

City of Biddeford
Planning Board
June 01, 2022 6:00 PM City Hall
Council Chambers, & via Zoom:
Jun 1, 2022 06:00 PM Eastern Time (US and Canada)
Topic: Planning Board

Please click the link below to join the webinar:
<https://biddeford.zoom.us/j/96354996978?pwd=bzh5TjU3WjBLM3hzUzhJN3hmeHVSdz09>
Passcode: 779659
Or One tap mobile :
US: +13017158592,,96354996978# or +13126266799,,96354996978#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1
346 248 7799 or +1 669 900 9128
Webinar ID: 963 5499 6978
International numbers available: <https://biddeford.zoom.us/j/96354996978?pwd=bzh5TjU3WjBLM3hzUzhJN3hmeHVSdz09>

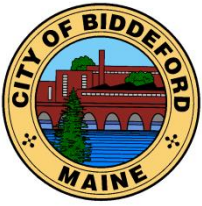
1. **PLEDGE OF ALLEGIANCE**
2. **DECLARATION OF QUORUM/VOTING MEMBERS**
3. **ADJUSTMENTS TO THE AGENDA**
4. **PLANNER'S BUSINESS**
5. **CONSENT AGENDA**
 - 5.A. Consideration of Meeting Minutes from May 18, 2022 & May 21, 2022
[PB Minutes 051822-DRAFT.pdf](#)
[PB Minutes 052122 Site Walk-DRAFT-with attachments.pdf](#)
6. **UNFINISHED BUSINESS**
7. **NEW BUSINESS**
 - 7.A. 2022.19 Review of Conditional Use Permit Application for a home occupation of online sales for Andrew Emerson at 14 Yates Street (Tax Map 59, Lot 9) in the CR Zone. Project location is a residential single family home, applicant indicates there will be no new traffic resulting from this business.
Applicant: Andrew Emerson
Agent: N/A
Tax Map/Lot: 59-9
Zone: Coastal Residential
Overlay: N/A
Defined Land Use: Single Family Residential
Application: Conditional Use Permit
Application Status: Requesting Final Approval

Public Comments will be accepted for this item
[2022.19 14 Yates Street Home Occupation CUP SR.pdf](#)
[2022.19 14 Yates Street Home Occupation draft FOF.pdf](#)
[BusinessIntent.pdf](#)
[PB_Application-TrappedTides2.pdf](#)
[Abutter List.pdf](#)
[Emerson Notice 6-1-22.pdf](#)
[Public Comments up to 5-31-22 Close of Business.pdf](#)

8. OTHER BUSINESS

9. ADJOURN

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.



CITY OF BIDDEFORD

Planning and Development Department

Greg Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

Planning Board Meeting Minutes **DRAFT**

Date: May 18, 2022
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1MRSA § 403-B permits public proceedings through remote access during the declaration of state of emergency due to COVID-19).

1. Declaration of Quorum/Voting Members

Quorum Present: Bill Southwick (Chair), Roch Angers, Sean Tarpey, Alexa Plotkin, Michael Cantara (Alternate) and Larry Patoine (Alternate)
Staff Present: Hannah Bonine (Asst. Planner), Nan Whitten & Chris Di Matteo (Consulting Planner)

Chair Southwick opened the meeting at 6:00 PM

2. Adjustments to the Agenda

3. Planner's Business

4. Consent Agenda

Approval of Meeting Minutes for 4-29-22 & 5-4-22

MOTIONS: 6:02 PM

Cantara-Motion to Approve Meeting Minutes from 4-29-22 & 5-4-22

Tarpey-Second

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

5. Unfinished Business

Chair Southwick said it was brought to his attention that the Board never formally made a motion and voted on a Site Walk for West Brook Subdivision

MOTIONS: 6:03 PM

Cantara-Motion To approve the Board doing a Site Walk at the West Brook Subdivision on Saturday May 21, 2022 at 10:00 AM

Angers-Second

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

Chair Southwick then went over the procedure for a Site Walk

- Attendance will be taken to confirm a quorum.
- This is considered a public meeting and will be treated as such.
- Planning Board Members stick together to avoid ex-parte, no conversation about the project among the Board or with the public.
- All questions go through the Chair.
- Public questions/comments will be taken at the will of the Chair.

- Any Planning Board Member who cannot make it will have a private site walk with the Assistant Planner
- Video will be available
- This property is woods so dress accordingly.

6. New Business

6. A. 2021.42 Preliminary Approval request for South Street Village, LLC located at 413 South Street (Tax Map 7, Lot 8 called Hidden Hills Manufactured Housing Park) in the SR1, & RF Zones with a MHP Overlay. The project consists of a 195 unit manufactured housing park along with amenities including a clubhouse, community gardens and assorted pocket parks. The applicants aim to create affordable homes for potential residents by using the MHP overlay to provide a modern manufactured and modular home community.

Applicant: South Street Village, LLC

Agent: N/A

Engineer: Terradyn Consultants, LLC-Jeff Amos P.E.

Tax Map/Lot: 7-8

Zone: SR1 & RF

Overlay: MHP

Defined Land Use: Residential Undeveloped Land

Application Type: Subdivision

Application Status: Requesting Preliminary Approval

Public Comments will be accepted for this item.

- Mr. Di Matteo introduced the project
- He updated the Board on the additional information that was added to the website and sent to the Board earlier that day.
- Ms. Bonine commented on the additional information as well.
- Representing the Applicants are as follows:
 Jeff Amos of Terradyn Consultants, Inc.
 Chico Potvin of South Street Village, LLC
 Matthew Chamberlain of South Street Village, LLC
 Paul Vose of South Street Village, LLC
- Jeff Amos spoke on behalf of the applicants
- Mr. Amos talked about the 195 lots and the fact that they are putting sidewalks on all the streets within the subdivision with the exception of the 2 dead end streets.
- He told the Board that there are 2 lots that will be adjusted in order to keep them outside of the wetlands. All other lots are outside of the wetlands.
- He discussed compliance of the project with setbacks
- He spoke about the septic systems for the project and the landscape plans along with the open space on the property.
- Mr. Amos told the Board about the Stormwater Plan for the area.

- The applicants have applied to the DEP for a site location permit, which takes about 7 months to obtain.
- He acknowledged that the Conservation Commission is concerned about the vernal pools and plants. Therefore, Basswood Environmental did a Vernal Pool Assessment, which showed no vernal pools in the development area.
- He also told the Board members about the results and alterations to come from the Traffic Analysis completed by Barton and Loguidice
- Applicants will be applying for a tier 1 NRPA, and Wetland Fill Permit as well as a Permit By Rule.
- Applicants have reached out to the Water District and CMP for reviews.
- Speaking from the Public are as follows:

Robert Brodeur	387 South Street
Richard Rhames	10 West Loop Road
Wendy Phillips	2 Glenview Drive
- Questions/concerns asked by the public:

Who will govern the mix of structures for the subdivision to ensure it is not all mobile homes? Reply-State Board

Is the land for sale along with the structures? Reply-no, leased land

Concern for the safety of the road

How does the Turnpike project effect this development? Reply-there is another Turnpike Meeting at the end of June.

Is there a strategic plan if both projects are approved? Reply-that is a separate issue

Is the developer willing to install sidewalk along South Street? Reply-has not been discussed.

Who will control the open space?

Who will control invasive species of plants in open space when birds drop such seeds?
- Questions/concerns from Board:

Has the Board or Staff received a legal opinion on the density issue? This was asked before Christmas.

Will there be sidewalks on South Street, bike lanes, public transportation?

Concerns of traffic on May Street, 3rd party traffic study for May, Elm & South Street.

Have the applicants met with the Biddeford Conservation Commission, if not why and the meeting is encouraged.

The Board would like a Site Walk at some time before final approval.
- Mr. Amos told the Board that the applicant would withdraw the requested waiver for nitrates; they were looking for more input.
- Other requests of the Board:

Infrastructure of the pocket parks?

Next appearance before the Board please bring an example of modular and mobile homes and explain the differences.

Home Owners Association?

Will there be additional development of the remainder of the property?
A Traffic Movement Permit is required but a bus turn around area is suggested.

MOTIONS: 7:44 pm

Cantara-Motion-To postpone further review of the application until the applicant addresses the issues, concerns and requests of the Board with all responses to be submitted at least 3 business days prior to the next time they appear before the Board. All requests should be fulfilled by July 14, 2022

Angers-Second

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

7. Other Business

- Chair Southwick announced that an applicant has accepted the position of City Planner. He was hesitant to give further information not knowing what can and cannot go public at this time.
- Staff Reviews are reinstated. The City Manager is putting together a committee to review the procedures for Staff Review.
- Site Walk for South Street Village (Hidden Hills) will not be scheduled until the new Planner is on board.

8. Adjourn

MOTIONS: 7:55 PM

Cantara-Motion-To adjourn

Angers-Second

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

Meeting adjourned at 7:55 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.



CITY OF BIDDEFORD

Planning and Development Department

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City Planner

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Biddeford, ME 04005

(207) 282-7119 or (207) 284-9115

Greg.Tansley@biddefordmaine.org

Planning Board Meeting Minutes

DRAFT

Date: May 21, 2022

Time: 10:00 AM

Location: Site Walk of West Brook Subdivision Located at the end of Winding Creek Lane

1. Declaration of Quorum/Voting Members

Quorum Present: Bill Southwick (Chair), Roch Angers, Sean Tarpey, Alexa Plotkin, Michael Cantara (Alternate) and Larry Patoine (Alternate)

Staff Present: Hannah Bonine (Asst. Planner), & Nan Whitten

Applicant & his Agent were also present

Chair Southwick opened the meeting at 10:00 AM

2. Other Business

2. A. 2021.08 Site Walk of the West Brook Subdivision for E & R Development, (Tax Map 8, Lots 3-1 & p/o 3) in the R1-A zone.

Applicant to meet the Board members at the end of Winding Creek Lane.

- Chair Southwick began the meeting by reminding the Board and Public of Site Walk procedure.
- Applicant (Mike Eon) and his Agent (Bill Thompson of BH2M) then took the Board and public through the locus property.
- Risers with flags were pointed out showing center of road and lot corners. Unfortunately, not all monumentation could be shown due to risers being pulled and or moved.
- See attachments:
Attendance List
Deed, tax map & Vision Appraisal data handed out by abutters
Petition to stop West Brook handed out by abutters

3. Adjourn 11:00 AM

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.

Site Chalk West Brook 5-21-22
Please sign in Thank you!

Name	Address	Email or Phone
EDWARD NAILHORN	32 WINDING CREEK LN	eddiebubba14@yahoo.com
Carrelete	"	cbroka@yahoo.com
Loren McCready	29 Winding Creek Ln	loren.mccready@gmail.com
Nathanael Beisiegel	29 Winding Creek Ln	njbeisiegel@gmail.com
LAURA + TIM SICILIANO	3 WINDING CREEK LN	lauramsiciliano@gmail.com
Lynda + Todd Turgeon	28 Winding Creek Ln	LDTurgeon3@gmail.com
Charles Gould	22 WCL	IECHASM@yahoo.com
Lisa Edstrom	32 Greenlie's Lane	lpedstrom521@gmail.com
MICHAEL P. CANTARA	5 CHERRY LN, Bld.	michaelcantara87375@gmail.com
Alexa Plotkin	136 Alfred St. Bld.	alexplotkin@gmail.com
LARRY PATONER		Planning Board
Sean Tarpey		Planning Board
BILL Southwick		Planning Board
Diane Tremblay		dianetremblay1961@gmail.com
Paula Ward	32 Parkside Drive	dpward87@gmail.com
Dana Ward	" "	"
Peg Dirzer	4 Parkview Dr.	pegdirzer56@gmail.com
Bill Thompson	BH2W	
Hannah Bonine	City of Biddeford	
Nan Whitten	City of Biddeford	
Richard Rhames	10 W. Loop Rd	

Know all Men by these Presents, That

the Mary Ann Blifford and Achsah S. Blifford both of Biddeford in the County of York and State of Maine

In consideration of fifteen hundred dollars, paid by The City of Biddeford in said County of York

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City of Biddeford ~~Helm and Assigns~~ forever,

a certain lot or parcel of land situated on the South West side of Pool Street in said City of Biddeford bounded as follows, viz: on the South East by land of Charles W. Woodwin and Alfred Woodwin and land of William P. Freeman; on the South West by land of Charles W. Bragdon and Son; on the North West by land of Margaret J. Kilpatrick and on the North East by said Pool Street - and said land is conveyed upon the following conditions, that it shall be forever kept & held as a public Park and shall be named and known as "Blifford Park": that it shall be forever inalienable by said City - a breach of any of these conditions shall revoke and annul this deed and said City shall thereby forfeit all right and claim under the same.

To Have and to Hold the above granted and bargained premises with all the privileges and appurtenances thereof to the said City of Biddeford for the purposes above ^{specified to it} ~~Helm and Assigns~~ to their use and behoof forever. And we do covenant with the said Grantee ~~Helm and Assigns~~ that we are lawfully seized in fee of the premises; that they are free of all incumbrances;

that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our Heirs shall and will WARRANT AND DEFEND the same to the said Grantee for the above named purpose ~~Helm and Assigns~~ forever, against the lawful claims and demands of all persons.

In Witness Whereof, we the said Grantors,

have hereunto set our hands and seals this first day of September in the year of our Lord one thousand eight hundred and ninety four

Signed, Sealed and Delivered
in presence of

S. M. Louques

Mary A. Blifford (Seal)

Achsah S. Blifford (Seal)

State of Maine, York, ss. September 1st 1894. Personally appeared the above named Mary Ann Blifford & Achsah S. Blifford and acknowledged the above instrument to be their free act and deed.

