



**City of Biddeford**  
**Zoning Board of Appeals**  
May 4, 2026 at 6:00 PM  
City Hall Council Chambers & Teams

[Join Teams Meeting Online](#)

Meeting ID:

Passcode:

Or call in by phone: +1 872-242-8054

Phone conference ID: 908 626 658#

1. Roll Call
2. Pledge of Allegiance
3. Preliminary Business
  - 3.a Timeliness of Appeals; Required Notices Given
  - 3.b Summary of Appeals
  - 3.c Jurisdiction; Type of Review to be conducted
  - 3.d Conflict of Interest or Bias
  - 3.e Standing
  - 3.f Applications Completeness; Fees Submitted
4. New Business
  - 4.a University of New England Administrative Appeal of Code Enforcement Officer Denial (Tree Cutting Application)
  - 4.b University of New England Administrative Appeal of Code Enforcement Officer Denial (Leonard Hall Demolition)
5. Other Business
6. Adjourn



# UNIVERSITY OF NEW ENGLAND

**Biddeford Campus**  
11 Hills Beach Road  
Biddeford, ME 04005  
(207) 283-0171 T

**Portland Campus**  
716 Stevens Avenue  
Portland, ME 04103  
(207) 797-7261 T

April 13, 2026

Mr. Brandon J. Mazer Esq.,  
Perkins Thompson  
200 Middle Street, PO Box 426  
Portland, Maine 04112-0426

TO WHOM IT MAY CONCERN:

This letter authorizes Brandon J. Mazer, Esq., to serve as an agent for University of New England for the purpose of submitting appeals to the Zoning Board of Appeals, and other related legal matters.

Sincerely,

A handwritten signature in black ink that reads "Alan Thibeault". The signature is written in a cursive style with a large, sweeping flourish above the name.

Alan Thibeault  
Director of Campus Planning

APPLICATION FOR VARIANCE OR  
APPEAL TO BOARD OF ZONING APPEALS

CITY OF BIDDEFORD, MAINE

NAME OF APPELLANT University of New England

MAILING ADDRESS 11 Hills Beach Road

CITY OR TOWN Biddeford, ME 04005

TELEPHONE (207) 283 - 0171 MAP 52 LOT 4 ZONE IN

NAME OF OWNER University of New England

PROPERTY LOCATION 11 Hills Beach Road

The undersigned requests that the Board of Appeals consider one of the following:

- Administrative Appeal** Relief from decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one).
- an error was made in the denial of the permit.
- the denial of the permit was based on misinterpretation of the ordinance.
- there has been a failure to approve or deny the permit within a reasonable period of time.
- other \_\_\_\_\_

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

**Variance**

- a. Nature of Variance: Describe generally the nature of the variance \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship. The following criteria must be met before the Board of Appeals can find that a hardship exists. Please explain how our situation meets each of these criteria listed below.

1. The land in question cannot yield a reasonable return unless a variance is granted.

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2. The need for a variance is due to the "unique circumstances of the property (not desired use or personal hardship) and not to the general conditions in the neighborhood.

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3. The granting of a variance will not alter the essential character of the locality.

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4. The hardship is not the result of action taken by the applicant or a prior owner.

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5. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this Ordinance.

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Other: 

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I certify that the information contained in this application and its supplement is true and correct.

Date 4/14/20

Brandon J Meyer  
APPELLANT

April 14, 2026

**VIA E-MAIL AND VIA HAND DELIVERY**

City of Biddeford Board of Appeals  
City Hall  
205 Main Street  
Biddeford, Maine 04005  
Roby.fecteau@biddefordmaine.org

**Re: Notice of Administrative Appeals, Map 52, Lot 4**

Dear Members of the City of Biddeford Zoning Board of Appeals:

This letter is submitted on behalf of our client, the University of New England (“UNE”). On March 2, 2026, UNE applied with the City of Biddeford Code Enforcement Office for a tree cutting permit (the “Permit Application”) related to UNE’s approved Site Plan and Shoreland Zoning Review Proposed Construction of a Marine Science Center Research Pier at 11 Hills Beach Road.<sup>1</sup> On April 6, 2026, Director of Code Enforcement & Emergency Management Roby Fecteau (“Director Fecteau”), at the direction of the City Solicitor Harry B. Center, II, Esq. (the “City Solicitor”), issued a denial of the Permit (the “Denial”), citing to the City of Biddeford’s (the “City”) 180-day moratorium “imposed on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone.” UNE now appeals the Denial in accordance with Article IX, Section 5 of the City of Biddeford Land Development Regulations and Article XIV, Section 16(G) of the City of Biddeford Shoreland Zoning Ordinance. For the reasons detailed below, Director Fecteau erred in denying UNE’s tree cutting permit application, and UNE now requests that the Board vacate the Denial and instruct Director Fecteau to approve the Permit Application.

**Background**

On September 4, 2025, the City Planner & Acting Director of Planning & Economic Development David CM Galbraith (the “City Planner”) issued a Notice of Decision of the Planning Board’s August 6, 2025 approval of “Planning Board Case #2024.35 Final Plan Review – University of New England (UNE) Site Plan and Shoreland Zoning Review Proposed Construction of a Marine Science Center Research Pier” (the “Pier Project”). A copy of the Notice of Decision is attached hereto as **Exhibit A**.

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<sup>1</sup> UNE filed the Permit Application on February 18, 2026, but the City refused payment of the application fee at that time. A representative of UNE returned on March 2, 2026 and hand delivered a check to the Director of Code Enforcement & Emergency Management, Roby Fecteau. As such, the City deemed the application “incomplete” until March 2, 2026 despite UNE having attempted to make payment on February 18, 2026.

On January 20, 2026, the City Council adopted a temporary moratorium of one hundred eighty (180) days “on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone, and on any such activity” (the “Moratorium”). The express language of the Moratorium provides that “pursuant to the City Charter, Article III, § 8, this Order shall take effect immediately upon adoption.” A copy of the Moratorium is attached hereto as **Exhibit B**.

On March 2, 2026, UNE applied with the City’s Code Enforcement Office for a tree cutting permit in connection with the Pier Project. UNE met all requirements for issuance of the permit, and Director Fecteau was prepared to issue the permit. However, notwithstanding the Planning Board’s approval of the Pier Project over five months prior to the adoption of the Moratorium, Director Fecteau was instructed to issue a denial by the City Solicitor. Therefore, Director Fecteau issued the Denial, stating that “[a]fter consulting with the City Solicitor, I have determined that a permit can’t be issued based on the language in the resolution” adopting the Moratorium. A copy of the Denial is attached hereto as **Exhibit C**. UNE now appeals the Denial of the Permit Application.

### **Argument**

#### ***The Moratorium does not apply to the Permit Application.***

The Director’s reliance on the City Solicitor’s guidance that a permit cannot be issued due to the Moratorium is unsupported by the language of the Moratorium itself which does not purport to apply retroactively.

“Generally, ‘[a]ctions and proceedings pending at the time of the passage, amendment or repeal of an Act or ordinance are not affected thereby.’ Nevertheless, section 302 is a rule of statutory construction, and does not apply when there is clear and unequivocal language that the statute or ordinance applies to pending proceedings.” *Kittery Retail Ventures, LLC v. Town of Kittery*, 2004 ME 65, ¶ 20, 856 A.2d 1183 (quoting 1 M.R.S.A. § 302 (1989)). In other words, for a moratorium to apply retroactively, it must expressly state that it does. This general rule has now been codified under 30-A M.R.S.A. § 3007(7), which provides that “[a] municipality . . . may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application.”<sup>2</sup>

The Moratorium contains no such provision. Instead, the Moratorium states that “a temporary moratorium is imposed on all *new* construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone[.]” (Emphasis added). The

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<sup>2</sup> The Moratorium is plainly a land use ordinance. See 30-A M.R.S.A. § 4301 (“‘Moratorium’ means a land use ordinance or other regulation approved by a municipal legislative body that, if necessary, may be adopted on an emergency basis and given immediate effect and that temporarily defers all development, or a type of development, by withholding any permit, authorization or approval necessary for the specified type or types of development.”). “Land use ordinance” is defined under Maine law as “an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs or delineates allowable uses of land and the standards for those uses.” *Id.* § 4301(8).

stated intention was for the Moratorium to apply to *new* projects, not those which had already been reviewed and approved. The Planning Board approved the Pier Project on August 6, 2025, over five months before the City adopted the Moratorium.

The Director's invocation of the Moratorium on the advice of the City Solicitor as a basis for denial of the Permit Application is unsupported by the plain language of the Moratorium.

***Application of the Moratorium to the Permit Application constitutes a nullification of the Planning Board's approval of the Pier Project.***

The Denial operates to nullify or amend the Planning Board's approval of the Pier Project, in contravention of Maine law, the City's Land Use Ordinance (the "LUO"), and the Planning Board's authority.

Maine law provides that "[a] municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance after a period of 45 days has passed after . . . [t]he permit has received its lawful final approval; and . . . [i]f required, a public hearing was held on the permit." 30-A M.R.S.A. § 3007(6).

The Pier Project received its lawful final approval on August 6, 2025 following a lengthy public hearing process that began in early 2025. The Notice of Decision expressly states that the Pier Project received "Final Approval," which is valid for a one-year period, expiring on August 6, 2026. The Notice of Decision further cautions that "[i]f authorized use is not initiated within one year of approval, the permit becomes void, and a new application must be submitted for reconsideration."

The Moratorium was not adopted until January 20, 2026, well over forty-five days after the Pier Project's lawful final approval. First, application of the Moratorium to the Permit Application improperly amends the Planning Board's approval, which specifically approved UNE's work and specifically allowed UNE to pull appropriate permits at any time to begin work on the Pier Project.

Further, application of the Moratorium to the Permit Application effectively nullifies the Planning Board's "Final Approval" of the Pier Project by running the clock on the one-year period. The Moratorium is currently in effect for a period of 180 days, ending on July 19, 2026. Hypothetically, if the Moratorium applied to the Pier Project, and the Permit Application more specifically, UNE would have just over two weeks to initiate the authorized use before the Final Approval would become void. It could easily take the City that long to just process the Permit Application, leaving UNE without an opportunity to act before the Final Approval expires. Application of the Moratorium to the Permit Application unquestionably nullifies the Pier Project approval.

Additionally, the Denial operates as a usurpation of the Planning Board's authority to "review, approve, or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses[.]" LUO Art. XI, art. I, § 1. Additionally, the City has been clear that

“[i]n matters of judgment or interpretation of the requirements contained in these regulations, the opinion and determination of the Planning Board shall prevail.” Art. XI, art. II, § 9(C).

By contrast, the authority of the “Building Inspector” (defined as the Code Enforcement Officer) is restricted in instances where “the proposed building or structure is so constructed or is of such usage as to require a review of the application by other authorities or boards[.]” Art. VIII, § 3(B)(3)(b). Under those circumstances, the Building Inspector is directed to “refer the applicant to the appropriate authority or board for review, approval or denial.” *Id.* Upon receipt of the reviewing board’s approval, the Building Inspector “shall issue the permit with any conditions prescribed by the reviewing authority or board.” In other words, where the Planning Board has approved a site plan, the Building Inspector’s job is ministerial and confined to issuing the permit.

The Planning Board was well aware of UNE’s plans to cut trees in connection with the Pier Project. The Planning Board Staff Report, dated July 28, 2025 (the “Report”) details discussions between Planning Board Staff and UNE regarding landscaping plans for the Pier Project. A copy of the Report is attached hereto as **Exhibit D**. Specifically, Staff commented in the Report that “49 trees are being removed with 21 of those within the 50-foot HAT setback.” The Report further details that a “revegetation plan has been developed to meet the City of Biddeford’s Shoreland Zoning requirements[.]” The Report notes that the revegetation plan is depicted in “drawing C-15.” This Report was provided to the Planning Board in advance of its August 6, 2025 meeting. As such, the Planning Board had full and complete knowledge that tree cutting was a component of the Pier Project and knowingly approved the same.

In summary, the LUO establishes (1) the clear authority of the Planning Board to review and approve site plans for development; (2) the primacy of the Planning Board’s judgment and interpretation of Site Plan regulations; and (3) the ministerial nature of the Director’s job in this context. The Planning Board unquestionably approved the tree cutting that is the subject of the Permit Application. In issuing the Denial notwithstanding the Planning Board’s approval, the Director effectively overruled the Planning Board’s approval and, in doing so, exceeded his authority. Moreover, because the Director’s application of the Moratorium to the Permit Application constitutes an unlawful nullification of the Planning Board’s final approval of the Pier Project, the Denial must be vacated with instructions to Director Fecteau to approve the Permit Application.

***To the extent that the City disagreed with the Planning Board’s approval, the City should have appealed the approval.***

The Denial of the Permit Application stands in stark contrast to the Planning Board’s approval of the Pier Project and suggests a discomfort with the same. To the extent that the City believes that the Planning Board issued its approval in error, the City should have appealed the approval.

The City’s Land Use Ordinance provides that “[a]n appeal may be taken by any person aggrieved by a decision of the Building Inspector or Planning Board to the Board of Appeals within 30 days of such decision, *and not otherwise*, except that the Board, upon a showing of good cause, may waive the thirty-day requirement.” Art. IX, § 5(A)(1) (emphasis added). The Law Court has

warned municipalities that “strict compliance with the appeal procedure of an ordinance is necessary” to ensure that parties may rely on the finality of municipal decisions. *Juliano v. Town of Poland*, 1999 ME 42, ¶ 7, 725 A.2d 545; *see also Zahares v. Town of Old Orchard Beach*, No. AP-08-026, 2009 WL 6631813 (Me. Super. Dec. 01, 2009).<sup>3</sup>

The Ordinance provides a process by which the City could have appealed the Planning Board’s approval, but the City opted not to avail itself of such process. The City is now foreclosed from doing so where the appeals period has ended and the City cannot make a showing of good cause for waiving untimeliness of an appeal.<sup>4</sup>

### Conclusion

In light of the foregoing, UNE requests that the Zoning Board of Appeals vacate Director Fecteau’s denial of the demolition permit and remand the permit application to Director Fecteau with instructions to approve it. Thank you for your consideration of this appeal.

Sincerely,

  
Brandon J. Mazer, Esq.

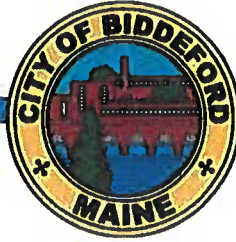
Enclosure

Cc: Ron Schneider, Esq., University of New England General Counsel and Vice President of Legal Affairs

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<sup>3</sup> The City may not rely on *Juliano* to characterize the Director’s Denial as an appeal “in essence” where the Ordinance unequivocally requires that appeals of Planning Board decisions must be brought before the Board of Appeals within thirty days “and not otherwise.” *See Juliano*, 1999 ME 42, ¶ 7, 725 A.2d 545 (characterizing a stop work order as “an appeal” which was “in essence a challenge to the former Code Enforcement Officer’s decision to issue the building permit”).

<sup>4</sup> The Law Court has issued guidance to courts reviewing whether “good cause” existed for the filing of an untimely appeal to a board of appeals. *See, e.g., Viles v. Town of Embden*, 2006 ME 107, ¶¶ 6-18, 905 A.2d 298. In *Viles*, the Court noted that the inquiry begins with whether the appellant received notice of the issuance of the disputed permit. *Id.* ¶ 13. Other factors include the amount of time that lapsed from when the appellant learned of the permit to when he or she filed the appeal. *Id.* Another key factor the Court highlighted is “whether the municipality violated its own ordinance[.]” *Id.* Applying these factors to the matter at hand, it is abundantly clear that the City cannot make a showing of “good cause” where (1) the City undoubtedly had notice of the Planning Board’s approval; (2) the City allowed over half a year to lapse before arguably disputing the approval; and (3) the City violated its own ordinance by not filing a timely appeal of the Planning Board’s approval. As such, to the extent that the Denial could be construed as an appeal of the Planning Board’s approval, such “appeal” must be dismissed as untimely.



## NOTICE OF DECISION

September 4, 2025

Tom Saucier, P.E.  
Site Design Associates  
23 Whitney Way  
Topsham, ME 04086

**RE: Planning Board Case #2024.34 Final Plan Review – University of New England (UNE) Site Plan and Shoreland Zoning Review Proposed Construction of a Marine Science Center Research Pier 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

Dear Tom,

At their meeting of August 6, 2025, the Biddeford Planning Board reviewed the Final Application for 2024.34 –UNE to construct a Marine Science Center Pier on 11 Hills Beach Road, (Tax Map 52, Lot 4) in the Institutional Zone. UNE owns the property Alan Thibeault from UNE presented to the Planning Board.

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the proposed project summarized within the attached Staff report and pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations, Article XI (Site Plan Review), and Subdivision Review, and hereby approves Case # 2024.34 for UNE to construct a Marine Science Research Pier at 11 Hills Beach Road (Map 52, Lot 4) in the Institutional Zone with the following Conditions of Approval (COA):

1. The material provided for the proposed project has been reviewed only for general conformance to the City technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. Standard Conditions of Approval apply.

3. **Modifications to Approved Development Plans:** The project shall be constructed in accordance with the approved development plans. No deviations to the approved development plans shall be made without prior written authorization by the City Planner. Should the Applicants desire a modification from approved plans, they shall be required to submit a formal letter requesting a “minor modification” to the approved development plans. The narrative shall be submitted outlining the request, the reasoning for the request (justification) and include plans illustrating the approved plans and proposed modifications. Changes beyond the authority of the City Planner shall be reviewed and approved by the Planning Board. It should be noted that review fees for any proposed changes may be assessed to the Applicant, for Staff or Peer Review time spent evaluating the request.

4. A Letter of Credit or other surety acceptable to the City of Biddeford shall be submitted prior to the issuance of permits or site work being initiated. The financial guarantee shall be established for 150% of the cost of the following improvements:

- a. Landscaping
- b. Paving
- c. Work within ROW (existing or proposed)
- d. Stormwater Drainage
- e. Loam & seed
- f. Sediment & erosion control
- g. As-Built Plans
- h. Property Monuments

5. Prior to any ground disturbance, the applicant shall establish a construction inspection account equal to \$2,500.00.

6. Prior to any ground disturbance, a pre-construction meeting with the owner/applicant, contractor, and City is required. Contact the Engineering Department to schedule this meeting.

7. Contact the Department of Public Works for driveway location permits, curb cut permits and/or street opening permits prior to the start of construction.

8. An as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project electronically, which can be read by the City of Biddeford’s Geographic Information System software. Note: Any modifications to the Planning Board approved development plans shall be reviewed and approved by the City Planner prior to being made, including any “field changes”.

9. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion effects from the work. All disturbed areas must be re-vegetated and/or otherwise stabilized at the appropriate stage of the work per Maine DEP standards in the Best Management Practice (BMP) manual.

10. That the Article VI Performance Standards requirements regarding Dust, Fumes, Vapors & Gases (sect 25), Explosive Materials (sect 28), Glare (sect 37), Noise (sect 48) be followed.

11. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc. prior to commencing business.

12. At the completion of the project the owner/applicant shall request a final inspection. This request shall be directed to the Engineering Department. Performance guarantees and remaining escrow accounts shall not be released until the Planning Office certifies that the project has been completed and is in compliance with the approved development plans and all applicable City Ordinances.

13. The applicant shall submit approved plans for signature of the City's Planning Board, which shall be recorded in the York County Registry of Deeds. An electronic copy of the recorded plan shall be sent to the Planning Office & Engineering Department prior to Building Permit Issuance. (This item has been completed)

14. Once stamped and signed "As-Built drawings" are submitted to the Planning and Engineering Departments (clearly identifying what approved deviations and variances were installed based on the approved permit drawings), the City Engineering Department will conduct an inspection. The "as Built Checklist" shall be submitted for review and approval, for any performance guarantee release.

15. As-Built Drawings and CAD Files need to be submitted to the Planning & Engineering Departments prior to a 'Site Punch list Inspection' and any bond release.

16. As agreed during the public hearing process, the University of New England (UNE) shall be responsible for the reasonable costs, as applicable, for the relocation of all impacted moorings displaced by the construction of the UNE research pier.

17. Fire Department Requirements:

- A. The Applicant shall schedule an on-site inspection with the Biddeford Fire Chief to verify that the emergency vehicle turn-around can accommodate the largest vehicle in their fleet to the Department's satisfaction. Any necessary modifications shall be coordinated with the City Planner and constructed to the Fire Chief's satisfaction.

This Final Approval is valid for 1 year (expiration date August 6, 2026). If the authorized

use is not initiated within one year of approval, the permit becomes void, and a new application must be submitted for reconsideration. Appeals of the Planning Board's decision may be made as per the Biddeford Revised Code of Ordinances.

We can be reached at 207-284-9115 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David CM Galbraith". The signature is fluid and cursive, with a large loop at the end.

David CM Galbraith

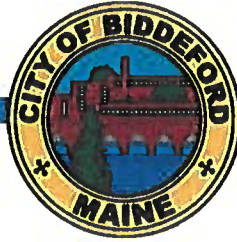
City Planner & Acting Director of Planning & Economic Development

Cc: Alan Thibeault, UNE via Email

Andrew Phillippe UNE via Email

Roby Fecteau Director of Code Enforcement via Email

Craig Chekan City Engineer via Email



## Standard Conditions of Approval

Owner/Applicant: University of New England  
Project Description: Shoreland Application Approval  
Project Location: 11 Hills Beach Road  
Tax Map & Lot Number: Map 52, Lot 4  
Project ID: 2024.34  
Date: September 4, 2025

1. The material provided for the proposed project has been reviewed only for general conformance to the City technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. All work shall be in conformance with the approved plans and submission documents. No deviations from the approved plans are permitted without prior approval from the Planning Board for major changes, and from the City Planner and City Engineer for minor changes. The City Planner shall make the determination of major or minor.
3. A Letter of Credit or other surety acceptable to the City of Biddeford shall be submitted prior to the issuance of permits or site work being initiated. The financial guarantee shall be established for 150% of the cost of the following improvements:
  - a. Landscaping
  - b. Paving
  - c. Work within ROW (existing or proposed),
  - d. Drainage
  - e. Loam & seed
  - f. Sediment & erosion control
  - g. As-Builts
  - h. Monuments
4. Prior to any ground disturbance, the applicant shall establish a construction inspection account equal to \$2,500.00.

5. Prior to any ground disturbance, a pre-construction meeting with the owner/applicant, contractor, and City is required. Contact the Engineering Department to schedule this meeting.
6. Contact the Department of Public Works for driveway location permits, curb cut permits and/or street opening permits prior to the start of construction.
7. An as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project electronically, which can be read by the City of Biddeford's Geographic Information System software. Note: Any modifications to the Planning Board approved development plans shall be reviewed and approved by the City Planner prior to being made, including any "field changes".
8. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion effects from the work. All disturbed areas must be re-vegetated and/or otherwise stabilized at the appropriate stage of the work per Maine DEP standards in the Best Management Practice (BMP) manual.
9. That Article VI Performance Standards requirements regarding Dust, Fumes, Vapors & Gases (sect 25), Explosive Materials (sect 28), Glare (sect 37), Noise (sect 48) be followed.
10. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc. prior to commencing business.
11. At the completion of the project the owner/applicant shall request a final inspection. This request shall be directed to the Planning Office. Performance guarantees and remaining escrow accounts shall not be released until the Planning Office certifies that the project has been completed and is in compliance with the approval and all applicable City Ordinances.
12. The applicant shall submit approved plans for signature of the City's Planning Board, which shall be recorded in the York County Registry of Deeds. An electronic copy of the recorded plan shall be sent to the Planning Office. (Completed)



# CITY OF BIDDEFORD

## Planning and Development Department

David Galbraith  
 City Planner & Deputy Director of Planning &  
 Development  
 205 Main Street  
 P.O. Box 586  
 Biddeford, ME 04005  
 (207) 284-9115  
 David.galbraith@biddefordmaine.org

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

**Planning Board Case #2024.34**  
**Final Plan Review – University of New England (UNE)**  
**Site Plan and Shoreland Zoning Review**  
**Proposed Construction of a Marine Science Center Research Pier**  
**11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District.**  
**Date: August 6, 2025**

Pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations, Article XI (Site Plan Review), and Article XIV (Shoreland Zoning Ordinance), the Biddeford Planning Board has considered the application of Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Planning Board makes the following Findings of Fact and Conclusions of Law:

#### 1. PROJECT DATA/INFORMATION

1.	<b>Applicant:</b>	University of New England 11 Hills Beach Road Biddeford, ME
2.	<b>Owner of Property:</b>	University of New England 11 Hills Beach Road Biddeford, ME
3.	<b>Agent:</b>	Tom Saucier, P.E. Site Design Associates 23 Whitney Way Topsham, ME 04086
4.	<b>Surveyor:</b>	Tom Saucier, P.E. Site Design Associates 23 Whitney Way Topsham, ME 04086
5.	<b>Project Location:</b>	11 Hills Beach Road
6.	<b>Project Tax Map #/Lot #:</b>	Tax Map 52 Lot 4
7.	<b>Lot Size:</b>	49.9-acres
8.	<b>Base Zoning:</b>	Institutional (IN)
9.	<b>Overlay Zoning:</b>	Shoreland Zoning
10.	<b>Existing Use:</b>	Saco River
11.	<b>Proposed Use:</b>	Marine Research Pier
12.	<b>Approvals Required:</b>	Site Plan and Shoreland Review
13.	<b>Uses in the Vicinity:</b>	University
14.	<b>Waivers Requested:</b>	A. Article XI.II. Section 5.B.1.a. (post development runoff) B. Article XI.II. Section 5.B.1.e.3. (Slopes steeper than 2:1 in ledge).

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Planning Board Case #2024.34**

**Final Plan Review – University of New England (UNE)**

**Site Plan and Shoreland Zoning Review**

**Proposed Construction of a Marine Science Center Research Pier**

**11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

**Date: August 6, 2025**

		<p>C. Article VI. Section 26.F.: (cut or fill slopes that exceed 3 horizontals to 1 vertical).</p> <p>D. Article XIV. Section 15.H.4. (Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical).</p>
18.	Waivers Granted - July 16, 2025.	<p>A. Article XI.II. Section 5.B.1.a. (post development runoff)</p> <p>B. Article XI.II. Section 5.B.1.e.3. (Slopes steeper than 2:1 in ledge).</p> <p>C. Article VI. Section 26.F.: (cut or fill slopes that exceed 3 horizontals to 1 vertical).</p> <p>D. Article XIV. Section 15.H.4. (Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical).</p>
22.	Other Non-City Permits Required:	N/A
23.	LDR Attachment A: Fees Paid:	Yes
25.	<p>Planning Board Review History:            Sketch Plan Review - May 21, 2025;            Site Walk June 9, 2025;            Preliminary Review (Tabled)- June 18, 2025;            Site Walk #2 – July 9, 2025;            Preliminary Review (#2) – July 16, 2025 – Preliminary Approval and Waivers approved.            Final Plan Review – August 6, 2025.</p>	

**CONCLUSIONS OF LAW:**

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Planning Board Case #2024.34**

**Final Plan Review – University of New England (UNE)**

**Site Plan and Shoreland Zoning Review**

**Proposed Construction of a Marine Science Center Research Pier**

**11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District.**

**Date: August 6, 2025**

5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;
10. The proposed use would be in compliance with Biddeford's Comprehensive Plan;
11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;
12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;
15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed use for fire protection purposes;

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Planning Board Case #2024.34**

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17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas or on significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.

### **APPROVAL GRANTED:**

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the proposed project summarized within the attached Staff report and pursuant to the provisions of the City of Biddeford Code of Ordinances Land Development Regulations, Article XI (Site Plan Review), and Article XIV (Shoreland Zoning), the Biddeford Planning Board has approved the application # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District, with the attached Findings of Fact (FOF) with the following Conditions of Approval (COA):

1. The material provided for the proposed project has been reviewed only for general conformance to the City technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. Standard Conditions of Approval apply.
3. Modifications to Approved Development Plans: The project shall be constructed in accordance with the approved development plans. No deviations to the approved development plans shall be made without prior written authorization by the City Planner. Should the Applicants desire a modification from approved plans, they shall be required to submit a formal letter requesting a "minor modification" to the approved development plans. The narrative shall be submitted outlining the request, the reasoning for the request (justification) and shall include plans illustrating the approved plans and proposed modifications. Changes beyond the authority of the City Planner shall be reviewed and approved by the Planning Board. It should be noted that review fees for any proposed changes may be assessed to the Applicant, for Staff or Peer Review time spent evaluating the request.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Planning Board Case #2024.34**

**Final Plan Review – University of New England (UNE)**

**Site Plan and Shoreland Zoning Review**

**Proposed Construction of a Marine Science Center Research Pier**

**11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District.**

**Date: August 6, 2025**

4. A Letter of Credit or other surety acceptable to the City of Biddeford shall be submitted prior to the issuance of permits or site work being initiated. The financial guarantee shall be established for 150% of the cost of the following improvements:
  - a. Landscaping
  - b. Paving
  - c. Work within ROW (existing or proposed)
  - d. Stormwater Drainage
  - e. Loam & seed
  - f. Sediment & erosion control
  - g. As-Built Plans
  - h. Property Monuments
5. Prior to any ground disturbance, the applicant shall establish a construction inspection account equal to: \$2,500.00.
6. Prior to any ground disturbance, a pre-construction meeting with the owner/applicant, contractor, and City is required. Contact the Engineering Department to schedule this meeting.
7. Contact the Department of Public Works for driveway location permits, curb cut permits and/or street opening permits prior to the start of construction.
8. An as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project electronically, which can be read by the City of Biddeford's Geographic Information System software. Note: Any modifications to the Planning Board approved development plans shall be reviewed and approved by the City Planner prior to being made, including any "field changes".
9. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion effects from the work. All disturbed areas must be re-vegetated and/or otherwise stabilized at the appropriate stage of the work per Maine DEP standards in the Best Management Practice (BMP) manual.
10. That the Article VI Performance Standards requirements regarding Dust, Fumes, Vapors & Gases (sect 25), Explosive Materials (sect 28), Glare (sect 37), Noise (sect 48) be followed.
11. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc. prior to commencing business.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**Planning Board Case #2024.34**

**Final Plan Review – University of New England (UNE)**

**Site Plan and Shoreland Zoning Review**

**Proposed Construction of a Marine Science Center Research Pier**

**11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District.**

**Date: August 6, 2025**

12. At the completion of the project the owner/applicant shall request a final inspection. This request shall be directed to the Engineering Department. Performance guarantees and remaining escrow accounts shall not be released until the Planning Office certifies that the project has been completed and is in compliance with the approved development plans and all applicable City Ordinances.
13. The applicant shall submit approved plans for signature of the City's Planning Board, which shall be recorded in the York County Registry of Deeds. An electronic copy of the recorded plan shall be sent to the Planning Office.
14. Once stamped and signed "As-Built drawings" are submitted to the Planning and Engineering Departments (clearly identifying what approved deviations and variances were installed based on the approved permit drawings), the City Engineering Department will conduct an inspection. The "as Built Checklist" shall be submitted for review and approval, for any performance guarantee release.
15. As-Built Drawings and CAD Files need to be submitted to the Planning & Engineering Departments prior to a 'Site Punch list Inspection' and any bond release.
16. York County Recorded Drawings: Applicant must submit recorded copies of York County Registry of Deed drawings to Planning & Engineering Department prior to Building Permit Issuance.
17. As agreed during the public hearing process, the University of New England (UNE) shall be responsible for the reasonable costs, as applicable, for the relocation of all impacted moorings displaced by the construction of the UNE research pier.
18. Fire Department Requirements:
  - A. The Applicant shall schedule an on-site inspection with the Biddeford Fire Chief to verify that the emergency vehicle turn-around can accommodate the largest vehicle in their fleet to the Department's satisfaction. Any necessary modifications shall be coordinated with the City Planner and constructed to the Fire Chief's satisfaction.

  
\_\_\_\_\_  
Alexa Plotkin Planning Board Chair

8/21/25  
\_\_\_\_\_  
Date



## RESOLUTION

**WHEREAS, in 2001, in response to the rapid growth and expansion of the University of New England, the City of Biddeford adopted land use regulations establishing an Institutional Zone, intended to accommodate college and university uses while minimizing adverse impacts on surrounding, predominantly residential neighborhoods;**

**WHEREAS, the City of Biddeford Land Use Ordinance, Article V, Section 11 requires that university uses conducted within the Institutional Zone conform to an approved Institutional Master Plan;**

**WHEREAS, over time, the scale, intensity, and geographic reach of institutional development have increased, placing growing demands on City transportation systems, utilities, public safety services, municipal infrastructure, and adjacent properties;**

**WHEREAS, the University of New England has recently undertaken and contemplated significant construction activity, redevelopment, land acquisition, and expansion of university uses, including activity beyond the current boundaries of the Institutional Zone;**

**WHEREAS, the City Council has established the Institutional Zone Review Committee, an ad hoc committee charged with reviewing the Institutional Zone, the Institutional Master Plan ordinance, and related standards, procedures, and review criteria, and with preparing recommendations for ordinance revisions that reflect the long-term interests of the City;**

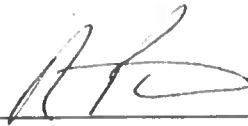
**WHEREAS, the City Council finds that existing land use regulations governing institutional and university development are currently inadequate to fully evaluate cumulative impacts, guide future growth, and prevent serious public harm in the affected geographic areas;**

WHEREAS, pursuant to 30-A M.R.S. § 4356, a municipality may impose a moratorium where development may overburden public facilities or where existing land use regulations are insufficient to prevent serious public harm;

NOW, THEREFORE, BE IT ORDERED, that for a period of one hundred eighty (180) days, a temporary moratorium is imposed on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone, and on any such activity, including conversion or change of use, involving "University/College\*" or "University Uses\*," as defined in the City of Biddeford Table of Land Uses (Table A), whether permitted or conditional, in any zoning district.

BE IT FURTHER ORDERED, that this moratorium is adopted to allow the City, including the Institutional Zone Review Committee, City staff, the Planning Board, and the City Council, to complete a comprehensive review of applicable ordinances and land use standards governing institutional and university development, and to consider any necessary amendments to protect the public health, safety, and welfare.

