



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: December 2, 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), Michael Cantara (Alternate).

2. Adjustments to the Agenda

3. Planner's Business

4. Consent Agenda

A. Minutes of November 18, 2020

Motion:

- **Benway-Motion:** to approve consent agenda
- **Cantara-Second** (Mr. Cantara voted in Mr. Angers Absence; Mr. Angers arrived at 6:03)
- **Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0)** all in favor (Angers, Tarpey, Droggitis, Benway)

5. Unfinished Business

A. 2020.37 Item Tabled from 11-18-20; Multi-family Residential uses in the I-3 and B-2 Zones. This Zoning Amendment would not allow residential uses to be on the first floor or the ground floor of any structure or building located within 300 feet either Alfred Street (Route 111) or Elm Street (Route 1). Further, this amendment would not allow residential uses above off street parking lots or facilities.

Motion:

- **Benway-Motion:** to remove item from table
- **Angers-Second**
- **Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0)** all in favor (Angers, Tarpey, Droggitis, Benway)
- **Planner Greg Tansley did a brief presentation on the proposed amendment.**

- Mr. Tansley said he has received 1 comment from a gentleman who lives on Pomerleau Street and wanted to point out that areas (such as the Old Alfred Street Industrial Park [OASIP] that are heavily industrially populated are not compatible with any residential proposals. Mr. Tansley pointed out that the Public Hearing on this subject is closed but excluding OASIP from the residential portion of the amendment is an option.
- Mr. Benway asked if there are any known properties on Pomerleau that would be subject to the ordinance.
- Planner Tansley answered there may be some if there was some redevelopment.
- The Board discussed what is and is not included in OASIP.
- Mr. Tansley showed an aerial map outlining the areas of the land in question.
- Chair Southwick opened the meeting to the public, there were no comments so the meeting went back to the Board.

Motion:

- Benway-Motion: To exclude OASIP from the proposed amendment
- Angers-Second
- Mr. Angers then asked if the YMCA would be included or not.
- Mr. Tansley answered not
- Mr. Angers believes it should be included.
- Mr. Benway amended his motion to include the YMCA
- Mr. Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway)
- Mr. Droggitis asked about underground parking
- Director of Planning and Development, Mathew Eddy answered that the market cannot support underground parking due to costs and safety concerns.

Motion:

- Benway-Motion: To send the ordinance to City Council
- Angers-Second
- Chair Southwick: Roll call for Vote-Motion passed 3-1 (Angers, Droggitis, Benway in favor; Tarpey against)

6. New Business

A. 2020.25 Conditional Use Permit for a Medical Marijuana Manufacturing (Growing) Facility for Stoner & Company at 419 Hill Street (Tax Map 74, Lot 9) in the I-2 Zone.

- Planner Tansley introduced the project, then mentioned there were two revisions for the Board to be aware:
 1. The cost estimate is \$30,000

2. The security plan was submitted to the Board but needs to be approved by the Police Department (BPD).
- Morgan Stoner represented the applicant (Stoner & Co). He told the Board about the business of Stoner & Co. He talked about the steps they have taken in order to control the odors omitting from his facility. They have sophisticated systems to take care that there are little to no odors from their facility.
- Ted Kelleher from Drummond Woodsum spoke on behalf of the applicant stating that they will provide written evidence of approval from the Police Department and suggested we approve the application with the condition being the approval from BPD on the security plan.
- Mr. Stoner told us that he has provided BPD with a security and lighting plan. The applicant is waiting for BPD to sign and return the approval.
- Chair Southwick asked for comments from the public, there were no comments to the application was turned back to the Board.

Motion:

- Benway-Motion: To approve the application with a condition of approval being written approval from BPD.
- Discussion Continued
- Chair Southwick asked more about the odor of the facility as he has heard from several neighbors regarding their concerns.
- Mr. Morgan spoke of the improvements to their filtration system they have made. He spoke of a neighboring facility that has needed to upgrade their filtration system but has very recently.
- Harvest was discussed and Stoner & Co. method of harvest
- Mr. Cantara said that Mr. Benway's idea of written approval from BPD as a condition is very important.

Motions:

- Benway-Motion: To approve the application with a condition being obtaining written approval of the security plan from BPD.
- Droggitis-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway).
- Benway-Motion: Motion to waive Article XI, Full Site Plan Review.
- Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway).
- Benway-Motion: Motion that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency the Biddeford Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
- Angers-Second

- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway).
- Benway-Motion: Motion to approve the Conditional Use Permit and the Findings of Fact and Conclusions of Law for Morgan Stoner of Stoner and Company for a Medical Marijuana Growing Facility at 419 Hill Street (Tax Map 74, Lot 9) based on the conditions as provided in Staff's Report dated November 25, 2020 and Amended December 2, 2020.
- Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Angers, Tarpey, Droggitis, Benway).

B. 2020.38 Village Mixed Use Ordinance

- VMU was discussed by the entire Board with Planner Tansley going through the proposed changes to the ordinance line by line. Concerns and suggestions were discussed
- There will be a meeting on December 9, 2020 for Public Comments on the VMU proposal
- Chair Southwick told the Board that the first 15 minutes of the meeting were set aside for the Subcommittee of the Conservation Commission to give their findings, comments and recommendations.

7. Other Business

A. Comprehensive Plan Update

- Planner Tansley gave a brief update on the Comp Plan, it will be the top priority of the first quarter of 2021.
- On Tuesday, the 8th, the City Council is holding a workshop and one item that may be discussed is the Comp Plan.
- Planner Tansley and Director Eddy are working on an outline which is due to the Council by Friday the 4th.
- Chair Southwick said the following: Probably worth noting at this point that the Planning Board was only asked to complete the Comprehensive Plan less than two years ago and other groups were unsuccessful in completing this process, which is why we were assigned the task. Additionally, the council has continued to ask the Planning Board to tackle a number of larger issues, the regular work flow during a period of historic growth has continued and the Planning Department has been understaffed. Add to this, all the effects of the covid pandemic, and we're not doing a bad job. We all agree that the Comprehensive Plan needs to be completed and presented to the Council as soon as possible.

Chair Southwick stated that since we started meeting last year on the Comp Plan we met with the various groups to gather input and determine needs.

We will continue to invite input from the public, city departments, commissions and boards as we address additional parts of the Comp Plan.

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 9:00 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.