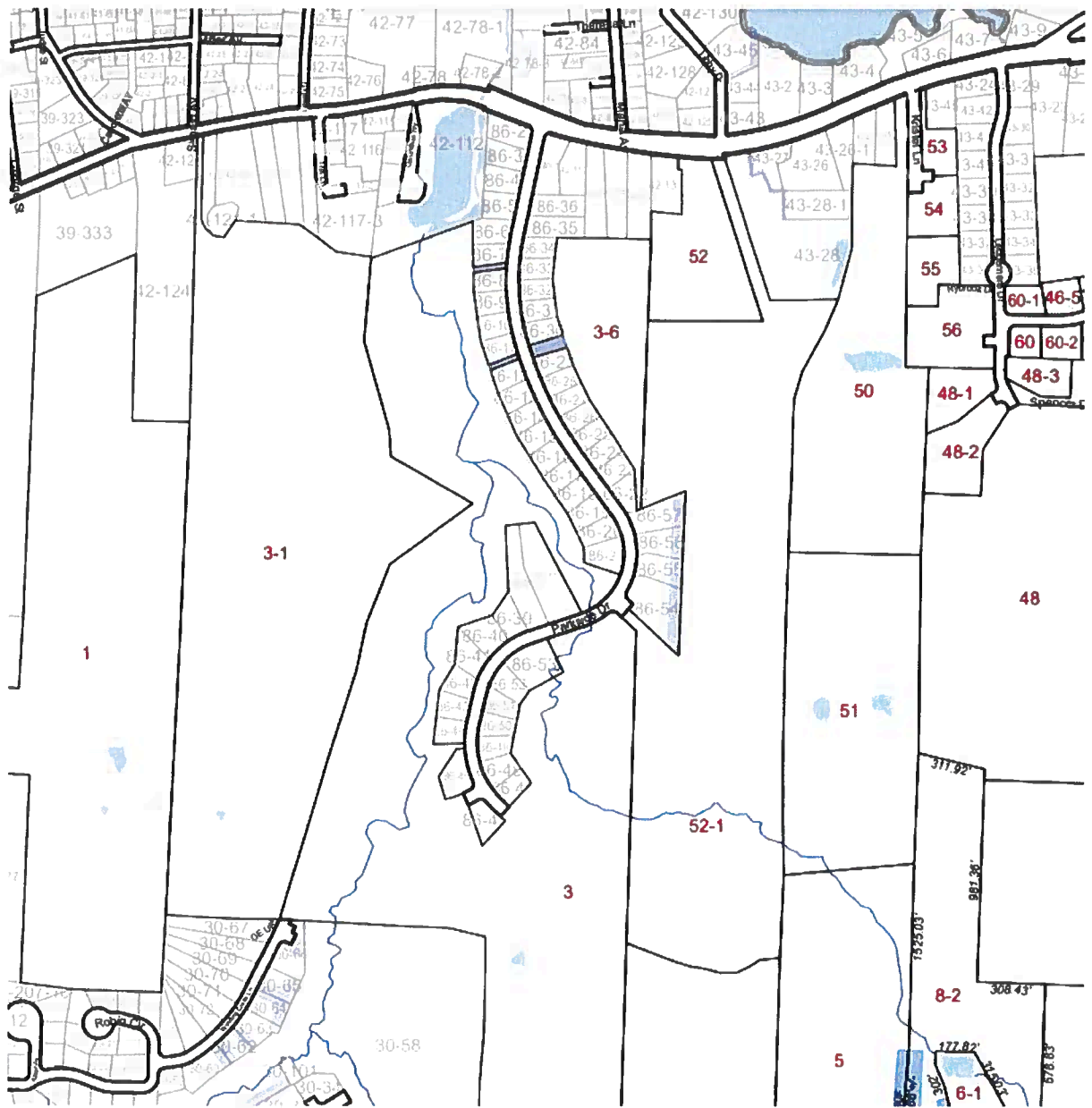
Before me, Samuel M. Louques

JURIST OF THE PEACE.

Recorded according to the original received January 8, 1895 at 12 h. 50 m. P. M.

Attest:

William M. Learitt REGISTER.



188 POOL ST

Location 188 POOL ST

Mblu 8/ 3/ 1/ /

Acct#

Owner CITY OF BIDDEFORD

Assessment \$199,100

Appraisal \$199,100

PID 920

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$0	\$199,100	\$199,100
Assessment			
Valuation Year	Improvements	Land	Total
2021	\$0	\$199,100	\$199,100

Owner of Record

Owner CITY OF BIDDEFORD

Sale Price \$0

Co-Owner

Certificate

Address PO BOX 586
BIDDEFORD, ME 04005-0586

Book & Page 00000/0000

Sale Date

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
CITY OF BIDDEFORD	\$0		00000/0000	

Building Information

Building 1 : Section 1

Year Built:

Living Area: 0

Replacement Cost: \$0

Building Percent Good:

Replacement Cost

Less Depreciation: \$0

Building Attributes

Field	Description
Style:	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Cndtn	
Num Park	
Fireplaces	
MH Park	
Fndtn Cndtn	
Basement	

Building Photo



(<https://images.vgsi.com/photos/BiddefordMEPhotos/default.jpg>)

Building Layout

([ParcelSketch.ashx?pid=920&bid=918](#))

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Land Line Valuation

Use Code 9035
Description TOWN-PROP MDL-00
Zone R1A
Neighborhood 0003
Alt Land Appr No
Category

Size (Acres) 60.6
Frontage 0
Depth 0
Assessed Value \$199,100
Appraised Value \$199,100

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$0	\$199,100	\$199,100
2019	\$0	\$199,100	\$199,100
2018	\$0	\$199,100	\$199,100

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$199,100	\$199,100
2019	\$0	\$199,100	\$199,100
2018	\$0	\$199,100	\$199,100

Visit History

Visit History		
Visit Date	Purpose of Visit	Notes
1/1/2004	UPDATE LAND CURVE 2004	
1/2/1990	MEAS & LISTD	

Petition to preserve Clifford Park from proposed land trade

As a collective group of Biddeford residents, we oppose the trade of Clifford Park land for E & R Development Corporation's proposed West Brook Subdivision. We cherish the park's diverse wildlife, undisturbed ecosystems, and expansive trails. This project threatens to substantially narrow the corridor between Clifford Park and Blandings Park Wildlife Sanctuary which will affect the area's fragile habitats and native species indefinitely.

We respectfully ask the Planning Board to decline the West Brook proposal for the following reasons:

- 1. The impact on wildlife and worrisome compromises on the wildlife corridor.**

The project's discussion and research, including the Biodiversity Research Institute's (BRI) extensive report, have been ongoing for many months, yet all proposed adjustments remain unsatisfactory. The proposed corridor will burden wildlife to move freely between the two parks. Additionally, property setbacks will likely encroach upon vernal pools in the area.

- 2. The loss of existing, cherished trails.**

As proponents of Clifford Park's many recreational offerings, we are concerned about the development's impact on the Orange Trail, a favorite route for many Biddeford residents. This land, gifted by the Clifford family, makes Biddeford a unique and special place. Before the proposed development is approved, the Board should consider the irreversible effects on this pristine, peaceful, and popular segment of the trail system, as well as the repercussions for other areas of the park.

3. The impact on Winding Creek Lane and the broader community.

Residents of Biddeford and surrounding communities greatly value and respect the protection of Clifford Park. Organizations like Friends of Clifford Park generously maintain and preserve this land. An extension of Winding Creek Lane will reduce the quality of life for many nearby residents and cause frustration for park visitors.

An appeal for alternative outcomes

We understand the difficulty in the Planning Board's decision, especially given the city's rapid growth in recent years. Collectively, we hope to build future housing in a way that preserves the natural environment and character of existing neighborhoods in the city.

We would welcome the opportunity to explore and support alternative outcomes for this project. Some potential solutions include, though are not limited to, the following:

- Negotiate a fair purchase price for the developer's 60-acre property without trading land from Clifford Park.
- Build single-family housing communities outside of preserved wildlife areas within the city of Biddeford.
- Appeal to Mike Eon for immortalization through a land trust, donation, or purchase. We greatly respect the generosity of property owners that have donated land, such as the Blandings Park Wildlife Sanctuary, for preservation purposes. The individuals have made a commitment to bettering Biddeford for generations to come.
- Add further protections to Clifford Park and assemble more volunteers for the Friends of Clifford Park organization to care for the land.

We support initiatives to ensure quality housing for current and future residents of Biddeford, but we want to protect the land that makes our city

special and attractive for all.

Please say no to West Brook Subdivision, and expand protections of our beloved wildlife and trail system. We hope to work together on this issue, and let us know how we might support other development efforts in the city. Thank you very much for your consideration.

Signed

Nathanael Beisiegel and Loren McCready	29 Winding Creek Lane
Jeff and Heather Gendron	17 Winding Creek Lane
Alicia Swanson	14 Winding Creek Lane
Lucille Beaupre	6 Winding Creek Lane
Christopher Quint	33 Winding Creek Lane
Laura and Tim Siciliano	3 Winding Creek Lane
Charlene Esquiro	2 Winding Creek Lane
Chrystal and Kurt Pray	18 Winding Creek Lane
Todd and Lynda Turgeon	28 Winding Creek Lane
Darren Lieu and Katie Hepburn	13 Winding Creek Lane
Erin Hutchins	100 Saco Falls Way Unit 307
Rebecca Cote	45 Granite Street
Fallon Descoteaux	70 Prospect Street
Natalie Dame	24 State Street Apt 14
Karen Jordan	9 Robin Circle
Robyn Mullen	3 Jacqueline Drive
Chrystal	35 Bacon Street
Katlyn Bickford	71 Pike Street Apt 2
Bethany and Nicholas Precourt	29 Roberts Street
Shawn Sauer	23 Marion Ave

Ahmad Naeem	Sea Spray Drive
Julia Comeau	110 Cleaves Street
Holly Bouchard	24 State Street #32
Nicole McLaughlin	45 Western Ave #305
George Kando	158 Cleaves Street
Jennifer Thompson	315 Guinea Road
Barbara Fortier	6 Moors Brook Road
Dominic Cote	52 Western Ave Apt 2
Judy Gonneville	West Street
Alan Zullo	197 Alfred Street
Kate Aube	4 Hidden Farm Road
James and Lisa Hauck	44 Graham Street 2nd Floor
Dori Rogers	41 Birch Street
Carey Donegan	15 High Street
Douglass Felt	15 High Street
Roe Adams	27 Pike Street
Amy Robinson	5 Paquatane Place
Joseph and Freida Slowik	105 Pike Street
Taylor Lambert	277 Guinea Road
Marissa Hamilton	64 Mason Street Apt 2
Philip Burke	168 Oak Ridge Road
Daniel Dixon	2 Decary Road
Mackenzie	2 Decary Road
Travis Sylvain	89 Tara Estates Drive
William Mauer	7 Mason Street
Casey Ross	42 Acorn Street
Megan Wakefield	19 Herring Avenue

Trisha Greenlaw	38 Hill Street
Christy McKinnon	38 Hill Street
Vincent Andreoli	68 Bradbury Street
Amberlee K Edgerton Moriarty	32 Oak Street
Trey Pariseau	157 Guinea Road
Brianna Bergeron	42 Pool Street
Peter Rowe	Pool Street
Michelle Painchaud	77 Western Avenue
Tarah Dinsmore	5 Tremont Street
Anthony Auprey	56 Loudon Road
Gabrielle Stickney	Freeman Street
Stephanie Virgilio	45 Western Avenue
Tammy Drew	7 Mason Street
Ian and Hannah Doe	14 Cottage Street
Lisa Edstrom	32 Greenfield Lane
Eric Graffam	38 Harding Street
Kelly Poirier	18 Freeman Street
Max Bulger	19 Hillside Avenue
Scottlynn Brochu	21 Saint Mary's Street
Kendra Pariseau	157 Guinea Road
Steve	290 Main Street
Hannah Kramer	68 Middle Street, Saco
Nicole Littlefield	290 Main Street
Sadie	Raymond Street
Edward Dougherty	10 Eighth Street
Amanda Foster	47 Summer Street
Karley Proza	80 Birch Street

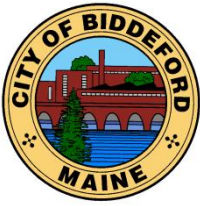
Jose Padua	115 Hill Street Apt 2
Gary Fontaine	196 West Street
Joyce	196 West Street
Guy Daigneault	7 Forest Street
Brianna Murphy	11 Briarwood Drive
Tammy Belanger	11 Briarwood Drive
Charles Gould	22 Winding Creek Lane
Daniel & Patricia	3 Alison Avenue
Bethany Lachance	2 Main Street Ste 17-416
Deb Stockwell	40 Westfield Street
Nicholas Vacchiano	203 Hill Street #2
Rebekah Libbey	50 Cassie Lane
Nancy McAdams	West Street
Leblanc	11 Robin Circle
Heidi Drew	113 Graham Street
Kim Martens	5 Robin Circle
Laureen Sirois	15 Alison Avenue
John and Kristen Dunphe	14 Alison Avenue
Ken Buechs	10 Seal Lane
Casey Hafford	161 Saco Ave Unit 314
Jessica Cote	74 Alfred Street #102
Harold King	290 Elm Street
Wendy Welch	12 Smalls Court
Cory Davis	29 Portland Ave Apt #2 (Old Orchard Beach)
SarahBeth Libby	65 High Street Apt 1
Kristen Dunphe	Alison Avenue
Brian J Schrader	108 Foss Street

Zachary Taylor	25 Bradley Street (Saco)
Marc Guillerault	61 Sullivan Street
Brandi Greenlaw	351 Hill Street
Julian	14 Union Street
Donna Roberts	10 Crestwood Drive
Taylor Poulin	3 Willet Street
Angela Simmons	12 Simard Avenue
Elizabeth Welch	12 Smalls Court
Chad Ouellette	110 Main Street (Saco)
Guy Lamontagne	West Street
Brody Forbes	6 Rockwood Drive
Adam Morin	4 Robin Circle
Matthew Boucher	247 Guinea Road
Jason Patch	Alison Avenue
Sharon Ward	604B Elm Street
Ann M Russell	58 Proctor Road
Lucille A. Murphy	2 Alison Avenue
Jaclyn and Michael Gagne	18 Harold Avenue
Jocelyn Canning	20 Bacon Street
Agreste	Alison Avenue
Diane Tremblay	46 Parkside Drive
Edward Milhorn and Carrie Cote	32 Winding Creek Lane
Stevan Charron	5 Mitchell Lane
Patch	Alison Avenue
Alexa Cadorette	11 Forest Bend Drive (Gorham)
Alex McMahon	525 Pool Street
Jonathan Uribe	5 Raymond Street

April Laverriere	5 Apple Ridge
Maya Atlas	5 Raymond Street
Tira Denny	22 Parkside Drive
Susan Smith	1 Little River Road
Erin M O'Toole	108 Granite Street Unit 7
September Blake	2 Autumn Lane
Joseph L. Bridgewater	34 Mountain Road
Katherine H. Bridgewater	34 Mountain Road
Stephanie C. Edwards	5 Laurier Street
Ronda Bey	65 Green Street Apt 6
Sarah	1 Ponderosa Lane
Emma Bouthillette	49 Westmore Avenue
Ethan Burke	76 Green Street
Craig A Wood	5 Mill Lane (Saco)
Kathleen Gobeil	6 Parkside Drive
Marissa Paci Allyn	47 Parkside Drive
Peter McGuire	5 Laurier Street
Renee Arbisi	40 Graham Street
Harrison Smith	19 Parkside Drive
Jerilyn and Jon Platon	4 Parkside Drive
Mallory Patton	13 Bacon Street
Eugene Go	84 Union Street
Bonnie Buechs	10 Seal Lane
Meaghan Daly	16 Pinewood Circle
Alexis Waggoner	3 Union Street
Erik Heumiller	81 Clifford Street
Sterling Roop	16 Pinewood Circle

Kathleen Pinard	44 Grayson Street
Diane	5 Mill Lane (Saco)
Ryan Dinee	Parkside Drive
Catherine Glynn	179 Hill Street
Margaret Troup	5 Victory Avenue
Sarah Callahan	39 Westmore Avenue
Charles and Suzanne Melton	32 Village Lane
Michael Bouthillette	34 Parkside Drive
Jesse Albert	Biddeford
Erin White	385 South Street
Deborah V Chwalek	52 Parkside Drive
Kendall Hinkley and Connor Hildum	21 Oak Street
Melissa Dineen	58 Parkside Drive
Robert Martens	5 Robin Circle
Ryan Stover	19 Douglas Avenue (Saco)
Ethan Burke	76 Green Street
Devin Hilton	24 Parkside Drive
Michael J Loranger	22 Parkside Drive
Syd R.	Biddeford
Amanda Lis-Estes	31 Middle Street
Denise	22 Evanthia Drive
Christopher Nickerson	2 Main Street Unit 25-108
Ryan Linteau	41 Birch Street
Andrea Hafner-Mishkin	10 Elmwood Drive (Saco)
Peg Dineen	46 Parkside Drive
Josh	4 Hidden Farm Road

198 signatures so far!



