

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
 CONDITIONAL USE PERMIT**

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article VI (Conditional Uses) and Article XI (Site Plan Review), the Biddeford Staff Review Committee has considered the application of King Weinstein to construct a duplex/two-family residence at 37 Newtown Road. 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:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	King Weinstein 198 Saco Avenue Old Orchard Beach, ME 04061
2.	Owner of Property:	Coastal Oaks, LLC 198 Saco Avenue Old Orchard Beach, ME 04061
3.	Agent:	Ethan Scott 198 Saco Avenue Old Orchard Beach, ME 04061
4.	Surveyor/Engineer:	Sebago Technics – Craig Burgess 75 John Roberts Drive, Suite 4A South Portland, ME 04106
5.	Project Location:	37 Newtown Road
6.	Project Tax Map #/Lot #:	4/22-6
7.	Existing Zoning:	R-F – Duplex/two-family residential is a Conditional Use
8.	Overlay Zoning:	None
9.	Existing Use:	Vacant – House Foundation exists
10.	Proposed Use:	Duplex/two-family residential
11.	Approvals Required:	Conditional Use Permit
12.	Uses in the Vicinity:	Residential
13.	Parcel Size:	42.16 Acres
14.	Number of Lots/Units in Subdivision:	N/A
15.	Minimum Lot Size Required: Provided:	40,000 SF/Unit = 80,000 SF 42 acres +
16.	Frontage Required: Provided:	200' 200'
17.	Front Setback Required: Provided:	40' 40'
18.	Side Setbacks Required: Provided:	25' 25'
19.	Rear Setback Requires: Provided:	25' 25'

20.	Height Requirements: Provided:	35 feet or 3 stories. <= 35 feet
21.	Water Supply:	Private Well
22.	Sewerage Disposal:	Private Sewer
23.	Solid Waste Disposal:	Public
24.	Fire Protection:	City of Biddeford
25.	Floodplain Status:	Property is not within a NFIP Zone A or V floodzone.
26.	Wetland/Surface Water Impacts:	N/A
27.	Soil Study Provided:	HHE-200 provided by Michael Cuomo dated March 25, 2020 (Revised April 3, 2020).
28.	Parking Spaces Required:	N/A
29.	Parking Spaces Provided (total): # Handicapped Spaces:	4 spaces (tandem permitted) N/A
30.	Ownership of Road:	Newtown Road is a Public Road
31.	Total Disturbed Area:	N/A
32.	Estimated Site Development Costs:	N/A
33.	Financial Capacity Letter:	N/A
34.	Waivers Needed:	a. Article XI, Full Site Plan Review
35.	Waivers Granted:	a. Article XI, Full Site Plan Review
36.	Variances Needed for Approval:	None.
37.	Other Permits Obtained:	N/A
38.	Other Non-City Permits Required:	None.
39.	Covenants, By-laws, Restrictions Required by the Planning Board/SRC:	None
40.	LDR Attachment A: Fees Paid:	Yes
41.	Staff Review Committee Review History:	May 11, 2020 Review

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;
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 project (and for fire protection purposes, if applicable.)
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, historic sites, archeological resources, 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 Staff Review Committee approves the Conditional Use Permit for the proposed project summarized above, located at 37 Newtown Road (Tax Map 4, Lot 22-6) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. **Prior to any ground disturbance or issuance of any permits:**
 - a. **Best management practices shall be adhered to during all ground disturbance operations.**
2. **This Conditional Use Permit is for a permit a duplex/two-family use only. Any change of use must be approved by the Code Enforcement Department.**
3. **Standard Conditions of Approval apply.**
4. **The applicant shall obtain all other pertinent local, state and federal permits/licenses/insurance such as building, electrical, plumbing, etc prior to commencing business.**

Staff Review Committee Chairperson

Date