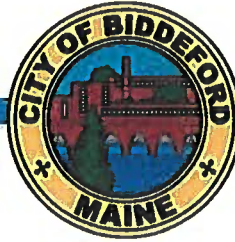
BE IT FURTHER ORDERED, that the City Council finds that continued approval of such development under the existing regulatory framework presents an immediate and present risk of serious public harm, and that pursuant to the City Charter, Article III, § 8, this Order shall take effect immediately upon adoption.



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Attest: Robin Patterson

Motion: Councilor Boston  
Second: Councilor  
Lessard  
Vote: Unanimous in favor  
Motion passed



April 6, 2026

Alan Thibeault  
Assistant Vice President for Planning  
University of New England  
11 Hills Beach Road  
Biddeford, ME 04005

Ref: Denial of Tree Cutting

Mr. Thibeault,

This letter is to inform you that the City of Biddeford has **DENIED** the tree cutting application for the research pier project

On January 20, 2026, the City Council implemented a 180-day moratorium. One of the conditions of the moratorium is that for a period of one hundred eighty (180) days, a temporary moratorium is imposed on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone.

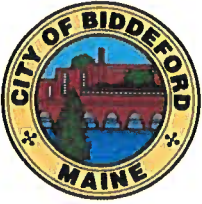
After consulting with the City Solicitor, I have determined that a permit can't be issued based on the language in the resolution.

If you disagree with my decision, you may file an administrative appeal to the Zoning Board of Appeals no later than 30 days from the date of this decision (April 6, 2026).

Respectfully,

A handwritten signature in black ink, appearing to read "Robby Fecteau", is written over a horizontal line.

Robby Fecteau  
Director of Code Enforcement &  
Emergency Management



## CITY OF BIDDEFORD

### Planning and Development Department

David C.M. Galbraith  
Deputy Director/City Planner  
205 Main Street  
P.O. Box 586  
Biddeford, ME 04005  
(207) 284-9115  
[David.Galbraith@biddefordmaine.org](mailto:David.Galbraith@biddefordmaine.org)

### PLANNING BOARD STAFF REPORT

TO: Chair Plotkin and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director/City Planner

DATE: July 28, 2025

RE: **2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

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#### 1. REVIEW HISTORY:

The subject application has had the following hearings/meetings:

Planning Board Review History:

Sketch Plan Review - May 21, 2025;

Site Walk June 9, 2025;

Preliminary Review (Tabled)- June 18, 2025;

Site Walk #2 – July 9, 2025;

Preliminary Review (#2) – July 16, 2025 – Preliminary Approval and Waivers approved.

Final Plan Review – August 6, 2025.

This project was last discussed during the July 16, 2025, Planning Board meeting where the project was granted preliminary plan approval. During the same hearing the Applicant requested four (4) waivers which were also granted by the Board. The requested / granted waivers are outlined below:

#### **Waivers Requested / Granted:**

- A. Article XI.II. Section 5.B.1.a. (post development runoff)
- B. Article XI.II. Section 5.B.1.e.3. (Slopes steeper than 2:1 in ledge).
- C. Article VI. Section 26.F.: (cut or fill slopes that exceed 3 horizontals to 1 vertical).
- D. Article XIV. Section 15.H.4. (Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical).

The Site Plan and Shoreland Zoning approval and the four (4) requested waivers were approved by a 3-2 vote by the Board with members Plotkin, Patoine and Deschambault voting in the affirmative and two (2) members voting in the negative (Angers and Dubois).

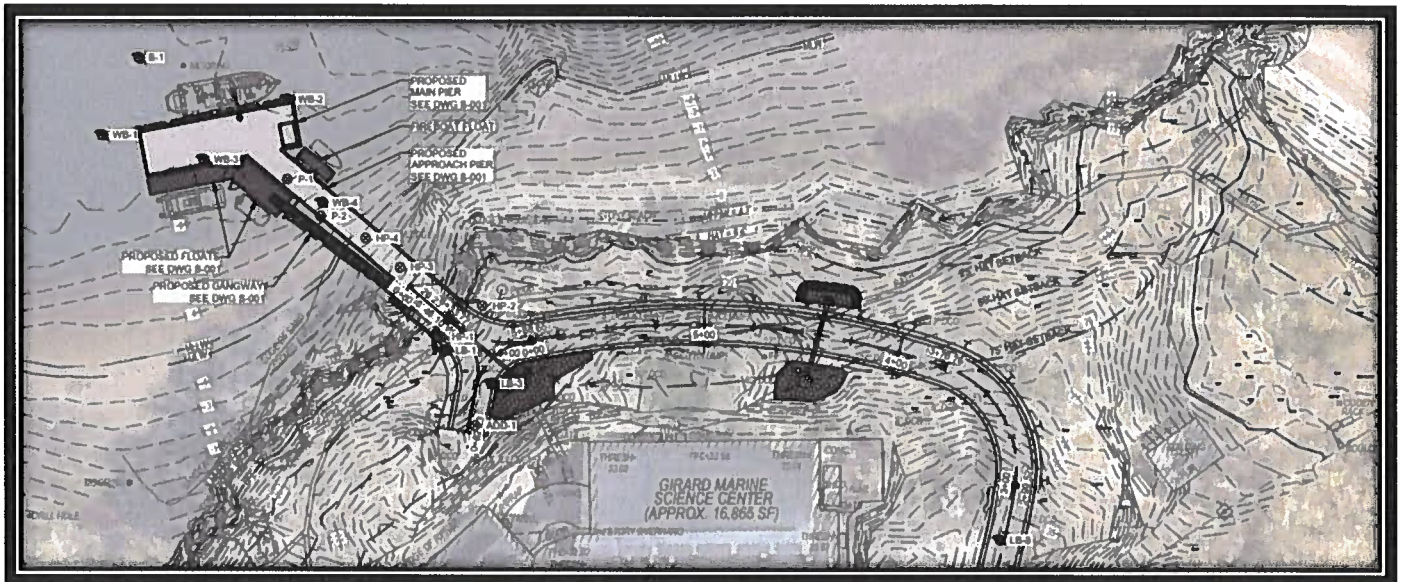
The application before the Planning Board is a request for Final Plan Approval.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

## **2. INTRODUCTION**

Tom Saucier, PE of Site Design Associates, is representing the University of New England (UNE) who is applying for Final Site Plan Review within the Shoreland Zoning District. The University of New England (UNE) proposes to construct a new pier on the Saco River adjacent to the Girard Marine Science Center (GMSC) to support research and educational programming. The project has been in development for more than 10 years and has gone through extensive planning and alternatives analysis in achieving the design that is being proposed.

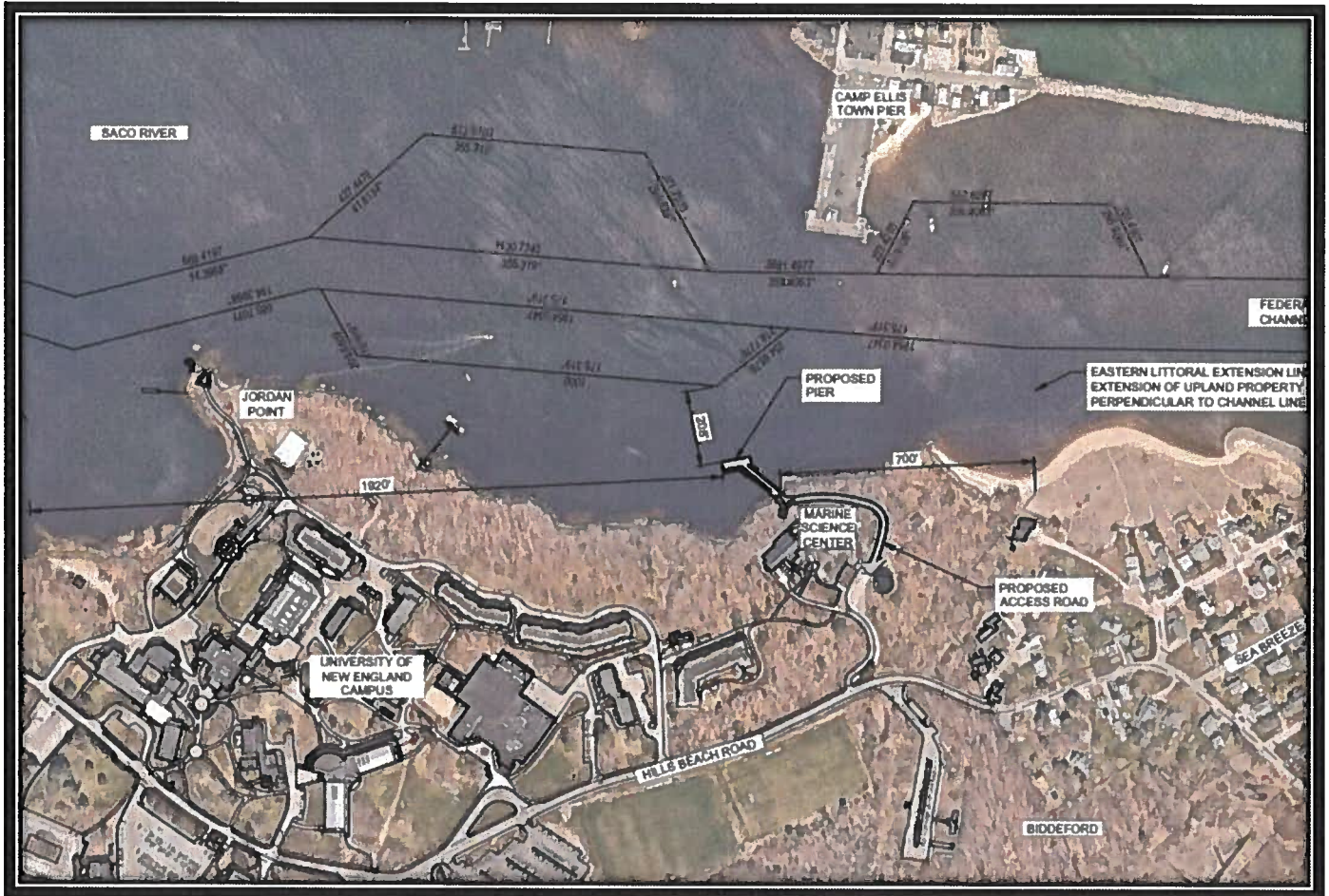


**Proposed Marine Science Center Research Pier**

It should be noted that the Planning Department received the formal application for this project on April 16, 2025. However, the case # that was assigned to this project was in 2024 (Case # 2024.34) as that is when the Planning Department started receiving comments from the public on this application (prior to application submittal), and Staff wanted to make certain that any and all correspondence related to this matter be saved within the public record for complete transparency. These submitted emails / letters have been consistently forwarded to the Planning Board and the University New England and have been maintained by the Planning Department.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

**MEETING DATE:** August 6, 2025, at 6:00 PM

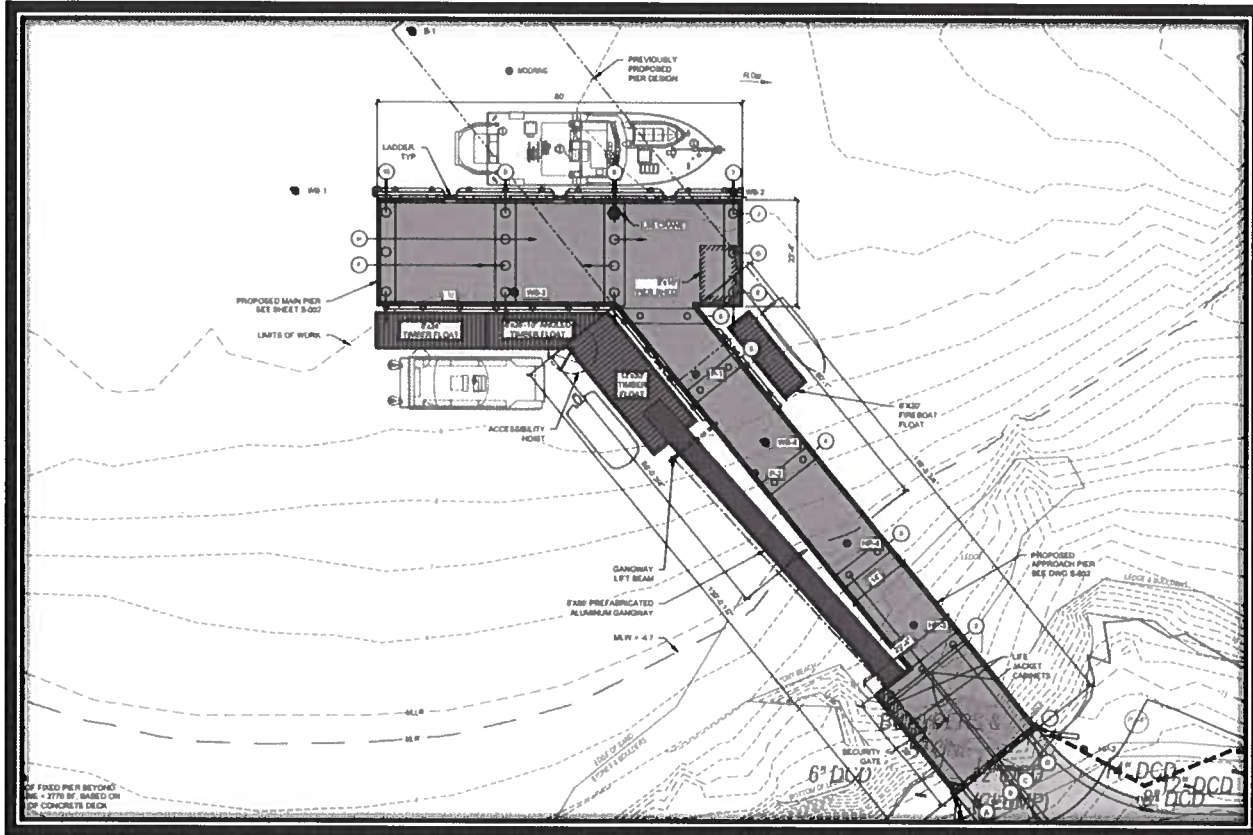


**University of New England (UNE) – proposed Marine Science Center Research Pier**

The University of New England (UNE) campus is located along the Saco River in Biddeford, ME. The Marine Science Center is located on the waterfront at the easterly end of campus approximately opposite Camp Ellis in Saco. To support MSC research activities, UNE proposes to construct a pier from the shore adjacent to the MSC into the Saco River to provide an all-tide access facility for small and shallow draft vessels (skiffs, landing craft, up to approximately 3-foot draft), with tidally-restricted access for larger vessels.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

**MEETING DATE: August 6, 2025, at 6:00 PM**



**Marine Science Center Research Pier Detail**

The proposed facility includes the following:

1. A pile supported pier structure extending from shore into the Saco River. The proposed pier includes an approximately 130-foot-long approach section extending from shore and an 80-foot-long pier head section oriented roughly parallel to the direction of flow in the river. The pier consists of a concrete superstructure on steel pipe piles, with timber fender piles for vessel berthing and floating docks, and a pile supported gangway lifting beam to allow the gangway ramp to be temporarily removed from the water. Site 7 (Preferred) Stormwater Management Report UNE Marine Science Center Pier September 2023, Revision B. April 2025 GEI Consultants, Inc.
2. A floating dock system consisting of one 8-foot by 24-foot float, one 8-foot by 26-foot 10-inch float, and one 12-foot by 30-foot gangway landing float to provide alltime vessel access for UNE’s vessels on the west side of the pier, and a single 6-foot by 20-foot floating dock to provide a tie-up location for the City of Biddeford Fire Boat on the east side of the pier.
3. An 80-foot by 5-foot gangway, to provide ADA compliant access to the float system.
4. An upland access road connecting the existing road at the MSC to the proposed pier, including associated site grading, drainage, and stormwater management features.

RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.

MEETING DATE: August 6, 2025, at 6:00 PM

These proposed improvements will result in a total increase in the impervious area totaling 0.249 acres. The increase in the impervious area will be managed by the two bioretention filter cells to the north of the Girard Marine Science Center. Runoff will be conveyed to the bioretention filter cells via proposed vegetated swales along the low side of the superelevated access road. The bioretention filter cells will slowly release captured stormwater via underground pipe into the Saco River/Atlantic Ocean.

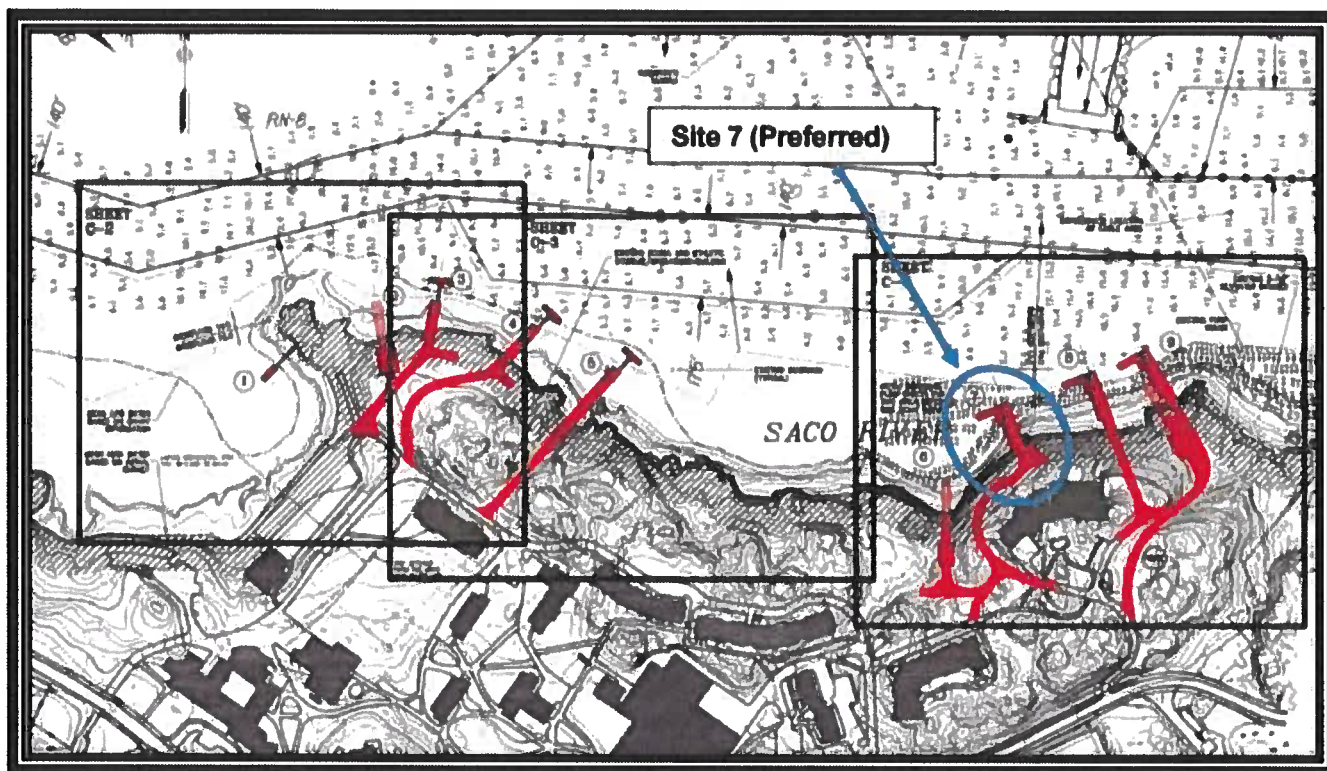


Fig. 1 – Alternative Sites Evaluated in 2008-2010 Study

As outlined in their project narrative, multiple locations for the pier were evaluated Alternative locations “for more than 10 years and has gone through extensive planning and alternatives analysis in arriving at the design that is proposed”.

The University’s consultants (Daniel Bannon, P.E., CFM and Barney Baker, P.E. of GEI Consultants) evaluated alternate pier locations and concluded that:

*“GEI has reviewed the concerns raised by the Saco and Biddeford Harbormasters and evaluated their impact on the proposed design, reviewed the history of planning that led to the current design location and layout, and reviewed the potential advantages and disadvantages offered by the suggested alternative pier location. While we respectfully value the input and suggestions for an alternative layout, it is our opinion that the proposed design represents the preferred balance of project requirements and site constraints. Compared to the suggested alternative, the proposed design achieves adequate water depth, provides safe navigation, results in a structure of smaller overall dimensions with less coastal wetland impact, does not appear to be subject to significant sediment deposition, and locates the pier in a location that is*

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

less exposed to current and icing impacts. For these reasons, GEI recommends that the current design and pier location be maintained” (\*Note: Emphasis added).

After completing the pier feasibility study and identifying Site 7 as the preferred pier location, UNE undertook additional effort in 2015-2016 to study alternative pier layouts that would address the functional and vessel needs of the marine science curriculum as well as the site exposure, berthing conditions, access requirements, and associated site impacts. During this work, numerous alternative pier layouts were considered. Alternate locations evaluated water depth, exposure to currents, location relative to river sediment deposition, exposure to icing, and impacts to moorings.

**3. PROJECT DATA/INFORMATION**

1.	Applicant:	University of New England 11 Hills Beach Road Biddeford, ME
2.	Owner of Property:	University of New England 11 Hills Beach Road Biddeford, ME
3.	Agent:	Tom Saucier, P.E. Site Design Associates 23 Whitney Way Topsham, ME 04086
4.	Surveyor:	Tom Saucier, P.E. Site Design Associates 23 Whitney Way Topsham, ME 04086
5.	Project Location:	11 Hills Beach Road
6.	Project Tax Map #/Lot #:	Tax Map 52 Lot 4
7.	Lot Size:	49.9-acres
8.	Base Zoning:	Institutional (IN)
9.	Overlay Zoning:	Shoreland Zoning
10.	Existing Use:	Saco River
11.	Proposed Use:	Marine Research Pier
12.	Approvals Required:	Site Plan and Shoreland Review
13.	Uses in the Vicinity:	University
14.	Waivers Requested:	E. <b>Article XI.II. Section 5.B.1.a.</b> (post development runoff) F. <b>Article XI.II. Section 5.B.1.e.3.</b> (Slopes steeper than 2:1 in ledge). G. <b>Article VI. Section 26.F.:</b> (cut or fill slopes that exceed 3 horizontals to 1 vertical). H. <b>Article XIV. Section 15.H.4.</b> (Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical).

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

18.	Waivers Granted on July 16, 2025.	<p>A. <b>Article XI.II. Section 5.B.1.a.</b> (post development runoff)</p> <p>B. <b>Article XI.II. Section 5.B.1.e.3.</b> (Slopes steeper than 2:1 in ledge).</p> <p>C. <b>Article VI. Section 26.F.:</b> (cut or fill slopes that exceed 3 horizontals to 1 vertical).</p> <p>D. <b>Article XIV. Section 15.H.4.</b> (Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical).</p>
22.	Other Non-City Permits Required:	N/A
23.	LDR Attachment A: Fees Paid:	Yes
25.	<p>Planning Board Review History:</p> <p>Sketch Plan Review - May 21, 2025;</p> <p>Site Walk June 9, 2025;</p> <p>Preliminary Review (Tabled)- June 18, 2025;</p> <p>Site Walk #2 – July 9, 2025;</p> <p>Preliminary Review (#2) – July 16, 2025 – Preliminary Approval and Waivers approved.</p> <p>Final Plan Review – August 6, 2025.</p>	

**4. REVIEW PROCESS**

Per City ordinance, this application is subject to Site Plan (Land Development Regulations, Article XI) review and Shoreland Zoning approval by the Planning Board. Below is a list of required agency reviews.

- Saco River Corridor Commission (SRCC) – Approval 9-13-2024 Attached pages # 282-287 of the Applicants application.
- Department of Environmental Protection (MDEP), Findings of Fact (FOF) and Order Pages # 288-295, dated April 11, 2025, of the Applicants application.
- U.S. Army Corps of Engineers, New England District, approval dated March 28, 2025. Pages # 296-298 of the Applicants application.
- Maine Historic Preservation Commission, Approval dated May 15, 2023.
- City of Biddeford letter from Former City Manager (James Bennett) regarding a "Notice to Proceed with External Reviews" / compliance with City Code 74-35, subsections (c) items 1-10, dated August 19, 2025, Pages #302-303 of the Applicants application.

**5. SITE PLAN APPROVAL / SITE DESIGN CRITERIA:** Below are the specific Site Review Criteria from the City of Biddeford’s Code of Ordinances, Part III Land Development Regulations - Article XI Site Plan Review - Section 5 Site design and development criteria:

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

Site design criteria. The design standards presented here are minimum in nature; the applicant may provide further details to the presented plan. At the same time, some of these standards may not apply to a specific project; the applicant may request in writing waivers from any point following. All waivers must be added as notes to the approved plan and shall be considered conditions of approval.

Besides, the following standards projects presented under this article shall be subject to the performance standards specified in Article VI of this ordinance (Note: Article VI does not contain any additional performance standards for “piers or docks”).

1. Drainage.

- a. The rate of post-development runoff shall not exceed that of predevelopment. Details of catch basins, drainage pipes and retention/detention ponds shall be provided as needed with the application. All detail sheets shall bear the seal and signature of a professional engineer, licensed in the State of Maine.
- b. A written engineering report describing the impacted watershed area, projected runoff, and any projected downstream impact shall be required.
- c. Drainage easements shall be established for any concentrated off-site drainage. Such easement shall state who has the responsibility to maintain the easement. Easement documents shall be reviewed, at applicant expense, by the Director of Public Works, City Engineer, and the City Solicitor, as to exactness of content. Plans shall include the location of easements.
- d. Where it is determined by the City Engineer or consultant hired by the Board, that the additional runoff incident to the development of the projected site will overload an existing downstream drainage facility, the Board may require the provision of water-retarding facilities or other improvements to alleviate said problem.
- e. Development in specific areas of concern shall provide detailed information and address specific issues in relation to drainage:

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

1. Parcels situated within the federally designated flood hazard zone, as per Flood Hazard Boundary Map H01-18, dated May, 1984, as amended, shall comply with all applicable federal regulations relating thereto.
  2. One-hundred-year flood elevation line shall be included where applicable.
  3. No slope shall be created which results in a slope of more than two feet horizontal to one foot vertical unless proper retaining walls are proposed.
- f. Drainage improvements shall be scheduled to be constructed as part of the first portion of any project where drainage improvements are proposed.
- g. Special bonding of 1 1/2 times the anticipated cost of said improvements shall be incorporated by the developer to insure that improvements are placed and that they function as planned. No portion of this special bond may be released until the project, or that portion of the project for which the drainage improvement is proposed has been constructed, and until so released by the Planning Board, with the recommendation from the Director of Public Works and the City Engineer.

***Applicants’ Comments:*** A Stormwater Management Report is attached. The report submitted demonstrates compliance with Maine Department of Environmental Protection (DEP) Basic and General standards. The project will include bioretention filters designed to DEP BMP standards for enhancement of stormwater runoff quality.

***Staff Comment:*** The above standards have / are being met, as the project complies with the Maine Department of Environmental Protection (DEP) Basic and General standards and permits from the agency.

2. Utilities.

- a. All utilities, including electric, gas, water/sewer, shall be shown on the plat, and separate detail sheets as needed.
- b. Accessways, storage, and parking areas shall be graded and improved with pavements, curbs, gutters, sidewalks, storm drainage facilities, outdoor lighting, etc.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

- c. All accessways/drives and service ways shall be of sufficient width and configuration to accommodate the prospective traffic and to afford satisfactory access to police, firefighting and other such service.
- d. Any proposal within 200 feet of a public water or sewer line(s) must connect to system(s). Applicant must supply copies of letters from the environmental specialist of the City of Biddeford for sewer, and water company shall confirm details of connection and/or concerns.
- e. Whether or not a municipal water system is proposed, the following items must be specified in application narrative and on plat:
  - 1. Rated normal capacity and gallons per minute at prime use time.
  - 2. Rated maximum capacity and gallons per minute at prime use time.
  - 3. Residual pressure of proposed tap line.
- f. Where nondomestic sanitary discharge (any discharge into the public sewer system containing other than normal household wastes) is anticipated, such effluent shall be identified and comply with any and all federal, state, and local laws, ordinances, rules, and regulations. Where any such laws, ordinances, rules and regulations may overlap or may be inconsistent, the more stringent shall apply.
- g. Where public sanitary service is available, or where developers must extend such service, applicants must apply for and receive a discharge permit from the City Council of the City of Biddeford prior to approval by the Planning Board.
- h. Where practicable, all electrical and telephone utilities shall be placed underground.

***Staff Comment:*** Power will be fed underground to the pier from the Girard Marine Science Center. ***The proposed utilities address and meet this standard.***

### 3. Parking.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

- a. A parking plan shall delineate the number of parking and delivery or loading spaces and the physical arrangement. Details of parking plan shall conform to the provisions of the off-street parking section of Article VI of this Zoning Ordinance.
- b. No on-street parking, delivery or loading is permitted, except where specifically allowed by the Planning Board.
- c. Whenever a use existing on the effective date of these regulations is changed thereafter to a new use, parking facilities and access shall be provided as required herein for such new uses.
- d. In the case of multifamily projects the number of required parking spaces should be increased 5% to allow for visitor parking.
- e. Parking lots shall be landscaped and/or screened to provide for a pleasing visual effect and blending in with the surrounding area.
- f. Lots shall be illuminated for security purposes. The lighting shall be designed in such a way that off-site glare is minimized.
- g. Adequate space shall be allowed for the accumulation of snow during the winter plowing months.

***Staff Comment:*** *The Girard Marine Science Center provides adequate parking for the associated / “accessory structure (pier)” as the students and faculty of Science Center will be the same users of the proposed pier. The application meets this standard.*

4. **Structural layout and design.** All proposed structures or additions to existing structures shall address the following items:
  - a. Design of buildings.
    1. Buildings shall be designed to blend harmoniously with the surrounding structures in the neighborhood. New structures should be designed so as to complement the style of the abutting

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

older structures. A photograph, architectural rendering or other representation of the proposed structure must accompany the application for site review.

2. In the I-3 Zone structures shall have a facade sheath in brick or other masonry finish. Other facade finishes may be used when it can be clearly shown to the board that such facing material will advance the City's intent to make the I-3 area a more attractive gateway to the City.

*Staff Comment: No buildings are being proposed with the exception of the small storage shed located on the proposed pier. The project is also not located within the I-3 area so brick and / or masonry standards do not apply.*

- b. Setbacks. Proposed structures shall be set back from roadways, in conformance with requirements for the particular zone; and shall be set in such a way as to blend in harmoniously with buildings on abutting properties, and to allow for adequate landscaping of the front yard.

*Staff Comment: The research pier is sited in conformance with all setback requirements. The proposed pier meets all setbacks.*

- c. Fire protection.

1. All proposed structures and additions to existing buildings must be designed to meet existing fire protection standards.
2. Fire hydrants and fire escapes must be clearly presented on plats.
3. Clear ways around buildings must be maintained to provide for 360° access to structures.
4. Areas in front of structures must be kept clear of parking spaces to allow for emergency access.
5. Buildings should be designed with internal sprinkler systems. This is particularly the case in terms of multifamily and industrial/warehousing structures, and structures that will be located in areas that are far or difficult to reach from fire stations.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

6. In residential developments of 24 units or more, or buildings of 5,000 square feet or more, a central alarm system to the central fire station shall be installed, unless a negative recommendation, in writing, is received from the Fire Marshal.
7. In residential developments of 24 dwelling units or more, or office buildings with more than two separate establishments or places of business, a "knock box" shall be provided and indicated on plat. This box shall be in accordance with the specifications and standards as prescribed by the Fire Department of the City of Biddeford.
8. Whenever gas, either natural or propane or other type, is proposed to be used on-site, a separate external shutoff valve shall be provided for each building on the site. The valve location shall be indicated on the plat and approved in writing by the fire chief/fire marshal.

***Staff Comment:*** Based on input from the fire department, the road width was increased to 20 ft per NFPA standards. The turnaround meets the city required dimensional standards and has been modelled to accommodate fire apparatus. The only concern raised to date is the Fire Departments turn-around at the head of the pier. The Applicants have agreed that once constructed the BFD will bring their largest apparatus to the side to verify that the turn-around constructed meets the BFD needs. If the turn-around needs to be modified, the BFD will require minor adjustments to the turn-around to the satisfaction of the Fire Chief. A condition has been added to the recommended Conditions of Approval (COA).

d. Landscaping.

1. All sites must be landscaped with vegetation that will act to:
  - (a) Reduce the impact of lighting, vehicular and structural, on abutting properties;
  - (b) Reduce the impact of proposed structures on the privacy of abutters;
  - (c) Make the site more attractive to the average viewer.
2. Landscaping measures will be indicated on the plat by drawings and narrative note. The use of trees and shrubs for fencing and shading is strongly encouraged. Care must be taken to ensure that tree, etc., are placed in such a fashion that in time they will cause minimum impact on abutting properties and public roadways and travelways, particularly as they grow.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

3. Whenever possible existing vegetation shall be preserved and incorporated into the landscaping scheme of the project.
4. Each proposal will include a detailed landscaping plan. This plan will include the location, type and size of existing mature trees (those trees over eight inches in diameter).
5. Particular attention should be paid to offsetting the visual impact of new structures in areas where there may be a stark contrast with the existing design trend of the neighborhood.

