



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: December 1, 2021
Time: 6:00 PM
Location: City Hall Council Chambers & REMOTE ACCESS MEETING (1MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Bill Southwick (chair), Roch Angers, Bruce Benway, Sean Tarpey, Alexa Plotkin (voting alternate) and Michael Cantara (alternate)
Chair Southwick opened the meeting at 6:03 PM
3. Adjustments to the Agenda
4. Planner's Business
Planner, Greg Tansley announced that there would be a joint Planning Board and City Council Workshop on January 11, 2022. The topic will be working on the Comp Plan, proceeding until it is adopted and getting the final Comp Plan adopted.
5. Consent Agenda
5. A. Approval of Planning Board Meeting Minutes from November 17, 2021
MOTIONS: 6:06 PM
Angers-Motion- to approve the Meeting Minutes for November 17, 2021
Tarpey-Second
Chair Southwick-Roll Call for Vote-Motion Passed, 3-0 (Angers Tarpey, & Plotkin; Benway Abstained)
6. Unfinished Business
7. New Business
7. A. 2021.08 West Brook Subdivision (Winding Creek Lane extension) - Presentation by Biodiversity Research Institute (BRI) of the Wildlife Study conducted for E&R Development (Tax Map 8, Lots 3-1 & 3).
 - Mr. Tansley spoke about the project and reminded the Board and audience why this study was performed.
 - Steve Knapp from Biodiversity Research Institute (BRI) presented the study.
 - The fieldwork was done in July & August of 2021 on 3 separate visits.
 - BRI also did research of the site through Inland Fisheries & Wildlife (IFW).
 - Mr. Knapp stressed what a unique site this is as it is surrounded by an urban area and contains "high quality" habitat.
 - Mr. Knapp spoke of the streams, pocket swamps, Blandings & Spotted Turtles.

- BRI had 3 recommendations for the development:
 - a. In order to limit the disturbance of the Blandings turtles to increase the buffer distance to at least 250' (300' preferred)
 - b. Obtain a survey of the site and critters by a qualified biologist.
 - c. Before and during the development of the site to consult with IFW.
- The Board discussed the project and study with Mr. Knapp and the Planning staff, Mr. Cantara suggested keeping BRI on the project through the approval process. Looking into an Alternatives Analysis was also suggested.

7B. 2021.11 Determination of the Setback to the Greatest Practical Extent for Sumi Dolben at 25 Mile Stretch Road (Tax Map 62, Lot 24 & 24-1) in the LR (Limited Residential) Zone.

- Mr. Di Matteo introduced the updates of the project to the Board
- He noted the changes on the proposal and the plans
- Attorney Sandra Guay from Archipelago Law, LLP represented the applicant regarding procedural issues for the Board and the project.
- Mike Morse of Morse Environmental Consultants represented the applicant; he distributed the Wetlands Delineation Report.
- Mr. Morse asked for two corrections on the City Report:
 - a. There has been no application submitted for this project
 - b. The Upland Edge of Wetland was used, not the Highest Annual Tide (HAT) Line.
- The following spoke from the public on this project:
 - a. Thomas Bean-representing 21,28 & 29 Mile Stretch Road (twice)
 - b. Ken Buechs of Ward 1
- The points brought up by the public were addressed by Attorney Sandra Guay and Mike Morse
- The Board, Planners and the Applicant Representatives discussed the project. The probability and location of a septic system, changes requested on the application, information submitted late, Rules of Planning Board Procedures and hiring outside counsel was among items discussed.

MOTIONS: 7:42 PM

Benway-Motion- To postpone addressing the item until the Planning Board gets a legal status of Shoreland zoning and septic information

Angers- Second

The Board continued to discuss the project. Planner Tansley advised the Board of the procedures of involving legal counsel. Mr. Tansley asked the Board on what specifically they would like the City Attorney to review and weigh in. The reply was that the Board would like Counsel's legal position of approving and or denying a project, and the boundaries of the Board's role. The Board felt that there is a great deal of uncertainty on deciding on this project. Mr. Tarpey voiced his concern as to how this project will affect the fisheries in Biddeford Pool, he would like the application corrected, cleaned up and resubmitted.

- The applicant agreed to resubmit the application package and re-appear before the Board.

MOTIONS: 8:02 PM

Benway-Withdraw original motion

Angers-Withdraw corresponding second

Benway-Motion-To table this item for now

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey, & Plotkin)

8. Other Business

- Planner Tansley discussed the schedule (draft) for the Comp Plan.
- He talked about the meeting for the Visioning for the Comp Plan December 10th (Open House) and December 11th (Charrette) with COVID restrictions along with an alternate way to participate.
- Speaking from the public regarding the Comp Plan:
Richard Rhames & Meaghan Daly
- Mr. Angers distributed a disk that had been prepared by Roger Hurtubise regarding the history of the fire of Diamond Match.
- Chair Southwick spoke about holding some workshops for the Planning Board and having speakers come in to discuss topics. He mentioned Inland Fisheries and Wildlife and the City Attorney. He has asked all Board Members to reach out to staff with ideas for Planning Board topics.

9. Adjourn

MOTIONS: 8:45

Benway-Motion-to adjourn

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Benway, Tarpey, & Plotkin)

Meeting adjourned at 8:46 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.