



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: December 16, 2020
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Declaration of Quorum/Voting Members
 - Quorum Present: Chair William Southwick, Roch Angers, Sean Tarpey, Spiros Droggitis, Bruce Benway, Alexa Plotkin (Alternate Voting Member), Michael Cantara (Alternate Voting Member).
2. Adjustments to the Agenda
3. Planner's Business
 - Planner, Greg Tansley, made a brief introduction about the meeting. There are 2 Public Hearings 1) the Marijuana Zoning Amendment and 2) Delete Contract Zone #8 for John Conroy. The meeting will also discuss proposed changes for the Historic Preservation Ordinance, and update on the proposed VMU Zone and the most recent City Council meeting.
4. Consent Agenda
 - 4A. Approval of Planning Board Meeting Minutes of December 2, 2020 & December 9, 2020

MOTIONS:

 - Benway-MOTION: To approve Meeting Minutes for December 2 & 9
 - Angers-SECOND
 - Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway)
5. Unfinished Business
6. New Business
 - 6A. 2020.35 Public Hearing regarding various zoning amendments related to Marijuana Establishments
 - Planner Tansley gave a brief introduction of some of the proposed changes including updating definitions to better coincide with the State's Laws and Definitions. There is no adult use retail of marijuana proposed in Biddeford.
 - Chair Southwick asked Planner Tansley to describe how the City notifies the public of Public Hearings.

- Planner Tansley explained that the Public Hearing is posted on the City's website and posted in the Portland Press Herald 15 days prior to the meeting. The major difference with COVID is that because The Planning Department is not open to the public no notice is hung outside of the office.
- Mr. Droggitis asked about the proposed limitations to the marijuana businesses in the I-3 zone as opposed to the I-1 & 2 zones.
- Planner Tansley mentioned it had been discussed by the Board at a previous Planning Board Meeting and as a Board it was decided not to allow new aspects of the marijuana process in the I-3 zone due to the odor and the business community that is in the I-3 zone.
- Chair Southwick opened the meeting to the public
- Scott Reed introduced himself as a principal at Curaleaf Maine and he asks the Planning Board to support adult use, as well as cultivation in the I-3 zone. Curaleaf has a contract to bring their business into an I-3 zone in Biddeford if the zone works with their industry. Curaleaf would bring 80 new jobs to Biddeford. If this is not decided within the next 6 months Curaleaf will have to move their business to Brunswick who will get to benefit from their money and job market changes.
- Ken Buechs asked the Planning Board to go back to the meeting minutes to verify the conversation about the limitations in the I-3 zone for marijuana instead of relying on the Planner's memory.
- Patrick Donahue would like the Planning Board to support cultivation (as well as all 3 uses) of marijuana in the I-3 zone. He is with Curaleaf as well and explained that in order to adopt the state standard their business uses a sealed environment where the air is recycled and the odor does not leave the building. He mentioned that other businesses have odor emissions that are acceptable such as breweries. He mentioned they are looking into taking over the former Tribune Building for Curaleaf.
- Steve Kinz also representing Curaleaf would like to support all uses of marijuana in the I-3 zone. They use the best practices from the state and have a strong odor mitigation system.
- Malina Dumas-attorney for Drummond Woodsum spoke on behalf of Maine Organic Therapy and Curaleaf. She would like the Planning Board to open and approve cultivation, etc. of cannabis in the I-3 zone for 3 reasons:
 - 1) It is not adverse on the city, in fact it would have a positive effect bringing jobs and income to Biddeford.
 - 2) This is being supported by area residents and businesses.
 - 3) It is a robust industry and Curaleaf uses the highest and best odor mitigation standards
- David Gould stated that he owns a business on Pomerleau Street in the I-3 zone. He wanted to remind the Board that there are child and adolescent services in the area. This area of Biddeford has been considered the gateway to Biddeford and they have always been careful of the businesses established in that area. He has no strong opinion one way or another but felt the Board needed a reminder.