**Staff Comment:**

*The revegetation plan has been developed to meet the City of Biddeford’s Shoreland Zoning requirements as well as to preserve a visual buffer for the access drive to minimize visibility from the water to the greatest extent possible, while achieving the required clearing and considering functional requirements such as snow plowing at the turnaround. The revegetation plan also meets the requirements of the Saco River Corridor Commission (SRCC) who issued a permit for the project.*

**Staff Comment: Revegetation Plan:** *The revegetation plan, drawing C-15, is intended to meet the city of Biddeford’s shoreland zoning requirements.*

*Details are as follows:*

- *49 trees are being removed with 21 of those within the 50-foot HAT setback*
- *Approximately 5,850 SF of understory duff later and low growth vegetation (predominantly non-native invasive honeysuckle) is being disturbed within 50 feet of the HAT.*
- *5 tree species are proposed in approximate equal quantities with the evergreen trees located between the road shoulder grading and the top of embankment where they are anticipated to fit under the remaining mature forest canopy, and between existing trees and ledge. Field verification during construction will be required to ensure final plant locations are feasible if shallow ledge or significant remaining tree root stock is present.*
- *3 shrubs (2 evergreen and 1 deciduous) are proposed to plant at the toe of the road embankment as well as in areas around the turnaround where fitting larger trees will be challenging given limited space and the need to maintain an area for plowed snow.*
- *Deciduous trees are spread throughout the area.*
- *The bioretention cells will be filled with a mix of wet, drought and salt tolerant shrubs and perennials which are shown on the plan as a hatched area. The notes on the plan and drawing C-16 plant schedule describe the random pattern mixing of these plants throughout the bio retention cells.*
- *All other disturbed areas will be planted with a native roadside mix of perennial grasses and flowers. It is recommended that this area be mowed once a year in the fall to maintain the mix of plants. If mowed more often, it will revert to mostly lawn grasses. • Mature plant sizes are listed on the plant list to give a sense of the amount of screening that may occur over time.*
- *The applicants are proposing the removal of invasive plant species and a complete replanting of the disturbed areas with native Maine species which Staff believes meet the above standards*

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

***The proposed development meets these standards.***

**e. Service, storage and utility areas.**

1. All service, storage, and utility areas shall be designed to the side or rear yard of a proposed or existing building or structure, and such areas shall be appropriately screened/buffered by walls, fences, earth berms, or vegetation.
2. Proposed utility elements shall be adequately screened; and, if producing sound, baffled upon Planning Board request.
3. Trash receptacles, dumpsters, storage sheds, etc., shall be shown on plat.

***Staff Comment: The research pier includes a small storage shed for equipment associated with the pier. The pier storage is the only storage / service area. The proposed storage / utility areas are minimal in size but are large enough to accommodate the storage needs of pier related activities.***

**f. Paving, parking, and storage areas.**

1. No paving, parking, or storage shall be permitted within the required setback of any side or rear property line;
2. No paving, parking, or storage (except for entrances/exits) shall be permitted within 25 feet of any front property line. These unpaved nonparking or nonstorage areas shall be maintained as landscaped areas or open spaces.

***Staff Comment: No parking is being planned for the proposed pier. This standard is not applicable.***

**g. Handicapped accessibility.**

1. Pedestrian walkways, entrances and exits designed for use by the handicapped shall be provided as required by any and all federal, state, or local laws, ordinances, rules and regulations or as requested by the Planning Board.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

2. Handicapped parking spaces and accessways shall be indicated on plat whenever they are to be employed.

**Staff Comment:** *The proposed research pier is handicapped accessible. The project meets this standard.*

h. Loading facilities.

1. Loading facilities for new structures shall be designed to the rear or side of any and all proposed or existing building or structure.
2. Loading facilities shall be designed in accordance with the applicable federal, state, or local laws, ordinances, codes, rules and regulations and shall be off-street or accessible via a public street.

**Staff Comment:** *No loading areas are being proposed as part of the pier project. This standard does not apply.*

i. Parking, loading, and protective buffers.

1. All parking, loading and protective buffers shall be situated on the same tract or parcel of land as the primary use building or structure.
2. The maximum nonvegetated area of the land area being developed and reviewed shall be 75%.
3. Any parking or paving, including all access ways, egress ways, entrances and exits on streets for both pedestrian and vehicular use, shall not cover or occupy more than 30% of the land area being developed and reviewed and shall be included with the maximum nonvegetated area.
4. In all applications, a minimum of 25% of the land area being developed and reviewed shall remain in its natural state or shall be maintained as appropriately landscaped area.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

5. All buildings or structures shall be sited in conformance with established setbacks of the particular zone. No building or structure may be built within the required side yard setback. The Planning Board may require greater setbacks in areas such as turnpikes, water bodies, railroads, etc.
  
6. All buffered or screened areas shall be densely planted with shrubs or trees which are respectively at least two or three feet high at the time of planting and are of a type which may be expected to form a year-round dense screen of at least five feet high within three years, provided that such screening shall not obstruct the view of oncoming traffic when entering or exiting the site. An additional cash bond to cover the cost of replacement of these plantings may be required. The term of the bond shall be equal to three years from the time of planting. At the end of the three years any unused portion of this security will be returned to the applicant along with accrued interest.

***Staff Comment:*** *The proposed development does not include new parking areas. The non-vegetated area of the land being developed will be less than 75% and a minimum of 25% of the land area being developed either remains in its natural state or consists of landscape and lawn areas. New landscaping is being proposed in all areas being disturbed by the pier construction as discussed within this document and Applicants development plans. The project meets this standard.*

j. Open space.

1. In new residential developments: Open space shall be provided in the ratio of 1,000 square feet for each dwelling unit. This open space shall be identified as either a "green space" or as "recreational space."
  
2. Whenever practicable, open space in a residential development shall include a mixture of active and passive recreational opportunities to benefit the various residents of the project. Such opportunities would include, but are not limited to, ball and other playing fields, tennis courts, etc.
  
3. In large-scale projects hiking trails or nature paths are encouraged.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

4. In projects that abut rivers or streams a public easement is encouraged, to provide access to a limited natural resource.
5. The plan shall reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers will be maintained and preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

***Staff Comment:*** *The proposed development does not include any residential uses but has been designed around the natural environment. Areas of disturbance will be replanted with natural Maine species and graded to support the proposed pier and it’s access. The project meets the above standards.*

**k. External lighting.**

1. All existing/proposed external lighting must be included on plat. Lighting will be described as needed.
2. Lighting shall be designed to provide adequate illumination on-site, especially in parking areas, walkways and structural entrances, and site entrance from roadways. At the same time all illumination will be designed to mitigate adverse impact on abutting properties and structures, and traffic.

***Staff Comment:*** *An electrical site plan is included in the drawing set which shows the site lighting. Full cut off fixtures will be utilized, and lighting will be the minimum necessary for safety and functionality. The project meets these standards.*

**l. Signs.**

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

1. All proposed signs shall meet standards provided in Article VI of the Zoning Ordinance of the City of Biddeford.

2. Signs shall be indicated on plat.

3. A detail of sign design shall be submitted as part of the application for site review.

**Staff Comment:** *No new signage is being proposed for this project. Any proposed signs shall meet the City’s Sign Ordinance.*

**m. Historic and archaeological resources.** If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of construction.

**Staff Comment:** *See attachment 10 for a letter from the Maine Historic Preservation Commission clearing the project. The proposed development meets this standard.*

**6. Shoreland Zoning Land Use Standards:** In addition to the Site Plan Approval / Site Design Criteria outlined above, the project is required to comply with the applicable standards of Article XIV. Section 15.C. which are listed below:

15 C. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line of a water body or within a wetland.

1. Except as provided in Section 15C11 and Section 15X7, no more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single residential lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15A, a second structure may be allowed and may remain as long as the lot is not further divided.

**Staff Comment:** *Standard not applicable*

**2.** *Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.*

**Staff Comment:** *Access from shore will be developed on soils appropriate for the use. A detailed erosion control plan has been prepared for the project. The proposal meets this standard.*

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

**MEETING DATE:** August 6, 2025, at 6:00 PM

3. The location shall not interfere with existing developed or natural beach areas.

**Staff Comment:** *The proposal does not interfere with existing developed or natural beach areas. The application meets this standard.*

4. The facility shall be located so as to minimize adverse effects on fisheries.

**Staff Comment:** *The facility has been located to minimize adverse effects on fisheries. The plan was reviewed by the National Marine Fisheries Service. The application meets this standard.*

5. The facility shall be no larger in dimension than necessary to carry on with the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

**Applicant Comment:** *The facility size is the minimum necessary to carry out current and future research activities and is consistent with the surrounding character and uses of the area, including the Camp Ellis pier on the opposite side of the river.*

**Staff Comment:** *The proposed project meets this standard.*

6. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

**Staff Comment:** *Standard not applicable*

7. New permanent piers and docks on nontidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

**Staff Comment:** *A temporary pier / dock at this location at this location is not feasible for the proposed use. The Applicant has obtained approval from the Department of Environmental Protection (DEP).*

8. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

**Staff Comment:** *Standard not applicable*

9. Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

**Staff Comment:** *An 8 ft x 10 ft shed for storage of life jackets, tools, and research equipment is proposed on the pier, and is an operational necessity. The shed will not exceed 20 ft in height. The proposal meets this standard.*

*NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.*

**Staff Comment:** *The Applicants have received approval for the proposed dock from the Maine Department of Environmental Protection (MDEP)*

10. *Vegetation may be removed in excess of the standards in Section 15P of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.*

**Applicant Comments:**

*a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment accessway must be restored.*

*b. Revegetation must occur in accordance with Section 15S.*

*NOTE: A permit pursuant to the Natural Resource Protection Act is required by the Department of Environmental Protection for shoreline stabilization activities.*

**Staff Comment:** *The applicant has submitted a detailed erosion control and revegetation plan for the project which adequately addresses erosion control and site revegetation standards. The applicant meets these standards.*

11. *A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:*

**Staff Comment:** *The proposal is for a dock/pier, so the above standards related to “decks” are not applicable. Standard not applicable.*

8. **FINDINGS OF FACT:** *The proposed project will need to meet the standards below at Final Board review:*

- 1) *The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;*

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

- 2) The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
- 3) The proposed exterior lighting, where allowed, would not create hazards for motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
- 4) The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
- 5) The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odors, dust, glare, hours of operation, or other causes;
- 6) The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
- 7) The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
- 8) The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;
- 9) The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;
- 10) The proposed use would be in compliance with Biddeford's Comprehensive Plan;
- 11) The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;
- 12) The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
- 13) Adequate provision has been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
- 14) Adequate provision has been made to control erosion or sedimentation;
- 15) Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

- 16) The proposed water supply would meet the demands of the proposed use for fire protection purposes;
- 17) Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
- 18) The proposed use would not have an adverse impact on scenic vistas or on significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;
- 19) When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.

**Staff Comment:** *In reviewing the application, Staff finds that the application satisfies the City’s Shoreland Zoning Ordinance and Site Plan criteria.*

**9. SAMPLE MOTIONS FOR SITE PLAN AND SHORELAND ZONE APPROVAL:**

The Application before the Board is a “Preliminary Plan”, so a formal vote is required.

A. Motion to Approve: I motion to APPROVE Case # 2024.34 Final Plan – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District, with the adoption of the Findings of Fact (FOF) and recommended Conditions of Approval (COA).

B. Motion to Deny I motion to DENY Case # 2024.34 Final Plan – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District, for the following reasons:

- 1) \_\_\_\_\_.
- 2) \_\_\_\_\_.
- 3) \_\_\_\_\_.

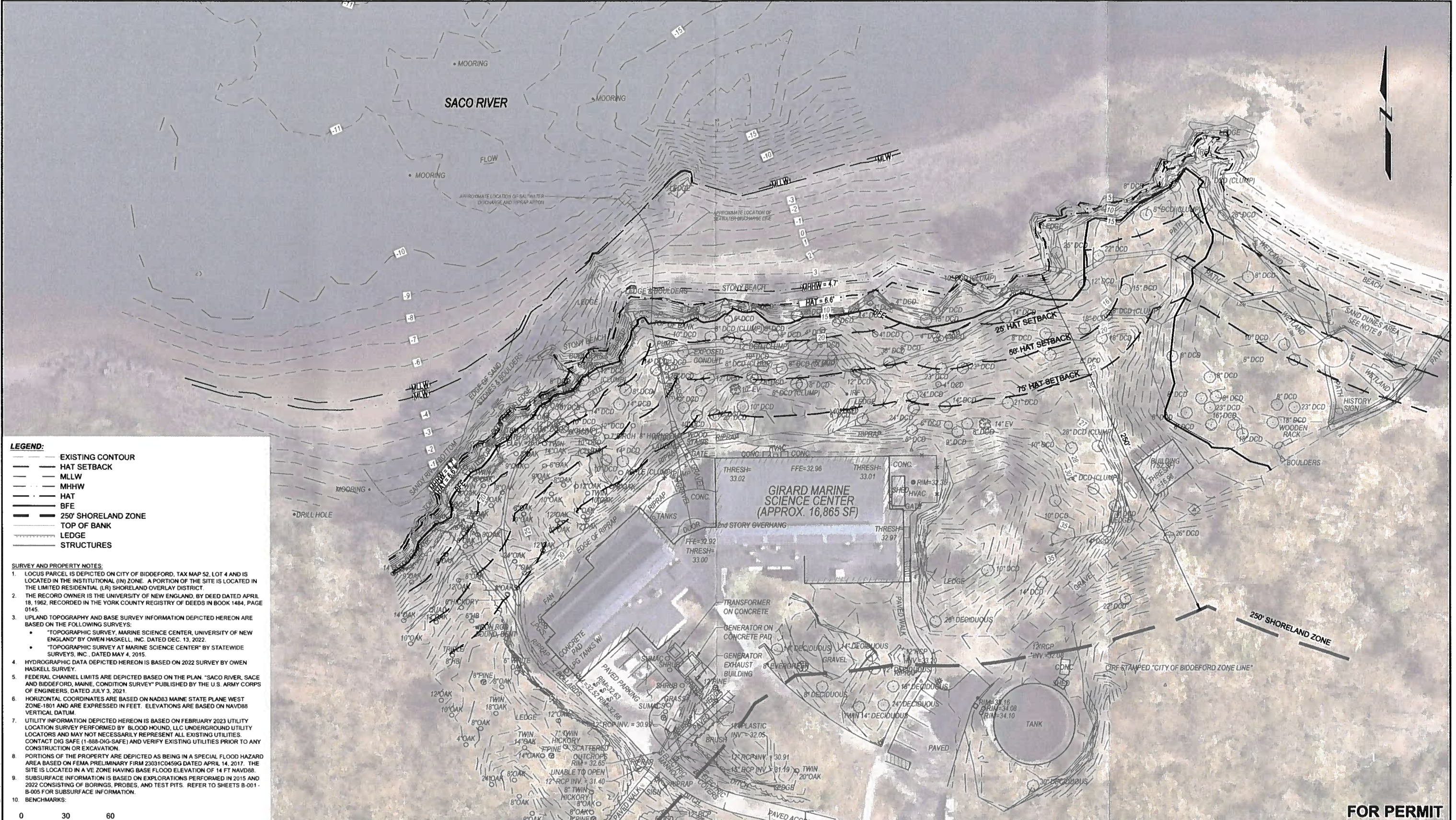
C. Motion to Table: I motion to TABLE Case # 2024.34 Final Plan – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District, for the following reasons:

- 1) \_\_\_\_\_.
- 2) \_\_\_\_\_.

**RE: Case # 2024.34 Final Plan Review – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.**

MEETING DATE: August 6, 2025, at 6:00 PM

3) \_\_\_\_\_.



- LEGEND:**
- EXISTING CONTOUR
  - HAT SETBACK
  - MLLW
  - MHHW
  - HAT
  - BFE
  - 250' SHORELAND ZONE
  - TOP OF BANK
  - LEDGE
  - STRUCTURES

- SURVEY AND PROPERTY NOTES:**
1. LOCUS PARCEL IS DEPICTED ON CITY OF BIDDEFORD, TAX MAP S2, LOT 4 AND IS LOCATED IN THE INSTITUTIONAL (IN) ZONE. A PORTION OF THE SITE IS LOCATED IN THE LIMITED RESIDENTIAL (LR) SHORELAND OVERLAY DISTRICT.
  2. THE RECORD OWNER IS THE UNIVERSITY OF NEW ENGLAND, BY DEED DATED APRIL 18, 1962, RECORDED IN THE YORK COUNTY REGISTRY OF DEEDS IN BOOK 1484, PAGE 0145.
  3. UPLAND TOPOGRAPHY AND BASE SURVEY INFORMATION DEPICTED HEREON ARE BASED ON THE FOLLOWING SURVEYS:
    - TOPOGRAPHIC SURVEY, MARINE SCIENCE CENTER, UNIVERSITY OF NEW ENGLAND BY OWEN HASKELL, INC. DATED DEC. 13, 2022.
    - TOPOGRAPHIC SURVEY AT MARINE SCIENCE CENTER BY STATEWIDE SURVEYS, INC. DATED MAY 4, 2015.
  4. HYDROGRAPHIC DATA DEPICTED HEREON IS BASED ON 2022 SURVEY BY OWEN HASKELL SURVEY.
  5. FEDERAL CHANNEL LIMITS ARE DEPICTED BASED ON THE PLAN, "SACO RIVER, SAGE AND BIDDEFORD, MAINE, CONDITION SURVEY" PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS, DATED JULY 3, 2021.
  6. HORIZONTAL COORDINATES ARE BASED ON NAD83 MAINE STATE PLANE WEST ZONE-1801 AND ARE EXPRESSED IN FEET. ELEVATIONS ARE BASED ON NAVD88 VERTICAL DATUM.
  7. UTILITY INFORMATION DEPICTED HEREON IS BASED ON FEBRUARY 2023 UTILITY LOCATION SURVEY PERFORMED BY BLOOD HOUND, LLC. UNDERGROUND UTILITY LOCATORS AND MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTACT DIG SAFE (1-888-DIG-SAFE) AND VERIFY EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION OR EXCAVATION.
  8. PORTIONS OF THE PROPERTY ARE DEPICTED AS BEING IN A SPECIAL FLOOD HAZARD AREA BASED ON FEMA PRELIMINARY FIRM 23031C0459G DATED APRIL 14, 2017. THE SITE IS LOCATED IN A VE ZONE HAVING BASE FLOOD ELEVATION OF 14 FT NAVD88.
  9. SUBSURFACE INFORMATION IS BASED ON EXPLORATIONS PERFORMED IN 2015 AND 2022 CONSISTING OF BORINGS, PROBES, AND TEST PITS. REFER TO SHEETS B-001-B-005 FOR SUBSURFACE INFORMATION.
  10. BENCHMARKS:

0 30 60  
SCALE, FEET

ELEVATION	MLLW	NAVD88*
BFE	+19.0	+14.0
HAT	+11.6	+6.6
MHHW	+9.7	+4.7
MHW	+9.3	+4.3
MSL	+4.8	-0.2
MLW	+0.3	-4.7
MLLW	0.0	-5.0

\*PROJECT DATUM

Attention:  
0 1"  
If this scale bar does not measure 1" then drawing is not original scale.

6/9/2025

Designed:	DJB
Drawn:	JAM
Checked:	BJB
Approved:	BMM
P.E. No.:	13033
GEI Project	2203703

GEI CONSULTANTS, INC.  
5 MILX STREET  
PORTLAND, ME 04101  
(207) 797-8901

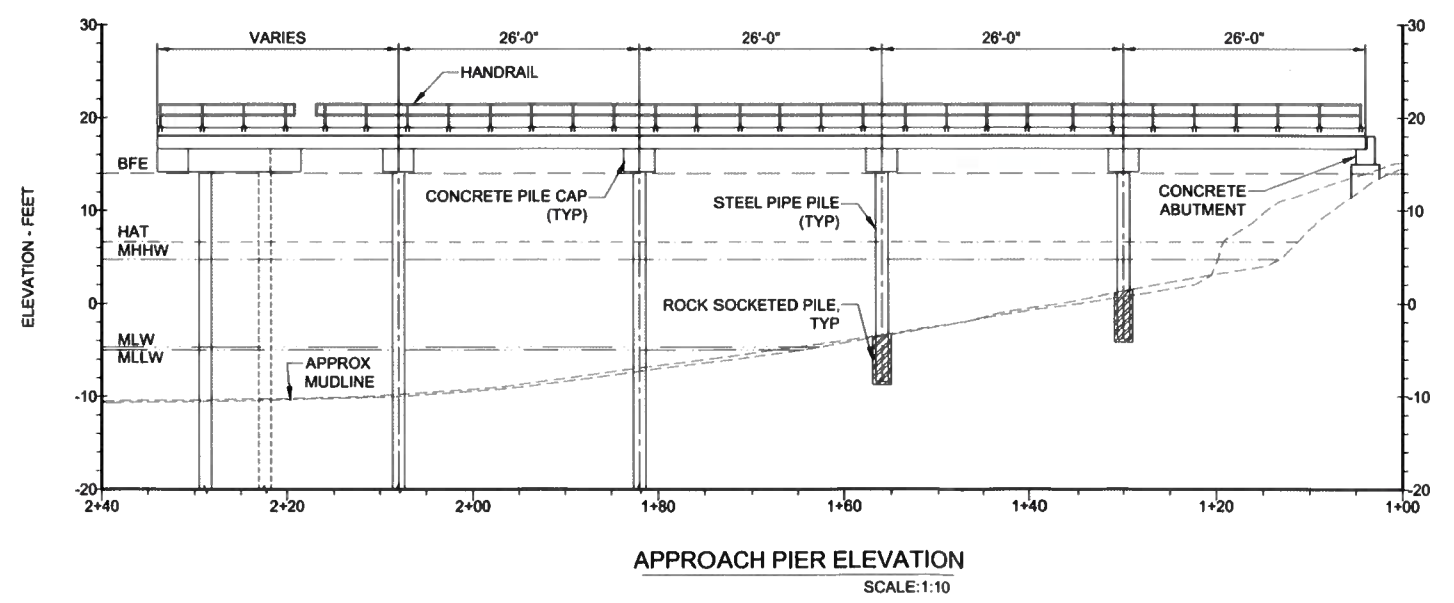
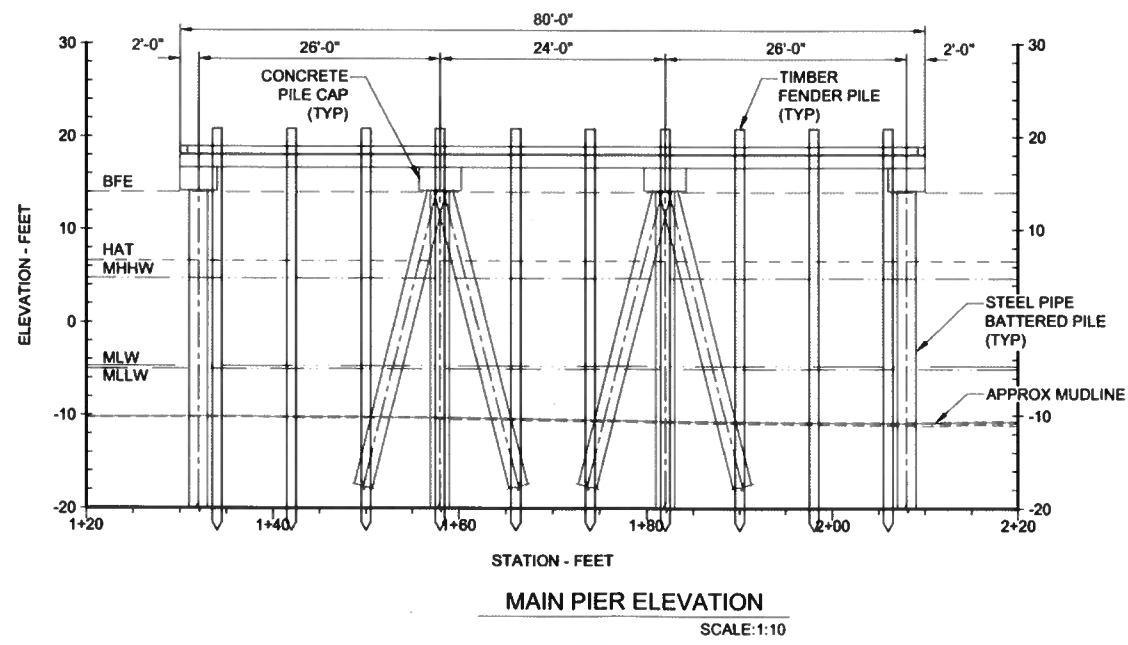
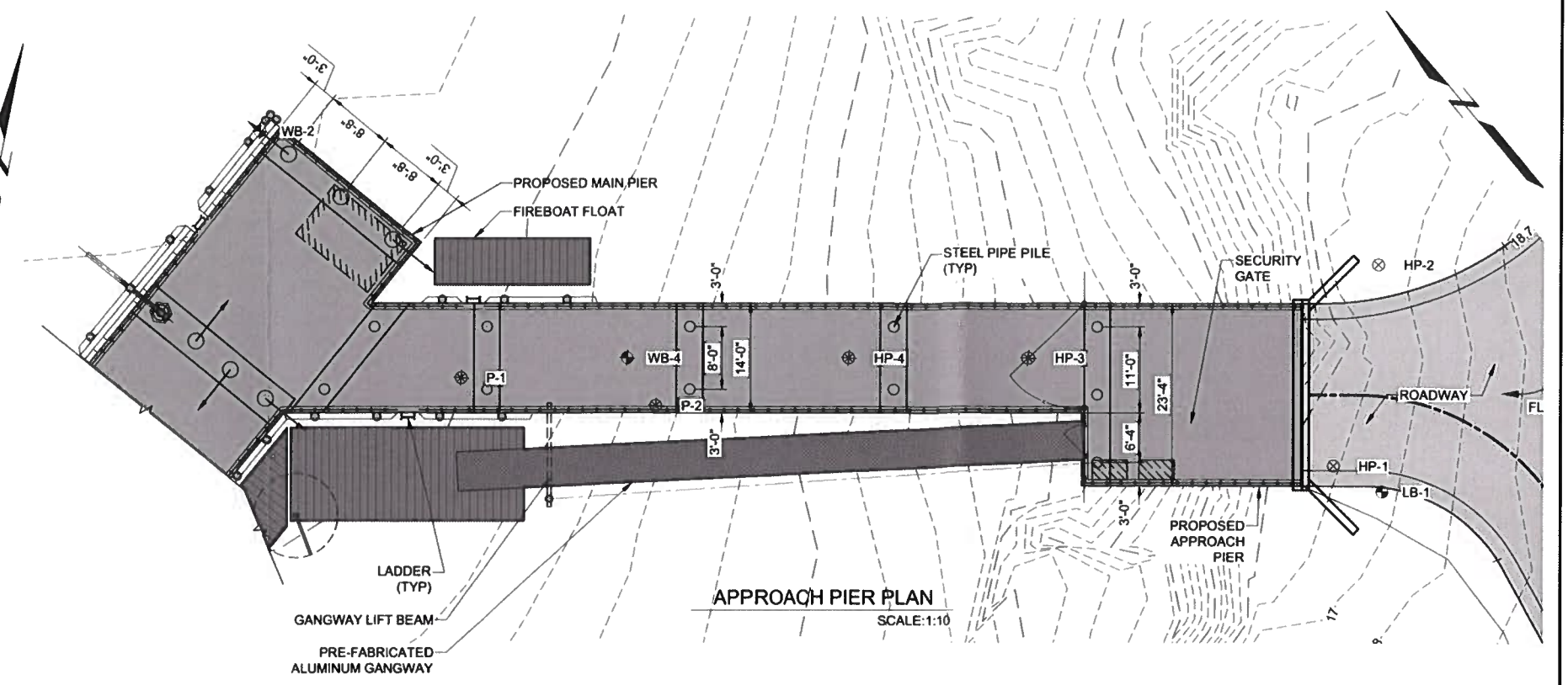
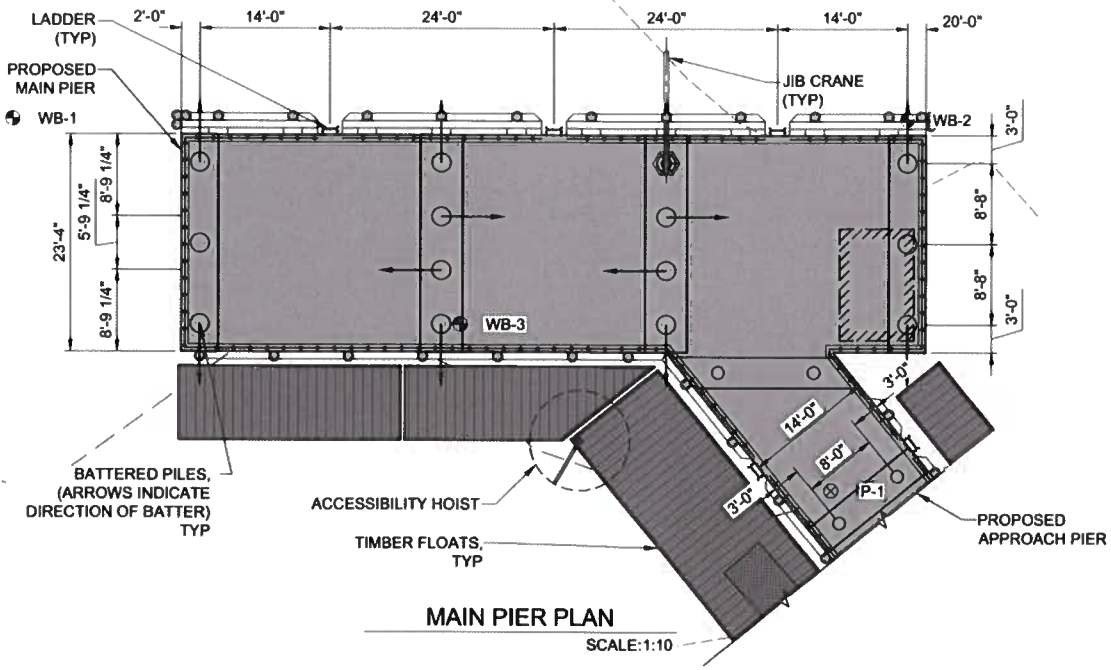
UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH RD.  
BIDDEFORD, MAINE

**UNIVERSITY OF NEW ENGLAND MARINE SCIENCE CENTER PIER**  
11 HILLS BEACH ROAD  
BIDDEFORD, YORK COUNTY, MAINE

NO	DATE	ISSUE/REVISION	APP
8	6/5/2025	ADDRESS PB COMMENTS	DJB
7	4/16/2025	BIDDEFORD PERMIT APP.	DJB
6	9/17/2024	REVISED PERMIT SET	DJB
5	6/27/2024	REVISED PERMIT SET	DJB
4	9/14/2023	DEP PERMIT SET	DJB
3	6/28/2023	75% DESIGN SUBMISSION	DJB
2	2/15/2023	30% DESIGN SUBMISSION	DJB
1	12/9/2022	15% DESIGN SUB REV	DJB
0	11/11/2022	15% DESIGN SUBMISSION	DJB

SHEET NAME	SHEET NO.
EXISTING CONDITIONS PLAN	C-001

FOR PERMIT



ELEVATION	MLLW	NAVD88*
BFE	+19.0	+14.0
HAT	+11.6	+6.6
MHHW	+9.7	+4.7
MHW	+9.3	+4.3
MSL	+4.8	-0.2
MLW	+0.3	-4.7
MLLW	0.0	-5.0

\*PROJECT DATUM

Attention:

If this scale bar does not measure 1" then drawing is not original scale.

Designed:	DJB
Drawn:	JAM
Checked:	BJB
Approved:	BMM
P.E. No.:	13033
GEI Project	2203703

GEI CONSULTANTS, INC.  
5 MILK STREET  
PORTLAND, ME 04101  
(207) 797-8901

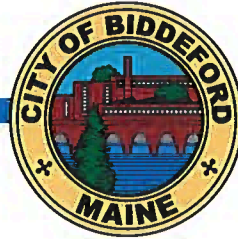
UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH RD.  
BIDDEFORD, MAINE

**UNIVERSITY OF NEW ENGLAND MARINE SCIENCE CENTER PIER**  
11 HILLS BEACH ROAD  
BIDDEFORD, YORK COUNTY, MAINE

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1	12/9/2022	15% DESIGN SUB REV	DJB
0	11/11/2022	15% DESIGN SUBMISSION	DJB

**FOR PERMIT**

SHEET NAME	SHEET NO.
<b>PIER PLANS AND ELEVATIONS</b>	<b>S-002</b>



April 6, 2026

Alan Thibeault  
Assistant Vice President for Planning  
University of New England  
11 Hills Beach Road  
Biddeford, ME 04005

Ref: Denial of Tree Cutting

Mr. Thibeault,


This letter is to inform you that the City of Biddeford has **DENIED** the tree cutting application for the research pier project

On January 20, 2026, the City Council implemented a 180-day moratorium. One of the conditions of the moratorium is that for a period of one hundred eighty (180) days, a temporary moratorium is imposed on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone.

After consulting with the City Solicitor, I have determined that a permit can't be issued based on the language in the resolution.

If you disagree with my decision, you may file an administrative appeal to the Zoning Board of Appeals no later than 30 days from the date of this decision (April 6, 2026).

Respectfully,

  
Robby Fecteau  
Director of Code Enforcement &  
Emergency Management

# MEMORANDUM

TO: ROBY FECTEAU, CEO  
FROM: HARRY B. CENTER, II, ESQ., CITY SOLICITOR  
DATE: APRIL 1, 2026  
SUBJECT: UNE APPLICATION FOR TREE CUTTING PERMIT

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**ISSUE PRESENTED:** On February 18, 2026, the University of New England applied for a Building Permit with the City of Biddeford Code Enforcement Office, seeking a permit to begin tree clearing for a research pier access road to be installed, appurtenant to a pier approved by the City Planning Board in 2025. You have asked me for my legal opinion as City Solicitor as to whether the proposed activity is permitted by ordinance and/or law.

**BRIEF ANSWER:** It is my opinion, as City Solicitor, that you have a lawful basis to deny this permit due to the current Moratorium.

## ANALYSIS

By statute, the State of Maine allows municipalities to impose moratoriums on the processing and or issuance of development permits, when the application of existing land use ordinances or regulations or other applicable laws are inadequate to prevent serious public harm from development in the affected geographic area. 30-A M.R.S. § 4356. On January 20, 2026, the Biddeford City Council unanimously passed a resolution imposing such a moratorium on all new construction, redevelopment, expansion, conversion or change of use of land or structures within the City's institutional zone (hereinafter "IZ" zone).

Both the language in the Resolution passing the January 20, 2026 moratorium and the supporting information recite the facts that the City of Biddeford's current land use regulations, specifically the provisions of Article V, Section 11, IZ Zone are inadequate to address the current expansion and development within that zone by the University of New England (hereinafter UNE) . Therefore, the application for tree clearing to prepare for a research pier access road installation, at the cost of \$200,000, must be denied at this time, pursuant to the moratorium.

