet. [PL 1995, c. 171, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 459, §1 (NEW). PL 1995, c. 171, §3 (AMD).

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Title 38: WATERS AND NAVIGATION
Chapter 6: SACO RIVER CORRIDOR

§959-B. Permits with conditions

Permits granted under this chapter may be made subject to such reasonable conditions concerning setback, location, spacing, size of structure or development, type of construction, time of completion, landscaping, retention of trees, screening, reclamation, erosion control, noise level, quantity and quality of discharge, sewage disposal and manner and method of operation, as the commission deems necessary to avoid the dangers enumerated in section 959-A ([../38/title38sec959-A.html](https://legislature.maine.gov/statutes/38/title38sec959-A.html)). For the purpose of enforcement, permits issued by the commission and conditions thereof shall be considered as orders of the commission. [PL 1979, c. 459, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 459, §1 (NEW).

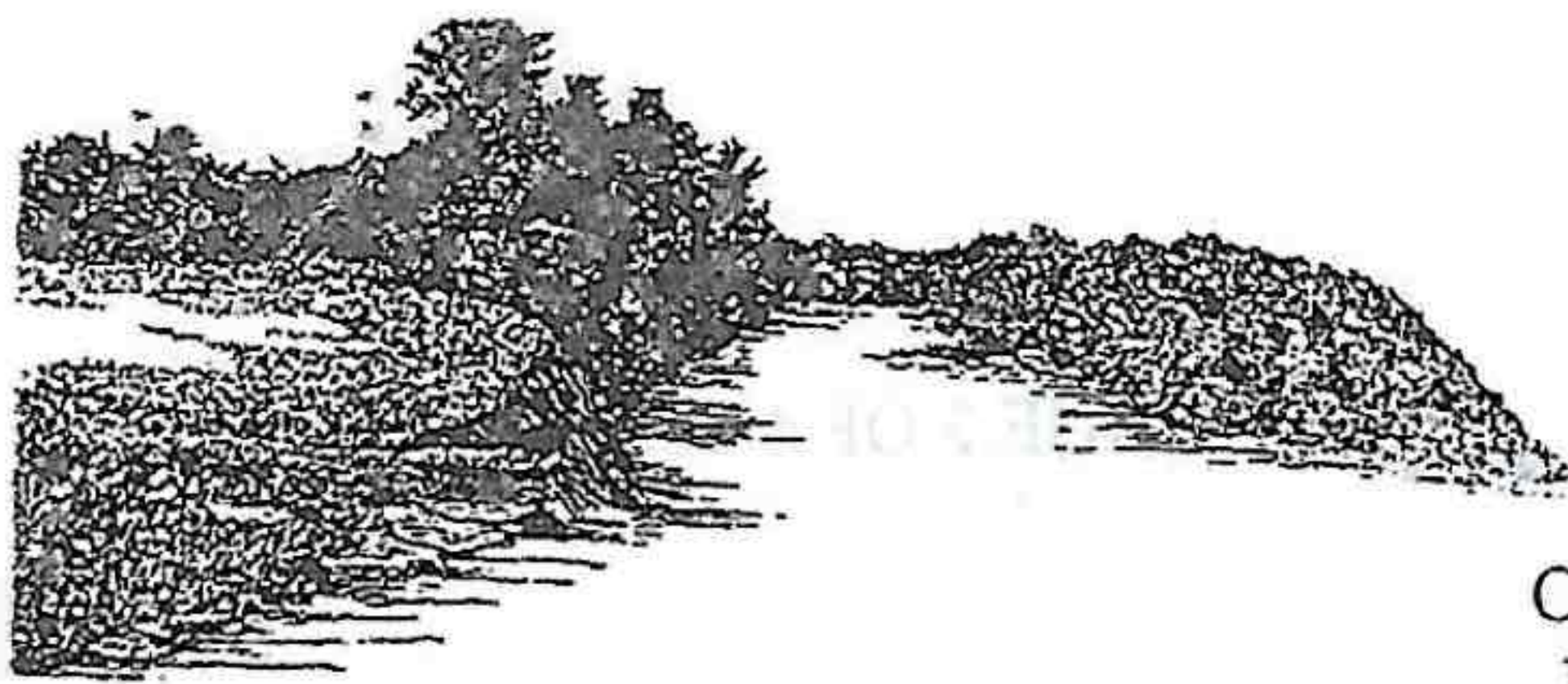
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RELATIVE DOCUMENTS