CITY OF BIDDEFORD

Planning and Development Department

Hannah Bonine
Assistant City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
Hannah.Bonine@biddefordmaine.org

PLANNING BOARD REPORT

TO: Chair Southwick and the Biddeford Planning Board

FROM: Hannah Bonine, Assistant City Planner

DATE: May 24, 2022 *Hannah Bonine*

RE: 2022.19 Review of Conditional Use Permit Application for a home occupation of online sales for Andrew Emerson at 14 Yates Street (Tax Map 59, Lot 9) in the CR Zone.

MEETING DATE: Wednesday, June 1, 2022 at 6:00 pm

1. INTRODUCTION

The applicant, Andrew Emerson (Trapped Tides, LLC), is seeking approval for a Conditional Use Permit to operate an online sales business from his home at 14 Yates Street. All products will be offered for sale via online platforms, and no customers will be visiting the home. The business intends to sell arts and crafts products and firearms. Home Occupations are a Conditional Use in the CR Zone.

2. PROJECT INFORMATION

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Andrew Emerson P.O. Box 140 Biddeford Pool, ME 04006
2.	Property Owner	Andrew Emerson P.O. Box 140 Biddeford Pool, ME 04006
3.	Agent	N/A
4.	Engineer/Surveyor	N/A
5.	Project Location	14 Yates Street
6.	Map/Lot	Map 59, Lot 9
7.	City Approvals Required	Conditional Use Permit
8.	Existing Zoning	Coastal Residential (CR)
9.	Overlay Zoning	Resource Protection (RP) [first 10-15 ft from front property line]
10.	Existing Use	Single Family Residential

11.	Proposed Use	Home Occupation, online sales
12.	Uses in the Vicinity	Residential, marine
13.	Parcel Size	0.37 acres
14.	Water Supply	Public
15.	Sewerage Disposal	Public
16.	Solid Waste Disposal	Public
17.	Fire Protection	City of Biddeford
18.	Parking Spaces Required	N/A
19.	Parking Spaces Provided	N/A
20.	Ownership of Road	Public
21.	Estimated Site Development Costs	N/A
22.	Financial Capacity Letter	N/A
23.	Waivers Needed/Requested	None
24.	Waivers Granted	None
25.	Additional Approvals/Permits Needed	None
26.	Fees Paid (LDR Attachment A)	Yes
27.	Planning Board Review History	June 1, 2022

3. COMPLIANCE WITH CITY ORDINANCES

Home occupations are reviewed as conditional uses in all zones they are permitted in. The proposed home business will solely operate via an online ordering platform, and no customers will be visiting the home for services or purchases. This use is considered a minor conditional use, per LDR Article VII, Section 5. However, since the Code Enforcement office received questions and complaints from abutters, the Code Enforcement Officer determined that the item should be brought before the Planning Board for review and to hold a public hearing.

As a Home Occupation, this business must demonstrate satisfaction with the Conditional Use standards, as outlined in LDR Article VII, Section 6, and the following performance standards (LDR Article VI, Section 38):

1. Permitted home occupations may be carried out without: offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence, shall be permitted if it complies with all the requirements of this section.
2. A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than two employees who are not residents of the dwelling unit, not to exceed 25% of total floor area, or more than 400 square feet.
3. The home occupation shall be carried on wholly within the principal or accessory structures. There shall be no outside storage or display of materials or products or equipment or vehicles.
4. The general performance standards of this ordinance shall apply.
5. One nonilluminated sign, no larger than two square feet, may be erected on the premises.

6. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises: catalog/mail order items delivered off the premises; and to items which are accessory and incidental to a service which is provided on the premises.
7. -
 - a. Home occupation approvals may be re-reviewed by the Board if any of the above conditions are violated. Reports of violation or complaints shall be conveyed to the board in writing by the Code Enforcement Officer. The Board shall notify the operator that the Board is holding a public hearing to reconsider the home occupation permit. Abutters shall be notified under the rules of public hearings.
 - b. If the Board finds that the conditions of approval have been violated and cannot, or will not, be corrected within 14 days of the hearing/Board's decision, the approval will be withdrawn, (and) the operation will be in violation of these ordinances and shall be considered a civil nuisance of the City ordinances and subject to action and penalties stated in these ordinances.
8. No vehicular traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood.

4. WAIVER REQUESTS

None

5. OUTSTANDING ITEMS TO BE ADDRESSED PRIOR TO APPROVAL

None

6. STAFF RECOMMENDATIONS

After reviewing the Conditional Use standards and Performance standards, Staff recommends that the Conditional Use Permit for the above application be approved by the Board. The home occupation will take place within the single-family residence and will not generate any additional traffic by customers. As a minor Conditional Use, this application meets the standards outlined in the ordinance.

7. ATTACHMENTS

1. Application
2. Letter of Intent



CITY OF BIDDEFORD

Planning and Development Department

FINDINGS OF FACT AND CONCLUSIONS OF LAW CONDITIONAL USE PERMIT (CUP)

Pursuant to the provisions of the City of Biddeford Land Development Regulations, Article VII (Conditional Uses) and Article VI (Performance Standards), the Biddeford Planning Board has considered the application of Andrew Emerson to operate a Home Business at 14 Yates Street. Based on its review, including supportive data, public hearing testimony and related materials contained in the record, the Planning Board makes the following Findings of Fact and Conclusions of Law:

Findings of Fact:

	<u>SUBJECT</u>	<u>INFORMATION</u>
1.	Applicant	Andrew Emerson P.O. Box 140 Biddeford Pool, ME 04006
2.	Property Owner	Andrew Emerson P.O. Box 140 Biddeford Pool, ME 04006
3.	Agent	N/A
4.	Engineer/Surveyor	N/A
5.	Project Location	14 Yates Street
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11.	Proposed Use	Home Occupation, online sales
12.	Uses in the Vicinity	Residential, marine
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14.	Water Supply	Public
15.	Sewerage Disposal	Public
16.	Solid Waste Disposal	Public
17.	Fire Protection	City of Biddeford
18.	Parking Spaces Required	N/A
19.	Parking Spaces Provided	N/A
20.	Ownership of Road	Public
21.	Estimated Site Development Costs	N/A
22.	Financial Capacity Letter	N/A
23.	Waivers Needed/Requested	None
24.	Waivers Granted	None

25.	Additional Approvals/Permits Needed	None
26.	Fees Paid (LDR Attachment A)	Yes
27.	Planning Board Review History	June 1, 2022

Conclusions of Law:

1. The proposed use meets specific requirements set forth in this ordinance and would be in compliance with applicable state or federal laws;
2. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;
3. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;
4. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;
5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;
7. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion;
8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties, which could be avoided by reasonable modification of the proposal;
9. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal.
10. The proposed use would be in compliance with Biddeford's comprehensive plan;
11. The proposed use would not have an adverse impact on the immediate neighborhood or the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;

12. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;
13. Adequate provision has been made for disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
14. Adequate provision has been made to control erosion or sedimentation;
15. Adequate provision has been made to handle stormwater runoff or other drainage problems on the site; and the proposed development will not unduly burden off-site surface water systems;
16. The proposed water supply would meet the demands of the proposed project (and for fire protection purposes, if applicable.)
17. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by state law;
18. The proposed use would not have an adverse impact on scenic vistas, historic sites, archeological resources, or on significant wildlife habitat or wetland areas and water bodies, which could be avoided by reasonable modification of the proposal;
19. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this ordinance.

Approval Granted:

Based on the evidence available and the conclusions above, the Biddeford Planning Board approves the Conditional Use Permit for the proposed project summarized above, located at 14 Yates Street (Tax Map 59, Lot 9) in accordance with the submitted application, supporting data, representations made, other related materials on file, and the following Conditions of Approval:

1. **The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.**
2. **Standard Conditions of Approval apply.**

Planning Board Chairperson

Date

Roby Fecteau
Director – Biddeford Code Enforcement

To whom it may concern,

The intent of this Letter is to provide a written expression of interest to run a home-based business out of 14 Yates St. Biddeford, ME 04005.

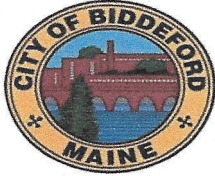
Our business is currently being incorporated under the name of Trapped Tides, LLC. The business will principally operate through the internet, leveraging open sales platforms for online orders of products shipped directly to end customers. As such, this new business will not cause any additional traffic to our home address.

Trapped Tides will operate with two segments. The first will be revolving around small scale art and craft products, produced, or customized at location. These items exemplified by customized paintings or celebration table center pieces require limited materials or space to produce. The second part, in conjunction with applying for a Federal Firearms License (FFL) from the ATF will be to buy and sell firearms for profit. As part of that process, they may reach out to validate the business zoning as well.

Given dealmaking for both segments will be principally managed through online platforms, we are not planning to advertise location of this business and will be seeking to limit available knowledge of the home-based business being at the site. We will have limited dedicated space for the business, which will be largely made up of small, secure, storage area and asked to shared computer for maintaining documentation.

If there are any questions or concerns, please contact me.
Thank you.

Andrew Emerson
14 Yates St., Biddeford, ME 04005
andrew@trapped-tides.com



City of Biddeford
Planning Board Application

P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

Type of Application:

☐ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☒ Conditional Use Permit ☐ Subdivision ☐ Private Way
☐ Other: _____

Applicant Information:

Name: ANDREW EMERSON
Mailing Address: P.O. BOX 140, BIDDEFORD POOL, ME 04006
Telephone: 207-245-5572
Email: andrew@trapped-tides.com
What is your legal interest in the property?
☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Information:

Name: ANDREW EMERSON
Mailing Address: P.O. BOX 140, BIDDEFORD POOL, ME 04006
Telephone: 207-245-5572
Email: andrew@trapped-tides.com

Agent's Information:

Name: N/A
Mailing Address: N/A
Telephone: N/A
Email: N/A

Engineer/Surveyor's Information:

Name: N/A
Mailing Address: N/A
Telephone: N/A
Email: N/A

Project Location and Lot Information:

Street Address: 14 YATES ST, BIDDEFORD, ME 04005
Tax Map: 59 Lot: 9
Current Zoning: CR Shoreland Zoning: _____
Size of Lot: 0.37 Acres () s.f. Lot Frontage: _____
Existing use of Property: RESIDENTIAL - SINGLE FAMILY

Property currently serviced by:

☒ City Road ☒ Public Sewer ☒ Public Water ☒ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3% slope) ☒ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15%+ Slope)

Are there any wetlands or waterbodies on the site? ☐ (Yes) ☒ (No) if yes attach information

Do you plan to bring fill onto the lot? ☐ (Yes) ☒ (No) If yes attach information

Description of proposed use of property:

Project/Proposed Use:

Seeking a home occupation permit for online
SALES (No New traffic). Processed through
code enforcement, questions from abutters.

Property to be Serviced by:

☒ City Road ☒ Public Sewer ☒ Public Water ☒ Public Trash
☐ Private Road ☐ Septic System ☐ Private Well ☐ Private Hauler

Is this project part of a larger project? ☐ (Yes) ☒ (No)

If in a Shoreland Zone:

Percent of residential lot coverage (Max 20%): _____

Percent of structure expansion (Max 30%): _____

If Subdivision Review, number of lots proposed: _____

If a Private Way is proposed, number of lots served: _____

If Site Plan Review, you must provide the following information:

Total new square feet footprint of structure: N/A

Total new square feet paving/parking: N/A

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department-Contact Chief or Deputy Chief – 282-9986
☐ Ability to Serve for Water Service – Maine Water – 282-1543
☐ Ability to Serve for Sewer Service – Engineering Dept – Tom Milligan 284-9118
☐ Police Department – e-911 Road Name Designation – Contact Joanne Fisk 282-5127

- B. Letter to Planning Board describing project, Waiver requests, proposed improvements, addressing permit requirements, ect.
- C. Photographs of Site.
- D. Architectural renderings/drawings of proposed buildings, as required.
- E. Engineering Plans, as required.

Fees (Due at time of Submission):

- \$40 Nonrefundable Administration Fee is required for every application.
- Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of the review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting an application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

 Project proposed to have 1 acre or more of Site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of Applicant:  Date 5/2/2022

Signature of Property Owner:  Date 5/2/2022

**IF PLAN APPROVAL IS ANTICIPATED, PROVIDE 2 FULL SIZE MYLARS & 2 FULL SIZE PAPER COPIES FOR BOARD SIGNATURE (AS APPLICABLE)
CHECKWITH PLANNING STAFF FOR CLARIFICATION.**