In addition to the existing Moratorium passed on January 20, 2026, the Biddeford City Council unambiguously passed an additional moratorium by Resolution dated November 6, 2025. The University of New England research pier project is subject to a Saco River Corridor restriction, which precludes any development within two hundred fifty (250) feet of the Saco

River and a vegetive buffer zone of the same dimension is also imposed. Despite this clear, unequivocal, unambiguous restriction, the Saco River Corridor Commission either intentionally or inadvertently failed to address the restriction in any way (no waiver, no consideration, no explanation) and granted SRCC Permit #20-491, approving the University's research pier. City officials became aware of this error by the SRCC in October 2025 and a letter from the SRCC was sent to you on October 20, 2025 wherein the SRCC explained that it intended to ignore the 250 zone as it relates to the proposed pier. At the next regular Council meeting, the Council passed a Resolution asking the Office of the Attorney General to review the matter and expressly stated, "*BE IT FURTHER RESOLVED, that pending clarification from the Office of the Attorney General, the City of Biddeford will withhold further permitting or authorization related to the proposed UNE pier...*"

Despite these clear, unequivocal Council Orders, The University of New England continues to request permits from your office. I note that the University is located within the Institutional Zone. As part of the land use regulations related to any development within that zone, The City of Biddeford's Land Use Ordinance at Article V, Section 11, an Institutional Master Plan is required. The Ordinance requires that all development, University uses and the issuance of permits must be consistent with the Master Plan. The Master Plan submitted in 2001 references the 250-foot buffer/vegetive buffer/no build zone. Subsequent Master Plans which do not include development along the Saco River do not contain that language. There are however, various maps and other documents which do reference the restriction. Notwithstanding this, the current Moratoria precludes the issuance of any permits, independent from the issue of 250 zone.

### CONCLUSION

The need to review the entire Institutional Zone is exemplified by the issue of the 250 zone. The imposition of the moratorium is necessary and demonstrates the City of Biddeford's good faith in this process. The City of Biddeford is acting for the health and safety and welfare of all citizens throughout this process. An ad hoc committee has already met several times and City staff is working diligently to clarify the land use regulations as they relate to the Institutional Zone.



UNIVERSITY OF  
NEW ENGLAND

**Biddeford Campus**  
11 Hills Beach Road  
Biddeford, ME 04005  
(207) 283-0171 T

**Portland Campus**  
716 Stevens Avenue  
Portland, ME 04103  
(207) 797-7261 T

April 13, 2026

Mr. Brandon J. Mazer Esq.,  
Perkins Thompson  
200 Middle Street, PO Box 426  
Portland, Maine 04112-0426

TO WHOM IT MAY CONCERN:

This letter authorizes Brandon J. Mazer, Esq., to serve as an agent for University of New England for the purpose of submitting appeals to the Zoning Board of Appeals, and other related legal matters.

Sincerely,

A handwritten signature in black ink that reads "Alan Thibeault". The signature is written in a cursive style with a large, sweeping flourish above the name.

Alan Thibeault  
Director of Campus Planning

APPLICATION FOR VARIANCE OR  
APPEAL TO BOARD OF ZONING APPEALS

CITY OF BIDDEFORD, MAINE

NAME OF APPELLANT University of New England

MAILING ADDRESS 11 Hills Beach Road

CITY OR TOWN Biddeford, ME 04005

TELEPHONE (207) 283 - 0171 MAP 52 LOT 4 ZONE IN

NAME OF OWNER University of New England

PROPERTY LOCATION 11 Hills Beach Road

The undersigned requests that the Board of Appeals consider one of the following:

- Administrative Appeal** Relief from decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit. The undersigned believes that (check one).
- an error was made in the denial of the permit.
- the denial of the permit was based on misinterpretation of the ordinance.
- there has been a failure to approve or deny the permit within a reasonable period of time.
- other \_\_\_\_\_

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

**Variance**

- a. **Nature of Variance:** Describe generally the nature of the variance \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In addition, a sketch plan of the property must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

b. Justification of Variance: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship. The following criteria must be met before the Board of Appeals can find that a hardship exists. Please explain how our situation meets each of these criteria listed below.

1. The land in question cannot yield a reasonable return unless a variance is granted.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The need for a variance is due to the "unique circumstances of the property (not desired use or personal hardship) and not to the general conditions in the neighborhood.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The granting of a variance will not alter the essential character of the locality.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The hardship is not the result of action taken by the applicant or a prior owner.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this Ordinance.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

I certify that the information contained in this application and its supplement is true and correct.

Date 4/14/20

Brandon A. Meyer  
APPELLANT

April 14, 2026

**VIA E-MAIL AND VIA HAND DELIVERY**

City of Biddeford Board of Appeals  
City Hall  
205 Main Street  
Biddeford, Maine 04005  
Roby.fecteau@biddefordmaine.org

**Re: Notice of Administrative Appeals, Map 52, Lot 4**

Dear Members of the City of Biddeford Zoning Board of Appeals:

This letter is submitted on behalf of our client, the University of New England (“UNE”). On March 10, 2026, UNE applied with the City of Biddeford Code Enforcement Office for a permit for demolition of a portion of Decary Hall (formerly, Leonard Hall), located at 11 Hills Beach Road (the “Permit Application”). On March 20, 2026, UNE received a denial of the demolition permit (the “Denial”) from the Director of Code Enforcement & Emergency Management, Roby Fecteau (“Director Fecteau”). In the Denial, and at the direction of the City Solicitor Harry B. Center, II, Esq. (the “City Solicitor”), Director Fecteau explained that on January 20, 2026, the City Council had implemented a 180-day moratorium “on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone,” which required Director Fecteau to issue the Denial. UNE now appeals the Denial in accordance with Article IX, Section 5 of the City of Biddeford Land Development Regulations and Article XIV, Section 16(G) of the City of Biddeford Shoreland Zoning Ordinance. For the reasons detailed below, Director Fecteau erred in denying UNE’s demolition Permit Application, and UNE now requests that the Board vacate the Denial and instruct Director Fecteau to approve the Permit Application.

**Background**

On September 25, 2025, UNE submitted a Minor Site Plan Approval Application (the “Site Plan Application”) to the City of Biddeford (the “City”) for “the renovations of, and an addition to . . . Decary Hall,” which would result in a net increase of 870 square feet. A true and accurate copy of the Site Plan Application is attached hereto as **Exhibit A**. In the cover letter to the Site Plan Application, Site Design Associates, the engineering firm for the project and agent to UNE, expressly stated that “[a] section of the existing building . . . will be removed and in its place a new addition will be constructed[.]” Drawings accompanying the Site Plan Application included “C-100 Existing Conditions and Demolition Plan,” which designated a portion of Decary Hall as “Building Demolition Area (See Arch. Plans).”

On or about December 3, 2025, the Site Plan Application was brought before the Planning Board, which unanimously determined that because the renovations would result in a net increase of less than one thousand square feet, the City’s Staff Review Committee (“SRC”) could process the Site Plan Application under minor site plan review. The Planning Board referred the Site Plan Application to the SRC for public hearing and review and on December 30, 2025, the SRC approved the Application.

Following SRC approval, the City asked the City Solicitor to confirm that the SRC could properly process the Site Plan Application, despite already having done so. The City Solicitor advised that the language of the Institutional Zone Ordinance required Planning Board approval for development in the Institutional Zone.<sup>1</sup> He further noted that he felt that, given the significant demolition plans, a public process should be undertaken.<sup>2</sup> Following the City Solicitor’s advice, the SRC “reconsidered” its approval on January 27, 2026 and voted to send the Site Plan Application back to the Planning Board.

In the intervening period between the SRC’s approval and its subsequent “reconsideration,” the City Council, on January 20, 2026, adopted a temporary moratorium of one hundred eighty (180) days “on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone, and on any such activity” (the “Moratorium”). A copy of the Moratorium Order is attached hereto as **Exhibit B**. The express language of the Moratorium provides that “pursuant to the City Charter, Article III, § 8, this Order shall take effect immediately upon adoption.”

On March 4, 2026, the Planning Board held a public meeting to review the Site Plan Application. During that meeting, City Planner David Galbraith reiterated the above history, notably representing that he had had a discussion with the City Solicitor regarding whether the Moratorium applied to the “Project” and that they had determined that it did not due to (1) the Site Plan Application having come in well in advance of the Moratorium, and (2) the “extensive review process” the Application had undergone. (*See Meeting Recording 53:32.*) During the March 4, 2026 meeting, the City Solicitor confirmed that the Moratorium did not apply to the *review* of the “Project” but, confusingly, questioned whether the “Project” could proceed after approval or if it would be subject to the Moratorium. (*See Meeting Recording 59:40; 109:40.*)

UNE presented the Site Plan Application during the Planning Board meeting on March 4, 2026, highlighting for the Planning Board the proposed demolition with visuals depicting the same. The Planning Board, City Planner, City Solicitor, UNE representatives, and the public engaged in extensive discussion of the proposed demolition. Following this discussion, the Planning Board unanimously approved the Site Plan Application.

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<sup>1</sup> UNE disagreed with the City Solicitor’s assessment and conclusion that the Site Plan Application required Planning Board review but, in the spirit of collaboration, submitted to the City Solicitor’s determination and participated in the Planning Board review process. UNE maintains, however, that the SRC’s December 30, 2026 approval is the operative approval.

<sup>2</sup> Despite the City Solicitor’s suggestions to the contrary, the SRC minor site plan review process is, in fact, a public process, with notices going out to abutters, opportunity for public comment and participation, and recordings of SRC review proceedings available to the public.

Having received approval from the Planning Board, on March 10, 2026, UNE applied for a demolition permit from the Code Enforcement Office (the “Permit Application”). Notwithstanding the Planning Board’s approval, Director Fecteau issued the Denial, expressly relying on guidance from the City Solicitor, who had authored a memorandum, dated March 16, 2026, with the subject line “UNE Application for Demolition of Leonard Hall” (the “Memorandum”), in which the City Solicitor concluded that the demolition permit application “must be denied at this time, pursuant to the moratorium.” A copy of the Memorandum is attached hereto as **Exhibit C**.

Notwithstanding the City Solicitor’s admission at the March 4, 2026 Planning Board meeting that the Moratorium did not apply to the Site Plan Application, the City Solicitor in his Memorandum posited that “[t]he so-called ‘Minor Site Plan Amendment’ for the expansion of Decary Hall is an absolutely perfect and direct example of the need of a moratorium on all development by UNE in the IZ Zone. This project is allegedly a ‘minor’ project, yet it involves demolition of a building that initially hosted the late Martin Luther King as a guest speaker in the early 1960s and has been a part of the university’s campus since its inception.” The City Solicitor’s commentary regarding the Site Plan Application came after the Planning Board’s approval of the same. Seemingly dissatisfied with the approval, the City Solicitor advised Director Fecteau that he “ha[d] a lawful basis to deny this permit due to the current Moratorium.”

UNE now appeals the Denial of the Permit Application.

### **Argument**

#### ***The Moratorium does not apply to the Permit Application.***

The Director’s reliance on the City Solicitor’s guidance that a permit cannot be issued due to the Moratorium is unsupported by the language of the Moratorium itself which does not purport to apply retroactively.

“Generally, ‘[a]ctions and proceedings pending at the time of the passage, amendment or repeal of an Act or ordinance are not affected thereby.’ Nevertheless, section 302 is a rule of statutory construction, and does not apply when there is clear and unequivocal language that the statute or ordinance applies to pending proceedings.” *Kittery Retail Ventures, LLC v. Town of Kittery*, 2004 ME 65, ¶ 20, 856 A.2d 1183 (quoting 1 M.R.S.A. § 302 (1989)). In other words, for a moratorium to apply retroactively, it must expressly state that it does. This general rule has now been codified under 30-A M.R.S.A. § 3007(7), which provides that “[a] municipality . . . may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application.”<sup>3</sup>

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<sup>3</sup> The Moratorium is plainly a land use ordinance. *See* 30-A M.R.S.A. § 4301 (“‘Moratorium’ means a land use ordinance or other regulation approved by a municipal legislative body that, if necessary, may be adopted on an emergency basis and given immediate effect and that temporarily defers all development, or a type of development, by withholding any permit, authorization or approval necessary for the specified type or types of development.”). “Land use ordinance” is defined under Maine law as “an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs or delineates allowable uses of land and the standards for those

The Moratorium contains no such provision. Instead, the Moratorium states that “a temporary moratorium is imposed on all *new* construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone[.]” (Emphasis added). The stated intention was for the Moratorium to apply to *new* projects, not those which were already under review. As confirmed by the City Planner and City Solicitor, the Site Plan Application, which called for the proposed demolition that was the subject of the Permit Application, was submitted to the City months in advance of the adoption of the Moratorium and received approval by the SRC nearly a month before the same. The City Planner and City Solicitor informed the Planning Board that the Moratorium did not apply to the “Project.”

The Director’s invocation of the Moratorium on the advice of the City Solicitor as a basis for denial of the Permit Application is unsupported by the plain language of the Moratorium and the City Solicitor’s prior representations of its inapplicability.

***The Denial of the Permit Application effectively overrules the Planning Board’s approval.***

The Denial operates to nullify the Planning Board’s approval of the Site Plan Application, in contravention of the City’s Land Use Ordinance (the “LUO”) and the Planning Board’s authority.

Pursuant to LUO Art. XI, art. I, § 1, the City granted authority to the Planning Board to “review, approve, or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses[.]” In cases of minor development, the Planning Board delegates its authority to the SRC. Art. XI, art. I, § 4(C). Additionally, the City has been clear that “[i]n matters of judgment or interpretation of the requirements contained in these regulations, the opinion and determination of the Planning Board shall prevail.” Art. XI, art. II, § 9(C).

By contrast, the authority of the “Building Inspector” (defined as the Code Enforcement Officer) is restricted in instances where “the proposed building or structure is so constructed or is of such usage as to require a review of the application by other authorities or boards[.]” Art. VIII, § 3(B)(3)(b). Under those circumstances, the Building Inspector is directed to “refer the applicant to the appropriate authority or board for review, approval or denial.” *Id.* Upon receipt of the reviewing board’s approval, the Building Inspector “shall issue the permit with any conditions prescribed by the reviewing authority or board.” In other words, where the Planning Board has approved a site plan, the Building Inspector’s job is ministerial and confined to issuing the permit.

The Planning Board approved the Site Plan Application with full knowledge of the planned demolition of a portion of Decary Hall. In the Planning Board Staff Report to the Planning Board, dated February 24, 2026 (the “Report”), the Staff included a diagram of Decary Hall and expressly noted that “the above diagram illustrates . . . [the] existing portion of Decary Hall to be demolished (1,861.83 s.f.)” A copy of the Report is attached hereto as **Exhibit D**. The Report was provided to the Planning Board in advance of its March 4, 2026 meeting. With the benefit of the Report, the presentation given by UNE at the meeting, and the robust discussion during the meeting, the

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uses.” *Id.* § 4301(8).

Planning Board had full knowledge that the demolition of Decary Hall was a component of the Site Plan Application and knowingly approved the same.

In summary, the LUO establishes (1) the clear authority of the Planning Board (and the SRC by delegation) to review and approve site plans for development; (2) the primacy of the Planning Board's judgment and interpretation of Site Plan regulations; and (3) the ministerial nature of the Director's job in this context. The Planning Board unquestionably approved the demolition that was the subject of the Permit Application. In issuing the Denial notwithstanding the Planning Board's approval, the Director effectively overruled the Planning Board's approval and, in doing so, exceeded his authority. As such, the Denial must be vacated with instructions to Director Fecteau to approve the Permit Application.

***To the extent that the City disagreed with the SRC and Planning Board's approvals, the City should have appealed those approvals.***

The Denial of the Permit Application stands in stark contrast to the SRC and Planning Board's approvals of the Site Plan Application and suggests a discomfort with the same.<sup>4</sup> To the extent that the City believes that the SRC and the Planning Board issued their approvals in error, the City should have timely appealed to this Board.

The City's Land Use Ordinance provides that "[a]n appeal may be taken by any person aggrieved by a decision of the Building Inspector or Planning Board to the Board of Appeals within 30 days of such decision, *and not otherwise*, except that the Board, upon a showing of good cause, may waive the thirty-day requirement." Art. IX, § 5(A)(1) (emphasis added). The Law Court has warned municipalities that "strict compliance with the appeal procedure of an ordinance is necessary" to ensure that parties may rely on the finality of municipal decisions. *Juliano v. Town of Poland*, 1999 ME 42, ¶ 7, 725 A.2d 545; *see also Zahares v. Town of Old Orchard Beach*, No. AP-08-026, 2009 WL 6631813 (Me. Super. Dec. 01, 2009).<sup>5</sup>

The Ordinance provides a process by which the City could have appealed the SRC and Planning Board approvals, but the City opted not to avail itself of such process. The City is now foreclosed from doing so where the appeals period ended and the City cannot make a showing of

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<sup>4</sup> In the Memorandum, upon which the Director relied in issuing the Denial, the City Solicitor questioned whether the proposed demolition of a portion of Decary Hall constituted a "minor project" and opined that the Moratorium is necessary for review of "minor development projects." As detailed above, however, the Planning Board had a robust discussion regarding those same points and thereafter approved the Site Plan Application. The City Solicitor may personally disagree with the Planning Board's decision, but the LUO is clear that the exclusive process for airing such grievances is to file a timely appeal with this Board.

<sup>5</sup> The City may not rely on *Juliano* to characterize the Director's Denial as an appeal "in essence" where the Ordinance unequivocally requires that appeals of Planning Board decisions must be brought before the Board of Appeals within thirty days "and not otherwise." *See Juliano*, 1999 ME 42, ¶ 7, 725 A.2d 545 (characterizing a stop work order as "an appeal" which was "in essence a challenge to the former Code Enforcement Officer's decision to issue the building permit").

good cause.<sup>6</sup> The City, through Director Fecteau, cannot now effectively overturn the SRC and Planning Board approvals by denying the Permit Application.

### Conclusion

In light of the foregoing, UNE requests that the Zoning Board of Appeals vacate Director Fecteau's denial of the demolition permit application and remand the permit application to Director Fecteau with instructions to approve it. Thank you for your consideration of this appeal.

Sincerely,

  
Brandon J. Mazer, Esq.

Enclosure

Cc: Ron Schneider, Esq., University of New England General Counsel and Vice President of Legal Affairs

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<sup>6</sup> The Law Court has issued guidance to courts reviewing whether "good cause" existed for the filing of an untimely appeal to a board of appeals. *See, e.g., Viles v. Town of Embden*, 2006 ME 107, ¶¶ 6-18, 905 A.2d 298. In *Viles*, the Court noted that the inquiry begins with whether the appellant received notice of the issuance of the disputed permit. *Id.* ¶ 13. Other factors include the amount of time that lapsed from when the appellant learned of the permit to when he or she filed the appeal. *Id.* Another key factor the Court highlighted is "whether the municipality violated its own ordinance[.]" *Id.* Applying these factors to the matter at hand and assuming that the City at some point sought to appeal the Planning Board's approval of the Site Plan Application, it is abundantly clear that the City would not be able to make a showing of "good cause" where (1) the City undoubtedly had notice of the SRC and Planning Board's approvals; and (2) the City violated its own ordinance by not filing a timely appeal of either approval. As such, even if the City now sought to appeal either the SRC or the Planning Board's approvals, such appeal would be dismissed as untimely.

**CITY OF BIDDEFORD, MAINE**  
**SITE PLAN APPROVAL APPLICATION**

**Project:**  
**LEONARD HALL RENOVATIONS**  
**11 HILLS BEACH ROAD**

**Applicant:**  
**UNIVERSITY OF NEW ENGLAND**  
**11 HILLS BEACH ROAD**  
**BIDDEFORD, MAINE 04005**

**September 25, 2025**

**Prepared by:**  
**Site Design Associates**  
**23 Whitney Way**  
**Topsham, Maine 04086**  
**Ph: 207-449-4275**  
**Email: [info@sitedesignassociates.biz](mailto:info@sitedesignassociates.biz)**

# Site Design Associates

## Consulting Engineering and Land Planning

September 25, 2025

David Galbraith, City Planner  
City of Biddeford  
P.O. Box 586  
205 Main Street  
Biddeford, ME 04005

**RE: Proposed Building Addition  
Leonard Hall  
University of New England**

Dear David:

On behalf of University of New England (UNE), Site Design Associates is pleased to submit the enclosed plans and documentation in support of an application for minor Site Plan Approval for the construction of an addition to Decary Hall on the campus located on Hills Beach Road.

We have included the following information in support of this application:

- Formal Site Plan Review Application
- City Drawing Checklist
- Letter of Agent Authorization
- Site Location Map
- Drawings
  - C-100 Existing Conditions and Demolition Plan
  - C-200 Site Plan
  - C-300 Grading, Drainage, and Erosion Control Plan
  - C-400 Erosion & Sedimentation Control Notes and Details
  - C-401 Civil Details
  - C-402 Civil Details
  - L-100 Landscape Plan
  - A1.1 Floor Plan
  - A2.1 Elevations
  - A2.2 Elevations

The new College of Business building will be a significant and vibrant addition to campus, transforming a currently underutilized structure along the main pedestrian path to the university's library and student commons. The project involves the renovations of, and an addition to, UNE's Leonard Hall, which is attached to Decary Hall, to create a new home for the recently initiated College of Business. A section of the existing building (a portion of which is currently legally non-conforming in regards to setback from Hills Beach Road) will be removed and in its place a new addition will be

constructed (which will conform with the 50 ft setback requirement) creating the main entrance and hub for the College of Business. Other programming elements include a College of Business dean suite, Bloomberg Terminal lab, classrooms, meeting rooms, and offices. The exterior of the building will be comprised of brick, precast concrete (or granite), metal panels, glass, and new College of Business signage. The walkways surrounding the building will be impacted by construction, but will be restored as noted on the drawings. A new walkway is shown at the southeasterly entrance to the building.

The project is located in the Institutional zone where University uses are permitted. The site layout and design are in conformance with the applicable Site Plan Review criteria outlined in Part III, Article XI of the Biddeford Zoning Ordinance.

The following addresses Site Design Criteria in separate sections.

### **Site Plan Approval/Site Design Criteria**

#### **1. Drainage**

The existing runoff is tributary to a drainage system which runs under Hills Beach Road and into a system owned and maintained by UNE. This project will include the installation of a formalized enclosed drainage system to convey roof and site runoff to this system. There have been no known capacity issues in this system. The project will result in a decrease of 119 s.f. of impervious area. We believe that given the decrease in impervious area, the project will comply with Article VI, Section 61.1. of the Land Development Regulations: all new construction and development, whether or not served by a stormwater collection and transportation system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff.

#### **2. Utilities**

No new sanitary sewers are proposed. Given the age of the existing water service, a new water service will be installed. A sprinkler service will be installed to serve the renovated portion of the building and the addition. Various communication lines will be impacted by the construction will be rerouted.

#### **3. Parking**

Not applicable.

#### **4. Structural Layout and Design**

a) Design of Buildings

At present, the buildings located at the intersection of this path and Hills Beach Road are either set back from the street or lack visible entrances and windows. In contrast, the new building is designed to serve as a prominent beacon, announcing the arrival of the College of Business and providing students with a welcoming space to study, gather, and engage. The design emphasizes a bright and comfortable environment with natural light, flexible seating, and an active presence that will energize this area of campus.

The project incorporates both the adaptive reuse of the existing structure and the construction of a new glass addition. While reusing the existing building aligns with sustainable design principles, the program requirements for the College of Business necessitated the addition to adequately accommodating student and academic needs. Both the renovated building and the new addition will be designed with energy-efficient mechanical and electrical systems, while also significantly improving the thermal performance of the existing envelope by increasing its R-value.

The connected Decary Hall establishes a strong architectural precedent with its classic tripartite façade of base, body, and top, composed of brick, storefront glazing, and EIFS designed to mimic concrete, accented with zinc-coated copper and ceramic tile. The new College of Business building will continue this architectural language, adopting a similar hierarchy and palette while introducing precast concrete and fiber-cement siding in place of EIFS. Precast concrete was specifically selected for its superior durability and its alignment with UNE's priority to ensure long-term performance.

The material palette of the new building is carefully calibrated to complement the existing context. The precast concrete will match the color tone of the EIFS, while the fiber-cement siding will echo the color of the adjacent brick. All materials were chosen for their durability and low-maintenance qualities, reinforcing UNE's commitment to a building that will retain its aesthetic integrity.

The project will fully comply with all applicable codes, including the Americans with Disabilities Act, energy codes, life safety standards, and the International Building Code.

b) Setbacks

The building will be sited in conformance with all setback requirements.

c) Fire Protection & Safety

A sprinkler system will be installed to serve the Leonard Hall renovation and addition.

d) Landscaping

In accordance with the master plan, a street tree will be added along Hills Beach Road with the replacement of shrubs and plantings along the sidewalk.

e) Service, Storage, and Utility Areas

Not applicable

f) Paving, Parking, and Storage Areas

Not applicable.

g) Handicapped Accessibility

The building will be accessible both externally and internally.

h) Loading Facilities

No loading facilities are proposed.

i) Parking, Loading, and Protective Buffers

Not applicable.

j) Open Space

Open space will remain as currently existing, with additional green space in front of the building.

k) External Lighting

No free-standing light fixtures are proposed. There will be lighting at the building entrances.

l) Signs

Signs will be located on the building and will be designed in conformance with the approved master plan.

m) Historic and Archeological Resources.

No part of the site has been identified as containing historic or archaeological resources.

We are currently soliciting a site contractor to undertake the work and would prefer to provide the performance guarantee cost estimate when the contractors are on board and

9/25/2025  
Page 5 of 10

have priced it. We are in hopes that the staff review committee could consider this as a condition of approval.

Please let me know if staff has any questions, comments, or suggestions relative to this proposal. We look forward to meeting with the staff review committee at the next available meeting to discuss this project.

Sincerely,  
Site Design Associates

A handwritten signature in black ink, appearing to read 'Tom Saucier', written in a cursive style.

Tom Saucier, P.E.  
President

cc: Andrew Philippe, RA, NCARB, Director for Campus Planning

**Attachment 1**  
**Formal Site Plan Review Application**



City of Biddeford – Planning Department
Planning Board Application
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

- Shoreland Zoning Permit
Conditional Use Permit
Other:
Site Plan Review (Please include checklist)
Subdivision (Please Include Checklist)
Extraction
Private Way

Applicant Information:

Name: University of New England
Mailing Address: 11 Hills Beach Road Biddeford, Maine
Telephone: 207-602-2365
Email: aphilippe@une.edu
What is your legal interest in the property?
Owner Potential Buyer with Contract Lease/Rental Agreement

Owner's Information:

Name: Applicant
Mailing Address:
Telephone:
Email:

Agent's Information:

Name: Tom Saucier, P.E. Site Design Associates
Mailing Address: 23 Whitney Way Topsham, Maine 04086
Telephone: 207-449-4275
Email: tsaucier@sitedesignassociates.biz

Engineer/Surveyor's Information:

Name: Agent
Mailing Address:
Telephone:
Email:

Project Location and Lot Information:

Street Address: 11 Hills Beach Road Drainage Watershed: Unnamed wetland
Tax Map: 52 Lot: 4
Current Zoning: IN Shoreland Zoning:
Size of Lot: 49.9 (x)acres ( )s.f. Lot Frontage: 1,489 ft +/-
Existing Use of Property: University use - Academic

Property currently serviced by:

- City Road Private 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

Is the project within the 100-year floodplain? (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:

   University use - Academic \_\_\_\_\_

**Property to be Serviced by:**

City Road       Private Sewer       Public Water       Public Trash

Private Road       Septic System       Private Well       Private Hauler

Limits of Disturbance:    17, 319 +/- \_\_\_\_\_ ( ) acres ( x )s.f.

Net change in impervious cover:    (-119) \_\_\_\_\_ ( ) acres ( x )s.f.

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

Is the project proposing a new Private or Public Road?  (Yes, Private)  (Yes, Public)  (No)

Is this project within the Urbanized Area/MS4 (see [City Drainage Map](#))  (Yes)  (No)

Is the project proposing any Stormwater facilities/BMPs?  (Yes)  (No)

Will a Traffic Movement Permit (TMP) be required?:  (Yes)  (No)

**If in a Shoreland Zone:**

Percent of residential lot coverage (Max 20%):    N/A

Percent of structure expansion (Max 30%):    N/A

**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: 626 s.f. \_\_\_\_\_

Total new square feet paving/parking:    (-745 s.f.) \_\_\_\_\_

**Waiver Requests (attach details):**

1.    Article XI.II.Section 5.B.1.b. - Written engineering report - Stormwater \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

**Required Submittal Attachments:**

A. Letters of Approval

Fire Department – Contact Chief or Deputy Chief – 282-9986 (Plans sent via email)

Ability to Serve for Water Service – Maine Water – 282-1543

Ability to Serve for Sewer Service – Engineering Department – Tom Milligan 284-9118

Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127

Ability to Serve for Electrical Service-CMP-1-866-225-4200

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

B. Photographs of Site.

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

D. Engineering Plans, as required.

E. Stormwater Management Report, as required.

**Fees (Due at time of Submission):**

• \$75 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 its 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.

Will the proposed project cause 1 acre or more of site disturbance?  (Yes)  (No)

- If Yes, applicant is responsible for any required Maine Construction General Permits and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of Applicant: \_\_\_\_\_

Date

9/25/25

Signature of Property Owner: \_\_\_\_\_

Date

9/25/25

**DIGITAL SUBMITTAL REQUIREMENTS FOR ALL SUBMITTALS:**

- A) PDF OF SIGNED APPLICATION
- B) PDFs OF ALL DRAWING SETS AND OTHER REQUIRED SUBMITTAL ATTACHMENTS NOTED ABOVE

**HARD-COPY SUBMITTAL REQUIREMENTS FOR PLANNING BOARD APPLICATIONS:**

- A) SEVEN (7) FULL-SIZE PAPER COPIES OF DRAWING SETS

**DIGITAL SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:**

- A) INDIVIDUALLY NAMED PDFs OF EACH DRAWING (NOT A COMBINED PDF SET)  
- Individual Drawing PDF Naming Format: 'PROJECT/SHEETSET NAME\_INDIVIDUAL DRAWING NAME.pdf'
- B) PDF COPIES OF ALL PERMIT APPROVALS, APPLICATIONS, REPORTS, NARRATIVES, LETTERS, ETC.
- C) FINAL CAD REFERENCE FILES IN DWG FORMAT (SURVEY & PROPOSED DESIGN LINWORK)  
- All drawings & CAD reference files must be to-scale and within the following coordinate systems:
  - MAINE STATE PLANE WEST NAD83 (Horizontal Datum) & NAVD88 (Vertical Datum)

**HARD-COPY SUBMITTAL REQUIREMENTS FOR FINAL APPROVAL:**

- A) THREE (3) FULL-SIZE PAPER COPIES OF INDIVIDUAL DRAWINGS REQUIRING BOARD SIGNATURE
- B) ONE (1) FULL-SIZE PAPER COPY OF ENTIRE DRAWING SET FOR ENGINEERING RECORDS

**PLEASE CONFIRM WITH PLANNING STAFF FOR CLARIFICATION**

**Attachment 2  
Checklist**

- CHECKLIST DIRECTIONS:**
- The following checkboxes must be completely filled out by the applicant and included on all preliminary and final Site Plan & Subdivision submittals. No checklist is required for sketch submittals.
  - Apply to confirm all of the items listed are included within the submittal. Any missing items must have adequate explanation to justify their absence.
  - City to review applicant's submittal and checklist responses. Projects missing substantial submittal information with non-acceptable response will be rejected and required to resubmit.
  - Items in **BLACK** are required for "Preliminary" approval & "Final" approval.
  - Items in **BLUE** are only required for "Final" approval.