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

COMMISSION ORDER IN THE MATTER OF

UNIVERSITY OF NEW ENGLAND
11 HILLS BEACH ROAD
BIDDEFORD, ME 04005
APPLICATION #20-209 (AMENDMENT)

SACO RIVER CORRIDOR ACT
FINDINGS OF FACT AND ORDER

The Saco River Corridor Commission, created by the Maine State Legislature in the Saco River Corridor Act, Title 38 M.R.S.A. Section 951 et seq., hereinafter referred to as the "Act", at a meeting held on July 11, 2001 at Porter, Maine, and after a review of the application and supporting documents makes the following findings of fact:

PROJECT DESCRIPTION

1. The applicant is seeking an amendment for the construction of a residence hall complex which consists of two buildings. The first building, known as The East Wing, will have outside dimensions of 54 x 324 feet and the second building, known as The West Wing, will have outside dimensions of 54 x 228 feet. Both buildings will be located 255 feet from the mean high water line and 350 feet from Hills Beach Road. The residence halls were granted a permit at a height of 35 feet on April 25, 2001, and are now proposed at a height of 50 feet.

The Saco River Corridor Act's defined Limited Residential District has a building height restriction of 35 feet. However, the Commission was recently petitioned by the City of Biddeford to change the district to General Development District and this change was granted on June 27, 2001.

The amendment request also includes minor revisions to the grading and erosion control plan and modifications to the sidewalk layouts. The applicant submitted Drawing Number C-102, Dated April 2001 Rev. G, produced by SYTDesign Consultants as detail for the minor revisions as part of their amendment request.

SITE LOCATION/DESCRIPTION

2. Location: Lot #4 (Map #52), Hills Beach Road, Biddeford, Maine
3. The lot has 3,500 feet of frontage on the Saco River.

LAND USE DISTRICTING

4. The site of the proposed activity is in the General Development District.

SOIL SUITABILITY

5. Sewage disposal for the Residence Hall Complex will be serviced by the University's existing wastewater treatment plant.

OTHER

6. In the review of the applicant's hardship variance request for the fifty foot tall buildings, the Commission made one finding that the proposed residence halls would represent a visual impact from the Saco River and from public ways. Standards to Address Environmental Factors, specifically standard G, enumerated in Title 38 M.R.S.A. Section 957-D.1.A.-K.; 959-A.1.A.-K.; and 963.1.C.(1)-(11) requires that, under Section G.3. "The proposed use will not unreasonably obstruct scenic views from neighboring properties or public roads;" and that "Any proposed structures will not be highly visible from the river. Appropriate buffer strips of uncleared vegetation or plantings capable of providing year-round screening will be used where necessary to reduce visual impact from the river;"
7. The Commission also found that the surrounding location includes not only the campus, but the Hills Beach residential community. The potential visual impact must also be considered with respect to the seven months of the year that the predominantly deciduous trees and other vegetation are without leaves. The applicant submitted to staff a series of photographs showing a balloon study conducted with several vantage points represented. Although a balloon test has merit, the buildings themselves are significantly larger than the balloons used. The photos also emphasize the nature of the vegetation which is clearly deciduous.
8. The applicant's submittal asks the Commission to find that the amendment for a 50 foot tall building is acceptable because the district has now changed from Limited Residential to General Development. The Commission does not believe this distinction between land use districts to be legitimate when reviewed along side the Commission's A-K Environmental Standards. The Environmental Standards section of the Act has been explicitly drafted by the legislature and there is no hint that the Environmental Standards should be applied any less stringently from one district to another. Performance standards are somewhat relaxed in the General Development District, but where this occurs it has been deliberately stated in the Act.
9. At the last Commission Meeting, the University indicated that the proposed structures would be set 250 feet back from the mean high water line. It was also emphatically stated that this was because the City of Biddeford had a 250 foot no-build zone in the shoreland zone. It is further explained that the City of Biddeford holds this shoreland zone in a no-build condition because this area is sensitive from a resource protection and visual impact perspective. The sensitivity of this 250 foot area is specifically related to protection of the river. A 250 foot no development buffer is the most secure method of protecting the river from land use development impacts in perpetuity. While this is factual, it must be remembered that the General Development District ordinarily has no such setback requirement. Any proposed

development need only be set back 100 feet and there is no height restriction. The city has demonstrated an inclination to revise their zoning ordinances as needed and this leaves the shoreland zone in a precarious situation especially from a visual despoliation and resource protection perspective.

