

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
CONDITIONAL USE PERMIT (CUP) AND SITE PLAN REVIEW**

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article XI (Site Plan Review), Article VII (Conditional Uses) and Article VI (Performance Standards), the Biddeford Staff Review Committee has considered the application of the Biddeford School Department to construct a 2,725 square foot “Bridge School” addition and associated site infrastructure off Hill Street at the Biddeford Intermediate School/Middle School property. Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Staff Review Committee makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<i>SUBJECT</i>	<i>DATA/INFORMATION</i>
1.	Applicant:	Biddeford School Department 18 Maplewood Avenue Biddeford, ME 04005
2.	Owner of Property:	City of Biddeford 205 Main Street PO Box 586 Biddeford, ME 04005
3.	Agent:	Jacques Gagnon, P.E. Oak Point Associates 231 Main Street Biddeford, ME 04005
4.	Engineer/Surveyor:	Jacques Gagnon, P.E. Oak Point Associates 231 Main Street Biddeford, ME 04005
	Project Location:	25 Tiger Drive – Bridge School
	Project Tax Map #/Lot #:	Tax Map 3, Lots 64, 65, and 71
	Existing Zoning:	Residential (R-1-A)
	Overlay Zoning:	None
	Existing Use:	Bridge School
	Proposed Use:	2,725 Square Foot Building Expansion
	City Approvals Required:	Site Plan Review (Minor)
	Uses in the Vicinity:	Schools, Residential
	Parcel Size:	51 Acres
	Number of Lots/Units in Subdivision:	N/A
	Minimum Lot Size Required: Provided:	10,000 SF 51 Acres
	Frontage Required:	100 feet.

	Provided:	Greater than 2000 feet
	Front Setback Required: Provided:	40 feet 40 feet
	Side Setbacks Required: Provided:	10 feet 10 feet
	Rear Setback Requires: Provided:	10 feet 10 feet
	Height Requirements: Provided:	Maximum 3 stories, 35 feet Less than 3 stories, 35 feet (one story angled roof)
	Water Supply:	Maine Water (Public)
	Sewerage Disposal:	City of Biddeford
	Solid Waste Disposal:	City of Biddeford
	Fire Protection:	City of Biddeford
	Floodplain Status:	None (NFIP FIRM Community Panel #230145 004 B)
	Wetland/Surface Water Impacts:	None
	Soil Study Provided:	N/A
	Parking Spaces Required:	1.5 spaces/classroom = 3 additional spaces
	Parking Spaces Provided (total): # Handicapped Spaces:	259 Spaces according to the Biddeford Middle School site plan submittal dated September 29, 2003. In that submittal, it was identified that 144 spaces were required. The original Bridge School application in 2016 required 3 parking spaces also. As such, the new Bridge School Building will require 6 parking spaces and there are more than enough parking spaces provided per Biddeford Zoning Ordinance standards.
	Ownership of Road:	Hill Street is a public street. Tiger Drive is a private road.
	Impervious Surface Area:	Total NEW proposed Impervious (Building and Paving/Parking) is 2,725 SF + 362 SF = 3,087 SF
	Estimated Site Development Costs:	TBD
	Financial Capacity Letter:	Not yet submitted.
	Waivers Needed:	Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)
	Waivers Granted:	Full Site Plan Review - Article XI, II (Procedure for Site Development Submission Requirements)
	Variances Needed for Approval:	None

	Other Permits Obtained:	None
	Other Non-City Permits Required:	SLODA Amendment (School Exception)
	Covenants, By-laws, Restrictions Required by the Planning Board:	None
	LDR Attachment A: Fees Paid:	All Fees Paid
	Plan Signature Authorization Delegated to City Planner:	Due to the coronavirus pandemic and the Governor’s declaration of a civil state of emergency the Staff Review Committee authorized the City Planner to sign the final plan on behalf of the Staff Review Committee and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Staff Review Committee Board evidencing approval of the final plan.
	Staff Review Committee Review History: Final Review:	December 10, 2020

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 Site Plan Review and Conditional Use Permit for the proposed project

summarized above, located at 25 Tiger Way (Tax Map 3, Lot 64, 65, and 71) 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. A pre-construction meeting with the contractor needs to be held with the Engineering Department to discuss inspection requirements.**
 - b. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XX,XXX shall be submitted to 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 (acceptable to the Engineering Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department. Amount to be determined based on City inspections and the recommendation of the City Engineer.**
- 3. Snow storage (temporary or otherwise) is prohibited from stormwater management facilities.**
- 4. 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.**
- 5. All erosion and sediment control measures need to be installed. Applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.**
- 6. Copies of the maintenance logs for the stormwater facilities shall be submitted to the City for each calendar year no later than January 15th of the following year. If the Engineering Department does not receive these copies within 30 days after the deadline, the applicant may be required to return to the Planning Board for further review.**
- 7. 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.**
- 8. Once completed, as-built drawings of the site shall be provided to the Planning Department.**
- 9. 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.**

10. Standard Conditions of Approval apply.

Staff Review Committee Chairperson

Date