

Phinney, Brian

From: Greg.Tansley@Biddefordmaine.org
Sent: Thursday, January 18, 2018 9:07 AM
To: pboston@maine.rr.com
Cc: AThibeault@une.edu
Subject: FW: UNE Shoreland Zoning Amendment
Attachments: UNE overlay zone change 20180104.pdf; 2018.02 UNE SZ Amendment for PH 020718.pdf

Sorry Pat.

Worded the “Mineral exploration” part wrong. It should read: “Mineral Exploration” would now require PB approval rather than allowed if under 100 square feet of surface area and Code Office if more than 100 square feet of surface area.

Must be the residuals of the bronchitis infection I have been battling...

Greg

From: Tansley, Greg
Sent: Thursday, January 18, 2018 8:49 AM
To: 'pboston@maine.rr.com' <pboston@maine.rr.com>
Cc: AThibeault@une.edu
Subject: UNE Shoreland Zoning Amendment

Hi Pat,

Attached is the final versions of the text amendment and map showing the boundaries of the proposed ne GD-2-IN Zone. You will note that Industrial and Commercial Uses are not allowed in this final version which will be the subject of the public hearing on February 7. Other changes include” “Mineral Exploration” would now require PB approval rather than allowed if under 100 cf of material and Code Office if more than 100 cf of material, “Small nonresidential structures...” would be CEO approval rather than PB approval, and “Home Occupations” would not be allowed.

Please share this as you see fit.

Respectfully,

Greg

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine 04005
207-284-9115

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Phinney, Brian

From: Greg.Tansley@Biddefordmaine.org
Sent: Tuesday, January 30, 2018 8:11 AM
To: rencar@comcast.net
Cc: AThibeault@une.edu; pboston@maine.rr.com; alancasavant@gmail.com; roby.fecteau@biddefordmaine.org; James.Bennett@Biddefordmaine.org; Michael.Swanton@Biddefordmaine.org
Subject: RE: Zoning Change Along the shoreline at UNE
Attachments: Pavilion to Breakwater.pdf; UNE Noise MP Section.pdf

Good Morning Mr. Caragianes,

First, I want to be clear that UNE are not permitted to do any development projects that are not consistent with Institutional Zone (IN) and the Planning Board APPROVED UNE Master Plan. If a project (in concept) is approved in the Master Plan, appropriate Site Planning and Building Permitting must be followed prior to any construction. Additionally, throughout the entire UNE Campus applicable Federal, State and other approvals are required, including (if applicable), but not necessarily limited to, Maine Department of Environmental Protection Natural Resources Protection Act (NRPA) and Site Location of Development Act (SLODA), the Saco River Corridor Commission regulations, and local Shoreland Zoning.

Assuming the pavilion project moves forward in the location proposed by UNE, the pavilion itself would be located approximately ½ mile from your property, through woods and other buildings (see attached). Yes sound can do odd things, but please be aware that UNE is bound by the City's Noise Ordinance which they have adopted as their standard in the UNE Master Plan (see attached).

The plans themselves for the pavilion indicate that any noise would be projected into the campus, away from the River. But again, yes noise can do odd things, which is why we have, and UNE has adopted, our local Noise Ordinance standards.

I hope this helps in understanding what is proposed and the multiple layers of regulatory review and enforcement applicable to the UNE.

Respectfully,

Greg Tansley

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine 04005
207-284-9115

From: CHARLES CARAGIANES [mailto:rencar@comcast.net]
Sent: Monday, January 29, 2018 5:11 PM
To: Tansley, Greg <Greg.Tansley@Biddefordmaine.org>

Cc: AThibeault@une.edu; Patricia Boston <pboston@maine.rr.com>; Alan Casavant <alancasavant@gmail.com>; Fecteau, Roby <robby.fecteau@biddefordmaine.org>; Bennett, James <James.Bennett@Biddefordmaine.org>; Swanton, Michael <Michael.Swanton@Biddefordmaine.org>
Subject: RE: Zoning Change Along the shoreline at UNE

Hello

Thank you for the clarification on the process. Am I correctly understanding that this change is linked solely to this project and that any other changes UNE might propose on other parts of the campus would require additional zone review?