10. Testimony and visual presentations by the applicant showed that there are existing university buildings on site which can be seen from the river, and these clearly demonstrate that the visual impact perspective is important in the review of land use impacts.
11. Although the university is now within the General Development District, the current land use is typical of open space, with rural character, and plentiful vegetation.

BASED ON THE ABOVE FINDINGS, as determined at a duly noticed Commission Meeting, the Commission draws the following conclusions:

1. The soils are suitable for the proposed use.
2. The proposed use will not unreasonably involve any of the factors enumerated in Section 959-A.1.A. through K of the Act.

THEREFORE, the Commission **APPROVES** the request of the University of New England for a permit amendment to construct two residence halls, as described above, at a height of 50 feet, and to perform the stated revisions to the grading and erosion control plan and the modifications to the sidewalk layout on land owned by the applicant at Lot #4 (Map #52), Hills Beach Road, Biddeford, Maine provided the activity is carried out according to the application and exhibits attached thereto and **UPON THE FOLLOWING CONDITIONS:**

1. Standard Conditions of Approval (copy attached).
2. No part of the proposed Residence Hall Complex including foundations, decks, porches, bulkheads, roof overhangs, balconies, stairs, stoops, steps, ramps, or retaining walls shall be less than 255 horizontal feet from the mean high water line of the Saco River. No portion of the residence halls shall exceed 50 feet in height.
3. The applicants are hereby required to retain and maintain a 250 foot wide vegetative buffer along the entire shoreline of the property, measured horizontally starting from the mean high water line and proceeding inland, described herein (Lot #4, Biddeford Property Map #52). Failure to do so will result in revocation of Permit #20-209 and all subsequent amendments.

Any appeals from this decision, including any of its conditions, shall be taken pursuant to Section 968 of the Act, except that no appeal pursuant to Section 968 of the Act shall be taken from a decision of the Commission which decision was made without a public hearing until a request for reconsideration has been submitted to the Commission and the Commission has made a final determination in the

matter. Any person wishing to file an appeal or to request reconsideration must do so within 30 days of the Commission's written decision and order. Requests for reconsideration must be submitted in accordance with applicable Commission regulations.

DONE AND DATED AT PORTER, MAINE, THIS ELEVENTH DAY OF JULY, 2001.

SACO RIVER CORRIDOR COMMISSION

BY: Francis R. Towns
Francis R. Towns, Chairperson



SACO RIVER CORRIDOR COMMISSION

COMMISSION MEETING MINUTES - JULY 11, 2001

The 318th meeting of the Saco River Corridor Commission was called to order by Mike Towns, Chairperson at 7:35 p.m. at the Porter Town Hall in Porter, Maine. Commissioners present with the right to vote included Caryl Everett, Biddeford; Cullen Carpenter, Brownfield; Doreen Thirkell, Hiram; Marc Boucher, Hollis; Jane Bryant, Limerick; Sherwood Libby, Limington; John Moriarty, Alternate from Newfield; Rob Heard, Porter; Mark Johnston, Saco; and George McNeil, Standish. Also present was Toni Carros, Alternate from Limerick; Mike Towns, Chairperson and Alternate representing Waterboro; and Commission Staff Dennis Finn, Executive Director, and Lynn Parker, Administrative Assistant. A quorum was declared with eleven towns represented.

The first item on the agenda was the consideration of an amendment request submitted by the University of New England to Permit #20-209. On April 25, 2001 the applicant received an approval from the Commission to construct two dormitories at a height of 35 feet. The first building, known as The East Wing, will be 54 x 314 feet and the second building, known as The West Wing, will be 54 x 224 feet. Both buildings will be located 255 feet from the mean high water line. The original proposal by the applicant was for a hardship variance from the Commission's 35 foot height limitation standards to construct the buildings at a height of 50 feet. After considering the testimony offered during a two and one half hour public hearing, it was determined by the Commission that the applicant did not adequately prove their hardship case. The proposed 50 foot height was subsequently denied, however the Commission did approve the dormitories with a conditional 35 foot height restriction and the other aspects of the applicant's proposal including a cafeteria expansion, relocation of existing propane tanks, and the construction of a service road to provide access for the approval dormitories.

