

City of Biddeford
Planning Board
June 07, 2023 6:00 PM
MEETING MINUTES

STATUS: Planning Board Meeting, Wednesday, June 7, 2023, 6:00 PM, City Council Chambers & Zoom

Chair brought the meeting to order at 6:00 PM

1. PLEDGE OF ALLEGIANCE

2. DECLARATION OF QUORUM/VOTING MEMBERS

Attending: Larry Patoine (Chair), Susan Deschambault, Roch Angers, Sean Tarpey, Alexa Plotkin & Steve Beaudette (Alternate Member)

Staff: David Galbraith, Eric Freeman & Nan Whitten

3. ADJUSTMENTS TO THE AGENDA-None

4. PLANNER'S BUSINESS

Mr. Galbraith announced the following:

- The Comprehensive Plan has been adopted by the Council, it now goes to the State for approval
- The Smith Street Right-of-Way Easement for Plan East & Saco-Lowell LLC was approved by the Council
- The Contract Zone (#21) and Conservation Easement for Devine Capital was also approved by the City Council.
- Greg Mitchell will be making a presentation to the DEI Committee about Inclusionary Zoning on June 12th
- We will have a quorum on July 5 so we will have our regular Planning Board Meeting.
- Mr. Galbraith is working on scheduling 3 site walks that have been requested in the past:
 - a) University of New England
 - b) A Marijuana cultivation and kitchen facility
 - c) The Collapsed portion of the River Walk.
- SMPDC is having the 58th Annual Meeting on June 20th, you can register to attend on their website.

5. UNFINISHED BUSINESS-None

6. NEW BUSINESS

6.A. 2023.31 Public Hearing and take comments to review a Sketch Plan Subdivision Application for Diversacorp Holdings, LLC. The property is located at 20 Clifford Street (Tax Map 39, Lots 303-1 & 304) in the R2 Zone. The applicants propose to construct a building containing 4 residential units.

- Eric Freeman noted an error on the Staff Report saying that the project needs a stormwater permit when in fact it is not needed.
- Austin Fagan from BH2M presented the project.
- A more formal design will come the next time they appear before the Board.

- All water will come in from Tibbets Street and the site will be accessed via Tibbetts Street as well.
- No Public Comments
- Mr. Tarpey commented that this is a very challenging site, the runoff and vehicles in the winter will be items to watch.
- Ms. Plotkin commented on the 4 driveways and asked for the applicant to consider some kind of parking area instead of the driveways.
- Ms. Deschambault talked about the density of the site and parking.
- Mr. Angers asked about the comments from engineering and traffic on Tibbetts.
- Mr. Fagan mentioned that each unit will have 4 parking spots 2 for tenants and 2 for guests.
- Mr. Tarpey asked the applicant to hold off on taking trees down until they appear before the Planning Board again.
- Ms. Deschambault advised the applicant to call public works and find out exactly how trash and snow removal would be handled for this site.

6.B. 2023.28 Public Hearing and take comments to review an Amended Subdivision Application for Tom Watson & Co. The property is located at 10, 20 & 30 Upper Falls Road formerly known as Gooch Street (Tax Map 40, Lots 55, 55-3, & 56-1) in the MSRD-3 Zone and in the Shoreland Zone GD-1. The applicants would like to amend the previously approved request approved in January 2023. The amendment to the application includes increasing the unit count at 20 Upper Falls Road from the previously approved 16-unit building to 20-units. The revised building will include (12) 2-bedroom units and (8) 1-bedroom units. Additionally, a division of land to formally divide 26 Upper Falls Road from 20 Upper Falls Road is included as part of the amendment request. 26 Upper Falls Road will be the location of the previously approved (11) townhomes.

- Mike Barton & John Laliberte of Tom Watson & CO & Peter Heil of Acorn Engineering presented the project
- There are no additional permits required for this amendment, they verified this with DEP, SRCC, and ACOE.
- No Public Comments
- Mr. Patoine asked why they are making these changes. Mr. Barton said they feel that this will give them a better unit mix and make the project more viable.
- Mr. Tarpey confirmed that this was just an internal split and asked if the new units will be affordable housing. They will be market rate. Mr. Tarpey had wanted to see the JDA & the Amendment. They were not in the packet therefore they received them by email during the meeting.
- The Outfall BMPs were discussed at length by the Board & engineer.
- Mr. Laliberte asked if he could answer any questions about the JDA, but it is important for the Board to read and digest it themselves.

MOTIONS: 6:34 PM

Plotkin-Motion- Approve the parking waiver request for the proposal located at 20 Upper Falls Road (Tax Map 40, Lots 55), within the Main Street Revitalization District 3 (MSRD-3) zoning district.

Deschambault-Second- Motion passed 3-1 (Deschambault, Tarpey, Plotkin in favor; Angers against)

Plotkin-Motion- To Approve the waiver request of the open space requirement for new residential development, as required by the City's site plan ordinance due to the project being located within Biddeford's urban core.

Deschambault-Second- Motion passed 3-1 (Deschambault, Tarpey, Plotkin in favor; Angers against)

Plotkin-Motion- To Approve the Final Site Plan and Subdivision amendment for the proposal located at 10, 20, 26 & 30 Upper Falls Road (Tax Map 40, Lots 55, 55-3, and 56-1), within the Main Street Revitalization District 3 (MSRD-3) zoning district, including the Staff recommended Conditions of Approval (COA) providing the JDA and Amendment have no impact and or implications on the amendments to the previously approved project.

Deschambault-Second Motion passed 3-2 (Patoine, Deschambault & Plotkin in favor; Angers & Tarpey against)

6.C. 2023.24 Continued discussion of the proposed "Back Lot" ordinance in preparation to send it to the City Council.

- Mr. Galbraith began talking about this proposed ordinance. He is looking for comments, suggestions & questions.

- Public Comments

Guy Gagnon-Biddeford Housing Authority-he would like the back lots tied to first time home buyers in some way. He also wanted to know why the sprinkler requirement was removed.

Peter Robbins of Newtown Road-he wants to know why this would be allowed in RF Zone. This decision goes against what is written in the Comp Plan.

Richard Rhames of West Loop Road spoke about LD2003 and how it will not help with the housing crisis. The west is running out of water and those people are coming to the Northeast. Providing more dwelling units will not lower prices. LD2003 is a tool to create sprawl.

- Mr. Galbraith said he debated whether or not to include the RF zone and due to the overwhelming response from the Planning Board he will remove that zone from the back lots.
- There were questions regarding single and duplexes on the back lots.
- Mr. Galbraith thought that they should start small and modify as they go along.
- Mr. Gagnon from BHA would like these lots tied to 1st Time Home Buyers using MSHA financial limits.
- Mr. Rhames of West Loop Road asked about ADUs and how they fit into this Back Lot change. He urged the Board to make rational decisions, he is not seeing any planning going on he feels like it's the Wild West.
- Mr. Robbins of Newtown Road would like to know how the City is going to limit the number of units with ADUs being added to structures on the back

lots. He would like the word “family” defined as in a single family home. He is concerned because of a situation where both sides of a duplex is being rented out to various people none of which are related to each other, this is not considered a family. Mr. Galbraith said the City cannot regulate who lives where.

- If any Board members have language they want used or suggestions send them to Mr. Galbraith for his next draft.

7. OTHER BUSINESS-None

8. ADJOURN-8:01 PM

Planning Board Chair/Vice Chair

Date

Planning Board Meeting Minutes are not intended to be verbatim.