

# CITY OF BIDDEFORD

## Planning and Development Department

Greg D. Tansley, A.I.C.P.  
City Planner  
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### NOTICE OF DECISION

June 3, 2020

Doug Reynolds, P.E.  
Gorrill-Palmer  
707 Sable Oaks Drive, Suite 30  
South Portland, ME 04106

**RE: 2019.36 Contract Zone and Final Site Plan Review/Conditional Use Permit and for a 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.**

Dear Doug,

At their meeting of May 20, 2020 the Biddeford Planning Board reviewed the Contract Zone and Final Subdivision and Conditional Use Permit application for Maine Governmental Facilities Authority 127 Community Drive, P.O. Box 2268, Augusta, ME 04338-2268) for the York Judicial Center at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones.

Maine Governmental Facilities Authority owns the property and you and representatives of the project team were present for the meeting. Based on the presentation and the materials submitted, the Planning Board authorized the City Planner to sign the final plans on its behalf. The Planning Board further approved the site plan and conditional use permit and approved the findings of fact conditioned on the following:

- 1. Prior to any ground disturbance or issuance of any permits:**
  - a. A stormwater mitigation fee of \$72,350.00 shall be paid to the Planning Department based on the Maine DEP Site Location of Development Act Urban Impaired Stream Compensation Fee Maine DEP Chapter 501 SS 3.A.{1} as follows:**

Area Type	Area (Acres)	Mitigation Cost per Acre	Cost per CFUP
Non-Roof Impervious	4.52	\$ 12,500.00	\$ 56,500.00
Roof	0.8	\$ 5,000.00	\$ 4,000.00
Vegetated	2.19	\$ 2,500.00	\$ 5,475.00
Impervious Permanent Stormwater Pool	0.51	\$ 12,500.00	\$ 6,375.00
<b>TOTAL CFUP Required</b>	-	-	<b>\$ 72,350.00</b>

- b. A pre-construction meeting with the contractor needs to be held with the Engineering Office to discuss inspection requirements.
  - c. A copy of all required Maine DEP and Maine DOT Permits must be submitted to the Planning Department.
  - d. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX.XX (amount to be determined by the Planning Department) shall be submitted to the Planning Department.
  - e. Salt Management Plan to be provided for review and approval by the Planning Department.
2. Prior to issuance of any occupancy permits:
    - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
    - b. A performance guarantee (amount to be determined by the Planning Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department.
3. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
  4. The emergency access road to and from Hill Street shall remain restricted to emergency access purposes only. Knox boxes for this access road and throughout the site shall be approved by the Fire Department.
  5. All trees within required 30' buffer areas around the parcel not shown as removed as part of the project shall remain. Trees within the buffer areas may only be removed if deemed hazardous and approved for removal by the Planning Department. Buffer areas shall be maintained and any removed trees shall be revegetated with new trees, approved by the Planning Board, as sufficient for re-establishing any loss of buffer as a result of their removal within a reasonable time-period. The Planning Board may enlist the services of a 3<sup>rd</sup> Party to assist in the review of any revegetation plans in buffer areas, at the expense of the project owner.
  6. Site lighting that is not necessary to maintain minimal security throughout the site shall be dimmed after normal hours of business, typically between 9 PM and 6 AM daily and on weekends and holidays.
  7. Best management practices shall be adhered to during all ground disturbance operations. All Catch Basin's in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
  8. All erosion and sediment control measures need to be installed. The applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
  9. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.

10. Once completed, as-built drawings of the site shall be provided to the Planning Department.
11. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
12. Standard Conditions of Approval apply.
13. This approval is conditioned upon approval of a Contract Zone by the Biddeford City Council.

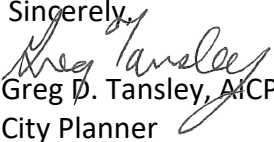
The Planning Board Site Plan and Conditional Use Permit approvals shall be valid for one (1) year from the date of said approval. If a building permit has not been issued within one (1) year, then said approval shall become automatically null and void.

After approving the Site Plan and Conditional Use Permit, the Planning Board then approved the "Findings of Fact and Recommendation of the City of Biddeford Planning Board" and forward the Contract Zone proposal to the City Council with a positive recommendation for approval. I expect this item to be on the June 16 City Council Agenda.

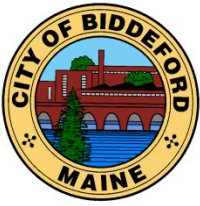
Appeals of the Planning Board's decision may be made as per the Biddeford Revised Code of Ordinances.

Please contact us at 284-9115 if you have any questions.

FOR THE BIDDEFORD PLANNING BOARD

Sincerely,  
  
Greg D. Tansley, AICP  
City Planner

Cc: C. Colburn, Finegold Alexander Architects (via e-mail)  
P. Johnston, Owner's Project Manager (via e-mail)  
T. Milligan, P.E., City Engineer (via e-mail)  
R. Fecteau, Code Enforcement Officer (via e-mail)  
M. Eddy, Planning and Development Director (via e-mail)  
File



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### Standard Conditions of Approval

**Owner/Applicant:** Maine Governmental Facilities Authority  
127 Community Drive  
P.O. Box 2268  
Augusta, ME 04338-2268

**Project Description:** 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site (and off-site) improvements

**Project Location:** **511-515 Elm Street and 384 Hill Street; 516 and 522 Elm Street.**

**Tax Map / Lot Number:** Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1; Tax Map 14, Lots 14-1, 14-2, and 14-3

**Project ID:** 2019.36

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. If Site Development is required as part of the project, 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 remaining project improvements. (Items include but are not limited to the following):
  - 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: **\$3,000.00 DUE.**
  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. If Site Development is required as part of the project, an as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project on mylar and on a disk, in a format, which can be read by the City of Biddeford's Geographic Information System software. If a disk copy cannot be provided, a charge for staff time to enter the plan into the City system will be assessed to the applicant.
  8. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion affects 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 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.
  10. The applicant is required to comply with all applicable requirements of Chapter 70 (Utilities) and Chapter 71 (Utilities/Industrial Pretreatment Program).
  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. If Site Development is required as part of the project, 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.