



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: October 5 2022
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members
Quorum Present: Bill Southwick (Chair), Roch Angers, Sean Tarpey, Alexa Plotkin, Michael Cantara, Larry Patoine (Alternate) & Susan Deschambault (Alternate)
Staff Present: Matt Grooms, Eric Freeman & Nan Whitten
Chair Southwick opened the meeting at 6:00 PM
3. Adjustments to the Agenda
4. Planner's Business
Mr. Grooms told the Board that we have received the legal opinion regarding density for the South Street Village project
5. Consent Agenda
MOTIONS: 6:02PM
Cantara-Motion-To approve the Meeting Minutes for 9-14-22 & 9-21-22
Angers-Second
Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)
6. Unfinished Business
The question was raised as to whether a date had been set yet or not for the South Street Village Site Walk-Not Yet.
7. New Business
7. A. 2022.37 Public Meeting and take comments to review a Conceptual Subdivision Plan for Plan East, LLC to create a 3-story apartment building with 13 affordable rental-housing units in the MSRD 3 Zone at 69 Elm Street (Tax Map 40, Lot 57).
 - Mr. Freeman introduced the project
 - Jayson Haskell of DM Roma and Peter Lavoie represented the applicant.
 - The original submission was for 13 units, they have changed to add a unit for 14 units.
 - Originally, the applicant planned to offer affordable housing, however MSHA funds ran out.
 - The applicant is now calling it Workforce Housing.
 - The project will utilize public water & sewer as well as heat with heat pumps.

- The applicant plans on reserving 14 spaces in the public parking garage for the tenants, the fee for the garage will be included in the rent.
- There were no public comments
- The Board requested a definition of Workforce Housing from the applicant.
- Mr. Lavoie answered that it is for people who are priced out of new housing.
- The applicant does not yet have a figure for their rental fees or annual income limitations, he has more number crunching to do and will bring those figures to the next meeting.
- There are no elevators; the applicant will hire someone to shovel the sidewalks.
- Traffic will not be an issue for pedestrians as the garage is on the same side of the street as the proposed building and people can cross the street at the Saco Lowell Building.
- The Board asked the applicant how the workforce pricing/rents would be monitored.
- The applicant has not planned to monitor the incoming applicants. These will be 1 bedroom and studio apartments, income will not preclude people from renting these units.
- The Board feels they need more information on workforce housing i.e. definition, parameters and enforcement.
- The Board would like the applicant to look into when MSHA funds will again be available.
- There will be no place for the tenants to pull over and unload their cars.
- There is no storage on site.
- Tenants will walk 500' down Main Street to the parking garage to get their cars.
- Each unit will have a single washer/dryer
- There may be bike parking in the trash/box room.
- The Board wants more information on whose responsibility it will be to make sure the walk between the building and the parking garage is well lit.
- The Planner will look into this and report to the Board.
- It was suggested that the tunnel that is part of the Riverwalk might be a source of coming & going.
- The Board wanted to know about soundproofing of the units. The applicant is sound proofing the units with drywall.

MOTIONS: 6:36pm

Cantara-Motion- To designate the application for a 14-unit residential subdivision at 69 Elm Street (Tax Map 40, Lot 57) as a Major Subdivision.

Angers-Second

Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)

7. B. 2022.38 Public Meeting and take comments to review a Conceptual Subdivision Plan for Coastal Oaks, LLC to create a condominium development using an existing duplex, construction of 4 duplex units and 1 single unit for a total of 11 units. Property is located in the Rural Farm Zone at 37 Newtown Road (Tax Map 4, Lot 22-6).

- **Mr. Freeman introduced this project**

- Jake Hunnewell & Craig Burgess of Sebago Technics Inc. represented the applicant.
- Mr. Hunnewell explained that there is already an existing duplex on the property and the applicant would like to add 4 more duplexes, which is the maximum number of units on this lot.
- The units will have common septic systems & wells (2)
- There will be underground utilities.
- The wetland impacts do not trigger the need for a NRPA but they will need a permit from the Army Corp of Engineers.
- The applicant reports there are no significant vernal pools and they will exercise best management practices for stormwater.
- Public Commenters:
 Domonique Johnson-27 Newtown Road
 Matt Petermann-43 Newtown Road
 Robert Goulet-12 Newtown Road
 Peter Robbins-38 Newtown Road
 Kate Gartland-4 Dusty Acres
 Doug Bertrand-17 Newtown Road
 Susan Bertrand-17 Newtown Road
 Richard Corbeil-29 Newtown Road
 Marcel Bertrand-23 Newtown Road
 Matthew Henry-33 Newtown Road
 France Oleson-32 Newtown Road
 David Russell-9 Newtown Road
 Richard Rhames-10 West Loop Road
 The public is largely concerned about the crowds, traffic, crime, poor conditions and public drunkenness at the existing duplex. The fear is that if the structures increase so will the problems.
 There is also natural wildlife they would like protected such as spotted turtles.
- The Board talked about the Rural Farm permits for low-density rural development. This level of density & development is allowed and is well within their right to pursue a traffic study.
- The Board would like the applicant to provide the road record.
- The Board would like a wildlife study by an independent 3rd party chosen by the City, paid for by the applicant.
- Police, Fire & public works is to be consulted
- A drainage study is wanted and a study showing the availability of sufficient water.
- The neighbors are encouraged to keep filing reports when there is trouble on the lot.
- A report from the Police Department showing the number of times and why they have been down to the property.