I do hope that the discussion on Thursday includes how noise from the pavilion will be minimized (decibel levels, curfews etc) to minimize impact on our quiet street as well as for our neighbors across the river

Thank you again for your time.

Take Care
Chuck and Paulette

On January 29, 2018 at 1:27 PM "Tansley, Greg" <Greg.Tansley@Biddefordmaine.org> wrote:

Good Afternoon,

Simply put, a variance based process is not an appropriate mechanism in this case. The Variance process is in State Law and our local Ordinance and very rarely, if at all, should variances be granted. The criteria alone is very difficult to meet. See the standards below. Very rarely can all 5 criteria (a-e) be met in order for a variance to be granted.

The most appropriate way for the University to achieve its desired goal is the process they are following now, requesting a zoning change designation along its property along the Saco River. The effect of the requested change amounts to a structure setback reduction from 100' to 75'. State Law requires 75' setback only, and the State has indicated it would approve the change if approved by the City of Biddeford. As such, the real effect is a reduction in the setback from the Saco River from 100' to 75'. The Shoreland Zone, however, and all the Performance Standards (e.g., maximum non-vegetated area and removal of vegetation standards, to name two) that come with it, would remain a 250' Zone from the River.

It should also be noted as well there are many layers of regulations in place designed to protect waterbodies, including the State of Maine Natural Resources Protection Act (NRPA) and Site Location of Development Act (SLODA), the Saco River Corridor Commission, the Institutional Zone (IN) which requires the approval of an Institutional Master Plan which outlines potential projects to be undertaken by the UNE during a 5-Year period, and Local Shoreland Zoning.

I hope this helps in understanding why a variance based process is really not appropriate and that the proposal does not change the 250' Shoreland Zone boundary from the Saco River, but only the structure setback itself (reduced from 100' to 75'). That said, what the UNE actually proposes at this time greatly reduces the amount of pavement close to the River (the Wastewater Treatment Plant parking lot), revegetates that parking lot which will greatly benefit the River, while introducing an outdoor performance pavilion which would still be at least 75' setback from the Saco River.

I hope this helps clarify what is actually under consideration at the Planning Board level at this time.

Respectfully,

Greg Tansley

Greg D. Tansley, AICP
City Planner
P.O. Box 586
Biddeford, Maine 04005
207-284-9115

B. Variance appeals.

1. The board shall hear and decide cases where a relaxation of this ordinance may be sought. Additional conditions and safeguards may be prescribed by the Board upon the applicant so as to minimize any adverse impact as a result of granting the variance. The burden of proof rests with the applicant to demonstrate that the conditions for a variance exists. A variance may be granted by the Board for undue hardship which shall be interpreted only in strict compliance with all of the following criteria and with the criteria of 30-A M.R.S.A. § 4353:

a. That the land in question cannot yield a reasonable return unless a variance is granted; and

b. That 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; and

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner; and

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

2. A variance is not justified unless all of the foregoing five criteria are present in the case. A variance is a relaxation of the dimensional requirements of this ordinance that may be granted by the Board of Appeals only where strict application of this ordinance, or a provision thereof, to the petitioner or his property, would cause undue hardship. A variance may only be granted for a permitted use or legal nonconforming use in that particular district. The Board of Appeals is prohibited from issuing a variance for a new use that is not permitted by this ordinance.

3. In order to preserve the terms of this ordinance as much as possible, the board may impose such conditions to a variance as it deems necessary. Variances shall be the

exception, not the rule. Variances which are granted shall be the minimum necessary to relieve hardship.