59/ 113/ / /
SMALL, MICHAEL S.
2 SHERMAN LN
HAMDEN, CT 06514

59/ 114/ / /
MCPHEETERS, PETER G
PO BOX 224
BIDDEFORD POOL, ME 04006

59/ 115/ / /
BIDDEFORD POOL YACHT
PO BOX 468
BIDDEFORD, ME 04005

59/ 120/ / /
FORAN, STEPHEN A
PO BOX 333
BIDDEFORD POOL, ME 04006-0333

59/ 4/ 1/ /
CALLAHAN, GERALD J JR & TRACY N
31 WARREN ST
CHARLESTOWN, MA 02129

59/ 6/ / /
MCNERNEY, J PETER AMENDED
TRUST AGREEMNT
140 LINCOLN RD #117
LINCOLN, MA 01773

59/ 6/ 1/ /
MCLAUGHLIN, LINDA F & KENNETH B
123 LEACH HILL RD
GOFFSTOWN, NH 03045

59/ 7/ / /
WILLIAMS, CAROLINE W
109 NOTTINGHAM RD
RICHMOND, VA 23221

59/ 8/ / /
BIDDEFORD POOL LAND TRUST
PO BOX 306
BIDDEFORD POOL, ME 04006-0306

59/ 9/ / /
EMERSON, ANDREW & JENNIFER L
PO BOX 1630
SACO, ME 04072

59/ 10/ / /
KEEZER, JEFFREY G & BETH E
PO BOX 123
BIDDEFORD POOL, ME 04006-0123

59/ 11/ / /
SACO RIVER LAND & CATTLE CO LLC
PO BOX 468
BIDDEFORD, ME 04005-0468

59/ 12/ / /
FITZGERALD, JOHN J
35 OCTOBER DR
FRANKLIN, MA 02038

59/ 13/ / /
JEROME, MONA O
6 YATES ST
BIDDEFORD POOL, ME 04006

59/ 17/ / /
OLDERSHAW, DAVID L
20 SILVERWOOD TERRACE
SOUTH HADLEY, MA 01075

59/ 19/ / /
SACO RIVER LAND & CATTLE CO LLC
PO BOX 468
BIDDEFORD, ME 04005-0468

59/ 20/ / /
FONTEIN, LUCIE E. & GOLDSMITH,
JEFFREY
P.O. BOX 286
BIDDEFORD POOL, ME 04006

59/ 21/ / /
BASSETT, JERRY J & CAROL O
PO BOX 315
BIDDEFORD POOL, ME 04006-0315

59/ 22/ / /
BARNARD, CLYDE W & ALYSON W
770 GREENWAY L-106
DALLAS, TX 75209

59/ 22/ 1/ /
BASSETT, ROBERT W & ANNE C
PO BOX 330
BIDDEFORD POOL, ME 04006

59/ 23/ / /
LEONARD, JAMES W
1853 SUN MOUNTAIN DR
SANTA FE, NM 87505

59/ 24/ / /
OSBORN, JOHN & SHREVE, ANITA
PO BOX 215
BIDDEFORD POOL, ME 04006

59/ 25/ 1/ /
EYDENBERG, ALISON K & JOHN J
254 MAIN ST
GROTON, MA 01450

59/ 25/ 2/ /
KING, PATRICIA B
1963 SAN SIVESTRO DR
VENICE, FL 34285

59/ 25/ 3/ /
GOLEBIEWSKI, JOHN S JR &
PO BOX 7
BIDDEFORD POOL, ME 04006

59/ 25/ 4/ /
LAUGHLIN, WILLIAM A JR & ELIZABETH
E
P.O. BOX 358
PIKE, NH 03780

59/ 25/ 5/ /
MARTIN, RICHARD J & HELEN M
1520 LONGFELLOW ST
MCLEAN, VA 22101

59/ 25/ 6/ /
ESPOSITO, SERGIO & CAROLE
1285 SAGUNKA DR
YORKTOWN HEIGHTS, NY 10598

59/ 25/ 7/ /
SHANNON, WILLIAM J & HELENE
40 TURNBERRY CT
MONROE, NY 10950

59/ 25/ 8/ /
NEILL, KEVIN F & TRISHA L
1017 LYON ST
LUDLOW, MA 01056

59/ 25/ 9/ /
SULLIVAN, STEPHEN & MAUREEN,
TRUSTEES
156 FARMINGDALE RD
CHESTER, NY 10918

59/ 25/ 10/ /
ROY, DAVID P
70 HOWARD ST UNIT 1W
SOMERVILLE, MA 02144

59/ 26/ / /
HARDY, ANNE L & LEONARD, COLIN
M, TRSTEE
83 HILLANDALE RD
WESTPORT, CT 06880

59/ 27/ / /
CHAPPELL, ROBERT H
13 LESTER B ORCUTT BLVD
BIDDEFORD POOL, ME 04006

59/ 28/ / /
B POOL, LLC
6100 HOWARD RD
RICHMOND, VA 23226

59/ 29/ / /
KILFOIL FAMILY I LLC
9200 MONTGOMERY RD SUITE #3A
CINCINNATI, OH 45242

59/ 32/ 1/ /
AUNTIE'S HOUSE, LLC
3400 O. ST NW
WASHINGTON, DC 20007

59/ 47/ / /
WAGNER, GEOFFREY W
PO BOX 66734
FALMOUTH, ME 04105-66734

**NOTICE TO PROPERTY OWNER
RE: 2022.19 Conditional Use Permit**

May 25, 2022

The Biddeford Planning Board will hold a public meeting and take comments regarding a Conditional Use Permit Request for Andrew Emerson. The property is located at 14 Yates Street (Tax Map 59, Lot 9) in the Coastal Residential Zone. The purpose of the project is to run a home occupation of online sales. Project location is a residential single family home, applicant indicates there will be no new traffic resulting from this business.

Meeting Date: June 1, 2022
Meeting Time: 6:00 PM
Meeting Location: City Hall Council Chambers and Remote Access Meeting (1MRSA§ 403-B)

For information for this item and how to view and/or participate in the meeting please go to www.biddefordmaine.org/2478/Video-Agendas-Minutes and select the Planning Board Packet for June 1, 2022. If you wish to submit written comments, please address them to Nan Whitten, Office Manager, Planning Department, City Hall, PO Box 586, Biddeford, ME 04005 or email nan.whitten@biddefordmaine.org prior to the Planning Board Meeting Date.

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City of Biddeford
Planning Department
205 Main Street
PO Box 586
Biddeford, ME 04005
207-284-9115



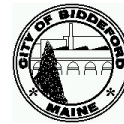
City of Biddeford
Planning Department
205 Main Street
PO Box 586
Biddeford, ME 04005
207-284-9115

Or Current Property Owner

Or Current Property Owner



City of Biddeford
Planning Department
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Biddeford, ME 04005
207-284-9115



City of Biddeford
Planning Department
205 Main Street
PO Box 586
Biddeford, ME 04005
207-284-9115

Or Current Property Owner

Or Current Property Owner

Sheryl Talbot, M.D.
122 Mile Stretch Rd.
Biddeford, ME. 04006

May 31, 2022

The Biddeford Pool Planning Board
c/o Nan Whitten, Office Manager
nan.whitten@biddefordmaine.org

Dear Ms. Whitten and Members of The Biddeford Planning Board:

I am writing to express my strong opposition to the application for a Home Occupation Permit by Andrew and Jennifer Emerson. They are requesting approval to purchase, sell and distribute firearms and crafts from their home at 14 Yates Street in Biddeford Pool.

Our home is at 122 Mile Stretch Rd, a block away from the Emerson residence. I understand that notice was sent only to abutting neighbors earlier this spring. As a non-abutting neighbor, I only became aware of this application on Friday May, 27, otherwise my objection would have been made much earlier in the permitting process.

The grounds for my objection is that a firearms dealer would "offend custom" of the neighborhood. I detail my specific concerns below.

It is my understanding that the Emersons intend to run businesses that "... principally operate through the internet...", that they do not plan "to advertise the location of this business" and that the businesses will not cause an increase in vehicle traffic.

It is also my understanding that in order for the Emersons to obtain a Federal Firearms License (FFL) they must first have a permitted location for their business. My reading of the application for a Biddeford Home Occupation Permit suggests that once approval is given, unless otherwise specified, any conforming business may be run out of the home. Thus, unless an approved permit can be restricted to the sale of arts and crafts, I firmly oppose it in it's entirety.

Despite their expressed intentions, once the Emersons obtain permission to run a home based business they may apply for any of the 11 categories of FFL allowing them to manufacture, import, buy and sell firearms locally as well as across state lines. If they so chose, now or in the future, this could include military style weapons and armor piercing ammunition.

It is also my understanding that the Emersons have indicated that they plan to use a very limited and secure area from which to conduct their business. However, once approval for a home business has been granted they could expand dramatically. As indicated in Article VI. Performance Standards. section 38. Home Occupations, by right, the business could occupy up to 400 square feet (a lot of firearms and ammunition) hire 2 employees and hang a two foot square sign outside.

Despite not planning to advertise the location of their business, anyone who wishes to buy firearms or ammunition locally or online can easily find the location of FFLs by zip code on the web site GunBroker.com.

The provision of this permit requires that the home occupation "... be carried out without offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood ...". Other Biddeford Pool home owners have written to you with eloquent

descriptions of the ways in which a firearms dealer would offend custom in our close-knit village of Biddeford Pool.

A firearms dealer would add absolutely nothing to the Biddeford Pool Community except risk. The Emersons live five houses from the community center/library and directly across from a town park. Children pass their house all day long in the summer on their way to the general store a few doors down. Especially in the winter when the local population is diminished by seasonal residents, their home firearms business would be an easy target for thieves.

The Emersons could easily buy and sell firearms via another nearby Federal Firearms licensee or they could open in a more suitable commercial location. The provision of this permit is unnecessary and unwanted by the Biddeford Pool community. Please deny it or approve it with restrictions that do not allow the commercial receipt, sales, transfer or manufacture of firearms.

Thank you for your careful consideration of my concerns.

Sincerely,
Sheryl Talbot, MD
talbot.sf@gmail.com

Whitten, Nan

From: Lucie Dean <deanlucie@gmail.com>
Sent: Tuesday, May 31, 2022 3:05 PM
To: Whitten, Nan
Subject: 14 Yates Street Permit Application

Dear Nan,

I am writing to express my concern over the permit application by Andrew Emerson for his residential property - 14 Yates Street. It is not, in any way, a commercial area and the residents of Biddeford Pool very much like the non-commercial aspect of the neighborhood.

Whether Mr. Emerson plans to scale up his business to 400 square feet with 2 employees and an exterior sign, the permit would seem to permit all that.

It is of further concern that Mr. Emerson is requesting to operate an online firearms business. This kind of business hardly seems appropriate in this tiny village. And whatever Mr. Emerson claims with regards to not advertising the location, once the business is incorporated, the address and head of the company would be easy to find with a simple internet search.

I'm quite sure that the residents do not want any kind of commercial enterprise.

With serious concern,
Lucie Dean

P.S. Would you be so kind as to let me know that you received this email? It's all very worrying and I do want to be sure that my email went to the correct address. Thank you!!

Whitten, Nan

From: Sissy Buck <sissyemmonsuck@gmail.com>
Sent: Tuesday, May 31, 2022 2:07 PM
To: Whitten, Nan
Cc: William Southwick; Bonine, Hannah
Subject: Planning Board meeting June 1, Trapped Tides, LLC application to sell firearms from their home

To the Biddeford Planning Committee;

I am writing to let you know that I am adamantly opposed to the proposed Conditional Use Permit Application by owner Andrew Emerson that is under consideration to allow for a commercial firearm selling and crafting operation, Trapped Tides, LLC at 14 Yates St in Biddeford Pool.

In light of the most recent horrific shootings, it is reprehensible to me that Mr. Emerson wants to establish a firearm selling business in the peaceful residential neighborhood in Biddeford Pool.

Unlike other businesses in the village of Biddeford Pool, this proposed commercial firearm crafting and selling business would not conform to the traditional character of the neighborhood nor would it benefit the community in any way. Instead, selling firearms would only benefit Mr Emerson and very likely place our community at great risk. As Emerson states, "in Maine, any resident can obtain a gun without any training." Are there background checks, an accounting of who buys the guns? Despite his intentions not to advertise his location, there is no guarantee that it will remain private. Anyone who owns a computer will be able to find him and Trapped Tide, LLC with a simple internet search.

Emerson's home is directly across the street from a tranquil park where families gather for picnics, just down the street from our Community Center, Library, and around the corner from the small village with a general store, Post Office, real estate offices, and gift store. Children ride bikes and people walk past 14 Yates St. all the time. In the summer, there is increased traffic on Yates St and the road is almost impassable with parked cars of those who are heading to the beach, or eating at the local store. Additional traffic generated by this proposed business on Yates St is an unacceptable outcome and another safety concern.

My family has owned a home in Biddeford Pool for almost one hundred years and our grandchildren are the 5th generation to enjoy living safely here. To even contemplate the possibility of a business that would be permitted to sell firearms in this community is a nightmare and senseless proposition. The risks of unintended consequences are too great. We do not need more opportunities for people to gain access to weapons capable of murder.

Please consider the concerns of the community and mine, and do not approve the Conditional Use Permit Application by owner Andrew Emerson to allow for a commercial firearm selling and crafting operation, Trapped Tides, LLC at 14 Yates St, Biddeford Pool.

Respectfully,
Sissy Buck

P.O. Box 6
Biddeford Pool, Maine 04006

Whitten, Nan

From: Sarah <sarahittmann@gmail.com>
Sent: Tuesday, May 31, 2022 12:54 PM
To: Whitten, Nan
Subject: objection to the firearms sale permit application submitted by the Emerson household of 14 Yates Street Biddeford Pool

Dear Ms. Whittten and Biddeford Planning Department,

I am writing to voice my strong objection to the firearms sale permit application submitted by the Emerson household of 14 Yates Street Biddeford Pool.

I have been a member of the Biddeford Pool community for 46 years and hope to remain one all my life. Biddeford Pool is a small residential community and the few businesses in town (like Pool Lobster) primarily serve the community. The town is a special place where neighbors are like family, and kids can ride their bikes to Pool Lobster with their friends for an ice cream cone in safety.

It is not a place where commercial gun sales should take place. While Mr. Emerson may be a responsible gun owner, since Maine does not require a license, background checks, a waiting period, or even gun registration, there is no way to say whether his customers would be. As we have seen in Uvalde, Buffalo, and sadly too many other places, there are many disturbed people out there who have legally purchased firearms, from vendors who complied with the laws in their state.

Though Mr. Emerson says his business will be online - the permit (if granted) would allow for him to post signage as well as expand. A brick and mortar store selling guns has no place in our small family town.

I hope the committee will deny Mr. Emerson's request for a permit to sell firearms, because if it does not, I fear the special town where we grew up, raised families, and retire as old folks, will be irrevocably harmed.

*Thank you for your consideration,
Sarah Ittmann Leite*

410-206-6072

Whitten, Nan

From: Jay Emmons <jay.h.emmons@gmail.com>
Sent: Monday, May 30, 2022 9:20 AM
To: Whitten, Nan; William Southwick; Bonine, Hannah
Subject: Trapped Tides Application to Sell Firearms From Their Home

Dear Commissioners,

As I write this, America is remembering and honoring our grandfathers, grandmothers, fathers, mothers, uncles, aunts, brothers, sisters, sons, and daughters who all made the ultimate sacrifice so that we and our children and grandchildren could live in peace, far from violence, able to dream of bright days ahead. They certainly did not make those sacrifices so that arms dealers could live in our midst, that weapons could be sold from our neighbors's homes to many people who could ultimately use those guns to harm and murder more Americans.

On entering Maine over the Piscataqua bridge, the sign "Maine, The Way Life Should Be" greets us all. Do we really believe that our lives ought to be living in small peaceful villages where guns are assembled and sold, spreading the potential for violence that our ancestors fought to prevent?

My family and I have been living in Biddeford Pool for over 100 years. As you know, our small village is home to three churches, a Community Club, and preserved green areas where folks can walk, picnic, relax, and enjoy the peacefulness. We are also fortunate to have a spiritual center - the Sisters of Marie Joseph who provide a center where people from all over the world can come and find peace, understanding, and spiritual healing. A business that is based on weapons that spread the potential for violence and death far and near is out of place with the history and values of our small, peaceful village and with over 80% of all Americans.

So I respectfully ask that you not approve the application of Trapped Tides to sell weapons out of their home in Biddeford Pool. If allowed, the centuries old character of our small village would be forever altered.

*Jay Emmons
P.O. Box 186
Biddeford Pool*

Sent from my iPad

Whitten, Nan

From: Alyson Barnard <alysonbarnard@gmail.com>
Sent: Sunday, May 29, 2022 9:20 AM
To: Whitten, Nan
Subject: June 1st...zoom

Good morning...I would like to be on the zoom call on June 1st at 6:00pm about the application to sell fire arms from Yates street ...please send me the ZOOM information so I can be on the call... FYI ...the wrong email address is on the email that was sent today ...please correct...the E was omitted from maine... thank you nan...

Sent from my iPhone

Whitten, Nan

From: Claudia Sava <Claudia.Sava@Yardi.Com>
Sent: Monday, May 30, 2022 8:16 AM
To: Tansley, Greg
Subject: Self-Storage Development Inquiry

Hello,

My name is Claudia Sava, I am a Research Analyst with Yardi Matrix, a data gathering arm and subsidiary of Yardi Systems. At this time, we are creating a database regarding new self-storage/mini-storage developments.