SUBMITTAL REQUIREMENT		APPLICANT RESPONSE		CITY REVIEW RESPONSE	
ITEM NUMBER	DESCRIPTION	INFORMATION PROVIDED (YES/NO)	LIST DRAWING SHEET NUMBER WHERE INFORMATION IS PROVIDED	REASON NOT PROVIDED/COMMENT	ACCEPTABLE (YES/NO-REVISE & RESUBMIT) COMMENT
<b>1. GENERAL PLAN REQUIREMENTS</b>					
A	Drawings specific legends (line types, hatchings, etc.)	YES	ALL SHEETS		
B	Individual drawing layer control should be utilized. Freeze/thaw, changing line weights, and screening (i.e. screen existing layers on a proposed plan, freeze topography and underground utilities on a proposed site plan)	YES	ALL SHEETS		
C	North arrows, standard engineering scale viewpoints, scale bars, dated revision blocks	YES	ALL SHEETS		
D	All drawings and surveys must be in the following coordinate systems: NAD83 Maine State Plane West (Horizontal) and NAVD88 (Vertical)	YES	ALL SHEETS		
E	Drawings need to be designed, signed & sealed by a Maine licensed professional engineer (PE); all boundary survey data needs to be performed by a licensed professional land surveyor (PLS)	YES	ALL SHEETS		
<b>2. COVER SHEET</b>					
A	Project Name & Property Address	YES	COVER SHEET		
B	Project Team Contact Information (Owner, Engineer, Contractor, etc.)	YES	COVER SHEET		
C	Site Location Map	YES	COVER SHEET		
D	Sheet Set List of Drawings	YES	COVER SHEET		
E	Tax Map and Lot ID	YES	COVER SHEET		
F	Zoning & Shoreland Zone Information	YES	COVER SHEET		
G	Existing Use Description	YES	COVER SHEET		
H	Proposed Use Description	YES	COVER SHEET		
I	Required Waiver/Variations (Yes/No); if yes, plan must clearly list waivers/variances requesting	YES	COVER SHEET		
J	Name of Drainage Watershed	YES	COVER SHEET		
K	Within the MS4 Urbanized Area (Yes/No)	YES	COVER SHEET		
L	Natural resources (streams, wetlands, etc.) located on-site or adjacent to the property (Yes/No)	NO	COVER SHEET	NO NATURAL RESOURCES WITHIN THE VICINITY OF THE PROJECT DISTURBED AREA	
M	Within the 100-year Flood Zone (Yes/No)	NO	COVER SHEET		
N	Public Road Proposed (Yes/No)	NO	COVER SHEET		
O	Private Road Proposed (Yes/No)	NO	COVER SHEET		
P	Public Sewer Connection (Yes/No)	YES	COVER SHEET		
Q	Public Storm Drain Connection (Yes/No)	YES	COVER SHEET		
R	Limits of Disturbance in square feet and acres	YES	COVER SHEET		
S	Previous Land Cover square footage, existing and proposed	YES	COVER SHEET		
T	Impervious Land Cover square footage (Pavement/Gravel), existing and proposed	YES	COVER SHEET		
U	Building floor square footage, existing and proposed	YES	COVER SHEET		
V	Assigned Planning Board Number	N/A		STAFF REVIEW	
W	Estimated curtille earthwork volumes. If disturbing within the Flood Zone, a separate set of earthwork volumes measured (overall site vs. within Flood Zone)	N/A		MINIMAL GRADE CHANGES PROPOSED	
<b>3. EXISTING CONDITIONS PLAN</b>					
A	Horizontal & Vertical Datum annotated (NA83 & NAVD88)	YES	C-100		
B	Property & Right-of-Way Lines	YES	C-100		
C	Boundary line information (bearings, distances, etc.)	NO		Part of a 48.9 acre parcel. Boundary survey submitted with previous application.	
D	Property pits and monumentation locations	NO		NO PROPERTY LINE CHANGE PROPOSED.	
E	Existing easements with proper ownership identified	YES	C-100		
F	Road names & inside lot labels (Map, Lot, Owner, Address)	NO		NONE WITHIN PROJECT AREA.	
G	Location of any Natural Resources and their respective buffers (wetlands, streams, etc.)	NO		NONE WITHIN VICINITY OF PROJECT AREA.	
H	100-year Flood Zone Limits & Elevation	YES	C-100		
I	Existing contour lines (minimum 1' contour interval)	YES	C-100		
J	Existing contour labels (minimum 1' contour interval)	YES	C-100		
K	Site obstructions for all town locations (such as, property lines)	YES	C-100		
L	Existing buildings & structures	YES	C-100		
M	Existing pavement areas & number of parking spaces	YES	C-100		
N	Existing ADA, curb economy, detectable warning plates, and ADA parking spaces	YES	C-100		
O	Existing site features (wetlands, retaining walls, curbing, light poles, bulk rail, dumpsters, fencing)	YES	C-100		
P	Existing signage and stroming	YES	C-100		
Q	Existing underground utility locations (storm, sewer, force main, water, gas, elec, tele)	YES	C-100		
R	Existing above-ground utility locations (manholes, catch basins, utility poles, hydrants, transformers, nortap)	YES	C-100		
S	Run, invert in, invert out, pipe size, cardinal direction (N, E, S, W) information for any existing utility infrastructure being tied into (upstream/downstream/outfalls)	YES	C-100		
T	Existing tree lines, street trees, trees standing trees (12" or larger diameter at breast height), and vegetation	YES	C-100		
U	Location of any borrowings, drinking wells, and monitoring wells	NO		NONE WITHIN VICINITY OF PROJECT AREA.	
<b>4. SITE DEMOLITION &amp; EROSION CONTROL (E&amp;EC) PLAN</b>					
A	Limits-of-disturbance outlined and acreage annotated	YES	C-100		
B	Location of any Natural Resources and their respective buffers (wetlands, streams, etc.)	NO		NONE WITHIN VICINITY OF PROJECT AREA.	
C	100-year Flood Zone Limits	YES	C-100		
D	Callout existing site features to be demolished/removed/replaced	YES	C-100		
E	Callout existing utilities to be demolished/removed/abandoned-in-place	YES	C-100		
F	Mark existing buildings and pavement to be removed	YES	C-100		
G	Construction Entrance location(s)	YES	C-300		







**Attachment 3**  
**Agent Authorization**



**UNIVERSITY OF  
NEW ENGLAND**

**Biddeford Campus**  
11 Hills Beach Road  
Biddeford, ME 04005  
(207) 283-0171

**Portland Campus**  
716 Stevens Avenue  
Portland, ME 04103  
(207) 797-7261

September 25, 2025

Mr. Tom Saucier  
Site Design Associates  
23 Whitney Way  
Topsham, Maine 04086

TO WHOM IT MAY CONCERN:

This letter authorizes Tom Saucier, Site Design Associates, to serve as an agent for University of New England for the purpose of permitting building renovations and an addition to Decary/Leonard Hall.

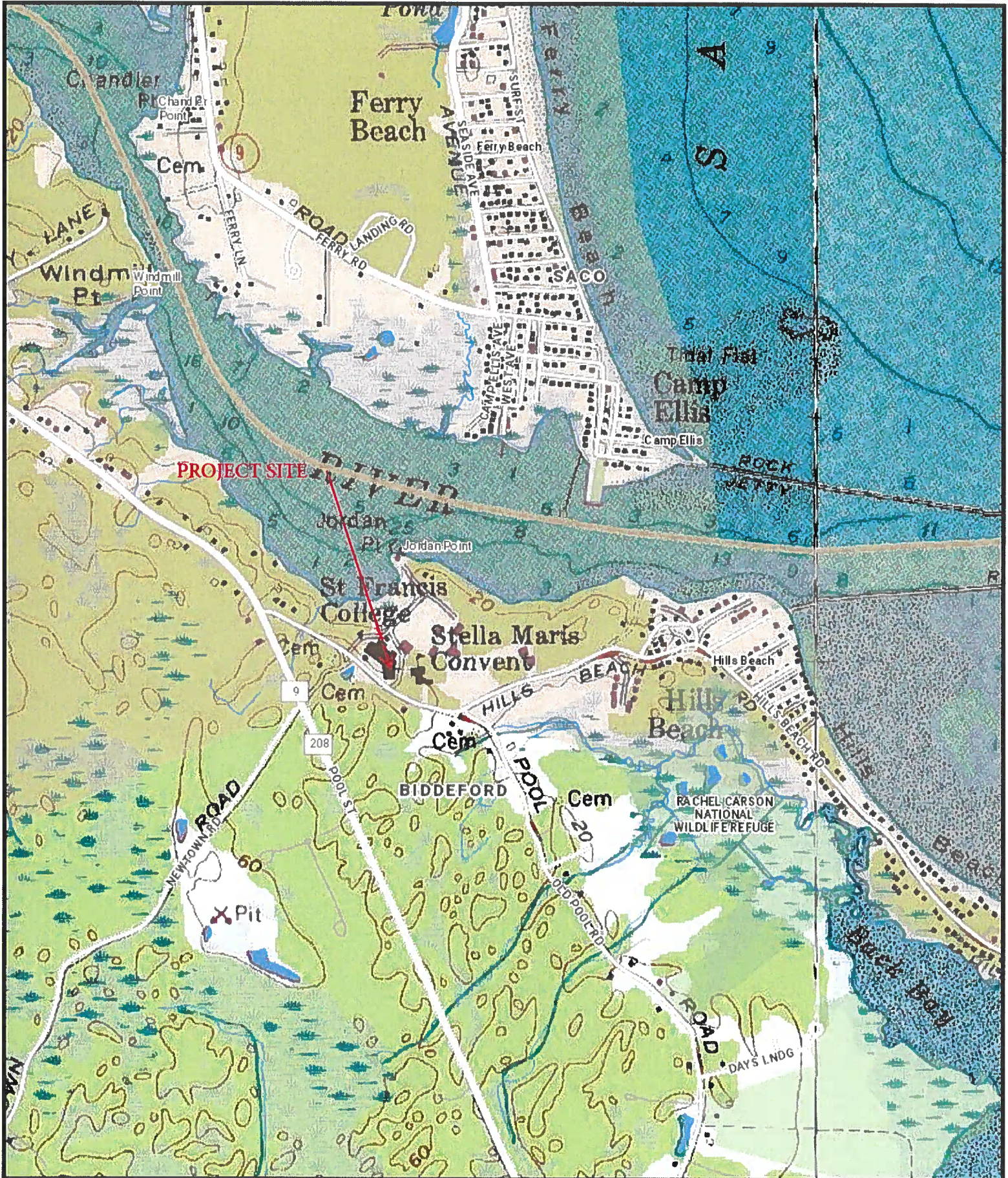
Sincerely,

A handwritten signature in black ink that reads "Alan Thibeault". The signature is written in a cursive style with a large, sweeping flourish above the name.

Alan Thibeault  
Vice President for University Operations

**Attachment 4  
Location Map**

# RECREATIONAL PIER JORDAN POINT



The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch.

0.25 Miles  
 1 inch = 0.28 miles

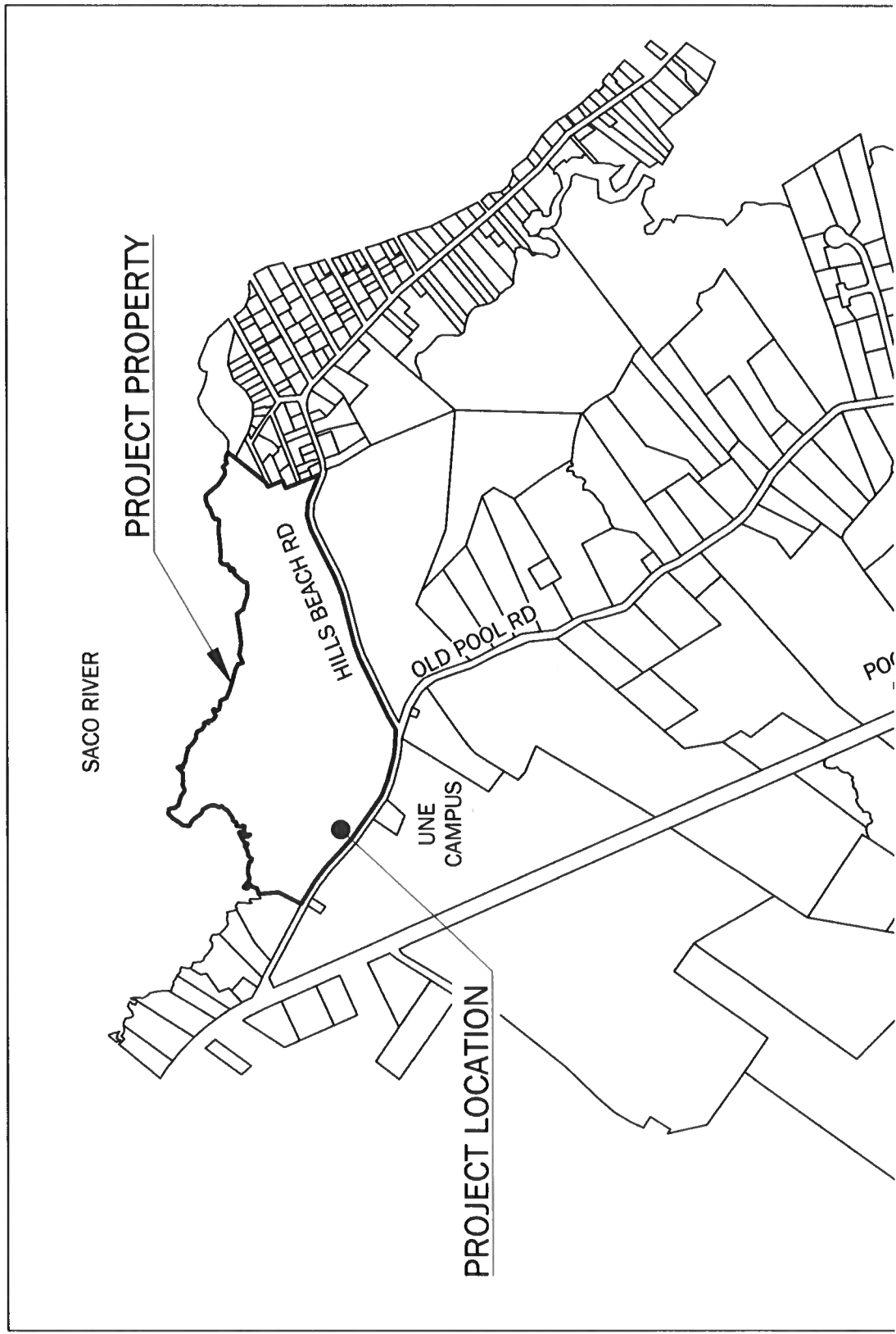
Date: 6/8/2023  
 Time: 3:54:08 PM

**Attachment 5**  
**Drawings**

**WILLOUGHBY & ASSOCIATES**

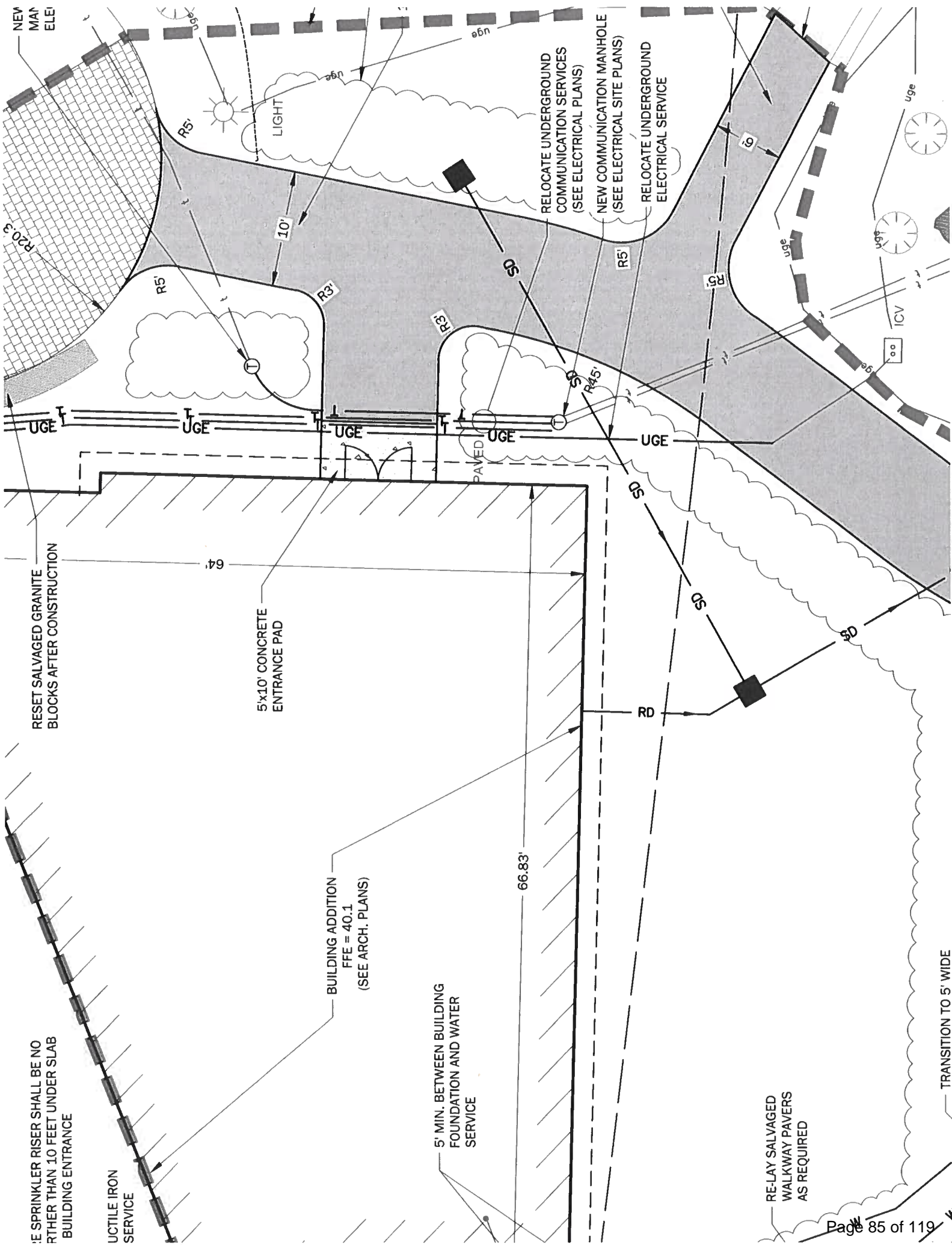
**Consulting Engineering & Land Planning**

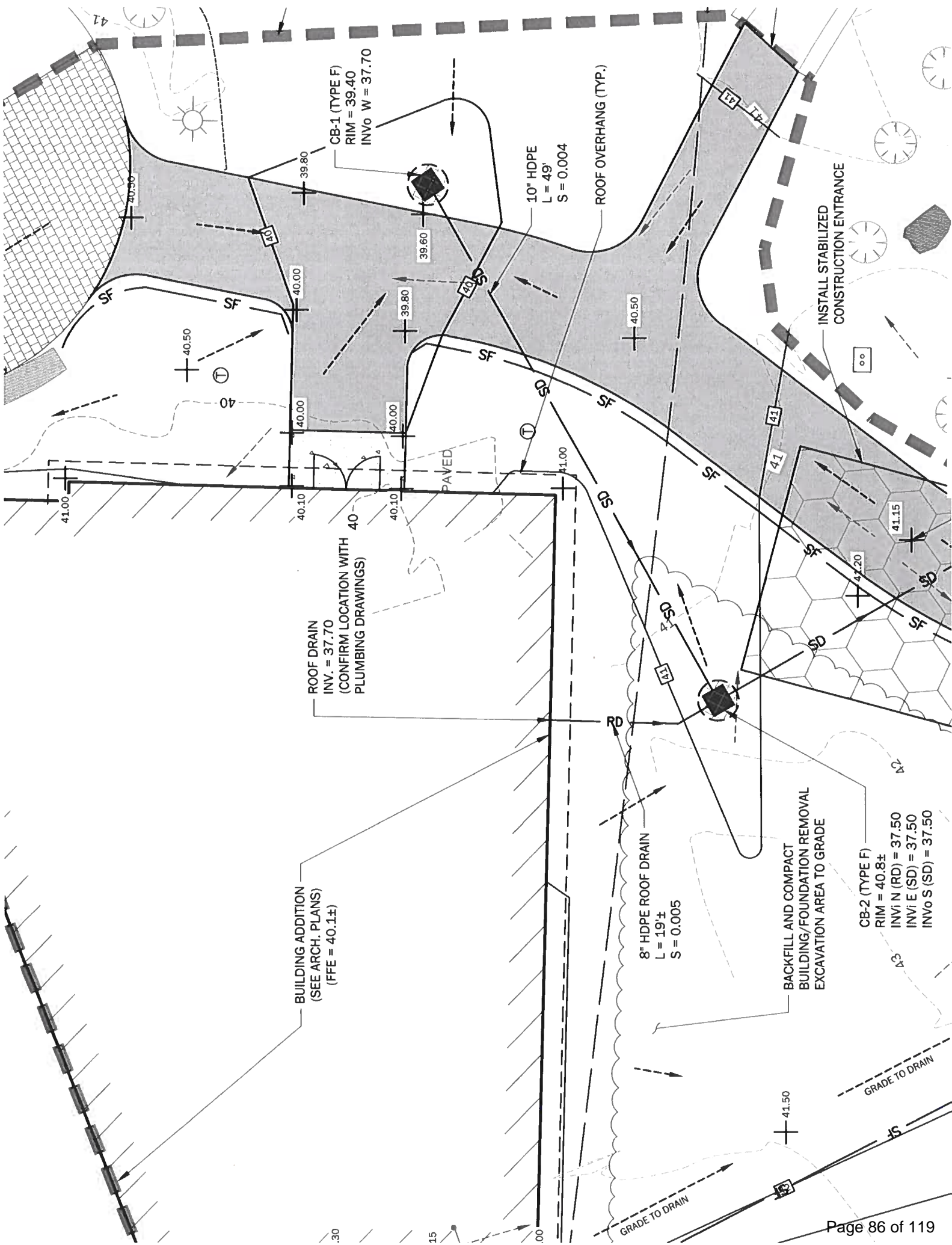
23 Whitney Way    Topsham, Maine 04086    Tel: (207) 449-4275





FOUNDATION, THEN REMOVE EXISTING WATER SERVICE.





BUILDING ADDITION  
(SEE ARCH. PLANS)  
(FFE = 40.1±)

ROOF DRAIN  
INV. = 37.70  
(CONFIRM LOCATION WITH  
PLUMBING DRAWINGS)

CB-1 (TYPE F)  
RIM = 39.40  
INV<sub>o</sub> W = 37.70

10" HDPE  
L = 49'  
S = 0.004

ROOF OVERHANG (TYP.)

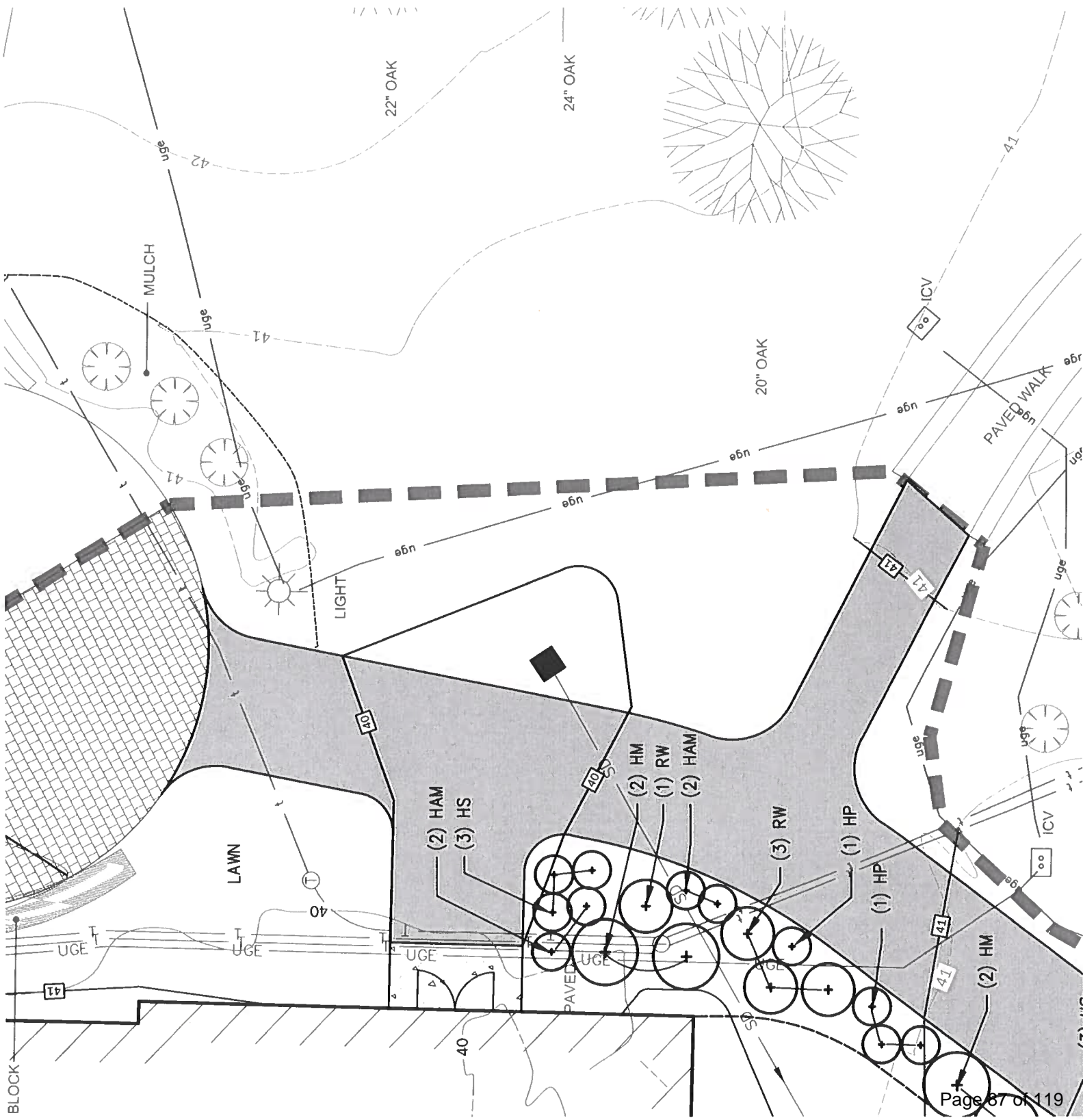
8" HDPE ROOF DRAIN  
L = 19'±  
S = 0.005

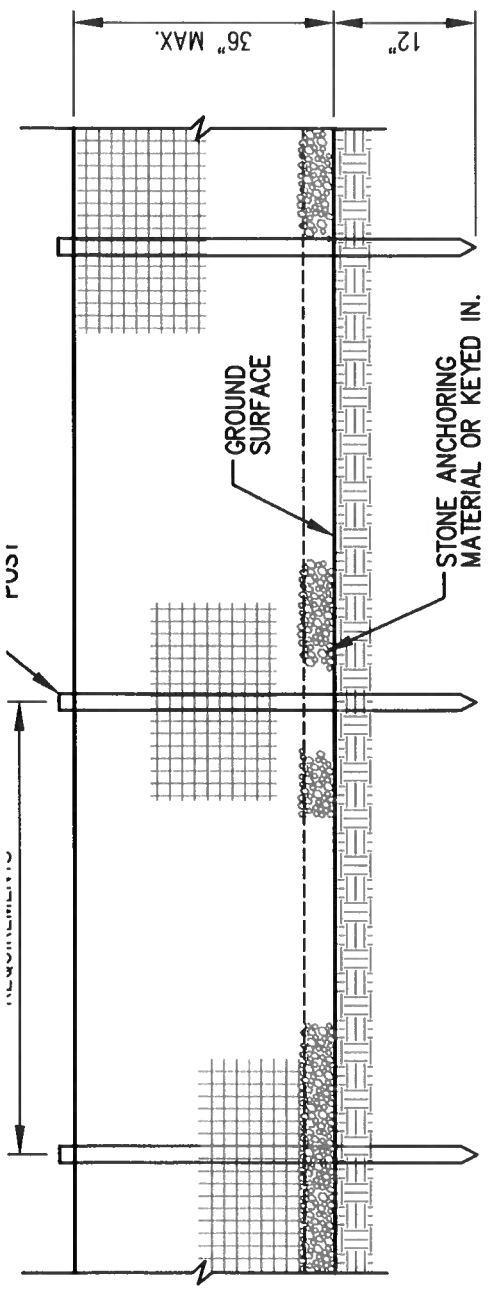
BACKFILL AND COMPACT  
BUILDING/FOUNDATION REMOVAL  
EXCAVATION AREA TO GRADE

CB-2 (TYPE F)  
RIM = 40.8±  
INV<sub>i</sub> N (RD) = 37.50  
INV<sub>i</sub> E (SD) = 37.50  
INV<sub>o</sub> S (SD) = 37.50

INSTALL STABILIZED  
CONSTRUCTION ENTRANCE

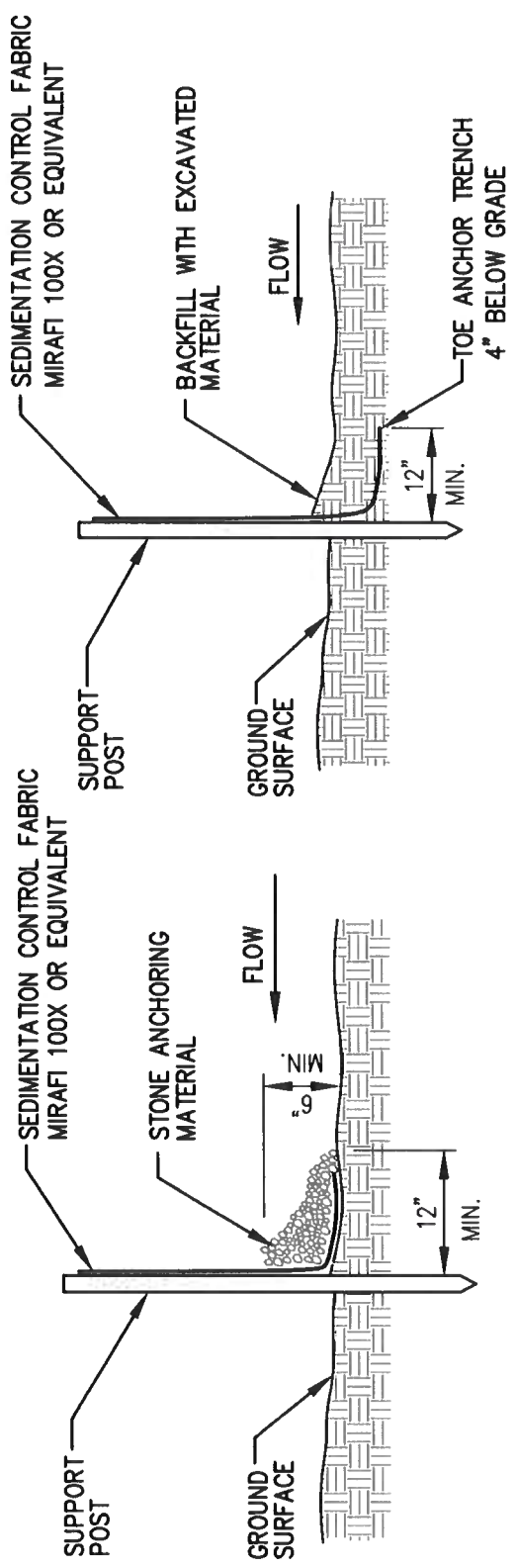
9. ALL TREES
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11. INSTALL IS
12. CONTRACT RESPONSIE
13. THE LANDS
14. SCREENED ELEMENTS,
15. SEE DRAW
16. THE CONTF THE PROFI





OUTLET PROTECTION SHALL BE THAT SECTION OF DITCH OR OUTLETS SHALL CONSIST OF FIELD RECTANGULAR SHAPE. STONES SHALL BE PLACED IN SUCH A MANNER AS TO PREVENT SLOPES STEEPER THAN 3:1, AND DISTURBED AREAS WITHIN 100 FEET OF WATER BODIES. EROSION CONTROL MEASURES SHALL EXCEED A MANUFACTURER'S SPECIFICATIONS AND BE REMOVED WITHIN 30 DAYS AFTER CONSTRUCTION IS COMPLETED.

**ELEVATION**



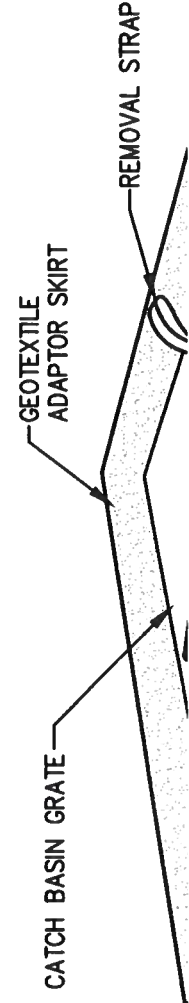
DURING THE PERIOD FROM CONSTRUCTION THROUGH TO THE END OF CONSTRUCTION, EROSION CONTROL MEASURES THAT ARE NOT SPECIFICALLY DESIGNED FOR THE SITE MAY BE WITHOUT EXCEPTION. THE SLOPES SHALL BE PROTECTED WITH A DOUBLE ROW OF STONES. THE STONES SHALL BE PLACED AT A RATE OF AT LEAST 100 POUNDS PER SQUARE YARD AT THE TIME OF PLACEMENT. THE STONES SHALL BE PLACED AT THE TIME OF PLACEMENT. THE STONES SHALL BE PLACED AT THE TIME OF PLACEMENT.

SECTION (KEYED IN)

SECTION (STONE FILLET)

**1 SILT FENCE DETAIL**

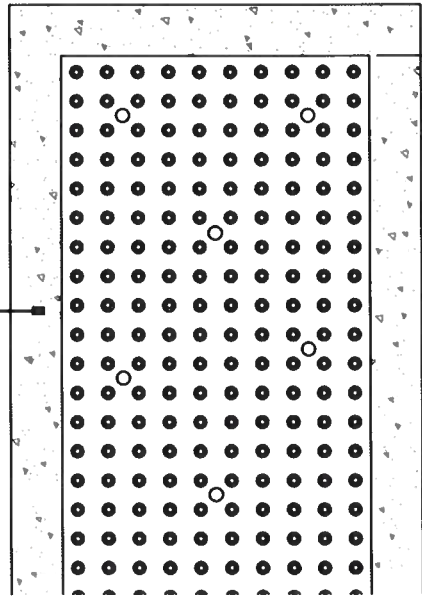
C-400 NOT TO SCALE



CATCH BASIN GRATE SHALL BE USED ON THESE SLOPES. THE GRATE SHALL BE PLACED AT THE TIME OF PLACEMENT. THE GRATE SHALL BE PLACED AT THE TIME OF PLACEMENT.