MOTIONS: 7:39PM

Cantara-Motion- To designate the application for a 9-unit residential subdivision at 37 Newtown Road (Tax Map 4, Lot 22-6) as a Major Subdivision. He would also like the concerns of the neighbors looked into thoroughly.

Angers-Second

Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)

7. C. 2022.30 Public Hearing and take comments to review a Preliminary Subdivision Plan for Shawn Brown to create a 5-lot subdivision in the Residential 2 Zone at 355 Pool Street (Tax Map 44, Lot 21).

- Mr. Grooms introduced this project.
- He told the Board that this project is essentially a lot split so there is limited engineering work.
- He did have a question regarding 100' frontage and driveway separation. In research, Mr. Grooms found there is no issue with the driveways and frontage.
- Mr. Grooms addressed the pending litigation and told the Board of a letter they received from the applicant's attorney citing case references where there is litigation with issues of title going to Planning Board.
- Mr. Grooms spoke with the City Solicitor regarding the 2 spaghetti lots on the plan and it was determined that the applicant must revise the plan to bring the two lots into compliance.
- Based on the fact that there is a compliance issue with two lots, there are two ways for the Board to proceed:
 - 1) Approve the preliminary plan with the condition that these lots need to be changed in order to be conforming lots.
 - 2) Postpone taking action until the applicant can make the necessary changes, possibly only to October 19, 2022.
- Attorney Sandra Guay represented the applicant.
- She told the Board that the Saco River Corridor Commission (SRCC) requires each lot to have frontage on the Saco River. The spaghetti lots were created to appease the SRCC.
- The applicant would prefer to table the project until 10-19-22

MOTIONS: 7:57PM

Cantara-Motion- To postpone decision on the project until October 19, 2022. Additionally the Attorney for Andrew Tarte is to write a letter citing previous cases that pertain to Brown vs Tarte. Mr. Brown's attorney is to prepare a response to such letter.

Angers-Second

Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)

7. D. 2022.24 Public Hearing and take public comments regarding Preliminary Subdivision approval for Devine Capital LLC. The project is to construct 216 residential units at 588 & 590 Alfred Street (Tax Map 2, Lots 6 & 12).

- Mr. Grooms introduced the project. He told the Board that they would be deciding upon a Contract Zone at the Final Application Hearing.
- Bill Fletcher from Fletcher, Selser & Devine represented the applicants

- Pedestrian crossings continue to be a concern. The applicant proposes to contribute to a city fund for future sidewalks.
 - Rents will be market rate but the applicant is giving \$500,000.00 to the City for affordable housing projects.
 - This project requires a Traffic Movement Permit, stormwater & a Site Location Review, which the Planning Board will complete.
 - There will be a 3rd party traffic engineering review with a traffic report.
 - There will be lighted walking trails but no security cameras
 - There are 437 parking spaces needed, 497 provided.
 - The applicants are meeting with public transit in October in order to provide more opportunities to its residents.
 - The applicants are planning for changes due to the Exit 32/Route 111 Corridor changes.
 - There are some conservation areas and easements in draft form for the Conservation Commission to review.
 - Public Comments:
Bob Gartland- Robin's Confections 486 Alfred Street
Richard Rhames-10 West Loop Road
Roz Anton-Local Real Estate Agent
 - Back to the Board
 - Some of the Board said that this was a perfect fit.
 - Another of the Board thought that the traffic does need to be explored in order to reduce the tar, increase grass to minimize run-off.
 - They like the fact that the applicant is going to pay towards future sidewalks and the staff is working on strategies to make the area more pedestrian friendly
- MOTIONS: 8:32PM**
- Cantara-Motion-** To determine the application is "complete" for review purposes.
- Angers-Second**
- Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)**
- Cantara-Motion-** to refer Application 2022.24 to the City of Biddeford Conservation Commission for advisory review to the Planning Board no later than 12-12-22.
- Angers-Second**
- Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)**
- Cantara-Motion-** to grant Preliminary Subdivision Approval for the proposal located at 588, 590 Alfred Street (Tax Map 2, Lots 6 and 12) subject to the conditions of approval as drafted by Staff.
- Angers-Second**
- Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Tarpey, Plotkin & Cantara)**

8. Other Business

Mr. Grooms told the Board that in preparation for the joint meeting with the City Council on the 11th, there is a Power Point presentation and a Staff Memo under the City Council website.

9. Adjourn

Meeting adjourned at 8:40 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.