- After no other comments the Chair closed the Public Comment section and turned the item back to the Board.
- Planner Tansley stated that he has gone through the minutes and cannot find where the Board discussed the I-3 issue, he was going from memory.
- Mr. Cantara said he remembers the discussion as well and agrees with Planner Tansley.
- Mr. Droggitis asked why the Planning Board would use odor as a limitation for marijuana in the I-3 zone as the odor is now under control.
- Mr. Tarpey asked about outdoor growing operations
- Mr. Droggitis answered no this was all indoors.
- Chair Southwick mentioned he had received complaints of established growing operations.
- Mr. Angers asked Planner Tansley about the voting when Council sent the item to Planning Board, he wondered if it was a unanimous vote
- Planner Tansley could not recollect.
- Chair Southwick read the item #2020.90 from Council meeting minutes two Councilors were against the item.

MOTIONS:

- Benway-Motion- to pass the proposed changes
- Droggitis-Second
- Plotkin stated she is in favor of the proposed changes and asked why there is no adult use store proposed, she is not opposed to cultivation in I-3
- Droggitis-Amend Motion-to include all uses of marijuana in the I-3 zone
- Droggitis mentioned to monitor adult use and in 6 months to a year come back to it (Planning Department to monitor)
- Mr. Droggitis mentioned that cannabis is no longer illegal and the City is losing revenue where some cities and towns have adult use retail operations but Biddeford has none.
- Chair Southwick suggested putting it in the Comp Plan and getting more public input on that aspect of the marijuana use.
- Benway Seconded Mr. Droggitis' amended motion
- Planner Tansley clarified that the Board meant for cultivation, manufacturing and testing marijuana in the I-3 zone
- Chair Southwick-Roll Call for Vote on the Amended Motion-the Motion passed 3-1 (Droggitis, Benway, Tarpey in favor; Angers against)
- Chair Southwick-Roll Call for Vote on the original Motion-the Motion passed 3-1 (Droggitis, Benway, Tarpey in favor; Angers against)

6B. 2020.36 Public Hearing take comments, and make a recommendation to the City Council to delete Contract Zone #8 for John Conroy at 72 Hill Street and 37 Pool Street or amend Contract Zone #8 that two of the units be designated as affordable housing and not necessarily the two additional units that the applicant is requesting.

- Planner Tansley introduced the item told the history of the contract zone, why Mr. Conroy had the Contract Zone and why he now wants to delete his Contract Zone.
 - Chair Southwick asked the public for any comments, questions or concerns
 - Mr. Conroy asked this be passed as it would be beneficial to both he and the city.
 - Richard Rhames stated that he was on the Council and worked on the Comp Plan when Mr. Conroy received the Contract Zone. He said the focus of growth was for the urban core of the city and increase in density, decrease in the outlying areas. He said it would be better if other landlords do better and the Council has to do more to provide decent housing which is not only to be developed by the private sector. Public housing would be better and cheaper when the profit is taken out of housing. Housing is a human right. He is happy that the Planning Board is looking at this and he would also like them to look at the Comp Plan Growth Management Act to preserve rural resources and increase density in the urban core decrease it in the outlying areas.
 - After no further comments by the public the session was closed to the public and turned back over to the Planning Board.
 - Mr. Cantara stated that there is a need for affordable housing, housing is a human right and in the history of fairness and decency he would like to see Contract Zone 8 deleted.
 - Mr. Angers concurred with Mr. Cantara.
- MOTIONS**
- Benway-Motion-to Delete Contract Zone 8
 - Angers-Second
 - Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway)

6C. 2020.39 Discussion of proposed changes to the Historic Preservation Ordinance

- Planner Tansley introduced the staff liaison to the Historic Preservation Commission, Economic Development Coordinator, Brad Favreau
- Mr. Favreau spoke on the reason for making these changes to the ordinance would give the City Certified Local Government status (CLG status).
- The state encourages each municipality to obtain CLG status
- Our ordinance is largely consistent with the National Historical Preservation Act but we need to go the next step in getting the CLG status through the Maine State Historic Preservation Commission.
- Getting the CLG status will make us eligible for grant money
 1. There is a small grant fund which gives money to fund lectures and architectural surveys
 2. Funds to rehab buildings
 - a. On the National Registry
 - b. Contributing Structures