COMPOSITE WET SET (REPLACEABLE) DETECTABLE  
WARNING PANELS SET IN WET CONCRETE PER  
MANUFACTURER'S INSTRUCTIONS

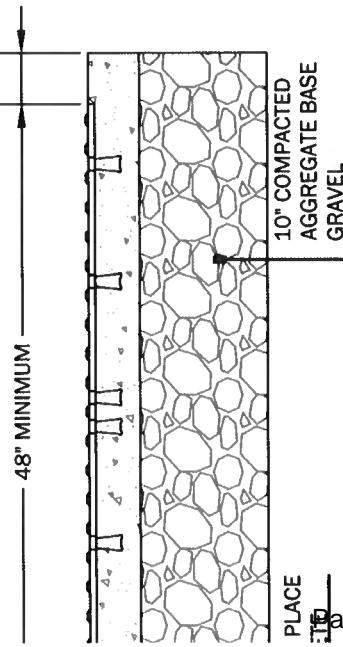
CAST IN PLACE  
CONCRETE



PLAN VIEW

48" MINIMUM

2" MIN

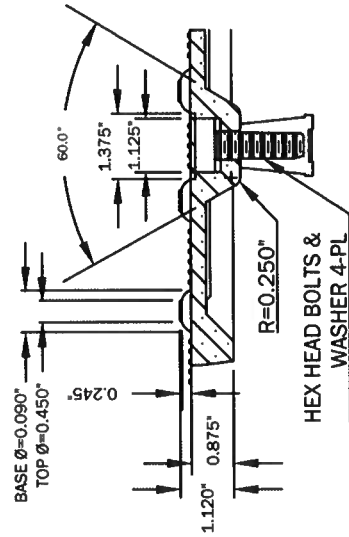


SECTION VIEW

PLACE  
THE

NOTES:

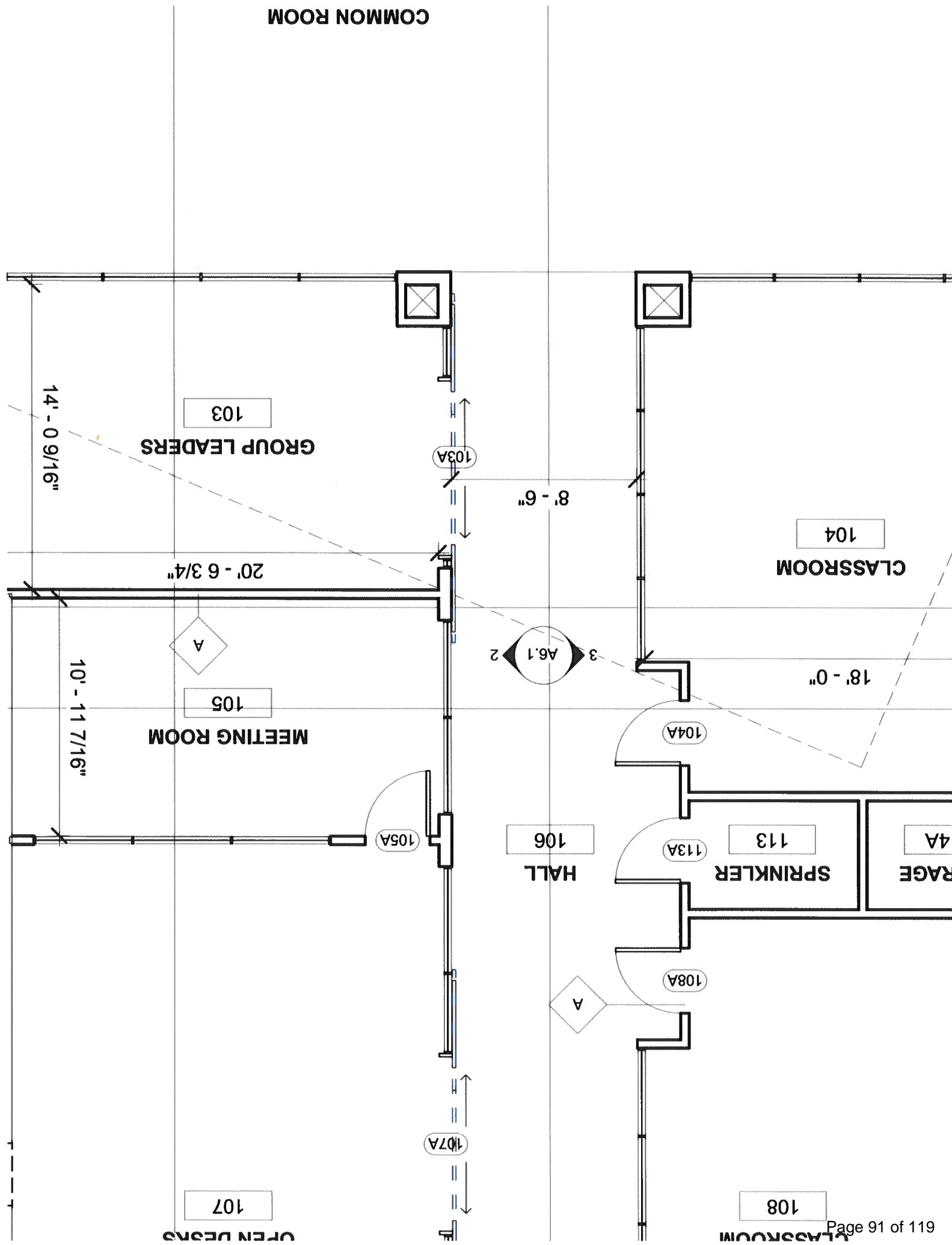
1. COMPOSITE WET SET (REPLACEABLE) DETECTABLE WARNING PANELS SHALL BE AS MANUFACTURED BY ADA SOLUTIONS, INC. (WWW.ADATILE.COM), OR APPROVED EQUAL.
2. CAST IN PLACE CONCRETE SHALL MEET SPECIFICATIONS FOR MAINE D.O.T. CLASS A STRUCTURAL CONCRETE, MINIMUM COMPRESSIVE STRENGTH 4,000 PSI. THE CONCRETE SHALL BE SEALED PRIOR TO SETTING PANELS. THE EXPOSED CONCRETE BORDER SHALL RECEIVE A GROOVED EDGE BETWEEN THE PANEL AND CONCRETE, ALONG WITH A UNIFORM BROOM FINISH PERPENDICULAR TO THE FLOW OF PEDESTRIAN TRAFFIC.
3. TRUNCATED DOMES SHALL BE ALIGNED IN ROWS, PARALLEL AND PERPENDICULAR TO THE PREDOMINANT DIRECTION OF TRAVEL. TRUNCATED DOME BRICKS AND GRANITE PAVERS ARE NOT ALLOWED.
4. FOR ALL DETECTABLE WARNING PANELS (EXCEPT AS SPECIFIED IN FIGURE I-7A AND TECHNICAL MANUAL SECTION 1.8.4.), FEDERAL YELLOW COLORED (#33538) PANELS SHALL BE USED. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
5. SIZE: THE DETECTABLE WARNING PANEL(S) SHALL EXTEND 24 INCHES MINIMUM IN THE DIRECTION OF TRAVEL AND THE FULL WIDTH OF THE CURB RAMP, LANDING, OR BLENDED TRANSITION TO THE STREET.
6. ORIENTATION: THE DETECTABLE WARNING PANEL SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS 2 INCHES MINIMUM AND 4 INCHES MAXIMUM FROM THE BACK OF THE CURB LINE. THE PANEL SHALL BE ORIENTED TO THE DIRECTION OF TRAVEL AS IDENTIFIED BY THE POINT OF EGRESS.

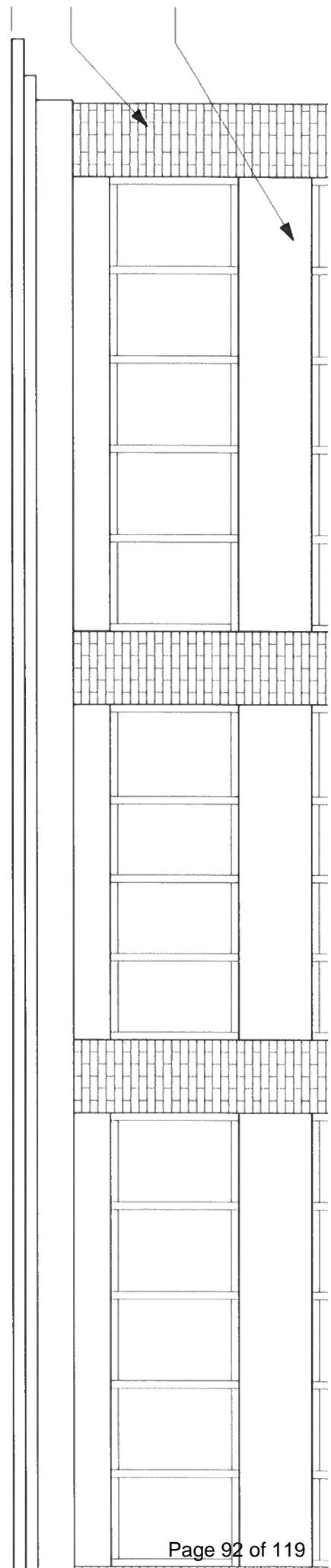
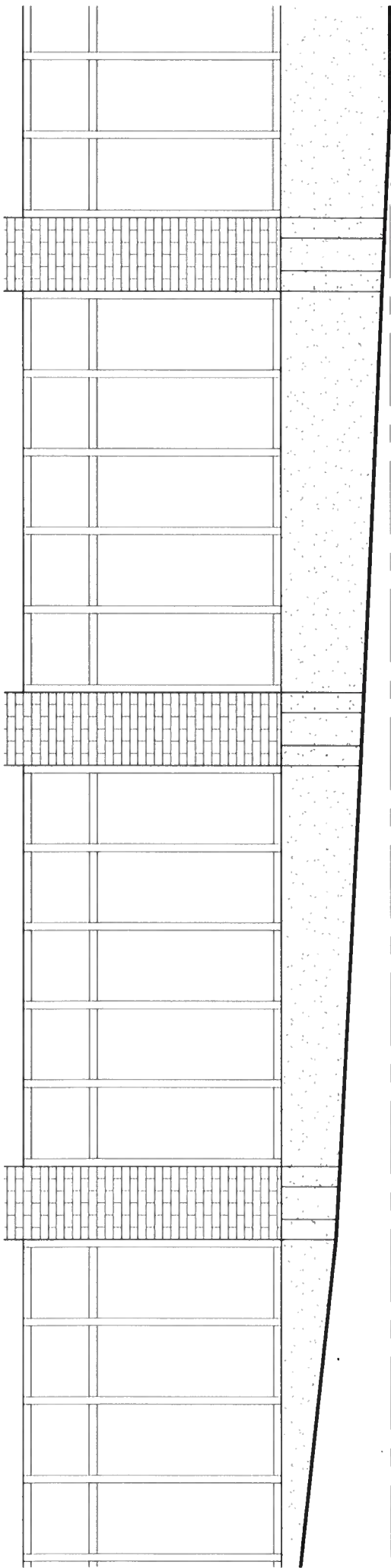


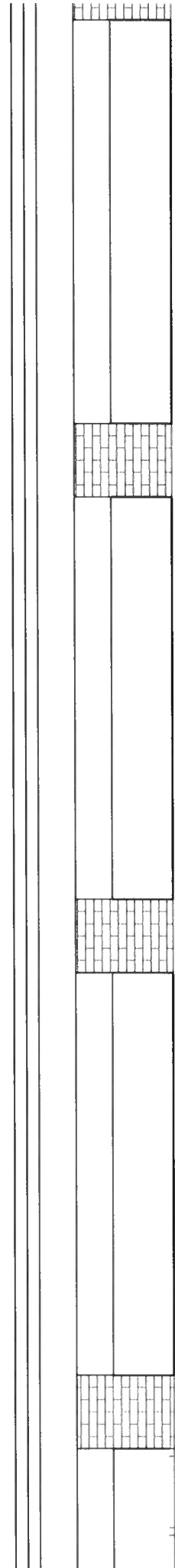
BOLT DETAIL

)

COMMON ROOM









## RESOLUTION

**WHEREAS, in 2001, in response to the rapid growth and expansion of the University of New England, the City of Biddeford adopted land use regulations establishing an Institutional Zone, intended to accommodate college and university uses while minimizing adverse impacts on surrounding, predominantly residential neighborhoods;**

**WHEREAS, the City of Biddeford Land Use Ordinance, Article V, Section 11 requires that university uses conducted within the Institutional Zone conform to an approved Institutional Master Plan;**

**WHEREAS, over time, the scale, intensity, and geographic reach of institutional development have increased, placing growing demands on City transportation systems, utilities, public safety services, municipal infrastructure, and adjacent properties;**

**WHEREAS, the University of New England has recently undertaken and contemplated significant construction activity, redevelopment, land acquisition, and expansion of university uses, including activity beyond the current boundaries of the Institutional Zone;**

**WHEREAS, the City Council has established the Institutional Zone Review Committee, an ad hoc committee charged with reviewing the Institutional Zone, the Institutional Master Plan ordinance, and related standards, procedures, and review criteria, and with preparing recommendations for ordinance revisions that reflect the long-term interests of the City;**

**WHEREAS, the City Council finds that existing land use regulations governing institutional and university development are currently inadequate to fully evaluate cumulative impacts, guide future growth, and prevent serious public harm in the affected geographic areas;**

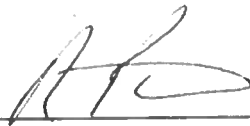
Order 2026.11

WHEREAS, pursuant to 30-A M.R.S. § 4356, a municipality may impose a moratorium where development may overburden public facilities or where existing land use regulations are insufficient to prevent serious public harm;

NOW, THEREFORE, BE IT ORDERED, that for a period of one hundred eighty (180) days, a temporary moratorium is imposed on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone, and on any such activity, including conversion or change of use, involving "University/College\*" or "University Uses\*," as defined in the City of Biddeford Table of Land Uses (Table A), whether permitted or conditional, in any zoning district.

BE IT FURTHER ORDERED, that this moratorium is adopted to allow the City, including the Institutional Zone Review Committee, City staff, the Planning Board, and the City Council, to complete a comprehensive review of applicable ordinances and land use standards governing institutional and university development, and to consider any necessary amendments to protect the public health, safety, and welfare.

BE IT FURTHER ORDERED, that the City Council finds that continued approval of such development under the existing regulatory framework presents an immediate and present risk of serious public harm, and that pursuant to the City Charter, Article III, § 8, this Order shall take effect immediately upon adoption.



Attest: Robin Patterson

Motion: Councilor Boston  
Second: Councilor  
Lessard  
Vote: Unanimous in favor  
Motion passed

**MEMORANDUM**

TO: ROBY FECTEAU, CEO  
FROM: HARRY B. CENTER, II, ESQ., CITY SOLICITOR  
DATE: MARCH 16, 2026  
SUBJECT: UNE APPLICATION FOR DEMOLITION OF LEONARD HALL

---

**ISSUE PRESENTED:** On March 10, 2026, the University of New England applied for a demolition permit with the City of Biddeford Code Enforcement Office, seeking to demolish a portion of Leonard Hall. You have asked me for my legal opinion as City Solicitor as to whether the requested permit while the Moratorium is in effect.

**BRIEF ANSWER:** It is my opinion, as City Solicitor, that you have a lawful basis to deny this permit due to the current Moratorium.

**ANALYSIS**

By statute, the State of Maine allows municipalities to impose moratoriums on the processing and or issuance of development permits, when the application of existing land use ordinances or regulations or other applicable laws are inadequate to prevent serious public harm from development in the affected geographic area. 30-A M.R.S. § 4356. On January 20, 2026, the Biddeford City Council unanimously passed a resolution imposing such a moratorium on all new construction, redevelopment, expansion, conversion or change of use of land or structures within the City’s institutional zone (hereinafter “IZ” zone).

Both the language in the Resolution passing the January 20, 2026 moratorium and the supporting information recite the facts that the City of Biddeford’s current land use regulations, specifically the provisions of Article V, Section 11, IZ Zone are inadequate to address the current expansion and development within that zone by the University of New England (hereinafter UNE) . Therefore, the application for demolition submitted by UNE for the demolition of two-fifths of Leonard Hall at an estimated cost of \$205,631 must be denied at this time, pursuant to the moratorium.

The so-called “Minor Site Plan Amendment” for the expansion of Decary Hall is an absolutely perfect and direct example of the need of a moratorium on all development by UNE in the IZ zone. This project is allegedly a “minor” project, yet it involves demolition of a building that initially hosted the late Martin Luther King as a guest speaker in the early 1960s and has been a part of the university’s campus since its inception. Admittedly the building was never

designated historical, however initially this project was screened by staff, in good faith, on a weekday morning in a conference room without any significant public notice or input. While this was done completely in good faith by staff, the optics of a project that consists of significant demolition of a highly visible structure demands public notice and input. Furthermore, the conflicting language between the IZ and general site plan review is exemplified by this project.

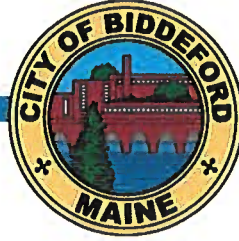
In Article XI, Section 4 of the Land Development Regulations, the Planning Board is allowed to delegate matters of minor development review to the established Staff Review Committee. Within the section relating to Site Plan Review, Article XI, Section 4 C allows "...certain minor development projects..." to be reviewed by the Staff Review Committee (hereinafter SRC). However, in contrast to that provision, Article V, Section 11 establishes that the Planning Board shall consider the conformance of the proposed activities with approved Institutional Master Plan and shall approve the project only if the proposed development is consistent with the Master Plan. Because of that language, we opined that the Staff Review approval for the Leonard/Decary Hall project needed to be reconsidered by the SRC.

In my opinion, the moratorium is necessary for the review and clarification of both "minor development projects" as well as what scrutiny any demolition that does not expressly involved a declared historical property. While UNE focuses on the end-result net addition of less than 1,000 square feet of new construction, the project demolishes over 1,800 square feet of existing structure and constructs over 3,000 square feet of new construction. In my opinion, there is nothing 'minor' about this project, notwithstanding the merits. The new structure will likely be 'state of the art' and will now result in a structure that will set back off on Hills Beach Road at a confirming distance.

### CONCLUSION

In conclusion, the express language of January 20, 2026, Council Order (2026.11) mandates that application to demolish Leonard Hall be denied at this time. I have recited the history of the imposition of the moratorium as necessary background to demonstrate the City of Biddeford's good faith in this process. The City of Biddeford is acting for the health and safety and welfare of all citizens throughout this process.

David C.M. Galbraith, City Planner / Deputy  
Director Planning and Development



David.Galbraith@biddefordmaine.org

205 Main Street / PO Box 586 • Biddeford, ME

City of Biddeford Government

(207) 571-0700 • www.biddefordmaine.org

@CityofBiddeford

PLANNING BOARD STAFF REPORT

TO: Chair McCurry and Members of the Biddeford Planning Board  
FROM: David C.M. Galbraith, City Planner & Deputy Director of the Planning & Development Dept.  
DATE: February 24, 2026  
RE: **2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall), 870 square feet located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

MEETING DATE: March 4, 2026, 6:00 PM

1. **INTRODUCTION**

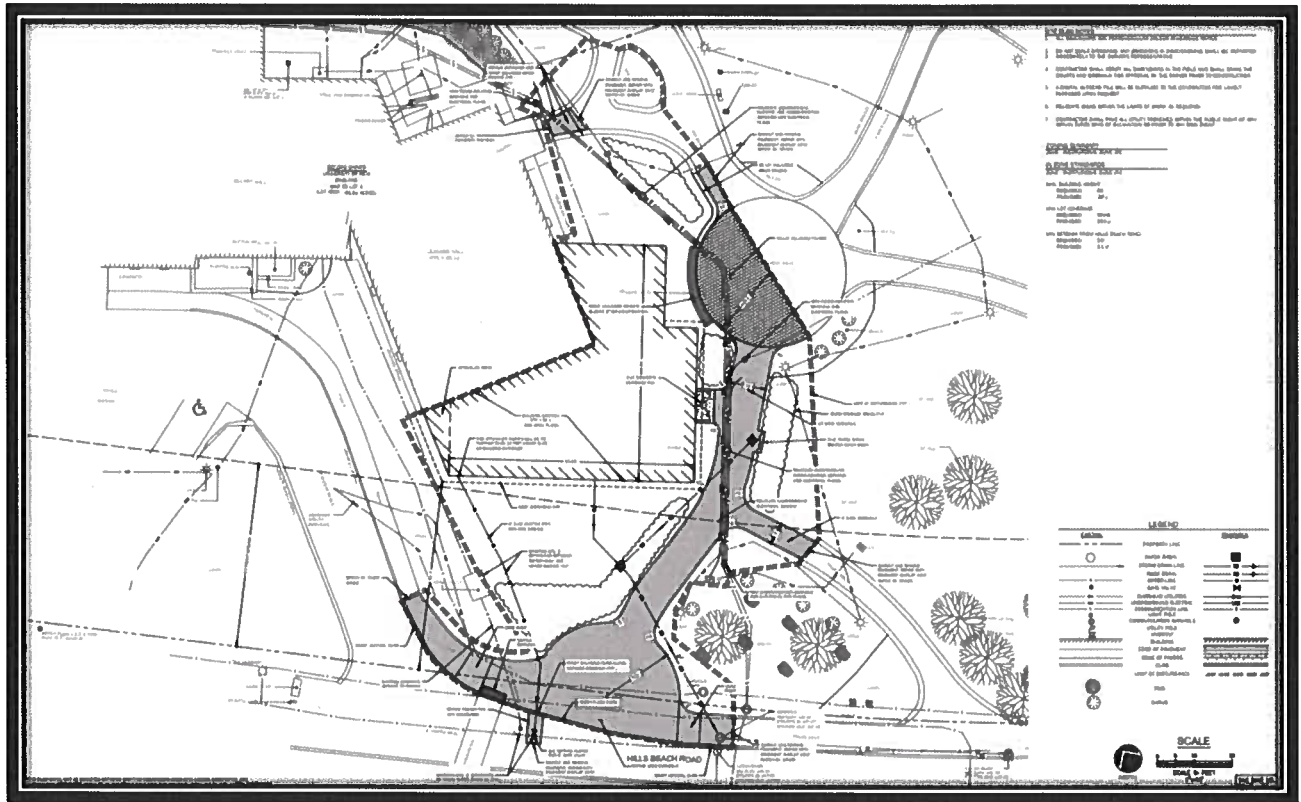
This Minor Site Plan application is being presented by Tom Saucier, P.E. of Site Design Associates, Project Engineer and Agent for UNE for a Minor Site Plan to expand Decary Hall by a net increase of 870 square feet located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zone.



UNE: Decary Hall – Existing Conditions

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**



**UNE: Decary Hall – Proposed Conditions**



**UNE: Decary Hall – Proposed Building Elevations**

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**



**Decary Hall (formerly Leonard Hall) expansion plans showing 870 square foot net increase**

The above diagram illustrates the following:

- A) Existing square footage of Decary Hall (4,774.37 s.f.)
- B) Existing portion of Decary Hall to be demolished (1,861.83 s.f.)
- C) Decary Hall new addition (2,731.69 s.f.)

These modifications provide a net increase of 869.86 s.f. (870 s.f.).

**2. Planning Review History:**

This case was initially brought before the Planning Board, under "Planner's Business" on December 3, 2025. Due to the small scope (under 1,000 square feet of additional building) the Planning Board determined that the case could be processed through the City's Staff Review Committee (SRC) as a "minor site plan". Therefore, the case was referred to the SRC for a Public Hearing / Review which approved the project on December 30, 2025. The City's attorney was asked to verify that the application could have been processed by the Staff Review Committee and were informed that due to the language in the City's Institutional Zone, the project was required to be reviewed by the Planning Board. As such, at the following SRC meeting the committee "reconsidered" the approval at their January 27, 2026 (public hearing noticed) and voted to send the item back to the Planning Board.

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**

The Application includes a project narrative from Mr. Saucier which is provided below in italics:

*The new College of Business building will be a significant and vibrant addition to campus, transforming a currently underutilized structure along the main pedestrian path to the university's library and student commons. The project involves the renovations of, and an addition to, UNE's Leonard Hall, which is attached to Decary Hall, to create a new home for the recently initiated College of Business. A section of the existing building (a portion of which is currently legally non-conforming in regards to setback from Hills Beach Road) will be removed and in its place a new addition will be constructed (which will conform with the 50 ft setback requirement) creating the main entrance and hub for the College of Business. Other programming elements include a College of Business dean suite, Bloomberg Terminal lab, classrooms, meeting rooms, and offices. The exterior of the building will be comprised of brick, precast concrete (or granite), metal panels, glass, and new College of Business signage. The walkways surrounding the building will be impacted by construction, but will be restored as noted on the drawings. A new walkway is shown at the southeasterly entrance to the building.*

*The project is located in the Institutional zone where University uses are permitted. The site layout and design are in conformance with the applicable Site Plan Review criteria outlined in Part III, Article XI of the Biddeford Zoning Ordinance.*

*The following addresses Site Design Criteria in separate sections.*

#### *Site Plan Approval/Site Design Criteria*

##### *1. Drainage*

*The existing runoff is tributary to a drainage system which runs under Hills Beach Road and into a system owned and maintained by UNE. This project will include the installation of a formalized enclosed drainage system to convey roof and site runoff to this system. There have been no known capacity issues in this system. The project will result in a decrease of 119 s.f. of impervious area. We believe that given the decrease in impervious area, the project will comply with Article VI. Section 61.1. of the Land Development Regulations: all new construction and development, whether or not served by a stormwater collection and transportation system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff.*

##### *2. Utilities*

*No new sanitary sewers are proposed. Given the age of the existing water service, a new water service will be installed. A sprinkler service will be installed to serve the renovated portion of the building and the addition. Various communication lines will be impacted by the construction will be rerouted.*

##### *3. Parking*

*Not applicable.*

##### *4. Structural Layout and Design*

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**

*a) Design of Buildings*

*At present, the buildings located at the intersection of this path and Hills Beach Road are either set back from the street or lack visible entrances and windows. In contrast, the new building is designed to serve as a prominent beacon, announcing the arrival of the College of Business and providing students with a welcoming space to study, gather, and engage. The design emphasizes a bright and comfortable environment with natural light, flexible seating, and an active presence that will energize this area of campus.*

*The project incorporates both the adaptive reuse of the existing structure and the construction of a new glass addition. While reusing the existing building aligns with sustainable design principles, the program requirements for the College of Business necessitated the addition to adequately accommodating student and academic needs. Both the renovated building and the new addition will be designed with energy-efficient mechanical and electrical systems, while also significantly improving the thermal performance of the existing envelope by increasing its R-value.*

*The connected Decary Hall establishes a strong architectural precedent with its classic tripartite façade of base, body, and top, composed of brick, storefront glazing, and EIFS designed to mimic concrete, accented with zinccoated copper and ceramic tile. The new College of Business building will continue this architectural language, adopting a similar hierarchy and palette while introducing precast concrete and fiber-cement siding in place of EIFS. Precast concrete was specifically selected for its superior durability and its alignment with UNE's priority to ensure long-term performance.*

*The material palette of the new building is carefully calibrated to complement the existing context. The precast concrete will match the color tone of the EIFS, while the fiber-cement siding will echo the color of the adjacent brick. All materials were chosen for their durability and low-maintenance qualities, reinforcing UNE's commitment to a building that will retain its aesthetic integrity.*

*The project will fully comply with all applicable codes, including the Americans with Disabilities Act, energy codes, life safety standards, and the International Building Code.*

*b) Setbacks*

*The building will be sited in conformance with all setback requirements.*

*c) Fire Protection & Safety*

*A sprinkler system will be installed to serve the Leonard Hall renovation and addition.*

*d) Landscaping In accordance with the master plan, a street tree will be added along Hills Beach Road with the replacement of shrubs and plantings along the sidewalk.*

*e) Service, Storage, and Utility Areas*

*Not applicable*

*f) Paving, Parking, and Storage Areas Not applicable.*

*g) Handicapped Accessibility*

*The building will be accessible both externally and internally.*

*h) Loading Facilities*

*No loading facilities are proposed.*

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**

*i) Parking, Loading, and Protective Buffers*

*Not applicable.*

*j) Open Space*

*Open space will remain as currently existing, with additional green space in front of the building.*

*k) External Lighting*

*No free-standing light fixtures are proposed. There will be lighting at the building entrances.*

*l) Signs*

*Signs will be located on the building and will be designed in conformance with the approved master plan.*

*m) Historic and Archeological Resources.*

*No part of the site has been identified as containing historic or archaeological resources.*

**2. PROJECT DATA/INFORMATION**

1.	Applicant:	University of New England 11 Hills Beach Road Biddeford, ME
2.	Owner of Property:	University of New England 11 Hills Beach Road Biddeford, ME
3.	Agent:	Tom Saucier, P.E. Site Design Associates 23 Whitney Way Topsham, ME 04086
4.	Surveyor:	Tom Saucier, P.E. Site Design Associates 23 Whitney Way Topsham, ME 04086
5.	Project Location:	11 Hills Beach Road
6.	Project Tax Map #/Lot #:	Tax Map 52 Lot 4
7.	Lot Size:	49.9-acres
8.	Base Zoning:	Institutional (IN)
9.	Overlay Zoning:	Shoreland Zoning
10.	Existing Use:	University / Academic
11.	Proposed Use:	"Minor" (870 square foot) building addition Lenard Hall / Decary Hall
12.	Approvals Required:	Minor Site Plan Amendment
13.	Uses in the Vicinity:	University
14.	Waivers Requested:	N/A
15.	Waivers Granted	N/A
16.	Other Non-City Permits Required:	N/A
17.	LDR Attachment A: Fees Paid:	Yes
18.	Planning Review History:	Planning Board Discussion: December 3, 2025 Result: Planning Board assigned review to SRC

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**

Staff Review Committee – Public Hearing / Review: December 30, 2025 Staff Review Committee – Approval Reconsidered January 27, 2026 and Referred to the Planning Board Planning Board: Preliminary and Final Site Plan (Minor) Review March 4, 2026
--

**3. REVIEW PROCESS**

Per City ordinance, this application is subject to the City of Biddeford Code of Ordinances Land Development Regulations, Article XI (Site Plan Review), and Article XIV (Shoreland Zoning Ordinance), and Article V, Section 11 (Institutional Zone Master Plan).

**4. GENERAL REVIEW COMMENTS:**

**5. APPLICATION COMPLETENESS:** Staff has determined the application to be “complete” and is recommending approval of the proposed building expansion plans.

**6. ZONING:** The subject property is zoned Institutional & Shoreland

**7. REQUESTED WAIVERS:**

The Applicant is seeking a waiver to Article XI.II. Section 5.B.1.b. which requires the following:

Section 5.B.1.b.: A written engineering report describing the impacted watershed area, projected runoff, and any projected downstream impact shall be required.

**8. WAIVER STAFF RECOMMENDATION**

Due to the insignificant amount of new impervious service being proposed Staff recommends approval of granting this waiver.

**9. WAIVER - SAMPLE MOTIONS**

A. Motion to Approve Waiver of Article XI.II Section 5.B.1.b. written engineering stormwater report.

B. Motion to Table Waiver request of Article XI.II Section 5.B.1.b. written engineering stormwater report for the following reasons:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

C. Motion to Deny Waiver request of Article XI.II Section 5.B.1.b. written engineering stormwater report for the following reasons:

**RE: 2025.41 Minor Site Plan Amendment Review for University of New England (UNE) for a Site Plan Amendment to expand Decary Hall (Formerly Leonard Hall) located at 11 Hills Beach Road (Tax Map 52, Lot 4) located within the Institutional Zoning District.**

**HEARING DATE: March 4, 2026**

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

**10. SITE PLAN - STAFF RECOMMENDATION:**

A. Motion to Approve project #2025.41: Preliminary & Final Site Plan Review for UNE to expand Decary Hall at 11 Hills Beach Road (Tax Map 52, Lot 4) in the Institutional & Shoreland Zones. The proposed project will expand Decary Hall by a net increase of 870 square feet, with the adoption of the draft Findings of Fact (FOF) and recommended Conditions of Approval (COA).