At the June 27, 2001 Commission Meeting, after a three hour public hearing, the Commission granted a redistricting request submitted by the City of Biddeford to change Lot #4 (Map #52), Hills Beach Road, in Biddeford, Maine from Limited Residential District to General Development District. This parcel of land is owned and utilized by the University of New England.

Buildings within the General Development District are not subject to a 35 foot height restriction. However, all proposals submitted to the Commission within all three districts are subject to the Commission's Environmental Standards. This fact was of great concern to the Commission when considering the applicant's hardship variance request in April, Mr. Finn explained. The Commission's Environmental Standards should also be closely looked at for this amendment even though the district has been changed and the 35 foot height limitation is not in effect. With the new district designation in place, the applicants are now seeking to construct the dormitories at a height of 50 feet. The lot in question has 3,500 feet of frontage along the Saco River.

Mr. Towns asked the Commission if they minded if the applicant made an audio recording of the meeting. The Commission did not object to such recording.

Ms. Sandra Featherman, President of the University of New England, was present at the meeting and made a brief speech regarding the importance of this project to the university. She stressed the importance of this project and that the university is a tuition dependent school.

Mr. Tom Saucier, of SYTDesign Consultants, was present at the meeting and provided the Commission with

a brief history of the project. Mr. Saucier explained that in addition to the amendment request to change the height, the applicant is also proposing minor changes to the approved roadways and walkways, and the building dimensions were slightly increased to accommodate for brick construction. Mr. Saucier also provided a brief description of the Commission's Environmental Standards and how they apply to the project. Mr. Saucier also shared some pictorial examples of how the buildings constructed at 50 feet will not cause an unreasonable visual impact from public roadways, neighboring properties, or the river.

Mr. Don McFadden, of Sebago Technics, was present at the meeting and provided an overview of the visual impact analysis completed for the project. The main component of the analysis was a balloon study. Balloons four feet in diameter were floated at 35 feet in height and 50 feet in height. Many photographs were taken showing this study. These photographs were presented to the Commission. Mr. Finn asked the applicant the distance from the camera to the balloons used in the study. He also asked what percentage of the entire buildings were the four foot balloons to represent. Mr. McFadden answered that the balloons were only to show height and that although he didn't know the exact distance from camera to balloons, the river is approximately 1,200 feet wide in the area. Mr. McFadden stated that he feels these pictures clearly show that the difference between a building of 35 feet and one of 50 feet is not great. He stated that a building constructed at 50 feet would not suddenly rise above the tree tops.

Another employee of Sebago Technics, was present at the meeting, and provided an overview of the buildings design concept.

Ms. Thirkell suggested that in the application, the buildings were proposed at a height of "approximately" 50 feet. She asked the applicant for a more definitive description. The applicants responded that the buildings will be 47 feet in height.

Mr. William Conway, of Sebago Technics, was present at the meeting and provided the Commission with additional insight into the visual impact analysis. A great concern to the Commission was the visual examples of the completed dormitories which also depicted full, mature trees, when in fact, the trees to be planted would only be fourteen feet tall and it would take more than a decade for the trees to reach the height shown in the pictures presented to the Commission this evening. Mr. Conway stated that in his opinion, the existing vegetation is adequate to provide the necessary visual impact screening for the proposed dormitories. The proposed trees shown in the drawings are not for the sole purpose of screening, although they will help.

Another issue that came up during visual impact discussions was the Rachel Carson Wildlife Refuge located across the river from the project site. Mr. Johnston stated that the wildlife refuge is in fact not directly across the river the University as previous testimony stated.

A concern of Mr. Finn was that although all conversation this evening focuses on the 250 foot buffer of vegetation between the river and the proposed residence halls as a source of screening, what assurance does the Commission have that the university will not fully use and develop right up to the 100 foot setback line in the future, thus removing the vegetation and creating a visual impact. The applicants responded that City of Biddeford zoning does not allow any development within 250 feet of the Saco River. Mr. Heard stated that he is not concerned with Biddeford's zoning requirements. He wants to be assured that the corridor will be protected from future incompatible development.

Ms. Elizabeth Butler, of Pierce Atwood and attorney representing the University of New England, stated she feels it is an essential point that no further development can be undertaken in front of the building without first coming to this Commission. She also stated that she feels the Saco River Corridor Commission should get

together with the City of Biddeford to discuss the University of New England's Master Plan.

