



# CITY OF BIDDEFORD

## Planning and Development Department

205 Main Street  
P.O. Box 586  
Biddeford, ME 04005  
(207) 284-9115

### Planning Board Meeting Minutes

**Date:** October 18, 2023  
**Time:** 6:00 PM  
**Location:** Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members  
Quorum Present: Larry Patoine, Chair, Susan Deschambault, Roch Angers, Sean Tarpey, Steve Beaudette (Associate Member) \* Mr. Beaudette voted in place of Ms. Plotkin  
Staff Present: Eric Freeman & Nan Whitten  
Chair Patoine opened the meeting at 6:00 PM
3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda  
Approval of Meeting Minutes from September 6, 2023  
MOTION: 6:01PM  
Angers-Motion-To approve the Meeting Minutes from September 6, 2023 as submitted  
Tarpey-Second Motion passed unanimously
6. Unfinished Business-None
7. New Business  
7. A. 2023.16 Site Plan (SP) Final Plan Review for the Sullivan Group for a Change of Use to construct a 30 room boutique hotel to be located at 25 Alfred Street (Tax Map 38, Lots 402).
  - Jason Jirele of Wood Hull represented the applicant
  - Parking-Premium Parking-Letter of Intent, Foss Street Lot has adequate space for hotel guests
  - Unloading spot for luggage-2 hour parking spots on Bacon and Alfred Streets or 15 minute spot on Alfred Street.
  - Trash-Private Hauler-will work out with operators on timing. Haulers will be flexible. Trash will be kept in side until pick up.
  - COA from HPC
  - No Public Comments
  - Ms. Deschambault-Outdoor Dining Plan? Left over from previous plans.
  - Mr. Beaudette-Parking, does this negate satellite lot? Owners still looking.MOTION: 6:13 PM  
Deschambault-Motion-To Approve the Final Site Plan with the associated Findings of Fact and Conditions of Approval of Case # 2023.16 Site Plan (SP) Preliminary

**Plan Review for the Sullivan Group for a Change of Use to construct a 30 room boutique hotel to be located at 25 Alfred Street (Tax Map 38, Lots 402).  
Angers-Second Motion passed unanimously**

**7.B. 2023.45 Public Meeting to review and answer questions regarding a Shoreland Zoning Application for the University of New England to construct a permanent pier with floats at 11 Hills Beach Rd. (Tax map 52, Lot 4)**

- Andrew Philipp, Director of Campus Planning for UNE represented the applicant.
- Pier has not gone into river in 3 seasons due to safety concerns
- Looking to make float permanent, keeping the gang planks seasonal
- Pier will be used for the rowing team and small sail boats
- The University has had approvals from SRCC, Submerged land, & Army Corp of Engineers (ACOE) all permits granted
- UNE is currently finalizing permit with DEP
- The college has met with the Harbor Commission and has a written endorsement from the Harbor Master

**Public:**

**Kyle Noble-56 Hills Beach Road**

- Tarpey is concerned about where dock will be, he does not believe ACOE gave their approval, he concurs with Mr. Noble. If UNE got an approval from ACOE then it may be a PBR, which is not substantial. The submitted drawing does not have Federal Navigation Markers. He would like another drawing with more information before he votes.

**MOTION: 6:27 PM**

**Beaudette-Motion- To Table the Shoreland Zoning application for the proposed permanent float and dock at located at 11 Hills Beach Rd. (Tax Map 52, Lot 4), within the Shoreland zoning district for the following reasons: to obtain a survey plan showing further delineation of channel markers.**

**Angers-Second Motion passed unanimously**

**7. C. 2023.50 Biddeford Planning Board will hold a public meeting to review a Shoreland Zoning Permit request to rebuild a clubhouse for 125 families in Fortunes Rocks, (Mile Stretch Road, Biddeford Pool, Bridge Road & Granite Point). The structure will be located at 94 Fortunes Rocks Road, also described as Tax Map 65, Lot 41 in the Coastal Residential Shoreland Zone.**

- Michael Richard-Contractor and member of Fortune Rocks Association represented the applicant.
- He gave a history of the clubhouse and neighborhood.
- He also gave list of what they do there now such as art shows, music venues etc.
- Mr. Richard showed an Existing Conditions plan and what would be demolished
- The association will be maintaining all parking spots
- The design of the new structure will allow migration of water and sand to move through, going under the structure. It will be an "open air pavilion" , the closed portion of structure would be for winter storage.
- There is no water or septic on the site.

- No public comments
- Freeman wanted to make sure Board knew that there is no water or septic on the site.