I would really appreciate it if you could tell us if there are any new self-storage applications or projects submitted in your area in the past year or current year, including any projects in permitting stage or under construction. Also applications under zoning change requests or plans for expansions/additions to existing storage facilities.

If there are any applications as those described above, we would appreciate if you could give us the address and the current status.

Thank you!
Claudia

Whitten, Nan

From: susan@thereinharts.com
Sent: Monday, May 30, 2022 5:05 AM
To: Whitten, Nan
Subject: RE: 2022.19 Conditional Use Permit, 14 Yates Street, Biddeford Pool

Dear Nan,

We own a home in Biddeford Pool at 14 Ocean Avenue. We just learned about the Conditional Use Permit that Andrew Emerson has filed to conduct an online business in crafts and firearms out of their home. As you know, Biddeford Pool is a quiet, residential neighborhood inhabited mainly by summer residents. Conducting a business out of a home on Yates Street, one of the busiest traffic streets in our small town, will increase traffic as it will require delivery trucks to deliver the necessary craft items and firearms and to fulfill the online orders by mailing the items they are selling. As you already know, there is a significant parking and traffic issue on Yates Street especially during the summer months. If Mr. Emerson wants to start an online business, he should find some commercial office space for his operation, not work out of his home in a residential setting.

We strongly object to Mr. Emerson's application and hope you will keep our objection in mind as you make your decision regarding this Conditional Use Permit. Could you please confirm you received this email.

Sincerely,

Susan and Tom Reinhart

Sent from my iPad

Whitten, Nan

From: Alexander Buck Jr <horizon@nii.net>
Sent: Sunday, May 29, 2022 7:08 PM
To: nan.whitten@biddefordmaine.com; Whitten, Nan
Subject: NO to Trapped Tides and GUNS in Biddeford Pool

Dear Biddeford Planning Commissioners:

I am writing to express my unequivocal opposition to the proposed establishment of Trapped Tides, 14 Yates Street, Biddeford Pool. I own multiple properties in Biddeford and Biddeford Pool. The beauty, serenity, and peace of Biddeford Pool has attracted my wife's family to this village for over a century. That someone wishes "to buy and sell firearms" from a home literally in the middle of this community is reprehensible.

Next door to the proposed shop is the Biddeford Pool Community Center and library. Across the street is a small park that welcomes families. F. O. Goldthwaite's Store is right nearby. Every one of these places attracts families, visitors, beach-goers. Children and grandchildren ride their bikes on their way to sailing, fishing, and swimming. I cannot think of a worse place for this type of business. In fact, I cannot think of a worse business.

In light of the recent horrific, tragic mass murders of school children and teachers in Texas, Florida, Colorado, Missouri and countless other places where lives and families have been lost, ruined and forever destroyed by gunmen wielding easily-obtained weapons, the application to bring this type of business with the potential to similarly destroy the peace of this village makes absolutely NO SENSE.

Please have the good common sense to reject this application. We simply need no more opportunities to tempt fate and enable people to gain access to weapons capable of murder.

Thank you,

*Alexander K Buck, Jr
8 Seventh Street
Biddeford Pool, Maine 04006*

*Sandy Buck
207-272-5597*

Whitten, Nan

From: Henry Wetter <hwetter3@gmail.com>
Sent: Sunday, May 29, 2022 6:22 PM
To: Whitten, Nan
Subject: Emerson Application

> *Dear Biddeford Planning Board:*

>

> *I am very concerned about the application submitted by my Biddeford Pool neighbor, Mr. Emerson, for registering a business that includes firearms in our community. Once such a business is registered, anyone can have access to the location and address of the business. I am extremely worried about this exposure and the nature of the business regardless of it being "online." The idea of it in a small community such as ours is very unsettling and threatens the atmosphere of safety and quiet that we try so hard to preserve. There are other locations where something of this sort would be more appropriate.*

> *Thank you for your consideration of my opinion. I regret that I will not be in Maine to attend the June 1 meeting.*

>

> *Sincerely,*

> *Henry and Kelly Wetter*

> *71 Lester B. Orcutt Blvd.*

> *Biddeford Pool, Maine.*

> *214 616 1791*

>

>

Sent from my iPhone

Whitten, Nan

From: samanthapage@umail.ucsb.edu
Sent: Sunday, May 29, 2022 5:25 PM
To: Tansley, Greg
Subject: Opposition to Proposed Permit

Dear Planning Board Members,

I am writing to you today to oppose the application to sell and build firearms from 14 Yates St. in Biddeford Pool.

I am a fourth-generation resident of Biddeford Pool and strongly believe that bringing firearms into our community would create negative effects. Our community is based on values of safety and trust. For generations, parents have felt comfortable allowing their children to enjoy freedoms unique to Biddeford Pool, such as biking to and from family members' homes or biking to the "store" for ice cream with friends. As I think about the children in our community, particularly my young cousins, I feel fear for them being in a town where firearms are being built and sold.

The selling and building of firearms should be kept out of residential areas. Especially in light of the disturbing recent events of gun violence, whether it be the mass shooting in Uvalde or Buffalo, or Orange County, there is no denying that the epidemic of gun violence in the US harms children.

Thank You,
Samantha A. Page-Emmons
Biddeford Pool Resident

Whitten, Nan

From: Martha Bronson <martha.bronson@bc.edu>
Sent: Sunday, May 29, 2022 2:28 PM
To: Nan.whitten@biddefordmaine.com; Whitten, Nan
Subject: Planning Committee re gun sales permit Biddeford Pool Maine

I am a year round resident of Biddeford Pool and have lived here for 22 years. I was shocked to hear of the proposal to allow guns to be sold on the Pool. I am 86 years old and chose Biddeford Pool as my retirement residence. I would never have done so had I thought that the village attracted gun buyers or sellers..

The Pool is a quiet safe place for families and children, attracting bird watchers and beach goers. Let's keep it that way. Please don't let this happen.

Martha. Bronson
Biddeford Pool, Maine

Whitten, Nan

From: roodoll@aol.com
Sent: Sunday, May 29, 2022 8:59 AM
To: Whitten, Nan
Subject: Fw: Permit to sell fire Arms in Biddeford Pool

I am trying this again. The email listed on the notice is incorrect and comes back.

Sent from the all new AOL app for iOS

Begin forwarded message:

On Sunday, May 29, 2022, 7:39 AM, roodoll@aol.com <roodoll@aol.com> wrote:

I read this in horror- imagining the kind of people who would be attracted and learn about our small, safe, gentle community. It is a town where children ride their bikes freely down to the store and various activities. Yates street is the same street where the the community club houses family functions outside in their front yard

And children have playgroups.

In the light of the recent mass shooting in TX - one of many that happen in this country almost on a weekly basis - I can not support an arms dealer - internet or otherwise starting a business in our community. The thought of anyone searching for a gun would be driving through our tiny town

By the community club with a yard full of children, by the streets full of young children biking and walking and playing. There is a park on the same small street where people walk dogs and play with their children and hold family picnics. It is akin to opening a gun store by a nursery or elementary school. I am furious and horrified by the application and strenuously object! I will do everything in my power to stop it.

Sincerely,
Laura Hyde

Sent from the all new AOL app for iOS

Whitten, Nan

From: LeeLee Gioia <lwgioia@gmail.com>
Sent: Saturday, May 28, 2022 2:56 PM
To: Whitten, Nan
Subject: Emerson Application

Dear Biddeford Planning Board:

I am very concerned about the application submitted by my Biddeford Pool neighbor, Mr. Emerson, for registering a business that includes firearms in our community. Once such a business is registered, anyone can have access to the location and address of the business. I am extremely worried about this exposure and the nature of the business regardless of it being "online." The idea of it in a small community such as ours is very unsettling and threatens the atmosphere of safety and quiet that we try so hard to preserve. There are other locations where something of this sort would be more appropriate.

Thank you for your consideration of my opinion. I regret that I will not be in Maine to attend the June 1 meeting.

*Sincerely,
Elizabeth Wetter Gioia
71 Lester B. Orcutt Blvd.
Biddeford Pool, Maine.
214 616 1791*

Whitten, Nan

From: Christy Bergland <christy.bergland@gmail.com>
Sent: Sunday, May 29, 2022 9:02 PM
To: Whitten, Nan
Subject: Emerson's gun sale proposal

I am a land owner in Biddeford Pool Maine.

I am in complete opposition to a commercial enterprise to sell firearms through the mail in our quiet residential community.

There are commercial areas where this type of business is appropriate.

Thank you for recording my opposition,

Christy Bergland

32 and 34 Lester B Orcutt Blvd

Biddeford Pool, Maine 04006

Sent from my iPhone

Whitten, Nan

From: Andrew E <andrew@trapped-tides.com>
Sent: Tuesday, May 31, 2022 10:57 AM
To: Whitten, Nan; Alexa Plotkin; Bruce Benway; Michael Cantara; Patione, Larry; Roch Angers; Sean Tarpey; William Southwick
Cc: Bonine, Hannah
Subject: Public Comments-14 Yates Street

Nan et Al,

Thank you for sending these to me, I appreciate the concern from community members. That said, their positions seem to be motivated by fear and stemming from misinformation and second hand rumors, rather than understanding.

I too would hope the US moves towards stricter requirements for obtaining a legal firearm including deeper background checks and trainings for those who wish to purchase them. As an avid firearm sportsman's who shoots weekly and competes monthly in registered tournaments, respect and safety for firearms is always top of mind. I have had multiple trainings and competed many background checks which allow me unrestricted carrying of firearms in over 40 states. However, my understanding is that what is being posed here is about the acceptable nature to which we satisfy having a home-based business which meets the legal requirements. These emails have a lot of speculation about signage, and other aspects which are both allowed in the letter of law but also not at all our intent. As some folks noted, my home is within 500 feet of other commercial type properties to begin with - businesses are not out of sorts for the area. Our business would be based online, for which I can and already do most activities as an individual rather than an LLC corporation with business intent rather than personal.

I am happy to see the involvement of our community, though I hope our public forum doesn't dissolve into a "gun control" debate but focuses on the conditional use requirements being satisfied for the permit. Many note the horrific events in Buffalo, Uvalde and other sickening events that we as a nation should get control of, but have nothing to do with this permit and are intended to incite an emotional response and distract from the actual proposition.

Let me know if you need anything ahead of tomorrow evening. Thank you.

Andrew
Andrew@trapped-tides.com

Whitten, Nan

From: Borders, William <WBorders@invenergy.com>
Sent: Tuesday, May 31, 2022 11:02 AM
To: Whitten, Nan
Subject: Objection to Trapped Tides Application

Hello Nan –

Will Borders here. I am the owner of 2 Evans Road and 5 Evans Road in Biddeford Pool. My family has owned property in Biddeford Pool for 80 years. I would like to register an objection to the above-referenced Trapped Tides application to buy and sell firearms online from the Yates property.

The proposed business is not consistent with the character of the Village of Biddeford Pool. I find the idea of selling weapons from a house in Biddeford Pool objectionable to the same degree as I would were the proposal to be the on-line sale of cannabis or pornography. Legal? Yes. In keeping with the character of Biddeford Pool? Definitely not.

Thank you.

Will Borders
2 Evans Road & 5 Evans Road
Member of:

- BPIA
- BPCC
- BPYC
- Abenakee Club
- St. Martins

Will Borders
312-286-8924

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Whitten, Nan

From: Flynn, Christopher <CFlynn@crowell.com>
Sent: Tuesday, May 31, 2022 9:40 AM
To: Whitten, Nan
Subject: Emerson Conditional Use Permit Application for the Home Sale of Firearms

Dear Ms. Whitten:

My name is Chris Flynn. My wife and I own a cottage at 1 Staples St. in Biddeford Pool. Our cottage is a couple hundred yards from the Emerson's home. I submit the comments below for consideration by the Planning Board in advance of the meeting regarding the Emerson's application for a conditional use permit relating, in part, to the sale of firearms from their home. My wife and I are opposed to the approval of this application for the reasons set forth below.

Biddeford Pool is known for its natural beauty, its tranquility and its close knit community. While there are commercial enterprises in the community (Goldthwaites Store, Oceanview Properties, Between the Tides, etc.), the nature of those businesses is consistent with the community itself. The addition of a for-profit enterprise engaged in the sale of firearms is completely inconsistent with the residential character of the neighborhood, regardless of whether it's a storefront or on-line enterprise. This is a community made up of private homes, a community club, nature preserves, three churches and a religious retreat. People live in and visit Biddeford Pool because of its natural beauty, its sense of community and to get away from the stress and strife that accompanies daily life. The purchase and sale of firearms, whether from a home or in a storefront, is completely at odds with the character of this neighborhood.

To be clear, this is not about protesting the right to own firearms or to buy and sell them in an appropriate location. But its hard to imagine a more inappropriate location for the proposed enterprise than the one that will discussed at the hearing. A gun shop, online or otherwise, does not belong in a quiet, residential and spiritual place like Biddeford Pool.

In addition, whether the shop is advertised or not and regardless of whether the address is public, people will learn that there is a gun dealer in Biddeford Pool. The risk of crime and attempts to steal guns or gun parts is a real risk. There is a significant amount of data and literature relating to firearms stores being the subject of attempted thefts.

Thanks in advance to the Planning Board for consideration of these comments.

Best,

Chris Flynn

May 31, 2022

To: Nan Whitten
nan.whitten@biddefordmaine.org

To the Biddeford Planning Board
RE: 2022.19 Conditional Use Permit Request for Andrew Emerson
From: Carol and Jerry Bassett

We are writing to express our opposition to the request to buy and sell firearms out of 14 Yates Street, a house directly behind our home. This quiet, residential community has limited businesses, a store and a gift shop, both of which are open a few months in the year, as well as 2 real estate offices, and a Post Office open year round. This community welcomes recreational activities, such as walking, biking, beach going, picnics, boating, fishing, bird watching and golfing. To introduce the sale of firearms out of a residential home in the community is completely alien to our culture, to our way of life, and would alter the long established character of this small coastal community.

There is no way that this business could be managed in secret just because most of it would be internet oriented. Anyone with access to a computer would be able to find the owner of a business as well as the address. If the applicant feels he must keep his location secret, isn't that an acknowledgment that it is not in the best interest of the community to operate such a business out of a residential home? This particular residence happens to abut my back yard, and I would never cease worrying about safety, despite the number of locks the firearms lie behind.

We strongly urge that you reject this application.

Thank you,
Carol and Jerry Bassett

Whitten, Nan

From: arthur.d.hyde.iv@gmail.com
Sent: Tuesday, May 31, 2022 11:59 AM
To: Whitten, Nan
Subject: Letter Against Firearms Permit in Yates Street in Bidd. Pool

Dear Nan and other members of the Biddeford community -

I am writing in regards to the firearms sale permit being considered by the City of Biddeford for the Emerson house on Yates street.

I have been a part of the Biddeford Pool community for 37 years. My parents, grandparents, aunt and uncle are all homeowners in the town. I am currently a summer renter although I hope to one day soon own property in the town.

