



## CITY OF BIDDEFORD

### Planning and Development Department

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### Planning Board Meeting Minutes

**Date:** August 3, 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, Alexa Plotkin, Larry Patoine, & Susan Deschambault  
Staff Present: Matt Grooms (City Planner), & Nan Whitten  
Chair Southwick opened the meeting at 6:00 PM
3. Adjustments to the Agenda
4. Planner's Business
5. Consent Agenda  
Approval of Meeting Minutes for July 6, 2022  
MOTIONS: 6:03 PM  
Angers-Motion-to Approve Meeting Minutes from July 6, 2022 with the condition of some errors be corrected  
Patoine-Second  
Chair Southwick-Roll Call for Vote-Motion Passed, 4-0 (Angers, Plotkin, Patoine & Deschambault)
6. Unfinished Business
7. New Business  
7.A. 2022.17 Review of Sketch Plan & Preliminary Approval for Peter & Susan McPheeters at 81 Guinea Road (Tax Map 76, Lot 37 & Tax Map 77, Lot 35) in the SR-1 & RF zones. The McPheeters would like to subdivide their 20-acre parcel into 4 residential house lots.
  - Grooms introduced the item noting that this would only be a Sketch Plan this evening. The applicant will need to return for preliminary approval. Grooms explained that this is 2 acres of vacant land; the proposal is to create a private road and add utilities. There are no building envelopes shown at this time.
  - The applicant will need several permits such as from Army Corp of Engineers and DEP. Applicant will also need to add fill, however the staff sees nothing major to note.

- The engineers have suggested 3 waivers: Road Slope, Grading & Language in the Performance Guarantee to be amended.
- Staff recommends this be treated as a major subdivision.
- Paul Gadbois represented the applicant.
- Gadbois would like to avoid the waiver on the slope of the road; he doesn't feel it is necessary. The ordinance says a maximum of 8% slope with the exception of times when the slope can go to 14%. The slope is at 9% so he feels it is well within the acceptable ratio according to the City of Biddeford ordinance. He is also planning to bring in a Geo Technical firm to assist with designing the build of the road.
- Gadbois told the Board that some neighbors were concerned about some of the trees. The applicant reached out to such neighbors and addressed their concerns.
- Gadbois talked about the culverts both existing and needed, he feels he will have that worked out before they appear before the Board again for preliminary approval.

**Comments from the public:**

- Matt Hass-36 Meetinghouse Road. He is very concerned about the preservation of Moors Brook and the surrounding vegetation.
- Grooms mentioned that the staff would like to be on the same page with the applicant and will look into the waivers suggested.
- Grooms spoke on the concerns about Moors Brook he acknowledged that there are environment constraints, a process to consider and the resulting impacts on the environment. This would be a project referred to the Conservation Commission for review and report back to the Planning Board of their recommendations.
- Grooms ended by saying this project does meet zoning criteria.

**Chair Southwick opened the item to the Board for questions**

- Members of the Board asked about the possibility of the street becoming a City street. Mr. Gadbois answered that there is no plan for this street to go from private to public. There are no plans to pave this private road.

**MOTIONS: 6:29 PM**

**Angers-Motion-**To request the Conservation Commission do a study on this proposed subdivision and provide the Planning Board with a report advising the Planning Board on their findings and recommendations.

**Plotkin-Second**

**Chair Southwick-Roll Call for Vote-Motion Passed 4-0 (Angers, Plotkin, Patoine & Deschambault)**

**Angers-Motion-** to classify the 4-lot subdivision at 81/97 Guinea Road (Tax Map 76/Lot 37 and Map 77/Lot35) a Major Subdivision.

**Patoine-Second**

**Chair Southwick-Roll Call for Vote-Motion Passed 4-0 (Angers, Plotkin, Patoine & Deschambault)**

**7.B. 2022.26 Review of a Conditional Use Permit for Edwin J. Larrivee, Jr. at 597 Elm Street (Tax Map 15, Lot 8-1) in the I-1 zone. Mr. Larrivee would like use the upstairs of the structure for cannabis, cannabis infused food & candy for wholesale & retail**