- Getting CLG status would also make available Design & Technical Assistance.
- In order to get the ordinance ready only 2 sections needed to be added
 - 1) Outline the criteria for historic districts, landmarks and sites
 - 2) Explain the process for becoming eligible for historic status
- Section 6 is for eligibility and section 7 is for expense
- Other changes made:
 - a. Definitions
 - b. Cleared up ambiguities
 - c. Cleared up typos
 - d. Added a subsection (Mr. Favreau explained how asphalt being paved over cobble stones between buildings 36 & 13W in the Mill District prompted this subsection)
 - e. Review of improvements to Historic Preservation Commission
 - f. How to apply
- Chair Southwick voiced his confusion over whether homeowners could choose to participate or if this was mandated.
- Mr. Favreau answered that if they are in an MSRD district they are mandated
- Chair Southwick asked if this certification would make resources available to owners
- Mr. Favreau yes
- Mr. Angers asked if this goes back to Council for approval
- Mr. Favreau answered after the Planning Board holds a Public Hearing on it.
- Mr. Cantara mentioned that ideally the Historical Society should review it.
- Mr. Favreau mentioned that Catherine Glynn who is the director of the Historical Society assisted in the changes.
- Chair Southwick asked the public for comments
- Jeff Cabral-Chair of the Historic Preservation Commission mentioned the major changes and progress the HPC has made in his 7 years on the Commission. He said that getting CLG status is critical to keep on pace with other communities and he stressed the importance of getting an updated survey. Mr. Cabral urges the Planning Board to endorse the proposed changes to the HP ordinance.
- Richard Rhames said in the 1990 Comp Plan Charlie Butler recommended the Russell Wright survey. Historical structures have been lost he mentioned the Birch School being burned down, the demolition of the original Reilly's Bakery building and the destruction of St. Mary's School only to be replaced with a plastic building. The HPC does important work and he would like this proposal passed.
- Mr. Cantara asked if the next step would be a Public Hearing and then onto Council after Planning Board votes on it.
- Mr. Tarpey asked Mr. Favreau how much time he needs
- Planner Tansley said the earliest for a Public hearing would be January 13, 2021, he would set that up.

7. Other Business

- VMU update
- Mathew Eddy Director of Planning and Development is in the process of summarizing notes, combing through minutes to create a red line of a proposal to think about.
- Expansion of Thatcher Brook setbacks is being looked at
- The Council is adamant for them to focus on the Comp Plan
- Comp Plan will be the focus after the January 13th meeting.
- Planner Tansley told of the Comp Plan being a priority and the video that was made for the Comp Plan with Chair Southwick speaking.
- Mr. Benway confirmed that the Planning Board has 2 weeks off then meeting weekly for the foreseeable future.
- Mr. Tarpey asked about the 3-way study
- Mr. Eddy said that it is concerning the 111 interchange, there is not a permit design, finding issues, consultant bidding for alternative assessment; MTA & MDOT are involved. Looking to lessen the traffic coming back into town and lesson the traffic jams on I-95
- Mr. Tarpey asked if we should table the VMU until the study is complete
- Mr. Eddy said he had not pondered that idea
- Mr. Tarpey mentioned they have to focus on the Comp Plan.
- Mr. Eddy said the study would not be done until spring (9 Months).
- Mr. Benway mentioned that the VMU, Master Planning of the Comp Plan and the study all go hand in hand
- Chair Southwick thanked the Board for all of their hard work.

8. Adjourn

Benway-Motion to adjourn

Angers-Second

Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor
(Angers, Tarpey, Droggitis, Benway)

Meeting Adjourned at 8:03 PM

Planning Board Chair/Vice Chair

Date

These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.