My interest in spending time in Biddeford Pool is driven by the town's focus on family and community. It is a small town where kids ride bikes and walk around on their own frequently. Most town members know the community's youth and everyone keeps an eye on one another's kids. It is a small residential town with very limited commercial businesses operating (this is purposeful).

I see absolutely no reason why the town should allow a commercial firearms permit to be issued to a resident. I have spoken to many town residents who are staunchly opposed to having a gun shop in town (a few houses from the community center where Children's activities are centered and across the street from the town's only park). Regardless of the applicants motivations and potential history with firearms, given recent events in Uvalde as well as the number of mass shootings year to date across the country, this is a topic that local residents and neighbors should have a say in.

I would also highlight the lack of parking available in the area of the proposed gun shop - cars frequently use side of the street parking illegally which is dangerous for children on bikes (this will further exacerbate that problem).

I am voicing my strong opposition to this permit on behalf of myself, my family and the many neighbors and friends who I have discussed this issue with. There is no place for a gun shop in our small residential community and the permit should be dismissed immediately.

I would be happy to discuss this in more detail if helpful.

Best,
Arthur Dwight Hyde
413-281-7601

As residents of Biddeford and Biddeford Pool we wish to express our opposition to a firearms assembly and sales business at 14 Yates St.

This is a time when there is concern with the overabundance of firearms and the tragic results seen much too often. Cases can be made for the scaling down of gun sales everywhere and the tightening of restrictions for ownership and buy back programs initiated by many cities. We encourage continuing efforts to make our nation safer but this application concerns the suitability of the conditional use of a specific property in a residential neighborhood.

Such a use will be found to be offensive to the customary character the neighborhood. The area is sought after and appreciated for its peaceful and non-commercial nature. The only exceptions to this are the post office and general store, both of which can be deemed essential to the community. The same cannot be said for this requested use.

Neighbors can find good reason to be disturbed by the presence of such a business. The application materials do not describe the nature of firearms which could range from small caliber pistols to military assault weapons. The existence of the latter is opposed by the majority of citizens including most gun owners.

The application addendum states that the sales would be carried out principally through the internet. That is not the same as exclusively. If it were exclusively then there would be no need for signage. If there is assembly on sight there must also be the necessity for quality assurance, i.e. test firing. How could this be done in such a small space?

In addition, a small "mom and pop" style operation would be the hardest to keep secure from anyone seeking to steal rather than buy weapons. With the distance of The Pool at 7.3 miles from our only police station a business of that type here would be conspicuously vulnerable, as would the neighboring residents.

For all of the above reasons we oppose this conditional use.

John and Madelyn Conroy

Whitten, Nan

From: Anne Umphrey <anneumphrey@gmail.com>
Sent: Tuesday, May 31, 2022 7:41 AM
To: Demers, Jeff; Fecteau, Roby; Whitten, Nan
Cc: Bill Umphrey
Subject: Application to sell firearms from Biddeford Pool

Dear Jeff, Roby & Nan,

We are writing to express our opposition to the application of Andrew and Jennifer Emerson to distribute firearms from their residence in the village of Biddeford Pool.

A firearm distributor in Biddeford Pool would be contrary to the character of the neighborhood and would pose an open and significant threat to the residents. We have had the pleasure of owning a home in Biddeford Pool for nearly 28 years. During that time, we have been reminded again and again just how wonderful and nurturing a small community can be. When babies are born, everyone celebrates. When people are sick, everyone helps out. Just yesterday, I had the pleasure of observing children being wheeled in strollers and elderly in wheel chairs through our beautiful tight-knit community. All year long, there are events for the elderly hosted at the Community Center—which is abuzz on summer Monday nights with toddlers running in to enjoy PJ story hour. The Center is just steps away from the proposed site for the distribution of lethal weapons.

In the wake of the horrific school shooting in Texas, and the efforts of our Canadian neighbors to ban the sale of guns in their entire country, the approval of yet another gun shop seems unthinkable. Evidence gathered by the Brady Foundation indicates that the incidence of crime and domestic violence increases in neighborhoods where firearms are sold. Mr Emerson contends that most of his sales would be conducted via the internet. Do you know that there are more firearms distributors in the US than Starbucks and McDonalds combined? We don't need another. And we certainly don't need it in Biddeford Pool.

At some point we need to care for our community and exercise common sense about right and wrong—freedom and responsibility. Just because you can approve an application doesn't mean you should. Let's take care of each other. Let's deny this and any other application to sell deadly weapons from our community.

Sincerely,

*Anne & Bill Umphrey
12 Ocean Avenue
Biddeford Pool, ME 04006*

Sent from my iPhone

Whitten, Nan

From: Bob Orcutt <a3d2bn@gmail.com>
Sent: Tuesday, May 31, 2022 3:27 PM
To: Whitten, Nan
Subject: 14 Yates Street Conditional Use Permit

I am writing in opposition to granting this permit.

This business will definitely alter the character of Biddeford Pool, because residents will know that there is an exchange of firearms happening on a continual basis within their neighborhood, nefarious people will know that the firearms are there, and most importantly, the kids will know. With what they constantly face in today's environment, the kids just don't need to know. Let's let them exist without this additional anxiety while in this free and relaxed place.

I am a native of Biddeford Pool, and a property owner.

Robert B. Orcutt

Whitten, Nan

From: Johnny Ritzo <johnnyritzo@gmail.com>
Sent: Tuesday, May 31, 2022 2:45 PM
To: Whitten, Nan
Subject: Comments -- Conditional Use Permit to Sell Firearms at 14 Yates Street

Hi Nan,

Would you please confirm receipt and forward my comments to the Planning Board before the June 1st meeting? Thank you for your assistance.

Regards,

John Ritzo

Dear Planning Board Members:

I own property in Biddeford via an LLC and spend a significant amount of time in Biddeford Pool with my family. I am writing to personally comment and opine on Andrew Emerson's (Applicant) application for a Conditional Use Permit. I do not take issue with the arts and crafts component of the business but have concerns about firearm sales. The latter portion of this business ought to be located in an appropriate zone away from residential neighborhoods. I also believe that the application before the Planning Board fails to satisfy the requirements of LDR Article VII, Section 6 and LDR Article VI, Section 38, and thus, the Planning Board should deny the application.

Before addressing these code sections, I would like to raise concerns relating to the Applicant's letter to the Code Enforcement Office, which I feel has been overlooked in the Planning Board Report. In particular, Applicant states:

Given dealmaking for both segments will be ***principally*** managed through online platforms, we are ***not planning*** to advertise location of this business and ***will be seeking*** to limit available knowledge of the home-based business being at the site. (Emphasis Added)

The introduction to the Planning Board Report states, "All products will be offered for sale via online platforms, and no customers will be visiting the home." Yet, Applicant's description of the business leaves open the possibility that in-person gun sales may be conducted onsite and that the general public may learn of the physical location of Applicant's stored guns. The Merriam-Webster Dictionary defines the word "principally" as "for the most part." In my opinion, Applicant is merely claiming that guns will be sold online "for the most part" but provides no additional detail about the other sale methods implied by the term "principally," including the potentially in-person transactions.

Furthermore, Applicant uses vague language to describe its marketing plan and strategies for limiting knowledge that guns are being sold and stored within the subject property. The phrases "not planning" and "will be seeking" do not preclude marketing this location as a place where guns are stored and/or sold. The statement is also lacking any detail as to how Applicant would prevent the general public from finding out that guns are stored onsite, especially if such information is disseminated by third parties via the Internet or social media. As such, Applicant's intended use does not provide sufficient protection for the community given the threat posed by gun sales in a residential neighborhood.

Now, I would like to turn to the relevant code sections governing conditional uses and performance standards for home occupation, as referenced by the meeting materials.

LDR Article VII, Section 6

I believe that the Applicant has failed to satisfy its burden of proof for the following provisions, excerpted from Section 6.B:

5. The proposed use would not have a significant, detrimental effect on the use and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes.

Gun sales at a home location would have a significant, detrimental effect on the use and peaceful enjoyment of abutting properties. While this subsection addresses physical issues such as noise and odor, it also allows the Planning Board to consider "other factors." The "other" impact on neighboring property owners (and the

community at large), in this instance, could well be the fear of local gun violence and personal safety. The Applicant may indeed be a careful and prudent business owner, but I'm concerned about potential in-person sales or theft of stored guns by third parties. As we have all seen in the news, gun violence is not always rational and premeditated but can be random and impulsive. As such, a gun seller located in a residential neighborhood is concerning to me and unfairly impacts neighboring properties (and the neighborhood). There are more appropriate commercial and industrial zones within Biddeford that are better suited for gun sales and storage and that would have a lesser impact on neighboring properties.

8. The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal.

Close proximity to a firearm sales business could cause neighborhood property values to decrease. It seems reasonable to me that potential buyers would avoid homes in such locations based on fear of potential gun violence and bodily harm. I do not believe the Planning Board can effectively mitigate this fear of gun violence short of requiring that gun-related businesses be located in an appropriate commercial or industrial zone.

LDR Article VI, Section 38

I also believe that the Application does not satisfy the specific standards relating to home occupations. Article VI, Section 38 expands the "adverse impact" inquiry to include not only abutters but residential neighborhoods as well. This section states:

*The City of Biddeford recognizes that there are some commercial and professional activities that can be conducted within a dwelling unit, which will not cause **adverse impact on the residential neighborhood**. At the same time these activities must be reviewed as a conditional use to **ensure that the quality of life and rights of abutting property owners, residents, and other tenants within the same building are not impacted**. . . ."* (Emphasis Added)

In particular, this section instructs the Planning Board to determine:

A. Permitted home occupations may be carried out without: offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood

Permitting the sale of guns in this neighborhood impacts the quality of life of residents, offends the local custom, and alters the residential character of the neighborhood. By geography and number of properties,

Biddeford Pool is predominantly residential. Beyond the long-standing commercial fishing tradition, non-residential properties include a grocery store/lobster pound and post office, which provide essential services to residents. Other non-residential properties cater to tourists, such as the gift shop, inn, and real estate offices. Finally, outdoor recreation is an important aspect of this coastal community, evidenced by the public boat launch, public park, and yacht club. The sale of guns does not fit with the tradition or the character of these uses, and might actually diminish them.

Finally, I urge the Planning Board to investigate the additional performance standards outlined in Section 38. Of primary concern are the following subsections:

H. No vehicular traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood; and

F. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; catalog/mail order items delivered off the premises; and to items which are accessory and incidental to a service which is provided on the premises.

In my opinion, Applicant has failed to show that no additional vehicular traffic will be generated by the conditional use. As discussed above, Applicant merely states that gun sales will be “principally managed through online platforms” but does not rule out other options. Additionally, Applicant does not address the expected sales volume of the firearms business. Even though this business will be mostly online, at a high volume, it could represent significant in-person traffic.

Applicant has also not addressed whether firearms will be assembled or modified at the subject property. I urge the Planning Board to investigate whether operations could rise above the level of activity permitted in subsection F to a level considered to be light manufacturing, which is not a permitted or conditional use within the Coastal Residential zone.

In conclusion, I urge the Planning Board to deny the application for a Conditional Use Permit to sell guns at 14 Yates Street -- even if primarily conducted online. The threat of gun violence to the community is too great and unjustified, especially where more appropriate zones and locations are available.

Thank you for your consideration.

Sincerely,

John Ritzo

Whitten, Nan

From: Fecteau, Roby
Sent: Thursday, April 21, 2022 1:12 PM
To: Fontein Lucie
Cc: Bonine, Hannah; Welton, Scott; Charron, Danielle
Subject: RE: 14 Yates Street Home Occupation Permit Application
Attachments: scan_roby.fecteau_2022-04-21-12-57-26.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Lucie and Jeff

Notice was sent to your PO box 286

Please see attached review criteria and ordinance regs.

Home Occupations in the CR zone require a conditional use permit. This is a no traffic/ low impact proposed Home occup. It is under my authority to issue so long as it meets the criteria.

If you feel this activity is not in keeping with the character of the neighborhood, I will be kicking it to the planning board for a public hearing. Planning board notice will be sent once the applicant applies to the planning board

Thanks
Roby

From: Fontein Lucie <lucie.fontein@gmail.com>
Sent: Thursday, April 21, 2022 12:22 PM
To: Fecteau, Roby <Roby.Fecteau@Biddefordmaine.org>
Subject: 14 Yates Street Home Occupation Permit Application

Hi Roby,

The application by Andrew and Jennifer Emerson at 14 Yates Street in Biddeford Pool to have a home based business selling crafts and firearms has come to our attention via someone at the Winter Harbor Condos on Lester B. Orcutt Blvd. They received a notice of this intent. We have not received a notice, although we are direct abutters to this property.

In any case, we would like to indicate our opposition to this application. We do not feel that this kind of activity is in keeping with the character of the neighborhood.

Please let us know if there is any steps that we can take, other than submitting this letter, to prevent this from happening.

Thank you,
Lucie Fontein and Jeff Goldsmith

Lucie Fontein and Jeff Goldsmith
16 Lester B Orcutt Blvd.

DATE: 4/13-22

NOTICE TO ABUTTERS

MINOR CONDITIONAL USE PERMIT

HOME OCCUPATION

The enclosed application is for a proposed home occupation. Tax Records indicate that you are a property owner/abutter to this proposal. You are hereby notified so that you may review the application and make comment on the proposal. Deadline for comment shall be ten (10) calendar days from the date of this notice.

Should you have any questions please contact the Code Enforcement Office at 284-9236.



City of Biddeford Code Enforcement Office
205 Main Street, Suite 104
PO Box 586
Biddeford, Maine 04005

Date Received: _____

Home Occupation Permit Application

Owner of Property ANDREW J. JENNIFFER EMERSON	Application date: MARCH 11, 2022
Name and address of business: 14 YAFES ST BIDDEFORD, ME 04005	Map and lot: Zone:
Home phone: Work phone:	Cell phone: 207-245-5572
Along with this application, please submit a letter of intent detailing your proposed business. Please include if the business will create vehicle traffic, the number of employees, hours of operation, and where in the home the business will be located.	
Additional comments: There will be no traffic impact related to this business.	
Applicant signature 	Date: 3/11/2022
Code Officer signature: _____	Date: _____
Below this line for office use only	
Planning Board approval required Y/N	
Code Enforcement Office	Approved ☐ Denied ☐

Roby Fecteau
Director – Biddeford Code Enforcement

To whom it may concern,

The intent of this Letter is to provide a written expression of interest to run a home-based business out of 14 Yates St. Biddeford, ME 04005.

Our business is currently being incorporated under the name of Trapped Tides, LLC. The business will principally operate through the internet, leveraging open sales platforms for online orders of products shipped directly to end customers. As such, this new business will not cause any additional traffic to our home address.

Trapped Tides will operate with two segments. The first will be revolving around small scale and craft products, produced, or customized at location. These items exemplified by customized paintings or celebration table center pieces require limited materials or space to produce. The second part, in conjunction with applying for a Federal Firearms License (FFL) from the ATF will be to buy and sell firearms for profit. As part of that process, they may reach out to validate the business zoning as well.