- Grooms introduced the project telling the Board that it is a medical marijuana facility (retail & manufacturing) in an existing building. The second floor of this building has been rehabbed for this business. The applicants did provide the necessary information on odor mitigation and a business plan. The staff has no concerns with the application.
- The applicant has requested a Full Site Plan Review waiver.
- Staff wants to ensure no parking is displaced due to the opening of this business.
- Edwin J. Larrivee the owner of the property introduced himself at the meeting. He will be running his countertop business out of the first floor.
- Jeremie Remian owner of the business told the Board the reason for the application is that the building of his original location (412 Hill Street) was sold. He will not have a grow operation at this facility, just medical retail and manufacturing cannabis infused candy and baked goods in the kitchen. They will be selling items that are brought in from other manufacturers (third party).
- Items coming in will be prepackaged.
- The name of the business will be GCF (Ganja Candy Factory)
- There were no public comments.
- The Board was concerned about parking issues. Mr. Larrivee assured the Board that he has ample parking for both businesses and the employees.
- A member of the Board asked about security. Mr. Remian said that the interior and exterior have full security systems including cameras.

**MOTIONS: 6:46 PM**

**Angers-Motion-to Waive Article XI, Section II – Full Site Plan Review**

**Patoine-Second**

**Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Plotkin, Patoine & Deschambault)**

**Angers-Motion- to approve the Conditional Use Permit for Ganja Candy Factory and Glass Emporium, LLC for a Medical Marijuana Caregiver store and Marijuana Product Manufacturing Facility at 597 Elm Street, 2nd Floor (Tax Map 15/Lot 8-1) and approve the Findings of Fact based on the conditions recommended by Staff in its Report dated July 28, 2022.**

**Patoine-Second**

**Chair Southwick-roll call for vote-Motion Passed 4-0 (Angers, Plotkin, Patoine & Deschambault)**

**7.C. 2022.30 Review of a Conceptual Plan for Shawn Brown to create a 5 lot subdivision in the Residential 2 Zone at 355 Pool Street (Tax Map 44, Lot 21).**

- Grooms introduced this project stating that this subdivision is based on 5 lots. There is no road or utility just a division of land. Two lots are considered spaghetti lots that do not meet requirements.
- There is a property dispute with this property with an abutter.

- Bill Thompson from BH2M represented the applicant (filled in for Walter Pelkey)
- Thompson stressed that this is an amended subdivision. The Planning Board approved this subdivision several years ago.
- The property is 8.2 acres served by public water
- The Spaghetti Lot does not pertain in this case due to a provision in the Saco River Corridor Act.
- The property dispute will be settled prior to the applicant returning for preliminary approval.

**Public Comments:**

- Andrew Tarte-direct abutter to the property. He requested changes to some of the notes on the plan as well as a Shoreland overlay. He said the easements are correct with the exception of footpath easement to the river being omitted. According to Biddeford zoning, there should be a 100' setback from the water and the applicant only showed the 75' setback, which is a Saco River Corridor Commission regulation. He feels the applicant is showing an inaccurate plan and the easements are in the deeds.
- Scott Joslin-neighbor to the property. He also felt changes need to be made to the plan by showing the edge of high water and the 100' setback. He suggested the Board suspend this project until the litigation has been resolved.
- Sandra Guay-attorney for the applicant. The easements are being litigated; this is an amendment to a previously approved subdivision. One of the easements being discussed is a sewer easement to the hospital, which no longer exists. There is a question of how the easements were added to the deeds after the plan was approved. She also noted that the general easement for Mr. Tarte to get to his mooring stays indefinitely but because it has no description it cannot be located on the face of the earth therefore not on the plan. Mr. Brown will determine where this general easement will be for Mr. Tarte.

Chair Southwick ended the public comment section of the meeting.

- Plotkin asked Grooms the rules on litigation.
- Grooms answered that it is up to the Board whether they want to table this item or proceed. Tabling is not necessary in the sketch plan phase. This can be declared a major subdivision.
- Plans will have all of the overlays and setbacks; this is for sketch plan only.
- Deschambault reminded the Board and the audience that the Saco River Corridor Commission has authority over that area of land and the applicant must comply with the standards of the City of Biddeford and the Saco River Corridor Commission.

**MOTIONS: 7:16 PM**

**Angers-Motion-** to designate the application for a 5-lot subdivision at 355 Pool Street (Tax Map 44/Lot 21) as a Major Subdivision.

**Plotkin-Second**

Chair Southwick-roll call for vote-Motion passed 4-0 (Angers, Plotkin, Patoine & Deschambault)

**8. Other Business**

- Chair Southwick told the Board the next meeting will have a portion focused on the comp plan and the next steps needed to move forward.

**9. Adjourn**

Meeting adjourned at 7:18 PM

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Planning Board Chair/Vice Chair

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Date

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