From: Paulette R-C [<mailto:rencar@comcast.net>]

Sent: Sunday, January 28, 2018 2:47 PM

To: Swanton, Michael <Michael.Swanton@Biddefordmaine.org>; Tansley, Greg <Greg.Tansley@Biddefordmaine.org>; Alan Casavant <alancasavant@gmail.com>

Subject: Re: Zoning Change Along the shoreline at UNE

Greetings all

With the upcoming public hearing we wanted to reiterate our concerns about the request by UNE to change the current zoning regulations under which they must comply. We are using email as we are unable to attend the hearing later this week.

While the project that UNE proposes is being used as a reason to request a change to zoning, and may indeed be one that should be allowed, we urge you to deny the request for wholesale zoning change and instead use the variance process as a way to manage this and other requests.

The character of the area, including assuring conservation of the habitat should be the driver of this process, not UNE's wishes. This is not to besmirch UNE but rather to assure that every change that impacts the area is evaluated singularly on the merits and impact. It seems that this is the manner in which any property owner would need to approach property development that is outside the current code and zoning and has served the area well. Any requests by UNE should be considered on a project by project bases and face the same scrutiny instead of being granted blanket approval that a zoning change would bring.

A variance based process would also create the environment that would require UNE to be a good steward knowing that each request for further projects would be evaluated on how well they adhered to the plans as presented on previous projects. That check and balance system is in the best interest of our community.

Thank you for your time. As year round residents who will retire here full time in the next few years who are here every weekend as well as when circumstances allow, your vote and guidance for this vote are very important to us and our neighbors.

Take care
Chuck Caragianes
Paulette Renault-Caragianes

On Jan 4, 2018, at 7:53 AM, Swanton, Michael <Michael.Swanton@Biddefordmaine.org> wrote:

Dear Mr Caragianes,

I was at the planning board meeting last night and saw UNE's presentation of what the zoning change is all about.

You may not want to believe this, but they are making things better with their

changes. They want to remove a parking lot that is near the river and turn it into a landscaped park. The only structure on the park will be four poles to hold up a tent for a small stage.

Changing the overlay zone from a LR to a GD-2 was the idea of Saco River Corridor, Maine's oldest and stringent environmental watch dog. The change will not allow UNE to build factories on the overlay zone.

The planning board has a new email address; planningboard@biddefordmaine.org

This address will send a copy to all of the planning board members and to Greg Tansley.

I hope this helps.

Mike Swanton

"Notice: Under Maine's Freedom of Access ("Right to Know") law, documents - including emails - in the possession of public officials about City business are classified as public records. This means if anyone asks to see them we are required to provide them. There are very few exceptions. We welcome citizens' comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and could show up in one of the local newspapers."

From: Paulette R-C <rencar@comcast.net>
Sent: Sunday, December 31, 2017 11:16:58 AM
To: Swanton, Michael
Subject: Fwd: Zoning Change Along the shoreline at UNE

Begin forwarded message:

From: Paulette R-C <rencar@comcast.net<<mailto:rencar@comcast.net>>>
Subject: Zoning Change Along the shoreline at UNE
Date: December 31, 2017 at 11:12:33 AM EST
To: gtansley@biddefordmaine.org<<mailto:gtansley@biddefordmaine.org>>
Cc: Alan Casavant <alancasavant@gmail.com<<mailto:alancasavant@gmail.com>>>, Hills Beach Association <hillsbeachassociation@gmail.com<<mailto:hillsbeachassociation@gmail.com>>>

Good morning,

Thanks to our membership in the Hills Beach Association my wife Paulette and I have become aware of the proposed zoning change along the shoreline at UNE.

We are property owners who are located at 78 Hills Beach Road who reside here approximately 1/3 of the time with plans to retire here within the next 3 to 4 years. We also own an investment property at 92-94 Hills Beach Road.

Our neighbors have articulately outlined the very meaningful objections to the proposed changes in terms of significant environmental impact and the potential for overuse of the space, particularly during the already heavy use in the summer months.