B. Motion to Table project #2025.41: Preliminary & Final Site Plan Review for UNE to expand Decary Hall at 11 Hills Beach Road (Tax Map 52, Lot 4) in the Institutional & Shoreland Zones. The proposed project will expand Decary Hall by 870 SF. Motion to Table for the following reasons:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

C. Motion to Deny project #2025.41: Preliminary & Final Site Plan Review for UNE to expand Decary Hall at 11 Hills Beach Road (Tax Map 52, Lot 4) in the Institutional & Shoreland Zones. The proposed project will expand Decary Hall by 870 SF. Motion to Deny for the following reasons:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

# LEONARD HALL RENOVATION

UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH ROAD  
BIDDEFORD, ME 04005

PREPARED FOR:  
UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH ROAD  
BIDDEFORD, ME 04005

SEPTEMBER 25, 2025  
ISSUED FOR MINOR SITE PLAN REVIEW

## DESIGN CONSULTANTS

**CIVIL ENGINEER**  
SITE DESIGN ASSOCIATES, INC.  
23 WHITNEY WAY  
TOPSHAM, ME 04086  
207-449-4275

**LAND SURVEYOR**  
STATEWIDE SURVEYS, INC.  
35 EASTMAN ROAD  
CAPE ELIZABETH, ME 04107  
207-767-4200

**LANDSCAPE ARCHITECT**  
LAND DESIGN SOLUTIONS  
1 FARADAY DRIVE  
CUMBERLAND, ME 04021

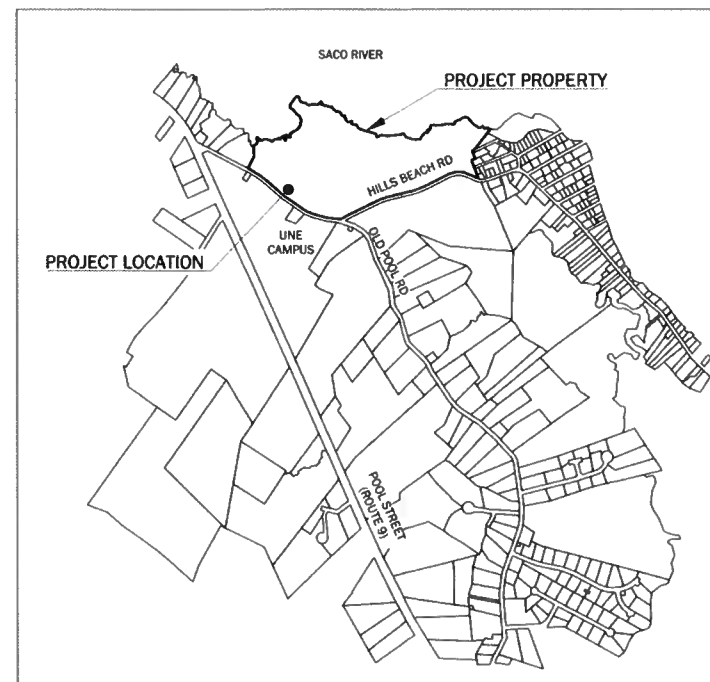
**SITE CONTRACTOR**  
TO BE DETERMINED

## Site Design Associates

Consulting Engineering & Land Planning  
23 Whitney Way Topsham, Maine 04086 Tel: (207) 449-4275

## LIST OF DRAWINGS:

SHEET NO.	SHEET TITLE
	COVER SHEET
C-100	EXISTING CONDITIONS AND DEMOLITION PLAN
C-200	SITE PLAN
C-300	GRADING, DRAINAGE, AND EROSION CONTROL PLAN
C-400	EROSION & SEDIMENTATION CONTROL NOTES AND DETAILS
C-401	CIVIL DETAILS
C-402	CIVIL DETAILS
L-100	LANDSCAPE PLAN



USGS BIDDEFORD, MAINE 24K TOPOGRAPHIC MAP, 2021



### GENERAL PROJECT NOTES:

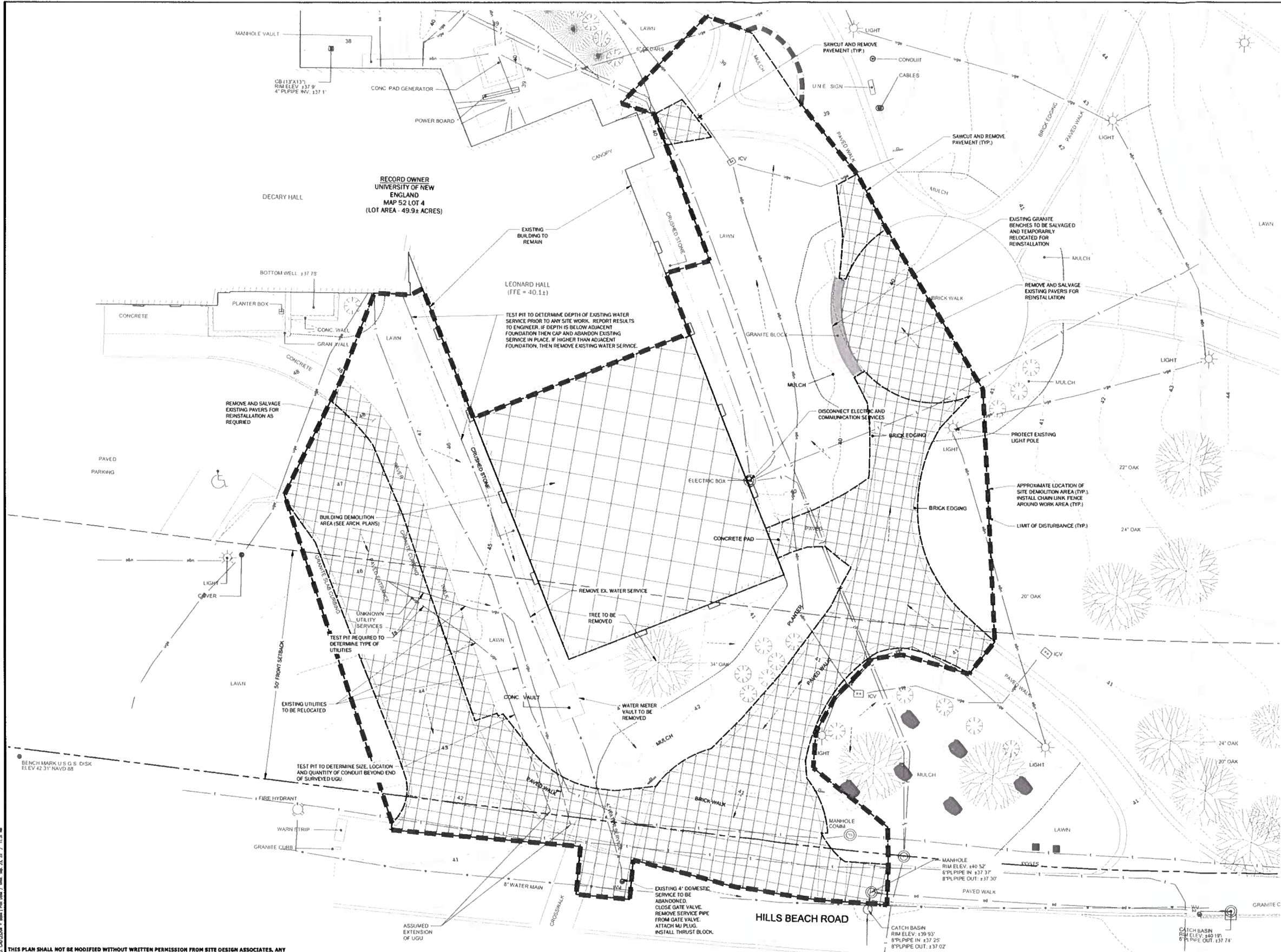
1. THE PROJECT SITE CONTAINS APPROXIMATELY 49.9± ACRES.
2. THE PROJECT SITE IS LOCATED IN THE INSTITUTIONAL (IN) ZONE.
3. A PORTION OF THE SUBJECT PROPERTY IS IN THE SHORELAND ZONE, BUT THERE IS NO WORK PROPOSED WITHIN THE SHORELAND ZONE.
4. THE SITE IS CURRENTLY PART OF THE UNIVERSITY OF NEW ENGLAND CAMPUS. LEONARD HALL IS CONNECTED TO DECARY HALL. THE ENTIRE PROPOSED DISTURBED AREA IS CURRENTLY DEVELOPED WITH BUILDINGS, INFRASTRUCTURE, AND LANDSCAPING.
5. THE PROPOSED PROJECT CONSISTS OF THE DEMOLITION OF A PORTION OF THE EXISTING LEONARD HALL BUILDING AND RECONSTRUCTION OF LEONARD HALL. THE NEW PORTION OF LEONARD HALL IS 3,460 SQUARE FEET.
6. THE PROJECT IS LOCATED IN THE SACO RIVER WATERSHED.
7. THE PROJECT SITE IS LOCATED WITHIN THE BIDDEFORD MS4 URBANIZED AREA.
8. THE PROPERTY IS ADJACENT TO THE SACO RIVER, BUT THERE ARE NO NATURAL RESOURCES WITHIN THE VICINITY OF THE PROJECT DISTURBED AREA.
9. THE PROJECT IS NOT LOCATED WITHIN THE FEMA 100-YEAR FLOODPLAIN.
10. NO PUBLIC OR PRIVATE ROADS ARE PROPOSED FOR THIS PROJECT.
11. NO NEW PUBLIC SEWER CONNECTIONS ARE PROPOSED FOR THIS PROJECT.
12. A NEW CONNECTION TO THE PUBLIC STORM DRAIN SYSTEM IN HILLS BEACH ROAD IS PROPOSED FOR THIS PROJECT.
13. THE PROJECT LIMIT OF DISTURBANCE IS APPROXIMATELY 17,319 SF (0.40± ACRES).
14. PERVIOUS LAND COVER ONSITE:  
EXISTING: 7,433 SF  
PROPOSED: 7,552 SF
15. IMPERVIOUS LAND COVER ONSITE:  
EXISTING: 9,886 SF  
PROPOSED: 9,767 SF
16. BUILDING ROOF SQUARE FOOTAGE  
EXISTING: 2,834 SF  
PROPOSED: 3,460 SF
17. THE FOLLOWING WAIVER IS REQUESTED FOR THE PROJECT.  
17.1. ARTICLE XI.II SECTION 5.B.1b - WRITTEN ENGINEERING REPORT - STORMWATER.

## RECORD OWNER:

UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH ROAD  
BIDDEFORD, ME 04005

## PARCEL ID:

TAX MAP 52  
LOT 4



- EXISTING CONDITIONS NOTES**
1. THE CONTRACTOR SHALL NOTIFY DIGSAFE PRIOR TO ANY DEMOLITION AND CONSTRUCTION ACTIVITIES.
  2. THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND NOT GUARANTEED BY THE OWNER OR THE ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, AND REPAIR EXISTING UTILITIES AS REQUIRED TO COMPLETE THE WORK.
  3. ANY EXISTING PROPERTY DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED OR REPLACED TO MATCH ITS ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO CHARGE TO THE OWNER OR ENGINEER.
  4. ALL MATERIALS DESIGNATED FOR REMOVAL/DEMOLITION SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF SITE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS, ORDINANCES AND CODES.
  5. SAWCUT, GRIND AND REMOVE PAVEMENT PER DETAIL SHOWN ON SITE DETAIL SHEETS. IN ALL AREAS WHERE PAVEMENT TO BE REMOVED ABUTS EXISTING PAVEMENT TO REMAIN.
  6. SCREENED IMAGES REPRESENT EXISTING CONDITIONS.
- GENERAL PROJECT NOTES**
1. PRIOR TO THE START OF ANY EXCAVATION FOR THE PROJECT, BOTH ON-SITE AND OFF-SITE, THE CONTRACTOR SHALL NOTIFY DIGSAFE AND BE PROVIDED WITH A DIGSAFE NUMBER INDICATING THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED AND CLEARLY MARKED.
  2. CONTRACTOR SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH ALL DRAWINGS AND SITE CONDITIONS PRIOR TO BIDDING AND PRIOR TO CONSTRUCTION.
  3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH AND COMPLY WITH THE CONDITIONS OF ALL REGULATIONS, PERMITS AND APPROVALS. AND CONDUCT THE WORK IN ACCORDANCE WITH THESE PERMITS AND APPROVALS. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL ADDITIONAL PERMITS, STREET OPENINGS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK.
  4. ANY DISCREPANCIES BETWEEN DRAWINGS AND SITE CONDITIONS AS WELL AS MANUFACTURER'S RECOMMENDATIONS SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE FOR CLARIFICATION AND RESOLUTION PRIOR TO BIDDING OR CONSTRUCTION.
  5. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL MEANS, METHODS AND TECHNIQUES EMPLOYED TO PERFORM WORK SHOWN ON THESE PLANS.
  6. THE CONTRACTOR SHALL LIMIT THE CONSTRUCTION ACTIVITY TO THE LIMITS SHOWN ON THE PLANS, UNLESS OTHERWISE AUTHORIZED BY THE OWNER'S REPRESENTATIVE.
  7. CONTRACTOR SHALL PAVE ALL UTILITY TRENCHES WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN THREE DAYS OF EXCAVATION OR PRIOR TO ANY RAIN EVENT.
- PLAN REFERENCES**
1. PARTIAL BOUNDARY AND TOPOGRAPHIC INFORMATION OBTAINED FROM A PLAN ENTITLED "TOPOGRAPHIC SURVEY, LEONARD-DECARY HALL, HILLS BEACH ROAD, BIDDEFORD, ME" PREPARED BY STATEWIDE SURVEYS, INC. OF CAPE ELIZABETH, MAINE, DATED MARCH 2025.
  2. HORIZONTAL COORDINATES BASED ON MAINE STATE PLANE GRID NORTH, ME WEST ZONE, SURVEY FEET.
  3. VERTICAL ELEVATIONS BASED ON USGS DISK CONVERTED TO NAVD88, FEET.

**LEGEND**

EXISTING	PROPERTY LINE
	CATCH BASIN
	STORM DRAIN LINE
	STORMWATER FLOW ARROW
	WATER LINE
	GATE VALVE
	OVERHEAD UTILITIES
	UNDERGROUND ELECTRIC COMMUNICATION LINE
	LIGHT POLE
	COMMUNICATION MANHOLE
	UTILITY POLE
	HYDRANT
	BUILDING
	EDGE OF PAVEMENT
	EDGE OF PAVERS
	CURB
	INDEX CONTOUR
	INTERMEDIATE CONTOUR
	TREE
	SHRUB
	LIMIT OF DISTURBANCE
	SITE REMOVALS AREA
	PAVEMENT REMOVAL AREA
	BUILDING REMOVAL AREA

**SCALE**

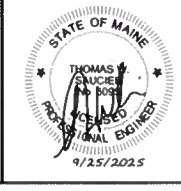
0 5 10 20  
SCALE in FEET  
1" = 10'

**NORTH**

TAX MAP I.D. 52-4

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SITE DESIGN ASSOCIATES. ANY ALTERATIONS, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SITE DESIGN ASSOCIATES.

REV.	DATE	STATUS	BY	CHKD	APPD	REV.	DATE	STATUS	BY	CHKD	APPD
A	9/25/2025	ISSUED FOR CITY OF BIDDEFORD MINOR SITE PLAN REVIEW - NOT FOR CONSTRUCTION									



**Site Design Associates**  
Consulting Engineering & Land Planning

23 Whitney Way, Topsham, Maine 04086 Tel: (207) 449-4275

CLIENT: **UNIVERSITY OF NEW ENGLAND**  
11 HILLS BEACH ROAD, BIDDEFORD, MAINE 04005

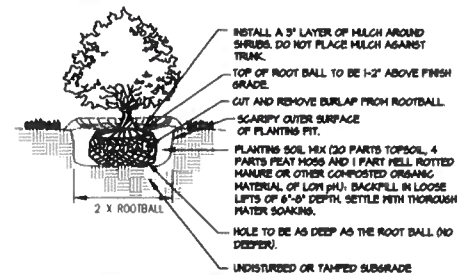
DESIGN: DEPT.	PROJECT: <b>LEONARD HALL RENOVATION</b>
DRAWN: DEPT.	UNE, 11 HILLS BEACH ROAD, BIDDEFORD, ME 04005
CHKD: TWS	<b>EXISTING CONDITIONS AND DEMOLITION PLAN</b>
DATE: JUNE 2025	PROJ. NO. <b>24-216-05</b>
SCALE: 1" = 10'	DWG. NO. <b>C-100</b>

REV.	DATE	STATUS	BY	CHKD	APPD
A					

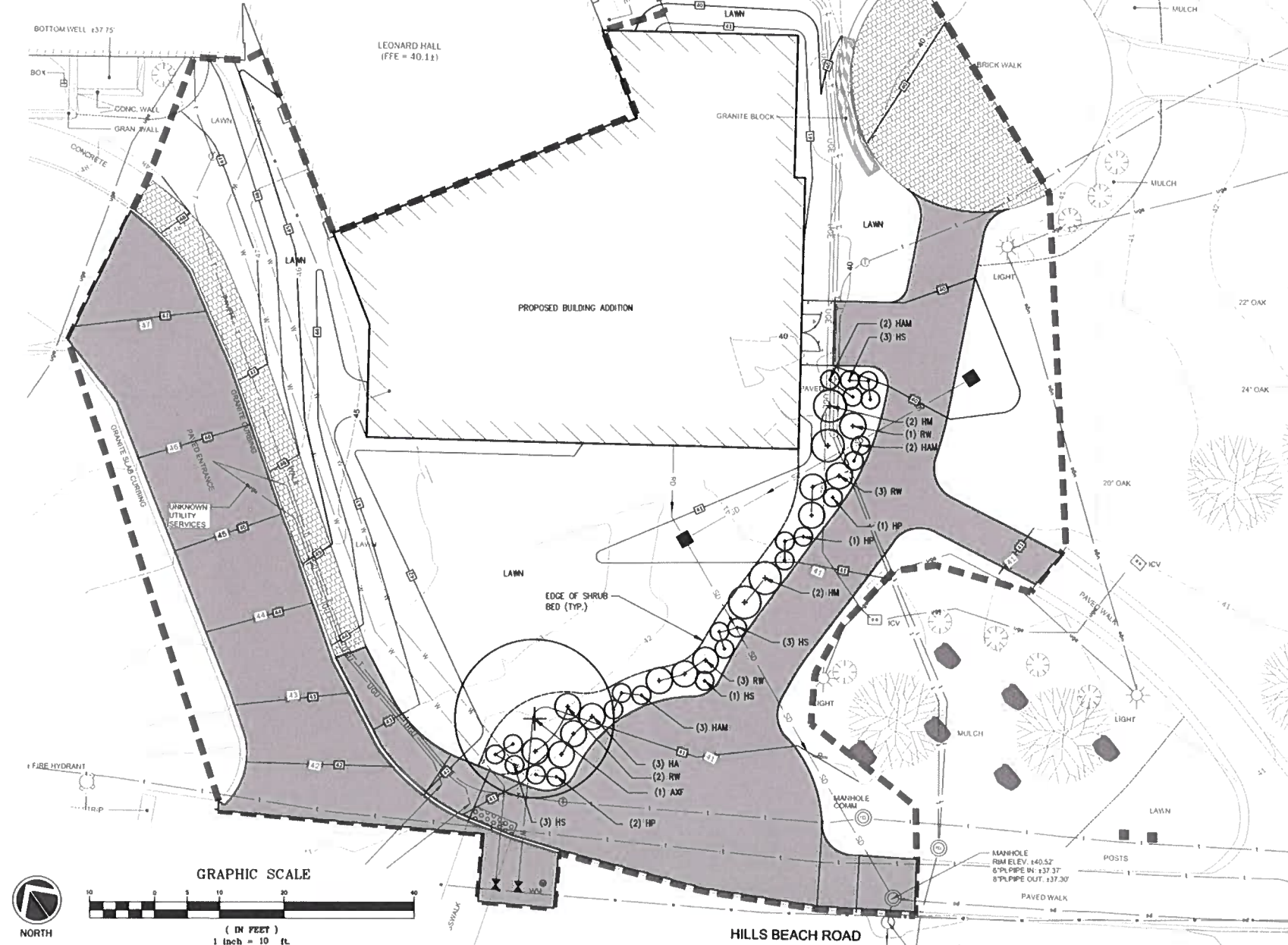




- NOTES:
- CONSTRUCT TEMPORARY PLANT SAUCER FROM MULCH TO ASSIST WITH WATER RETENTION. SAUCER NOT REQUIRED WHEN SHRUB OCCURS IN A PLANT BED.
  - WHEN PLANTING CONTAINER GROWN PLANTS-REMOVE THE BALL FROM THE CONTAINER AND LOOSEN THE OUTSIDE LAYER OF THE ROOT SYSTEM BY SCORING WITH A CLEAN KNIFE. DIVIDE ALL CIRCLING ROOTS.
  - SHRUBS TO BE WATERED IMMEDIATELY AFTER PLANTING.



**1 SHRUB PLANTING DETAIL**  
SCALE: N.T.S.



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REV.	DATE	STATUS	BY	CHKD.	APPD.	REV.	DATE	STATUS	BY	CHKD.	APPD.
A	4/25/25	ISSUED FOR CITY OF BIDDEFORD MINOR SITE PLAN REVIEW - NOT FOR CONSTRUCTION	DEPT.	DEPT.	PFB						

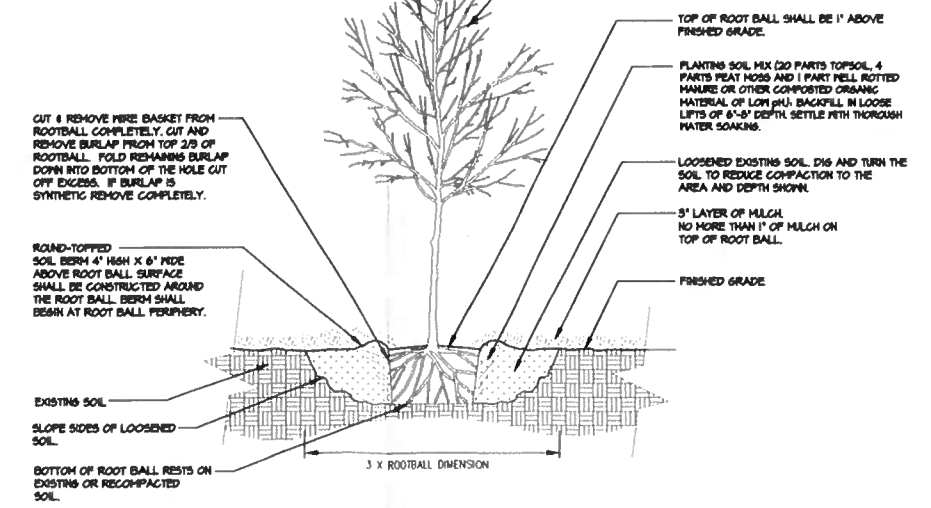
**PLANT LIST:**

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY	SIZE	COMMENTS
<b>PLANT MATERIALS</b>					
AXF	ACER X FRISEMAN 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	1	2' CAL	SINGLE LEADER, B&B
HA	HYDRANGEA M. 'WYCKBELLE SPIRIT II'	WYCKBELLE SPIRIT II HYDRANGEA	3	5 GAL.	FULL & BUSHY
HAM	HOSTA 'AUTUMN MOON'	AUTUMN MOON HOSTA	5	1 GAL.	-
HM	HYDRANGEA M. 'BLOOMSTRUCK'	BLOOMSTRUCK HYDRANGEA	6	5 GAL.	FULL & BUSHY
HP	HOSTA 'PATRIOT'	PATRIOT HOSTA	6	1 GAL.	-
HS	HEMEROCALLIS STELLA D'ORO	STELLA D'ORO DAYLILY	10	1 GAL.	-
RW	RHODODENDRON 'KENDBEAM'	KENDBEAM RHODODENDRON	4	5 GAL.	FULL & BUSHY

**LANDSCAPE NOTES:**

- PRIOR TO THE START OF ANY EXCAVATION FOR THE PROJECT BOTH ON AND OFF THE SITE, THE CONTRACTOR SHALL NOTIFY DISSAFE AND BE PROVIDED WITH A DISSAFE NUMBER INDICATING THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED AND MARKED.
- LANDSCAPE CONTRACTOR IS ENCOURAGED TO PROVIDE THE LANDSCAPE ARCHITECT WITH CONCERNS AND/OR SUGGESTIONS WITH REGARDS TO PROPOSED PLANT MATERIAL SELECTION PRIOR TO PLACING A PURCHASE ORDER.
- THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE ALL PLANTINGS SHOWN GRAPHICALLY ON THIS DRAWING. CLARIFY ANY DISCREPANCIES WITH THE LANDSCAPE ARCHITECT PRIOR TO PURCHASING ANY PLANT MATERIAL.
- ALL PLANT MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE LATEST EDITION OF THE AMERICAN ASSOCIATION OF NURSERYMEN 'AMERICAN STANDARD OF NURSERY STOCK'.
- ALL PLANT MATERIALS ARE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE AT THE SITE. PLANTS WHICH ARE REJECTED SHALL BE REMOVED FROM THE SITE IMMEDIATELY AND REPLACED AT NO ADDITIONAL COST TO THE OWNER.
- MULCH FOR PLANT BED TO BE 5" MIN. DEPTH OF 1" TO 2" DIA. WASHED RIVER JACK STONE IN A GRAYISH COLOR. CONTRACTOR TO PROVIDE OWNER'S REPRESENTATIVE WITH A SAMPLE TO REVIEW AND APPROVE PRIOR TO PURCHASE AND INSTALLATION.
- NO PLANTS SHALL BE PLANTED BEFORE ACCEPTANCE OF ROUGH GRADINGS AND BEFORE CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL SHRUB GROUPINGS SHALL BE INCORPORATED INTO BEDS. WHERE MULCHED PLANT BED ADJUTS LAWN CONTRACTOR SHALL PROVIDE A TURF CUT EDGE.
- ALL TREES SHALL BEGIN BRANCHING AT 6' HT. MIN.
- ALL PLANT MATERIAL OR REPRESENTATIVE SAMPLES SHALL BE LEGIBLY TAGGED WITH PROPER COMMON AND BOTANICAL NAMES. TAGS SHALL REMAIN ON THE PLANTS UNTIL FINAL ACCEPTANCE.
- INSTALL 18 INCH DEPTH OF HIGH QUALITY LOAM IN SHRUB BEDS. SEE CIVIL PLANS FOR ALL OTHER LOAM AND SEED INSTRUCTIONS.
- CONTRACTOR SHALL BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING AND WILL CONTINUE UNTIL FINAL ACCEPTANCE. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MEANS AND METHODS OF WATERING AND MAINTENANCE.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF FINAL ACCEPTANCE.
- SCREENED IMAGES SHOW EXISTING CONDITIONS. WHERE EXISTING CONDITIONS LIE UNDER OR ARE IMPINDED UPON BY PROPOSED BUILDINGS AND OR SITE ELEMENTS, THE EXISTING CONDITION WILL BE REMOVED, ABANDONED AND OR GAPPED OR DEMOLISHED AS REQUIRED.
- SEE DRAWINGS CIVIL PLANS FOR ADDITIONAL INFORMATION.
- THE CONTRACTOR SHALL INSTALL WATERING BASS SUCH AS THE TREEGATOR ON ALL TREES AT THE TIME OF INSTALLATION. THESE BASS SHALL BECOME THE PROPERTY OF THE OWNER.

NOTES: ALL TREES TO BE STAKED USING BEST PROFESSIONAL PRACTICE.



**2 TREE PLANTING**  
SCALE: N.T.S.

TAX MAP I.D. 52-4



**Site Design Associates**  
Consulting Engineering & Land Planning  
23 Whitney Way Topsham, Maine 04086 Tel: (207) 449-4275  
CLIENT: UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH ROAD, BIDDEFORD, MAINE 04005  
9/25/24

DESIGN: DEPT.	PROJECT: LEONARD HALL RENOVATION
DRAWN: DEPT.	UNE, 11 HILLS BEACH ROAD, BIDDEFORD, ME 04005
CHKD: TWS	LANDSCAPE PLAN
DATE: SEP. 2025	PROJ. NO. 24-216-05
SCALE: 1" = 10'	DWG. NO. L-100

**EROSION AND SEDIMENTATION CONTROL NOTES & DETAILS**

TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES INCLUDE THE USE OF STABILIZED CONSTRUCTION ENTRANCE, SEDIMENT BARRIER, EROSION CONTROL MIX, STONE CHECK DAMS, HAY BALE BARRIERS, CATCH BASIN INLET BARRIERS, CATCH BASIN SEDIMENT COLLECTION BAGS, EROSION CONTROL BLANKET, AND TEMPORARY SEEDING AND MULCHING AS REQUIRED. PERMANENT DEVICES INCLUDE THE USE OF RIP RAP AT EXPOSED STORM DRAIN AND CULVERT INLETS AND OUTLETS, RIPPED SLOPES, AND PERMANENT VEGETATION.

**A. GENERAL**

- IT IS ANTICIPATED THAT CONSTRUCTION WILL BEGIN AS SOON AS POSSIBLE FOLLOWING RECEIPT OF NECESSARY PERMITS.
- THE PROJECT SHALL CONFORM TO THE STANDARDS OF THE MAINE CONSTRUCTION GENERAL PERMIT.
- ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MAY 2003, OR AS CURRENTLY REVISED.
- ANY ADDITIONAL EROSION AND SEDIMENTATION CONTROL DEEMED NECESSARY BY THE OWNER'S REPRESENTATIVE, DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) PERSONNEL AND/OR MUNICIPAL OFFICIALS SHALL BE INSTALLED BY THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL FINES RESULTING FROM EROSION OR SEDIMENTATION FROM THE SITE TO SURROUNDING PROPERTIES, WATER BODIES, OR WETLANDS AS A RESULT OF THIS PROJECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR/REPLACEMENT/MAINTENANCE OF ALL EROSION CONTROL MEASURES UNTIL ALL DISTURBED AREAS ARE STABILIZED TO THE SATISFACTION OF THE ABOVE PERSONNEL. DESCRIPTIONS OF ACCEPTABLE PERMANENT STABILIZATION FOR VARIOUS COVER TYPES FOLLOWS:
  - FOR SEEDED AREAS, PERMANENT STABILIZATION MEANS A 90 DISTURBED AREA WITH MATURE, HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.
  - FOR SODDED AREAS, PERMANENT STABILIZATION MEANS THE COMPLETE BINDING OF THE SOD ROOTS INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE OFF.
  - FOR MULCHED AREAS, PERMANENT MULCHING MEANS TOTAL COVERAGE OF THE EXPOSED AREA WITH AN APPROVED MULCH MATERIAL. EROSION CONTROL MIX MAY BE USED AS MULCH FOR PERMANENT STABILIZATION ACCORDING TO THE APPROVED APPLICATION RATES AND LIMITATIONS.
  - FOR AREAS STABILIZED WITH RIP RAP, PERMANENT STABILIZATION MEANS THAT AREAS STABILIZED WITH RIP RAP HAVE AN APPROPRIATE BACKING OF A WELL-GRADED GRAVEL OR APPROVED GEOTEXTILE TO PREVENT SOIL MOVEMENT FROM BEHIND THE RIP RAP. STONE MUST BE SIZED APPROPRIATELY.
  - PAVED AREAS. FOR PAVED AREAS, PERMANENT STABILIZATION MEANS THE PLACEMENT OF THE COMPACTED GRAVEL SUBGRADE IS COMPLETED.
  - FOR OPEN CHANNELS, PERMANENT STABILIZATION MEANS THE CHANNEL IS STABILIZED WITH MATURE VEGETATION AT LEAST THREE INCHES IN HEIGHT, WITH WELL-GRADED RIP RAP, OR WITH ANOTHER NON-EROSIVE LINING CAPABLE OF WITHSTANDING THE ANTICIPATED FLOW VELOCITIES AND FLOW DEPTHS WITHOUT RELIANCE ON CHECK DAMS TO SLOW FLOW. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE LINING, UNDERCUTTING OF THE BANKS, OR DOWN CUTTING OF THE CHANNEL.

**B. EROSION AND SEDIMENTATION CONTROL MEASURES**

- PRIOR TO THE BEGINNING OF CONSTRUCTION, THE STABILIZED CONSTRUCTION ENTRANCE AND TEMPORARY SILT FENCE SHALL BE INSTALLED AS SHOWN ON THE PLANS OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE. IT IS THE INTENT THAT SEDIMENT BARRIERS BE INSTALLED DOWN GRADIENT OF ALL DISTURBED AREAS OF THE SITE. SEDIMENT BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS WILL BE MADE IMMEDIATELY. SEDIMENT DEPOSITS SHALL BE PERIODICALLY REMOVED FROM THE UPSTREAM SIDE OF THE SEDIMENT BARRIERS. THIS SEDIMENT WILL BE SPREAD AND STABILIZED IN AREAS OF THE SITE NOT SUBJECT TO EROSION. SEDIMENT BARRIERS SHALL BE REPLACED AS NECESSARY TO PROVIDE PROPER FILTERING ACTION. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THEM, THEY WILL BE REPLACED WITH A TEMPORARY CRUSHED STONE CHECK DAM.
  - ALL CATCH BASINS, NEW OR EXISTING, THAT MAY RECEIVE RUNOFF FROM DISTURBED AREAS MUST BE PROTECTED DURING CONSTRUCTION. INSPECT & CLEAN OUT AS NECESSARY. LEGALLY DISPOSE OF SEDIMENT & REMOVE FLUATABLES WITH OIL ABSORBENT PAD AS APPLICABLE.
  - REMOVAL OF SOD, TREES, BUSHES AND OTHER VEGETATION AND SOIL DISTURBANCE WILL BE KEPT TO A MINIMUM WHILE ALLOWING PROPER SITE DEVELOPMENT.
  - GRUBBINGS AND ANY UNUSABLE TOPSOIL SHALL BE STRIPPED AND REMOVED FROM THE PROJECT SITE AND DISPOSED OF IN AN APPROVED MANNER.
  - ANY SUITABLE TOPSOIL WILL BE STRIPPED AND STOCKPILED FOR REUSE IN FINAL GRADING. TOPSOIL WILL BE STOCKPILED IN A MANNER SUCH THAT NATURAL DRAINAGE IS NOT OBSTRUCTED AND NO OFF-SITE SEDIMENT DAMAGE WILL RESULT. IF A STOCKPILE IS NECESSARY, THE SIDE SLOPES OF THE TOPSOIL STOCKPILE WILL NOT EXCEED 2:1. TOPSOIL STOCKPILES WILL BE TEMPORARILY SEEDED WITH BROODSTOCK RYE, ANNUAL OR PERENNIAL RYE GRASS (DEPENDENT ON DATE SEEDING) WITHIN 7 DAYS OF FORMATION, OR TEMPORARILY MULCHED IF SEEDING CANNOT BE DONE WITHIN THE RECOMMENDED SEEDING DATES.
  - TEMPORARY DIVERSION BERMS AND DRAINAGE SWALES SHALL BE CONSTRUCTED AS NECESSARY.
  - TEMPORARY STABILIZATION SHALL BE CONDUCTED WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOILS. PRIOR TO ANY RAIN EVENT, AND PRIOR TO ANY WORK SHUT DOWN LASTING MORE THAN ONE DAY. TEMPORARY STABILIZATION INCLUDES SEED, MULCH, OR OTHER NON-ERODIBLE COVER. AREAS WITHIN 75 FEET OF WETLANDS SHALL BE TEMPORARILY STABILIZED WITHIN 48 HOURS OR PRIOR TO RAIN EVENT.
  - APPLY HAY OR STRAW MULCH AT A RATE OF 2 TONS PER ACRE, AND ANCHOR AS NECESSARY.
  - TEMPORARY SEEDING SPECIFICATIONS, WHERE THE SEEDBED HAS BEEN COMPACTED BY CONSTRUCTION OPERATIONS, LOOSEN SOIL TO A DEPTH OF 4 INCHES BEFORE APPLYING FERTILIZER, LIME, AND SEED. APPLY LIMESTONE AT A RATE OF 3 TONS PER ACRE (138 LB. PER 1,000 SQUARE FEET) AND 10-10-10 (N-P205-K20) FERTILIZER AT A RATE OF 600 LBS. PER ACRE (13.8 LB. PER 1,000 SQUARE FEET). UNIFORMLY APPLY SEED AT THE RECOMMENDED SEEDING RATES AND DATES. APPLY HAY OR STRAW MULCH AT A RATE OF 2 TONS PER ACRE, AND ANCHOR AS NECESSARY.
- RECOMMENDED TEMPORARY SEEDING DATES AND APPLICATION RATES ARE AS FOLLOWS:
- |   |                                 |
|---|---------------------------------|
| BROODSTOCK RYE: RECOMMENDED SEEDING DATES: 8/15 - 10/1      | APPLICATION RATE: 112 LBS./ACRE |
| ANNUAL RYE GRASS: RECOMMENDED SEEDING DATES: 4/1 - 7/1      | APPLICATION RATE: 40 LBS./ACRE  |
| PERENNIAL RYE GRASS: RECOMMENDED SEEDING DATES: 8/15 - 9/15 | APPLICATION RATE: 40 LBS./ACRE  |
- IF THE AREA WILL REMAIN UNWORKED FOR MORE THAN ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, AND WILL NOT BE BUILT ON, THEN IMMEDIATELY PROVIDE PERMANENT STABILIZATION USING VEGETATION THROUGH PLANTING, SEEDING, SOD, OR THROUGH THE USE OF PERMANENT MULCH OR RIP RAP. IF USING VEGETATION FOR STABILIZATION, SELECT THE

PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS. AMEND AREAS OF DISTURBED SUBSOIL WITH TOP SOIL OR OTHER ORGANIC AMENDMENTS. PROTECT SEEDBED AREAS WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS, AND SCHEDULE SOODING, PLANTING, AND SEEDING SO TO AVOID DIE OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDBED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL ESTABLISHED. AREAS MUST BE REWORKED AND RESEEDED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT.