Ms. Butler also offered her insight into the Commission's Environmental Standards regarding visual impact. Her opinion was that it was never the intent of the law to impose the full environmental standards to all areas of the corridor. Ms. Butler pointed out a sentence in the environmental standards which reads "To show no unreasonable despoliation of the scenic, rural, and open space character of the corridor,...", in her opinion if you are not in a rural area, than this standard no longer applies. She added that the university is not in a rural area but a General Development District.

Mr. Libby voiced her concerns over the protection of the 250 foot buffer between the river and the developed portions of the university campus. Ms. Featherman offered her concern over why, in her opinion, the Commission has made an automatic assumption that the university has an "evil" purpose. She further stated that the university is trying very hard to do good things for the community and the Saco River.

Mr. Libby again pointed out that all through past conversations regarding this project, the university has stated again and again that the 250 foot buffer will never be touched. Mr. Libby stated that he is only asking the applicant to prove that statement to be true.

Mr. Towns pointed out that he feels the university is missing the point that they are using the 250 buffer as the justification that they have met the visual impact requirement within the Act. Mr. Towns further stated if the university is sincere about retaining that buffer for visual impact purposes, than the applicant should have no problem placing that land under protection from future development.

Ms. Butler responded that the Commission found that the residence halls built at a height of 35 feet, within the Limited Residential District, would not have any unreasonable despoliation of the scenic, rural and open space character of the corridor. She further stated that the applicant is asking for the Commission to have a parallel finding that a 50 foot building, within the General Development District, would also not have the same unreasonable despoliation of the scenic, rural and open space character of the corridor.

Mr. McNeil expressed his concern that Ms. Butler would state that the Commission's decision to approve the 35 foot tall residence buildings had nothing to do with the maintained buffer. Mr. McNeil stated that the buffer had everything to do with the Commission granting the approval for the residence halls at a height of 35 feet.

Ms. Featherman stated that the University of New England has absolutely no plans to build within 250 feet of the river, and that the city as well as the university believe this buffer to be very sensitive and necessary for the protection of the river.

The discussion continued regarding the visual impact requirements of the Act and how it pertains to the proposal within the General Development District.

Mr. Boucher asked if there was still an ongoing litigation between the Commission and the University of New England. The applicant responded that all litigation has been withdrawn by the university.

The Commission then provided an opportunity for concerned citizens of the area to voice their opinions regarding this project. Citizens who spoke included Gary Archibald and Patricia Boston who are both residents of Hills Beach. Also providing comments was Durward Parkinson, an attorney representing Hills Beach Association. Mr. Parkinson discussed burden of proof regarding this situation and also discussed the level of development within the area in relation to Commission districting and the effects on the corridor.

Mr. Finn offered the question of what information needs does the Commission still feel they need. Mr. McNeil stated that he is still uncomfortable with the visual impact information offered as part of this project. Mr. Libby responded that he feels visual impact will be reduced with continued tree growth and preservation of the 250 foot buffer.

Mr. Johnston made a motion to approve the amendment request submitted by the University of New England to construct the two previously approved 35 foot tall residence halls at a height of 50 feet. Included with this motion is a condition, as allowed under Section 959-B of the Act, that the University retain a 250 foot wide vegetative buffer from the river. The motion was seconded by Mr. Moriarty.

Ms. Carros asked to clarify if the 250 foot buffer was only in front of the residence halls or for the entire parcel of property. Mr. Johnston stated that his motion was only pertaining to the project site, however, he further stated he would have no problem with extending the buffer for the entire lot.

Therefore, Mr. Johnston amended his motion to require a 250 foot no development buffer for the entire lot. Mr. Moriarty agreed and seconded the amendment. Discussion continued that the motion will include the ability to maintain the 250 foot buffer to include pruning and the removal of diseased trees within the buffer.

Mr. McNeil stated that he feels the visual impact issue hasn't changed even with the conditions 250 foot buffer.

Mr. Johnston stated that he would like a finding included which states that the testimony and visual presentation showed that there are existing buildings which can be seen from the river and that the proposed buildings cannot be seen from the river based on the information presented tonight.

Mr. Heard added that another finding should be included discussing the extensive discussions regarding the open space and rural character of the corridor in the area of the university and if one were to travel upriver from the project site they would see quite a difference in the use of the land. Mr. Heard continued that a finding should state that even though this is a General Development District the area is still fairly open and well vegetated.

The Commission vote was 9 yes and 1 no which approved the application.

The meeting was adjourned at 11:00 p.m.