Given dealmaking for both segments will be principally managed through online platforms, we are not planning to advertise location of this business and will be seeking to limit available knowledge of the home-based business being at the site. We will have limited dedicated space for the business, which will be largely made up of small, secure, storage area and asked to shared computer for maintaining documentation.

If there are any questions or concerns, please contact me.
Thank you.

Andrew Emerson
14 Yates St., Biddeford, ME 04005
andrew@trapped-tides.com

Article VII. Conditional Uses

Section 5. Minor conditional uses.

[Ord. No. 2002.3, 1-15-2002]

In order to process applications more efficiently, certain conditional uses, due to the limited nature of the proposed use, may be reviewed by the Codes Enforcement office. Only uses that meet all of the following applicability standards may be reviewed as minor conditional uses:

1. Applicability.
 - a. Home occupations in which there is no point of purchase for retail merchandise or consumer service at the home. Phone and mail order businesses, wholesale businesses and other similar businesses may be reviewed as minor conditional uses.
 - b. Home occupations in which there are not significant exterior alterations to the building or the site.
2. Administration.
 - a. The applicant must apply for a minor conditional use permit.
 - b. Upon receipt of an application for minor conditional use, the codes enforcement office shall send a notice of the application, including the name of the applicant, address of the applicant, the nature and address of the proposed use, to all property owners within 200 feet. The notices shall also include a deadline for comment on the application, to be 10 calendar days from the date of the notice.
 - c. The Codes Enforcement Office shall act upon all applications for minor conditional uses, approval or referral to the Planning Board, within five days of the close of the public comment period.
 - d. The Codes Enforcement office may add conditions as appropriate.
3. Criteria for approval. Minor conditional use applications shall be approved by the Codes Enforcement Office unless the proposed use does not satisfy the approval criteria of Section 1 above, or other local, state, and federal laws. If in the opinion of the Codes Enforcement Office, an application does not meet the approval criteria, then the application shall be referred to the Planning Board, with a written narrative describing why the criteria has not been met, for a full conditional use review.
4. Planning board jurisdiction. The Planning Board shall review any application for a minor conditional use upon a determination by the Codes Enforcement office that the potential impacts from a proposed use warrant a public hearing before the Planning Board. Upon referral to the Planning Board, the applicant shall submit a full application for conditional use.

Article VI. Performance Standards

Section 38. Home occupations.

[Ord. of 2-4-1997(2); Ord. No. 2003.13, 2-4-2003]

The City of Biddeford recognizes that there are some commercial and professional activities that can be conducted within a dwelling unit, which will not cause adverse impact on the residential neighborhood. At the same time these activities must be reviewed as a conditional use to ensure that the quality of life and rights of abutting property owners, residents, and other tenants within the same building are not impacted. The Planning Board shall review applications to insure that:

- A. Permitted home occupations may be carried out without: offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence, shall be permitted if it complies with all the requirements of this section.
- B. A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than two employees who are not residents of the dwelling unit, not to exceed 25% of total floor area, or more than 400 square feet.
- C. The home occupation shall be carried on wholly within the principal or accessory structures. There shall be no outside storage or display of materials or products or equipment or vehicles.
- D. The general performance standards of this ordinance shall apply.
- E. One nonilluminated sign, no larger than two square feet, may be erected on the premises.
- F. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; catalog/mail order items delivered off the premises; and to items which are accessory and incidental to a service which is provided on the premises.
- G.
 - 1. Home occupation approvals may be re-reviewed by the Board if any of the above conditions are violated. Reports of violation or complaints shall be conveyed to the board in writing by the Code Enforcement Officer. The Board shall notify the operator that the Board is holding a public hearing to reconsider the home occupation permit. Abutters shall be notified under the rules of public hearings.
 - 2. If the Board finds that the conditions of approval have been violated and cannot, or will not, be corrected within 14 days of the hearing/Board's decision, the approval will be withdrawn, (and) the operation will be in violation of these ordinances and shall be considered a civil nuisance of the City ordinances and subject to action and penalties stated in these ordinances.
- H. No vehicular traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood.

Whitten, Nan

From: Whitten, Nan
Sent: Tuesday, May 31, 2022 9:58 AM
To: 'Flynn, Christopher'
Subject: RE: Emerson Conditional Use Permit Application for the Home Sale of Firearms

Good Morning:

The email link is below. The Chair will open the floor up for public comments. At that time you can raise your hand to speak and the Chair will listen to your comments. We do ask that the comments be kept to 3 minutes or less and that the commenter not repeat what the speakers previously have already mentioned.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://biddeford.zoom.us/j/95359749913?pwd=WnNseHdKRdY3b2ZVNFNFcWRdY3g0Zz09>

Passcode: 234867

Or One tap mobile:

+16465588656,,95359749913# US (New York)

+13017158592,,95359749913# US (Washington DC)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 953 5974 9913

International numbers available: <https://biddeford.zoom.us/j/abvxyGoxLR>

Thank you

Nan Whitten

Office Manager

City of Biddeford

Planning & Development

207-284-9115

From: Flynn, Christopher <CFlynn@crowell.com>

Sent: Tuesday, May 31, 2022 9:50 AM

To: Whitten, Nan <Nan.Whitten@Biddefordmaine.org>

Subject: RE: Emerson Conditional Use Permit Application for the Home Sale of Firearms

Thank you Ms. Whitten. Is there a link to use to participate virtually in tomorrow's meeting? And can anyone offer comments during the meeting, virtually or in person?

Chris Flynn

Crowell & Moring LLP

cflynn@crowell.com

+1.202.624.2864 direct | +703.863.4868 mobile

From: Whitten, Nan <Nan.Whitten@Biddefordmaine.org>

Sent: Tuesday, May 31, 2022 9:46 AM

To: Flynn, Christopher <CFlynn@crowell.com>

Subject: RE: Emerson Conditional Use Permit Application for the Home Sale of Firearms

External Email

Good Morning:

Thank you for reaching out. We will forward your comments onto the Planning Board and applicant as well as document the file.

Please let us know if you have any questions.

Thank you

Nan Whitten

Office Manager

City of Biddeford

Planning & Development

207-284-9115

From: Flynn, Christopher <CFlynn@crowell.com>

Sent: Tuesday, May 31, 2022 9:40 AM

To: Whitten, Nan <Nan.Whitten@Biddefordmaine.org>

Subject: Emerson Conditional Use Permit Application for the Home Sale of Firearms

Dear Ms. Whitten:

My name is Chris Flynn. My wife and I own a cottage at 1 Staples St. in Biddeford Pool. Our cottage is a couple hundred yards from the Emerson's home. I submit the comments below for consideration by the Planning Board in advance of the meeting regarding the Emerson's application for a conditional use permit relating, in part, to the sale of firearms from their home. My wife and I are opposed to the approval of this application for the reasons set forth below.

Biddeford Pool is known for its natural beauty, its tranquility and its close knit community. While there are commercial enterprises in the community (Goldthwaites Store, Oceanview Properties, Between the Tides, etc.), the nature of those businesses is consistent with the community itself. The addition of a for-profit enterprise engaged in the sale of firearms is completely inconsistent with the residential character of the neighborhood, regardless of whether it's a storefront or on-line enterprise. This is a community made up of private homes, a community club, nature preserves, three churches and a religious retreat. People live in and visit Biddeford Pool because of its natural beauty, its sense of community and to get away from the stress and strife that accompanies daily life. The purchase and sale of firearms, whether from a home or in a storefront, is completely at odds with the character of this neighborhood.

To be clear, this is not about protesting the right to own firearms or to buy and sell them in an appropriate location. But its hard to imagine a more inappropriate location for the proposed enterprise than the one that will discussed at the hearing. A gun shop, online or otherwise, does not belong in a quiet, residential and spiritual place like Biddeford Pool.

In addition, whether the shop is advertised or not and regardless of whether the address is public, people will learn that there is a gun dealer in Biddeford Pool. The risk of crime and attempts to steal guns or gun parts is a real risk. There is a significant amount of data and literature relating to firearms stores being the subject of attempted thefts.

Thanks in advance to the Planning Board for consideration of these comments.

Best,

Chris Flynn

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

From: Lindsay Hyde <lindsay.g.hyde@gmail.com>
Sent: Tuesday, May 31, 2022 11:54 AM
To: bpimprovementassociation@gmail.com;
nan.whitten@biddefordmaine.com; Whitten, Nan
Cc: Arthur Hyde
Subject: Re: Objection to the Conditional Use Permit for 14 Yates Street

Hello,

I seem to have sent this to the incorrect email address for Nan. Please see below.

On Mon, May 30, 2022 at 8:10 AM Lindsay Hyde <lindsay.g.hyde@gmail.com> wrote:
Dear Nan and Biddeford Pool Community,

We appreciate this opportunity to express our views on the potential commercial endeavor by the Emersons in Biddeford Pool. For background we are members of the community with 3 young children - 6 year old boy & girl twins and a 4 year old boy. We love Biddeford Pool's close knit and family friendly community. When I run or bike down its streets, I wave hello to everyone I pass and everyone waves back. We believe it's important to be stewards of this community and ensure that this "residential neighborhood feel" is preserved for future generations. We believe in entertaining new endeavors and debating how they impact the community. In doing our diligence on the Emersons potential business we would raise 2 objections:

- 1) Biddeford Pool is a residential community whose only commercial businesses are meant to provide for and serve the community. I do not believe re-zoning a house on Yates street to allow for a commercial online fire-arms "storefront" serves our community in a positive fashion. I would raise the following known negatives:
 - A) Increased commercial traffic on our very narrow roads for shipments. As a runner, biker and mother, this poses an increased safety risk for myself and my children.
 - B) Increased wear and tear on our roads, and stress to an already very limited parking capacity (already a major problem near Goldthwaites and the BPYC.)
 - C) Increased traffic blocking Yates as commercial trucks load and unload. This is a street across from a park used by children frequently.

While I understand the Emersons may not currently intend for a large commercial business, the permit will allow it and these consequences are a real possibility.

- 2) We object to the sale of firearms from a storefront in Biddeford Pool. We understand you have already received many letters objecting to the sale of firearms in our community and we echo those concerns wholeheartedly. We appreciate the safety permits and training Mr. Emerson has undergone. However, Mr. Emerson has admitted himself, the gun laws in Maine are "unfortunate" in that "any resident can obtain a firearm without training", so it is confounding to me that Mr. Emerson would like to put more guns into the hands of untrained people in Maine with no background checks. This is particularly more unnerving given the mass school shooting our country has just experienced in Uvalde. While I am sure Mr. Emerson would vigorously oppose that this could happen with a gun he sold, how could he possibly guarantee that?

Also we appreciate that this is an online-only storefront but the permit allows for 2 employees, 400 sq ft of space for the purpose of his business and the ability to put out a sign. Again that may not be his intention, but as we all know people often take full advantage of the permissions they are given. It won't take much for people to find the storefront online and actually come in person. We do not want that traffic coming into our community either.

Thank you for your consideration.

Best,
Lindsay Hyde

Whitten, Nan

From: CJP@yahoo.com <sbjcp@yahoo.com>
Sent: Monday, May 30, 2022 3:35 PM
To: Whitten, Nan; Tansley, Greg; William Southwick; Bonine, Hannah; Emhiser, William
Subject: Request to Deny Conditional Use Permit for 14 Yates st. Biddeford Pool.

To: City of Biddeford Planning Board

I request that the board deny the Conditional Use Permit request for 14 Yates St. Biddeford Pool, based on the following reason:

1. Granting the permit would allow under Article VI, Section 38.E. the applicant to display 'One nonilluminated sign, no larger than two square feet, maybe erected on the premises.'

- Although the applicant may say that they do not plan to erect the sign, by granting the permit you have given the applicant the right to do so. The display of a sign advertising the sale of weapons would violate Article VI, Section 38.A. by significantly altering the residential character of the neighborhood. Biddeford Pool village which is part of the Coastal Residential Zone has been for many, many decades a vacation destination for tourism and the presence of a weapons dealer does not fit with the Village's primary economy.

2. Item 8.of the Finding of Fact and Conclusions of Law presented by staff is materially incorrect; "The proposed use would not have a significant, detrimental effect on the value of adjacent properties".

- Having a weapons dealer situated next to your property can only have a detrimental effect on the value of that property. What proof does staff present to support their finding

as not significant? An adjacent property owner would have to disclose to potential buyers that the neighbor is a weapons dealer, this has to be a deterrent to some potential buyers. With increasing property values in Coastal Residential zones, any change in value could be significant. Without much deeper analysis by staff, they can not make the unequivocal statement of item 8.

o If the permit is approved, I would expect that all of the adjacent property owners would request a reduction in their property tax due to a change in value circumstances because of the decision by you as members of the City of Biddeford Pool Planning Board to allow such activity in the neighborhood.

3. Approval of permit would also violate Article VI, Section 38.A. "altering the residential character of the neighborhood" by potentially affecting the safety of the neighbors.

- With just a few clicks of the mouse, an internet search will find the Bureau of Alcohol, Tobacco, Firearms and Explosives listing of all firearm dealers with their name and address. Anyone with criminal intent can easily find 14 Yates Street as a licensed arms dealer. Whether there are weapons on the premises or not is immaterial as that person would not know this and may come to the neighborhood in search of weapons.

I would therefore ask that the Planning Board deny the permit requested for 14 Yates Street as the permit does not meet all requirements necessary for a Conditional Use Permit to be issued.

Thank you,

Christopher Page

Whitten, Nan

From: Desiree Stallings <desiree.vanbibber@att.net>
Sent: Monday, May 30, 2022 10:47 PM
To: Whitten, Nan
Subject: Application to sell firearms from 14 Yates St., Biddeford Pool, ME
Attachments: ffl_types_ATF.pdf

Hi Nan,

I am writing to express my strong opposition, concerns, and questions regarding the potential approval of a Conditional Use Permit submitted by the owners of 14 Yates St, Biddeford Pool, Andrew and Jennifer Emerson.

Their request, as submitted, is for the ability to have two online businesses operating out of a personal, residential residence--incorporated under Trapped Tides, LLC. The first business will be -- "small scale arts + crafts products produced or customized at location." The second business will be -- "to buy and sell firearms for profit."

I don't feel a firearms business is appropriate or a positive endeavor for our small community of Biddeford Pool.

Upon review of the Planning Board Report, dated May, 24, 2022 from Hannah Bonine, some Conditional Use Standards were listed and are important to the residents of Biddeford Pool. A firearms business, **in a Coastal Residential neighborhood**, should be vetted and discussed by **all** members of the community, just as an online business selling medical or recreational marijuana, CBD, alcohol, or adult books. These are legal businesses, but they are businesses that tend to evoke strong community feelings. They are businesses that have zoning rules and community standards.

I have been a resident of Biddeford Pool for 4 years, my family has lived here since 1948. Biddeford Pool has a long history as a family-oriented, small, close-knit community. Some residents live here year-round, some are seasonal residents. We have two realty businesses open year-round. We have two seasonal businesses -- a grocery + gift shop-- and we have Marie Joseph, a non-profit religious organization that operates a spiritual retreat year-round. There are UNE students that rent here as well as visitors to BP. I have no idea what other "online" businesses may be operating here, but if they are they surely went through the city approval process, if necessary, and I haven't heard of any complaints. I have heard many complaints about firearms being sold out of a personal home.