- PERMANENT SEEDING SPECIFICATION. IF A LANDSCAPE PLAN HAS BEEN PREPARED FOR THE PROJECT, SOIL PREPARATION AND SEEDING OF THAT PLAN SHALL SUPERSEDE THESE GENERAL PERMANENT SEEDING SPECIFICATIONS. IT IS RECOMMENDED THAT PERMANENT SEEDING BE COMPLETED BETWEEN APRIL 1 AND AUGUST 15 OF EACH YEAR. LATE SEASON SEEDING MAY BE COMPLETED BETWEEN AUGUST 15 AND SEPTEMBER 15. AREAS NOT SEEDBED OR WHICH DO NOT OBTAIN A SATISFACTORY GROWTH BY OCTOBER 1 SHALL BE SEEDBED WITH BROODSTOCK RYE OR MULCHED AT RATES PREVIOUSLY SPECIFIED. SEE WINTER CONDITIONS NOTES FOR SEEDING STABILIZATION AFTER NOVEMBER 1.
  - APPLY TOPSOIL TO A MINIMUM DEPTH OF 6 INCHES. MIX TOPSOIL WITH THE SUBSOIL TO A MINIMUM DEPTH OF 6 INCHES.
  - APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TESTS. IN LIEU OF SOIL TESTS, APPLY GROUND LIMESTONE AT A RATE OF 3 TONS PER ACRE (138 LB. PER 1,000 SQUARE FEET) AND GRANULAR, COMMERCIAL-GRADE, 10-10-10 (N-P205-K20) FERTILIZER AT A RATE OF 800 LBS. PER ACRE (18.4 LBS. PER 1,000 SQUARE FEET).
  - UNIFORMLY APPLY SEED MIXTURE AT THE RECOMMENDED SEEDING RATES AND DATES. APPLY HAY OR STRAW MULCH AT A RATE OF 2 TONS PER ACRE, AND ANCHOR AS NECESSARY.
  - THE SEED MIXTURE FOR LAWN AREAS SHALL CONSIST OF SEEDS PROPORTIONED BY WEIGHT AS FOLLOWS:
    - 10% CREEPING RED FESCUE
    - 30% KENTUCKY BLUEGRASS
    - 60% PERENNIAL RYE GRASS
  - THE SEED MIXTURE FOR WET AREAS SHALL CONSIST OF SEEDS PROPORTIONED BY WEIGHT AS FOLLOWS:
    - 50% REED CANARY GRASS
    - 25% RED TOP
    - 15% CREEPING RED FESCUE
    - 10% PERENNIAL RYE GRASS

- MULCH ALL AREAS SEEDBED SO THAT SOIL IS NOT VISIBLE THROUGH THE MULCH REGARDLESS OF THE APPLICATION RATE.
- DITCH LININGS, STONE CHECK DAMS, AND RIP RAP INLET AND OUTLET PROTECTION SHALL BE INSTALLED WITHIN 48 HOURS OF COMPLETING THE GRADING OF THAT SECTION OF DITCH OR INSTALLATION OF CULVERT.
- RIP RAP REQUIRED AT CULVERTS AND STORM DRAIN INLETS AND OUTLETS SHALL CONSIST OF FIELD STONE OR ROLLING STONE OF APPROXIMATELY RECTANGULAR SHAPE. STONES SHALL WEIGH FROM 10 LBS. TO 200 LBS. AND 50% OF THE STONES BY VOLUME SHALL EXCEED A UNIT WEIGHT OF APPROXIMATELY 50 LBS.
- EROSION CONTROL BLANKET SHALL BE INSTALLED ON ALL PERMANENT SLOPES STEEPER THAN 3:1. IN THE BASE OF DITCHES NOT OTHERWISE PROTECTED, AND ANY DISTURBED AREAS WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE (E.G. WETLANDS AND WATER BODIES), EROSION CONTROL BLANKET SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- TEMPORARY CONTROL MEASURES, SUCH AS SILT FENCE, SHALL BE REMOVED WITHIN 30 DAYS AFTER PERMANENT STABILIZATION IS ATTAINED.

- WINTER CONDITIONS
 

"WINTER CONSTRUCTION" IS CONSTRUCTION ACTIVITY PERFORMED DURING THE PERIOD FROM NOVEMBER 1 THROUGH APRIL 15. IF AREAS WITHIN THE CONSTRUCTION ACTIVITY ARE NOT STABILIZED WITH TEMPORARY OR PERMANENT MEASURES OUTLINED ABOVE BY NOVEMBER 15, THEN THE SITE MUST BE PROTECTED WITH ADDITIONAL STABILIZATION MEASURES THAT ARE SPECIFIC TO WINTER CONDITIONS. NO MORE THAN ONE ACRE OF THE SITE MAY BE WITHOUT STABILIZATION AT ONE TIME.
- AREAS WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS.
- HAY MULCH SHALL BE APPLIED AT TWICE THE STANDARD TEMPORARY STABILIZATION RATE. AT THE END OF EACH CONSTRUCTION DAY, AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE MUST BE STABILIZED. MULCH MAY NOT BE SPREAD ON TOP OF SNOW.
- AFTER NOVEMBER 1 OR THE FIRST KILLING FROST FOR THE REGION AND BEFORE SNOW FALL, ALL EXPOSED AND DISTURBED AREAS NOT TO UNDERGO FURTHER DISTURBANCE ARE TO HAVE DORMANT SEEDING. THE DORMANT SEEDING METHOD: PREPARE THE SEEDBED, LIME AND FERTILIZE. APPLY THE SELECTED PERMANENT SEED MIXTURE AT DOUBLE THE REGULAR SEEDING RATE, AND MULCH AND ANCHOR. DORMANT SEEDINGS NEED TO BE ANCHORED EXTREMELY WELL ON SLOPES, DITCH BASES AND AREAS OF CONCENTRATED FLOWS. DORMANT SEEDING REQUIRES INSPECTION AND RESEEDING AS NEEDED IN THE SPRING. ALL AREAS WHERE COVER IS INADEQUATE MUST BE IMMEDIATELY RESEEDED AND MULCHED AS SOON AS POSSIBLE.

- MULCH NETTING MUST BE USED TO ANCHOR MULCH ON ALL SLOPES GREATER THAN 8% UNLESS EROSION CONTROL BLANKETS OR EROSION CONTROL MIX IS BEING USED ON THESE SLOPES.
- SPILL PREVENTION/CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM BEING DISCHARGED FROM MATERIALS ON SITE, INCLUDING STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.
- GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS, ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.
- FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL.
- DEBRIS AND OTHER MATERIAL LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORM WATER, MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.
- TRENCH OR FOUNDATION DE-WATERING. TRENCH DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDING AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDING AREA,

**C. WINTER CONDITIONS**

- INSTALL EROSION CONTROL MEASURES.
- DISCONNECT UTILITIES, DEMOLISH, REMOVE PAVEMENT, CLEAR AND GRUB OPEN AREAS.
- INSTALL PROPOSED UTILITIES, BRING GRADE TO SUBGRADE.
- CONSTRUCT BUILDING.
- CONSTRUCT PAVED AREAS AND WALKS.
- INSTALL PLANT MATERIAL AND THEN LOAM, SEED AND MULCH IN DISTURBED AREAS.
- ONCE DISTURBED AREAS ARE PERMANENTLY STABILIZED REMOVE TEMPORARY EROSION CONTROL MEASURES SUCH AS SILT FENCE.

**D. HOUSEKEEPING**

- SPILL PREVENTION/CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM BEING DISCHARGED FROM MATERIALS ON SITE, INCLUDING STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.
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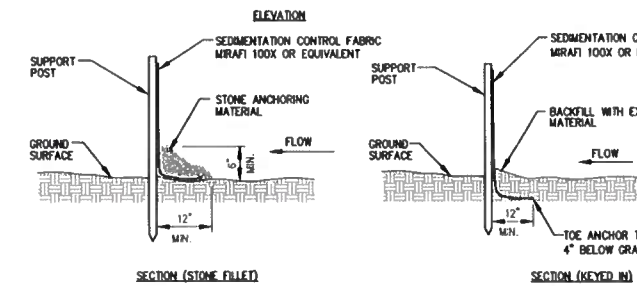
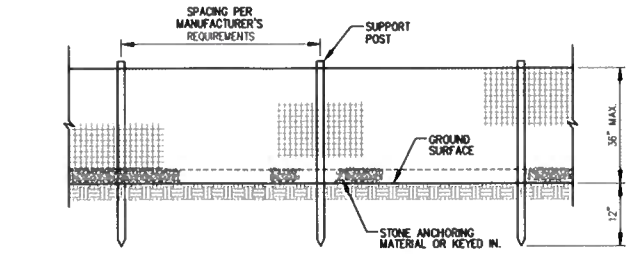
EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOTE AREAS THAT ARE SPECIFICALLY DESIGNATED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE. LIKE A COFFER DAM SEDIMENTATION BASIN, AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE.

**E. INSPECTION AND MAINTENANCE**

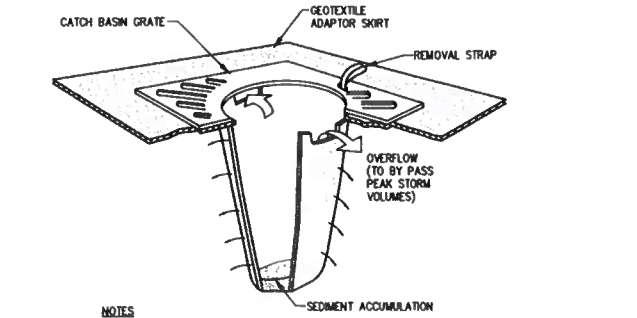
- INSPECT DISTURBED AND IMPERVIOUS AREAS, EROSION AND STORM WATER CONTROL MEASURES, AREAS USED FOR STORAGE THAT ARE EXPOSED TO PRECIPITATION, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE AT LEAST ONCE A WEEK AS WELL AS BEFORE AND AFTER STORM EVENTS OF 0.5" IN 24 HOURS AND GREATER, AND PRIOR TO COMPLETION OF PERMANENT STABILIZATION. A PERSON WITH KNOWLEDGE OF EROSION AND STORM WATER CONTROLS, INCLUDING THE STANDARDS IN THE MAINE CONSTRUCTION GENERAL PERMIT AND ANY DEP OR MUNICIPAL COMPANION DOCUMENTS, MUST CONDUCT THE INSPECTION. THIS PERSON MUST BE IDENTIFIED IN THE INSPECTION LOG. IF BEST MANAGEMENT PRACTICES BMPs NEED TO BE MODIFIED OR IF ADDITIONAL BMPs ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.
- AN INSPECTION AND MAINTENANCE LOG MUST BE KEPT SUMMARIZING THE SCOPE OF THE INSPECTION, NAME AND QUALIFICATIONS OF THE PERSON PERFORMING THE INSPECTION, DATE, AND MAJOR OBSERVATIONS RELATING TO OPERATION OF EROSION AND SEDIMENTATION CONTROLS AND POLLUTION PREVENTION MEASURES. MAJOR OBSERVATIONS MUST INCLUDE: BMPs THAT NEED TO BE MAINTAINED, LOCATION(S) OF BMPs THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPs ARE NEEDED THAT DID NOT EXIST AT THE TIME OF THE INSPECTION. FOLLOW-UP TO CORRECT DEFICIENCIES OR ENHANCE CONTROLS MUST ALSO BE INDICATED IN THE LOG AND DATED, INCLUDING WHAT ACTION WAS TAKEN AND WHEN.

**CONSTRUCTION SEQUENCE**

- INSTALL EROSION CONTROL MEASURES.
- DISCONNECT UTILITIES, DEMOLISH, REMOVE PAVEMENT, CLEAR AND GRUB OPEN AREAS.
- INSTALL PROPOSED UTILITIES, BRING GRADE TO SUBGRADE.
- CONSTRUCT BUILDING.
- CONSTRUCT PAVED AREAS AND WALKS.
- INSTALL PLANT MATERIAL AND THEN LOAM, SEED AND MULCH IN DISTURBED AREAS.
- ONCE DISTURBED AREAS ARE PERMANENTLY STABILIZED REMOVE TEMPORARY EROSION CONTROL MEASURES SUCH AS SILT FENCE.



**1 SILT FENCE DETAIL**  
C-400 NOT TO SCALE

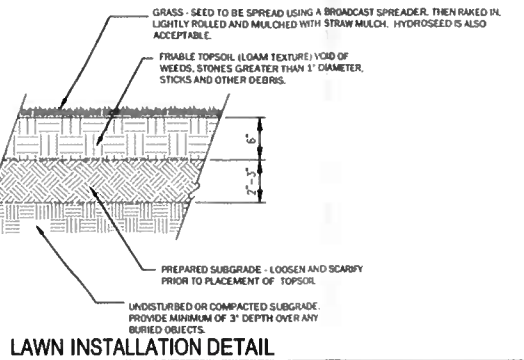


- NOTES**
- CATCH BASIN PROTECTION TO BE "SILTSTACK" (BY ACF ENVIRONMENTAL) OR "STREAM GUARD" (BY FOSS ENVIRONMENTAL SERVICES).
  - INSERT TO BE EMPTIED IN AN APPROVED MANNER WHEN IT IS 1/2 FULL OF SEDIMENT.
  - INSPECT INSERT AFTER ALL RAINFALL EVENTS. REPAIR AND MAINTAIN AS REQUIRED.

**2 CATCH BASIN INLET PROTECTION DETAIL**  
C-400 NOT TO SCALE

- NOTES:**
- THE CONTRACTOR SHALL PROVIDE TOPSOIL (LOAM) MEETING THE FOLLOWING SPECIFICATIONS:
    - NATURAL, FERTILE LOAM PERCENT OF CULTIVATED TOPSOIL OF THE LOCALITY, CONTAINING NOT LESS THAN 3.5 PERCENT OR MORE THAN 8 PERCENT BY WEIGHT, OF DECAYED ORGANIC MATTER (HUMUS) AS DETERMINED BY ASTM F 1647.
    - OBTAIN FROM A WELL DRAINED ARABLE SITE, FREE OF SUBSOIL, EARTH CLODS, LARGE STONES, STICKS, STUMPS, CLAY LUMPS, ROOTS, OR OTHER OBSTACLES, EXTRANEOUS MATTER OR DEBRIS. SCREEN TOPSOIL TO A MAXIMUM MESH SIZE OF ONE INCH.
    - TOPSOIL SHALL BE FREE OF QUACK GRASS RHIZOMES, AGROPHYTON REBENS, AND THE NUT LIKE TUBERS OF NUTGRASS, CYPERUS ESCULENTUS, AND ALL OTHER PRIMARY HAZARDOUS WEEDS.
    - TOPSOIL SHALL HAVE A PH OF NOT LESS THAN 6.0 OR GREATER THAN 8.0. AMEND WITH LIME AS REQUIRED.
    - TOPSOIL SHALL HAVE A LOAM TEXTURE CLASSIFICATION. TOPSOIL (LOAM) SHALL CONFORM TO THE FOLLOWING PARTICLE SIZE DISTRIBUTION, AS DETERMINED BY PIPE-TIE METHOD IN COMPLIANCE WITH ASTM F 1632.
      - a. SAND: 40-60 PERCENT.
      - b. SILT: 30-40 PERCENT.
      - c. CLAY: 5-20 PERCENT.
    - DO NOT DELIVER OR USE TOPSOIL WHILE IN A FROZEN OR MUDDY CONDITION.

IN LIEU OF PROVIDING AND FOLLOWING THE SOIL ANALYSIS REQUIRED IN NOTE 1 ABOVE THE CONTRACTOR CAN INSTEAD ELECT TO INCORPORATE THE FOLLOWING INTO THE TOP 6 INCHES OF TOPSOIL: 20 LBS. OF 10-20-10 FERTILIZER PER 1,000 S.F., 7.0 LBS. OF MAGNESIUM LIME PER 1,000 S.F., AND 3 CUBIC YARDS OF COMPOST PER 1,000 S.F.



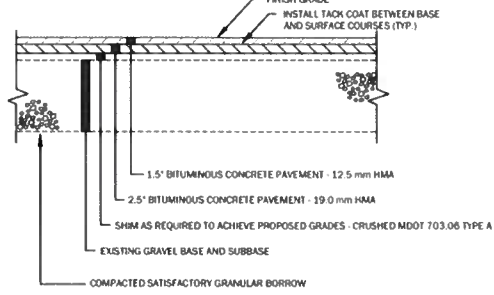
**3 LAWN INSTALLATION DETAIL**  
C-400 NOT TO SCALE

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SITE DESIGN ASSOCIATES. ANY ALTERATIONS, OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SITE DESIGN ASSOCIATES.

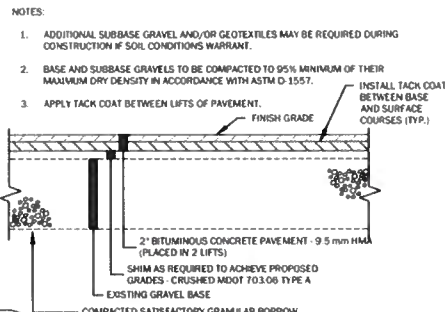
REV.	DATE	STATUS	BY	CHKD	APPD.	REV.	DATE	STATUS	BY	CHKD	APPD.
A	9/25/2025	ISSUED FOR CITY OF BIDDEFORD SITE PLAN REVIEW - NOT FOR CONSTRUCTION									

<p><b>Site Design Associates</b> Consulting Engineering &amp; Land Planning</p> <p>23 Whitney Way Topsham, Maine 04086 Tel: (207) 449-1275</p> <p>CLIENT: <b>UNIVERSITY OF NEW ENGLAND</b> 11 HILLS BEACH ROAD, BIDDEFORD, MAINE 04005</p>	<p>DESIGN: DEPT.</p> <p>DRAWN: DEPT.</p> <p>CHKD: TWS</p> <p>DATE: SEP. 2025</p> <p>SCALE: AS NOTED</p>	<p>PROJECT: <b>LEONARD HALL RENOVATION</b> ONE, 11 HILLS BEACH ROAD, BIDDEFORD, ME 04005</p> <p><b>EROSION &amp; SEDIMENTATION CONTROL NOTES AND DETAILS</b></p> <p>PROJ. NO. <b>24-216-05</b></p> <p>DWG. NO. <b>C-400</b></p>	<p>TAX MAP I.D. 52-4</p> <p>REV. A</p>
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- NOTES:
- ADDITIONAL SUBBASE GRAVEL AND/OR GEOTEXTILES MAY BE REQUIRED DURING CONSTRUCTION IF SOIL CONDITIONS WARRANT.
  - BASE AND SUBBASE GRAVELS TO BE COMPACTED TO 95% MINIMUM OF THEIR MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557.
  - APPLY TACK COAT BETWEEN LIFTS OF PAVEMENT.
  - PAVEMENT AND GRAVEL BASE/SUBBASE DEPTHS MAY VARY SUBJECT TO FINAL GEOTECHNICAL RECOMMENDATIONS.

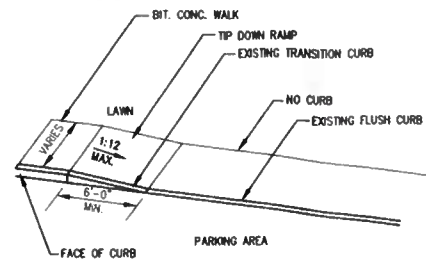


**1 DRIVE AND PARKING AREA REPAVING DETAIL**  
C-401 NOT TO SCALE

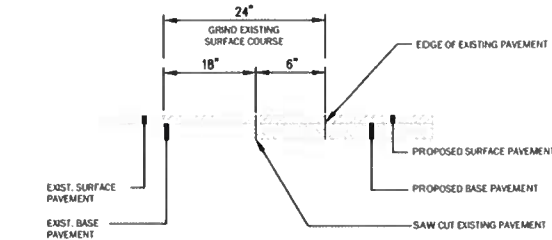


**2 PAVED WALKWAY DETAIL**  
C-401 NOT TO SCALE

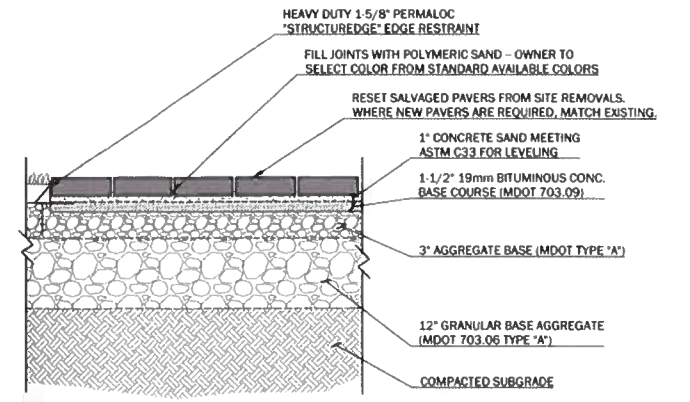
- NOTES:
- DIMENSIONS SHOWN AT EDGE OF ROAD ARE FIXED.
  - RAMP CROSS SECTION TO BE THE SAME AS ADJACENT SIDEWALK, I.E. DEPTH OF SURFACE AND FOUNDATION.
  - DIMENSIONS ARE SUBJECT TO CHANGE IN FIELD. ALL SLOPES AND DIMENSIONS TO COMPLY WITH A.D.A. REQUIREMENTS.



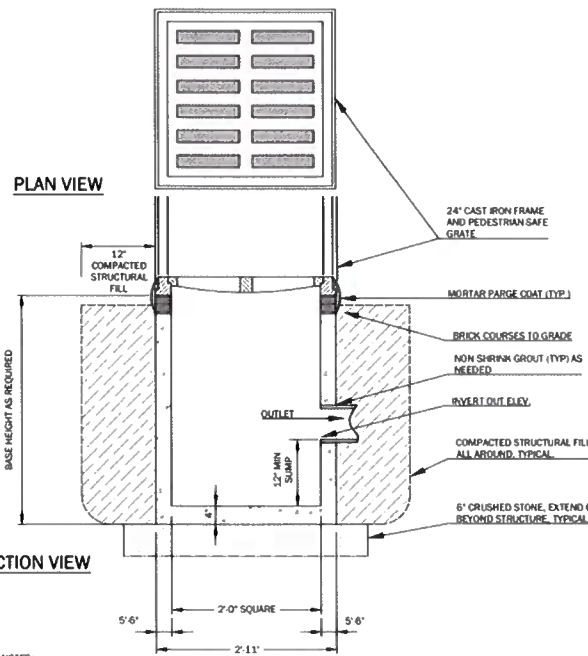
**3 CURB RAMP DETAIL**  
C-401 NOT TO SCALE



**4 HMA PAVEMENT SHIPLAP JOINT**  
C-401 NOT TO SCALE

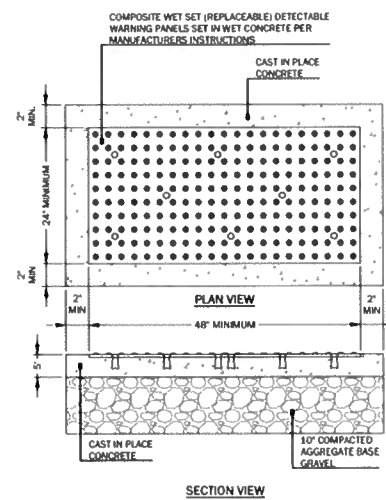


**5 PRECAST CONCRETE PAVERS**  
C-401 NOT TO SCALE

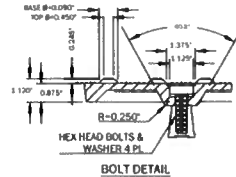


- NOTES:
- CONCRETE 5000 PSI AFTER 28 DAYS.
  - REINFORCING: 1 LAYER 4#4 / 4# WWM.
  - FIELD INLET IS USED FOR SHALLOW, OFF DRIVE, DEAD END DRAINAGE AREAS.

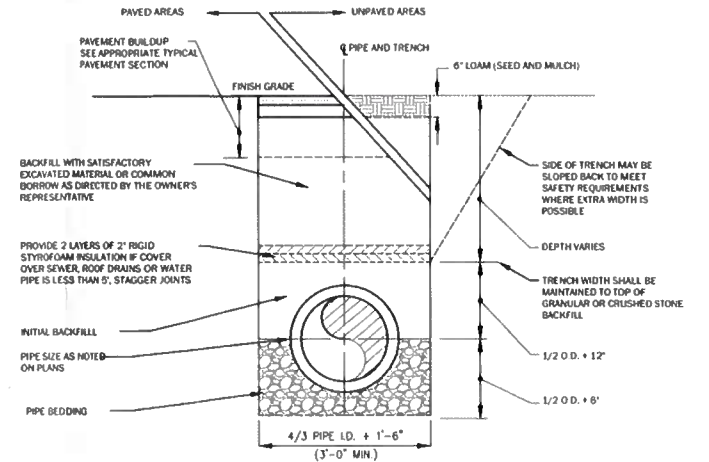
**6 FIELD INLET**  
C-401 NOT TO SCALE



- NOTES:
- COMPOSITE WET SET (REPLACEABLE) DETECTABLE WARNING PANELS SHALL BE AS MANUFACTURED BY ADA SOLUTIONS, INC. (WWW.ADASOLUTIONS.COM), OR APPROVED EQUAL.
  - CAST IN PLACE CONCRETE SHALL MEET SPECIFICATIONS FOR MARINE O.D.T. CLASS A STRUCTURAL CONCRETE, MINIMUM COMPRESSIVE STRENGTH 4,000 PSI. THE CONCRETE SHALL BE SEALED PRIOR TO SETTING PANELS. THE EXPOSED CONCRETE BORDER SHALL RECEIVE A GROOVED EDGE BETWEEN THE PANEL AND CONCRETE, ALONG WITH A UNIFORM BROOM FINISH PERPENDICULAR TO THE FLOW OF PEDESTRIAN TRAFFIC.
  - TRUNCATED DOMES SHALL BE ALIGNED IN ROWS, PARALLEL AND PERPENDICULAR TO THE PREDOMINANT DIRECTION OF TRAVEL. TRUNCATED DOME BRICKS AND GRANITE PAVERS ARE NOT ALLOWED.
  - FOR ALL DETECTABLE WARNING PANELS (EXCEPT AS SPECIFIED IN FIGURE 1.7A AND TECHNICAL MANUAL SECTION 1.8.4.), FEDERAL YELLOW COLORED (#33538) PANELS SHALL BE USED. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
  - SIZE: THE DETECTABLE WARNING PANELS SHALL EXTEND 24 INCHES MINIMUM IN THE DIRECTION OF TRAVEL AND THE FULL WIDTH OF THE CURB RAMP, LANING, OR BLENDED TRANSITION TO THE STREET.
  - ORIENTATION: THE DETECTABLE WARNING PANEL SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS 2 INCHES MINIMUM AND 4 INCHES MAXIMUM FROM THE BACK OF THE CURB LINE. THE PANEL SHALL BE ORIENTED TO THE DIRECTION OF TRAVEL AS IDENTIFIED BY THE POINT OF EGRESS.



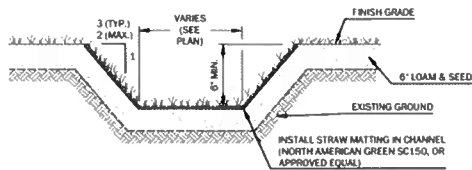
**7 SIDEWALK RAMP DETECTABLE WARNING PANEL**  
C-401 NOT TO SCALE



PIPE MATERIAL	PIPE BEDDING	INITIAL BACKFILL	BACKFILL
HDPPE	3/4" CRUSHED STONE	3/4" CRUSHED STONE	***EXCAVATED MATERIAL OR GRANULAR BORROW
PVC	3/4" CRUSHED STONE	3/4" CRUSHED STONE	***EXCAVATED MATERIAL OR GRANULAR BORROW
DUCTILE IRON	GRANULAR MATERIAL	GRANULAR MATERIAL	***EXCAVATED MATERIAL OR GRANULAR BORROW
COPPER	SAND	SAND	***EXCAVATED MATERIAL OR GRANULAR BORROW

\*\*\*EXCAVATED MATERIAL MUST BE REVIEWED AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.  
GRANULAR MATERIAL TO BE SAND OR GRAVEL.

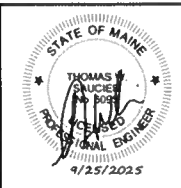
**8 TYPICAL PIPE TRENCH SECTION**  
C-401 NOT TO SCALE



**9 VEGETATED SWALE DETAIL**  
C-401 NOT TO SCALE

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REV.	DATE	STATUS	BY	CHKD.	APPD.	REV.	DATE	STATUS	BY	CHKD.	APPD.
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**Site Design Associates**  
Consulting Engineering & Land Planning  
23 Whitney Way, Topsham, Maine 04086 Tel: (207) 449-4275  
CLIENT: UNIVERSITY OF NEW ENGLAND  
11 HILLS BEACH ROAD, BIDDEFORD, MAINE 04005

DESIGN: DEPT.	PROJECT: LEONARD HALL RENOVATION
DRAWN: DEPT.	ONE, 11 HILLS BEACH ROAD, BIDDEFORD, ME 04005
CHKD: TWS	CIVIL DETAILS
DATE: SEP. 2025	PROJ. NO. 24-216-05
SCALE: AS NOTED	DWG. NO. C-401

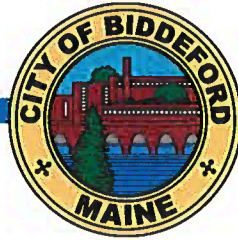
TAX MAP I.D. 52-4











March 20, 2026

Alan Thibeault  
Assistant Vice President for Planning  
University of New England  
11 Hills Beach Road  
Biddeford, ME 04005

Ref: Denial of Demolition Permit Leonard Hall

Mr. Thibeault,

This letter is to inform you that the City of Biddeford has **DENIED** the demolition permit application for Leonard Hall.

On January 20, 2026, the City Council implemented a 180-day moratorium. One of the conditions of the moratorium is that for a period of one hundred eighty (180) days, a temporary moratorium is imposed on all new construction, redevelopment, expansion, conversion, or change of use of land or structures within the Institutional (IN) Zone.

After consulting with the City Solicitor, I have determined that a permit can't be issued based on the language in the resolution.

If you disagree with my decision, you may file an administrative appeal to the Zoning Board of Appeals no later than 30 days from the date of this decision (March 20, 2026).

Respectfully,

A handwritten signature in blue ink, appearing to read "Roby Fecteau", is written over a blue horizontal line.

Roby Fecteau  
Director of Code Enforcement &  
Emergency Management

# MEMORANDUM

TO: ROBY FECTEAU, CEO

FROM: HARRY B. CENTER, II, ESQ., CITY SOLICITOR

DATE: MARCH 16, 2026

SUBJECT: UNE APPLICATION FOR DEMOLITION OF LEONARD HALL

---

**ISSUE PRESENTED:** On March 10, 2026, the University of New England applied for a demolition permit with the City of Biddeford Code Enforcement Office, seeking to demolish a portion of Leonard Hall. You have asked me for my legal opinion as City Solicitor as to whether the requested permit while the Moratorium is in effect.

**BRIEF ANSWER:** It is my opinion, as City Solicitor, that you have a lawful basis to deny this permit due to the current Moratorium.

## ANALYSIS

By statute, the State of Maine allows municipalities to impose moratoriums on the processing and or issuance of development permits, when the application of existing land use ordinances or regulations or other applicable laws are inadequate to prevent serious public harm from development in the affected geographic area. 30-A M.R.S. § 4356. On January 20, 2026, the Biddeford City Council unanimously passed a resolution imposing such a moratorium on all new construction, redevelopment, expansion, conversion or change of use of land or structures within the City's institutional zone (hereinafter "IZ" zone).

Both the language in the Resolution passing the January 20, 2026 moratorium and the supporting information recite the facts that the City of Biddeford's current land use regulations, specifically the provisions of Article V, Section 11, IZ Zone are inadequate to address the current expansion and development within that zone by the University of New England (hereinafter UNE). Therefore, the application for demolition submitted by UNE for the demolition of two-fifths of Leonard Hall at an estimated cost of \$205,631 must be denied at this time, pursuant to the moratorium.

The so-called "Minor Site Plan Amendment" for the expansion of Decary Hall is an absolutely perfect and direct example of the need of a moratorium on all development by UNE in the IZ zone. This project is allegedly a "minor" project, yet it involves demolition of a building that initially hosted the late Martin Luther King as a guest speaker in the early 1960s and has been a part of the university's campus since its inception. Admittedly the building was never

designated historical, however initially this project was screened by staff, in good faith, on a weekday morning in a conference room without any significant public notice or input. While this was done completely in good faith by staff, the optics of a project that consists of significant demolition of a highly visible structure demands public notice and input. Furthermore, the conflicting language between the IZ and general site plan review is exemplified by this project.

In Article XI, Section 4 of the Land Development Regulations, the Planning Board is allowed to delegate matters of minor development review to the established Staff Review Committee. Within the section relating to Site Plan Review, Article XI, Section 4 C allows "...certain minor development projects..." to be reviewed by the Staff Review Committee (hereinafter SRC). However, in contrast to that provision, Article V, Section 11 establishes that the Planning Board shall consider the conformance of the proposed activities with approved Institutional Master Plan and shall approve the project only if the proposed development is consistent with the Master Plan. Because of that language, we opined that the Staff Review approval for the Leonard/Decary Hall project needed to be reconsidered by the SRC.

In my opinion, the moratorium is necessary for the review and clarification of both "minor development projects" as well as what scrutiny any demolition that does not expressly involved a declared historical property. While UNE focuses on the end-result net addition of less than 1,000 square feet of new construction, the project demolishes over 1,800 square feet of existing structure and constructs over 3,000 square feet of new construction. In my opinion, there is nothing 'minor' about this project, notwithstanding the merits. The new structure will likely be 'state of the art' and will now result in a structure that will set back off on Hills Beach Road at a confirming distance.

### **CONCLUSION**

In conclusion, the express language of January 20, 2026, Council Order (2026.11) mandates that application to demolish Leonard Hall be denied at this time. I have recited the history of the imposition of the moratorium as necessary background to demonstrate the City of Biddeford's good faith in this process. The City of Biddeford is acting for the health and safety and welfare of all citizens throughout this process.