I would like to add to these objections my frank astonishment at the timing of this hearing on January 3, 2018. This date falls when home owners on Hills Beach Road are minimally present to give input, while students and many staff members at UNE are on break and are unable to be present should they have views divergent from the official University position, and immediately following the holiday season when focus in general is away from such political business. Postings of this hearing have been of the most minimal nature as well, though likely within the requisite posting

requirements. The letter but not the spirit of what public hearing posting should be for citizen engagement.

I must say, and sadly so, that this process has all the signs of a "back door" maneuver to quietly move a significant change in land use through the hearing process while the absolute fewest people are available to object and while attention and scrutiny are understandably elsewhere during the holiday season. I sincerely hope that these are not the motivations, and that this is an unfortunate oversight.

The City of Biddeford as a municipal entity can and ought to do much better than this in terms of public input, governmental transparency and simple fairness. A cursory reading of these requested changes leads us to believe they are far too broad to maintain the character of the Hills Beach area which border on nationally protected open space. Any amendments in zoning must be clear in the limitations of the type of development allowable rather than hoping entities can balance competing priorities of development with preservation of open space.

We urge you to table this zoning hearing until the late spring or early summer months to maximize the opportunity for full and considered input. As this matter stands now exactly the opposite is in place: minimal opportunity for input with the most limited possible time for the careful consideration this issue merits.

Sincerely yours,

Charles Caragianes Paulette Renault-Caragianes

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Phinney, Brian

From: Christine Feurt <cfeurt@une.edu>
Sent: Thursday, January 18, 2018 1:10 PM
To: kbuechs@earthlink.net; Alan Thibeault
Cc: planningboard@biddefordmaine.org; Pat Boston; mike swanton
Subject: RE: Parking and Additional Information for the Annual Conference for the Saco Watershed Collaborative
Attachments: Agenda Saco Watershed Collaborative Annual Conference Jan 242018.doc; Saco Watershed Collaborative Action Plan released January 32018.docx

Hi Ken and Biddeford Planning Board members,

I want you all to know you are welcome to attend the Saco Watershed Collaborative Annual Conference. I am attaching the agenda for that meeting. The Conference objective is for: Participants will learn about the 2017 accomplishments of the Saco Watershed Collaborative and provide ideas for implementing the Action Plan in 2018.

We have a planned agenda to present the work of the Collaborative in the past year and then focus on the Action Plan for 2018. I have also attached the Action Plan developed by members of the Collaborative this fall.

I didn't want you to think that this conference is the forum for discussing the zoning issues involving Biddeford and UNE. That discussion and public meeting takes place through normal channels with the Biddeford Planning Board and the Saco River Corridor Commission. These groups are knowledgeable about regulations and have the decision-making authority in such matters.

I am probably not telling you anything that you don't already know, but I didn't want you to think we would be discussing these issues at the Conference next week.
Please contact me if you have any questions, Chris

Christine Feurt, Ph.D.
University of New England
Director, Center for Sustainable Communities Department of Environmental Studies
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207-602-2834
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cfeurt@une.edu

Director, Coastal Training Program
Wells National Estuarine Research Reserve
342 Laudholm Farm Road
Wells, ME 04090
207-646-1555 x 111
Fax 207-646-2930
cfeurt@wellsnerr.org
http://www.wellsreserve.org/education/coastal_training

From: kbuechs@earthlink.net [kbuechs@earthlink.net]
Sent: Wednesday, January 17, 2018 11:11 AM
To: Alan Thibeault

Cc: Christine Feurt; planningboard@biddefordmaine.org; Pat Boston; mike swanton

Subject: Fw: Parking and Additional Information for the Annual Conference for the Saco Watershed Collaborative

Alan, this is the conference I referred to in my email regarding your UNE rezoning proposal. If you review the objectives of the Collaborative, you will, perhaps, see my concern that this effort conflicts with the relaxation of the setback from the Saco River.

If you have interest in discussing my points prior to the January 24 event, I can be reached at 282-3954.