**MOTION: 6:37 PM**

**Beaudette-Motion- To Approve the Shoreland Zoning Permit Application for the proposal located at 94 Fortunes Rocks Road (Tax Map 65, Lot41) within the Coastal Residential (CR) zoning district, as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA).**

**Angers-Second Motion passed unanimously**

**7. D. 2023.49 Biddeford Planning Board will hold a public meeting to discuss and take questions regarding a Greatest Practical Extent/Shoreland Zoning Permit application for Dansky Realty Trust to relocate a nonconforming garage/storage building into a more conforming location. The property is located at 25 Mile Stretch Road further identified as lots 24 & 24-1 on tax map 62. This property is located in the Coastal Residential District and the shoreland overlay.**

- Attorney Sandra Guay represented the applicant
- The request is a relocation of a nonconforming structure
- The existing 784 SF garage has a portion that is in the right-of-way (ROW) and the owners want to move it out of the ROW.
- Ms. Guay feels the application meets the requirements of the ordinance
- The proposed location removes it from ROW and maintains 25' from abutting structures.
- Slope is gentle does not affect relocation
- This is the only structure on lot
- Septic System is nonexistent, structure will be moved to the only place a septic would be able to be located so no septic can ever be added.
- They would like to amend Condition #1, erosion control there before Building Permit is there, amend it to silt fence goes in before construction begins.
- No public comments
- Tarpey-asked about the dimensions of proposed garage 26X30 the existing garage is 24X42, consolidating into smaller space, single story
- Tarpey wants to know about additional structures to the right on the drawing. Those are steps that have been left on the drawing to show access to the roof. They will leave them if Codes agrees.
- Tarpey wants it out of the 100' buffer zone. Guay answered that it cannot get out of the buffer zone and ROW. The proposed relocation is making it less non-conforming.
- Tarpey would like it not as deep in order to make it fit.
- If a rooftop, deck goes on the garage it would be a change of use per Tarpey. Guay, answered that it is a garage, an accessory to living space; an accessory use to a residential structure, it is not a change of use.
- Michael Dansky- (owner) Stated that the garage would house all outside furniture, bikes, etc. He has gone through the floor, there are rodents, and half of

the building is dilapidated. The owners need this structure for storage. The existing building is dangerous and they would like to make it safe.

- Note #15 on plan refers to the structure as a house. Mr. Tarpey would like to know if this is a typo. Per Guay, that is an error.
- Mr. Dansky does not intend to use this as a house or living space and they will guarantee this in writing to the town. They just want a safe garage.
- Mr. Tarpey-roof deck is a slippery slope. He is not happy to see it moving toward the wetlands. He would like to see them fit all setbacks.
- Ms. Guay- it is moving away from the wetlands a few feet.

**MOTION: 6:56 PM**

**Deschambault-Motion- to Approve the Shoreland Zoning Permit (GPE) application for the proposal located on 25 Mile Stretch Road (Tax Map 62, Lots 24,24-1), within the Coastal Residential (CR) zoning district and in the Shoreland Overlay of Limited Residential & Resource Protection, as presented with the adoption of the Findings of Fact (FOF) and Conditions of Approval (COA). This approval amends Condition 1 of the Conditions of Approval to be that the silt fence will be established prior to construction activity.**

**Beaudette-Second Motion passed unanimously**

**7. E. 2023.42 The Biddeford Planning Board will hold a Public Hearing regarding an amendment to the Street Frontage Reduction Ordinance**

- Mr. Freeman wanted to know that Galbraith has been working on this so he is a bit unfamiliar but will answer questions as best as he can.
- Deschambault confirmed that there are no amendments, and this is to be recommended to the Council.
- Patoine has questions about page 1, item C, why would not the 30% on page 1 pertain to condominiums also. Freeman is not entirely certain but will get back to the Board once he finds an answer.
- Beaudette-it is an attempt to make rentals more affordable than condominiums.
- Patoine-why would they not do both in order to create housing, he feels there is a discrepancy there.
- Deschambault agreed with Mr. Beaudette but understands what Patoine brings up.
- Freeman-there is a distinction between rental and condominium in the ordinance.
- Deschambault-not clear on verbiage, it says rental, and housing unit.
- Patoine-stop working with this now until the correct paperwork has been submitted.
- Deschambault-Clarification on Condos needed.
- This was to go from 100' to 90'.
- This will be brought up again on November 1 as a Public Hearing with a memo with a better explanation to the Board.
- Tarpey-do we really want to allow three structures on a lot? Freeman-some of this is to comply with LD2003.

**8. Other Business**

**9. Adjourn**

**Meeting adjourned at 7:21 PM**

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**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](http://www.biddefordmaine.org).**