Regards,

Ken Buechs

-----Forwarded Message-----

From: Emily Greene

Sent: Jan 16, 2018 3:54 PM

To: andrea rothkimmich , "belstarcider@gmail.com" , "bhamblen@sacomaine.org" , "eroy@sacomaine.org" , "robyhillkennel@gmail.com" , "matthew.dorman@me.usda.gov" , "tracy.krueger@maine.gov" , Heather True , Susan Breau , Austen Bernier , "Meidel, Susanne K" , "landongryczkowski@fs.fed.us" , Saco Master's Project , "antonio_bentivoglio@fws.gov" , "kim.bourgouin@des.nh.gov" , Anna Biddle , Mitchell Brown , Melissa Alipalo , Heather True , "Jessica.meeks@maine.gov" , Jessica Burton , "Sophia.Scott@maine.gov" , "margaretb@fbenvironmental.com" , "Michael.Abbott@maine.gov" , "jfitch@cumberlandswcd.org" , "rsanford@maine.edu" , "yciasp@hotmail.com" , "karlwhonkonen@fs.fed.us" , "winmar1@hotmail.com" , "rsaunders@cumberlandswcd.org" , "debra.marnich@nh.usda.gov" , "ljfeldman@smpdc.org" , Barry Costa Pierce , "tcarros@roadrunner.com" , Stephan Zeeman , "theodore.willis@maine.edu" , "friendsofsebago@yahoo.com" , "andyinme@gmail.com" , "sean@rumerys.com" , "paul.susca@des.nh.gov" , "sternjm@hotmail.com" , "sally.soule@des.nh.gov" , "tracie.sales@des.nh.gov" , "steepfalls@gmail.com" , "marybeth.richardson@maine.gov" , "wayne.munroe@me.usda.gov" , Pam Morgan , "tmilligan@biddefordmaine.org" , "jmiller@wellsnerr.org" , "amas@tnc.org" , "matthew.leblanc@brookfieldrenewable.com" , "rknowlton@mainewater.com" , Thomas Klak , "jacobs.kira@epa.gov" , Emily Greene , "ryan.gordon@maine.gov" , "tgalvin@yorkswcd.org" , "don@fgd-law.com" , "sacorivercorridor@gmail.com" , "kristin.b.feindel@maine.gov" , "drew@theecologyschool.org" , "mark.dubois@waters.nestle.com" , Christine Feurt , "acox@wellsnerr.org" , "tcbplme@yahoo.com" , "info@yorkswcd.org" , Ken Buechs , "kelly.boland@nh.usda.gov" , "dbernier@ncwphn.org" , "bergoffen@roadrunner.com" , Forrest Bell , "susan_adamowicz@fws.gov" , "laura@lauracalandrella.com" , Burgess Smith , "jinnes@fs.fed.us" , "nathan.p.robbins@maine.gov" , Dennis Carignan , "tyler.davidson@des.nh.gov"
Subject: Parking and Additional Information for the Annual Conference for the Saco Watershed Collaborative

Greetings!

Thank you to everyone who registered for the Annual Conference!

Attached is a parking pass for the event, a campus map, and a copy of the Action Plan that our member organizations have worked hard to put together. The event will be in the St. Francis Room, below the library at the Biddeford Campus of the University of New England. As you know, January 26th will be our "snow date," so if the Nature decides that it shall be a blizzard of sorts on the 24th, we will abide by Her and hold the Conference on January 26th. I will keep you all posted and email you if the weather is going to be crazy.

If you have questions before the day of the event, please contact me at 207-330-0604 or egreene@une.edu

Thank you, and we look forward to seeing you!

Warm Regards,

Emily

Emily J. Greene
Saco Watershed Collaborative
University of New England
11 Hills Beach Road
Biddeford, ME 04005
207-330-0604
egreene@une.edu

Wells National Estuarine Research Reserve Volunteer Coordinator, Beach Profile Monitoring Program
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emily@wellsnerr.org

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