The character of our community is neighborly, social, family-oriented, and low-key. We are proud that our small village has had generations of families living here from fishing/lobstering families to successful corporate leaders and local government figures. We have parades and community events, some held at BPCC (Biddeford Pool Community Center that includes a library, with a great children's section), located on Yates St., 5 houses down from the Emerson's home. Across from the Emerson's home is a newly renovated public park where families can gather, exercise classes are held in the summer months, dogs are walked. The Emerson's have also allowed exercise classes to be held on their front lawn in the summer. If this was a brick-and-mortar store, I don't believe it would be allowed? Is the zoning different for "online" sales vs storefront? A firearms business could impact the residential character of our neighborhood. It kind of already has, as people are concerned about this issue and the precedent it may set for our neighborhood.

--Can Mr. Emerson clarify who are the persons "who would normally be showing up to his home"?

--What assurances does the BP community have that buyers of firearms (or arts + crafts) will not be coming to the home?

--Will his new role as an FFL still have him transporting to and from local FFL's for in-state customers?

--Is profit made through volume of sales, volume of transfers, rarity/value of the firearms, or other means?

--Will Trapped Tides have to undergo City review, every so often for continued permitting of business and how often will Mr. Emerson's FFL be reviewed by BATF?

It is my hope that the Planning Board, after hearing from residents of Biddeford Pool, denies the Conditional Use permit or at the very least, postpones the decision for further study or comment.

Should the Planning Board approve the permit, I ask for some considerations:

If sales at the home morph from mostly online to mostly in-person at the location, and additional neighborhood traffic is noticed -- because the word "principally" is used in the applicant's Business Intent addendum -- that should be considered a breach of Conditional Use Standards and Performance Standards. The Board should reconsider the HOP and start the review process.

If the Conditional Use permit is granted, the residents of BP would appreciate the city **not** allowing the "One nonilluminated sign, no larger than two square feet, may be erected on the premises" especially if the words gunsmith or firearms (or a term(s) firearms related) appears in the description of the non-descript "Trapped Tides" business name. Also, no URLs on a vehicle, advertising the business, even if vehicle(s) are garaged. We would prefer no advertising at all, as Mr. Emerson has stated in his HOPA Letter of Intent addendum: "we are not planning on advertising location of this business and will be seeking to limit available knowledge of the home-based business being at the site."

But I remind all, advertising by word-of-mouth from customers, friends-of-friends, has the potential to greatly increase the knowledge of the home-based business...

I appreciate the Planning Board's time and consideration.

Sincerely,

Desirée Stallings



Types of Federal Firearms Licenses (FFLs)

WHAT IS AN FFL?

An individual who is licensed to engage in the business of manufacturing, importing and/or dealing in firearms.
Persons must be licensed by ATF to engage in the business of firearms.

TYPES OF FFLs



Dealer

01

Dealer in firearms other than destructive devices

02

Pawnbroker in firearms other than destructive devices

09

Dealer in destructive devices

Other

03

Collector of curios and relics



Manufacturer

06

Manufacturer of ammunition for firearms other than ammunition for destructive devices or armor piercing ammunition

07

Manufacturer of firearms other than destructive devices

10

Manufacturer of destructive devices, ammunition for destructive devices or armor piercing ammunition



Importer

08

Importer of firearms or ammunition for firearms other than destructive devices or ammunition other than armor piercing ammunition

11

Importer of destructive devices, ammunition for destructive devices or armor piercing ammunition



Division of Firearms Training and Education
National Firearms Training Academy

Published By ATF on July 19, 2016



Whitten, Nan

From: Gmail Account <sara.petrovek@gmail.com>
Sent: Monday, May 30, 2022 10:13 PM
To: Whitten, Nan
Subject: Zoom for Wed June 1 Meeting

I wish to get the Zoom link for Wednesday's 6:00 pm meeting.

*Sara Petrovek
20 Lester B Orcutt Blvd
Unit 4
Biddeford Pool
Sara.petrovek@gmail.com*

Sent from my iPhone

Whitten, Nan

From: Asa Hyde <maclay13@gmail.com>
Sent: Monday, May 30, 2022 9:54 PM
To: Whitten, Nan
Subject: Firearm Sale Permit Application - 14 Yates Street Biddeford Pool

Dear Ms. Whitten and Biddeford Planning Department,
I am writing to voice my objection to the firearms sale permit application submitted by the Emerson household of [14 Yates Street Biddeford Pool](#).

I have been a member of the Biddeford Pool community my entire life. I see no benefit to allow the sale of firearms from a home in Biddeford Pool and think it would be a terrible thing to allow.

I hope the committee will deny Mr. Emerson's request for a permit to sell firearms.

Thank you for your consideration.

Sincerely,
Asa Hyde

Whitten, Nan

From: Laura Dean <lauracdean@gmail.com>
Sent: Monday, May 30, 2022 9:05 PM
To: Whitten, Nan
Subject: Letter opposing the application for a firearms sale permit submitted by the Emerson household at 14 Yates Street in Biddeford Pool

Dear Ms. Whittten and Biddeford Planning Department,

I am a lifelong member of the Biddeford Pool community and I write to express my strong opposition to the application for a firearms sale permit submitted by the Emerson household at 14 Yates Street in Biddeford Pool.

This is a very close-knit residential community and the very few commercial properties to which it is home serve that community. If we are to add another, online or not, that business should also be one that adds something positive to the community in which it operates. A shop that sells firearms does no such thing and has the potential to have profound negative consequences on community life. In addition, while Mr. Emerson has said that he only plans to sell his firearms online, the permit would allow him to set up a brick and mortar shop with a sign as and when he so chooses, as well as potentially expand. And whether brick and mortar or online, such a business would doubtless increase the traffic of commercial vehicles carrying weapons and other inventory on the narrow roads of Biddeford Pool where numerous children walk and ride bikes, thus potentially endangering the community's youngest members.

As I hope this letter and others like it show, granting such a permit would substantially offend the custom of the area and disturb both immediate neighbors and residents of the wider community.

Sincerely,
Laura Dean
207 286 2788

Whitten, Nan

From: Dana Asbury <dasbury@swcp.com>
Sent: Monday, May 30, 2022 7:32 PM
To: Whitten, Nan; William Southwick
Subject: Request for a permit from Andrew Emerson

Dear Nan Whitten and William Southwick,

As a resident of Biddeford Pool, I am writing to express my strong opposition to Andrew Emerson's request for a permit to operate an online business selling firearms from his home on Yates Street in Biddeford Pool—a residential zone.

The perils of such a business—of stockpiling firearms in a residence for future sales—seem obvious and clear, especially in light of recent events and mass shootings in this country. Please, for the safety of our community, do not grant this permit.

Respectfully,

*Dana Asbury
61 Lester B. Orcutt Blvd.
Biddeford Pool*

Whitten, Nan

From: Elizabeth Page <eepsb@yahoo.com>
Sent: Monday, May 30, 2022 7:00 PM
Cc: William Southwick; Tansley, Greg; Bonine, Hannah
Subject: No To Guns

To the Biddeford Planning Board members -

I am adamantly against the application to sell firearms from 14 Yates St in Biddeford Pool. The proximity of this home on Yates St is a stone's throw to a peaceful park that was recently re-landscaped to make it more accessible and enjoyable to visitors. It is also a stone's throw to the yacht club, FO Goldthwaite store, real estate offices, a gift shop, community house not to mention many peoples homes. There are many cars, cyclists and walkers who use Yates St.

This is a slippery slope the applicant is asking of our community. It must not happen. Biddeford Pool has been our family's home for over a century and I worry our community would be forever changed. The feeling of safety our grandparents, parents, my brother and sister and now nieces, nephews and their children would be jeopardized.

Please do not permit an arms dealer to be living in our midst. Allowing a permit such as this would have numerous ramifications that you must consider. In light of the recent mass shootings and general gun violence in this country I ask you to not allow this to go forward.

Thank you for your consideration,

Elizabeth Emmons Page
Property owner and taxpayer

Sent from my iPad

Whitten, Nan

From: Bonnie Emmons <baemmons1@gmail.com>
Sent: Monday, May 30, 2022 6:29 PM
To: Whitten, Nan
Subject: Planning board packet, June 1, 2022

I am writing to express my very strong objection to turning a house on a lovely pedestrian-friendly street in Biddeford Pool, Maine, into market place for guns.

This house in question, 14 Yates Street, is located on a street that for the entire summer season is on the route for families heading to the beach or to the local store for ice cream. On an average summer day, more strollers, bikes, and wagons packed with beach gear and toddlers pass by this house than probably any other house in Biddeford Pool. The lovely benches in the park across the street have been used by families for years, and the park is used for pony rides during the July community fair. The idea that looking out over all these families with small children would be a house packed with guns for sale is absolutely horrifying. The potential for disaster- deliberate or accidental- is just too real. There must be a better place for this business.

*Bonnie A Emmons
PO Box 186
Biddeford Pool
Maine 04046*

Sent from my iPad

Whitten, Nan

From: misselliebronson <misselliebronson@gmail.com>
Sent: Monday, May 30, 2022 4:26 PM
To: Whitten, Nan; nan.whitten@biddefordmaine.com
Subject: Objection to firearms sale permit for Biddeford Pool

Dear Ms. Whittten and Biddeford Planning Department,

I am writing to voice my strong objection to the firearms sale permit application submitted by the Emerson household of 14 Yates Street Biddeford Pool.

I have been a member of the Biddeford Pool community for 46 years and hope to remain one all my life. Biddeford Pool is a small residential community and the few businesses in town (like Pool Lobster) primarily serve the community. The town is a special place where neighbors are like family, and kids can ride their bikes to Pool Lobster with their friends for an ice cream cone in safety.

It is not a place where commercial gun sales should take place. While Mr. Emerson may be a responsible gun owner, since Maine does not require a license, background checks, a waiting period, or even gun registration, there is no way to say whether his customers would be. As we have seen in Uvalde, Buffalo, and sadly too many other places, there are many disturbed people out there who have legally purchased firearms, from vendors who complied with the laws in their state.

Though Mr. Emerson says his business will be online - the permit (if granted) would allow for him to post signage as well as expand. A brick and mortar store selling guns has no place in our small family town.

I hope the committee will deny Mr. Emerson's request for a permit to sell firearms, because if it does not, I fear the special town where we grew up, raised families, and retire as old folks, will be irrevocably harmed.

Thank you for your consideration,

*Ellie Bronson
207-283-1750*

Preston Miller and Carol Smith Miller
8 Ocean Avenue, PO Box 209
Biddeford Pool, Maine 04006-0209

May 30, 2022

Biddeford Planning Board
Planning Department, City Hall
Biddeford, ME 04005
Attention: Nan Whitten, Office Manager, Via Email nan.whitten@biddefordmaine.org

Subject: Conditional Use Application Firearms Sale 14 Yates Street (Tax Map 59, Lot 9)

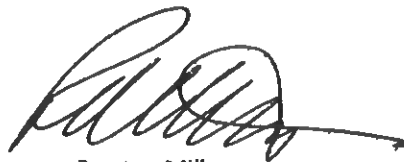
Members of the Planning Board:

We are Biddeford residents and property owners. We are writing in opposition to the granting of the proposed conditional use permit at 14 Yates St. allowing the purchase and sale of firearms for the following reasons:

1. The proposed use is completely inconsistent with the existing character of the neighborhood.
2. The application establishes no compelling reason for granting this conditional use permit. There is no evidence that the permit is in any way essential to the conduct of the business since it is currently being operated without it. The use of the property is solely a convenience. There also is no evidence of any hardship should the permit be declined.
3. The attached business intent describes a small-scale extension of an existing business and constitutes only the current intent of the owner. The owner could, for example, at any time decide to erect a sign. The draft conditional use permit apparently imposes no limits to the scope or scale of the business operations and does not restrict use to the proposed business intent. Rather, it appears to provide an open-ended and permanent authorization to "buy and sell firearms" at 14 Yates St. The granting of the conditional use permit to allow firearm sales appears to attach to the property and to make the location permanently eligible for this use, even after transfer of the property.
4. Allowing the use as stated in the draft permit will constitute a permanent public nuisance. The sale storage and sale of firearms at this location will introduce serious security issues. The residential setting is inappropriate and is not intended for the purpose of storing, assembling, and selling firearms. The location raises significant questions regarding the feasibility of adequately securing inventory from theft, which federal ATF data indicate is a rapidly increasing problem in Maine.
5. The risk exposure from the proposed use is to a wide group of people well beyond the abutting property owners, particularly during peak summer season. 14 Yates St. is located across from a public park, and Yates St. has very busy vehicular traffic, particularly in the summer season when it is streaming with tourists in motor vehicles and on bicycles. Yates Street also is a primary on-street parking location and in the summer is highly congested with families unloading their cars and walking in front of 14 Yates St. headed to the Biddeford Pool beach. The Biddeford Pool Yacht Club (BPYC) runs a Junior Sailing Program for members and non-members that has about 100 students ages 7-17 that frequently use the BPYC boat and equipment storage facility located within 150 feet of 14 Yates St.
6. The permit is deficient. Under the Biddeford ordinance the Planning Board may attach such conditions that would mitigate any adverse effects on adjoining or neighboring properties resulting from the proposed use, which may include specifications for operational controls, professional inspection, sureties, or any other conditions, restrictions, or safeguards that would uphold the spirit and intent of the ordinance. Given the nature and risks of the activities proposed, such conditions must be imposed, including requirements to receive and maintain the appropriate state and federal firearm resale permits; to impose strict limits on the scope and scale of the business; to restrict the on-site inventory; to install and maintain appropriate security measures to mitigate the risk to the neighborhood and prevent theft; to forbid the erection of any signs; to maintain appropriate liability insurance; and to periodically demonstrate compliance and to be subject to inspection.

For the above reasons we respectfully request the denial of the conditional use permit for the sale of firearms at 14 Yates St.

Sincerely,



Preston Miller



Carol Smith Miller

Whitten, Nan

From: Shirley Stallings <shirleystallings2@gmail.com>
Sent: Monday, May 30, 2022 12:33 PM
To: Whitten, Nan
Subject: Gun sales

Dear Nan' My family has owned a home at Biddeford Pool since 1948. It is a small non commercial community that thank heaven has no hotels or motels. Yates Street has a wonderful park right across from the home that wants to sell guns. It is used for yoga classes children's events dog walkers etc.I think it would be more appropriate for this business be located in Biddeford which is growing explosively and would enjoy more clients.

Thank you for taking these comments into consideration.

Sincerely Shirley Stallings 812-449-1291 My home is 125 Mile Stretch Rd

Whitten, Nan

From: Ann Irving <annwirving@gmail.com>
Sent: Monday, May 30, 2022 10:13 AM
To: Whitten, Nan
Subject: 14 Yates St. Commercial zone request

Hello,

I am a year round resident of Biddeford Pool and would like to express my opposition to the request for a conditional use permit by owner Andrew Emerson for 14 Yates St for an internet based firearms business. This business would not be appropriate for a tiny residential area already dealing with the congestion of our few but very needed businesses already here.

Also as a member of the Biddeford Pool Land Trust which has an abutting property I feel that it would negatively impact the nature of our quiet park.

Thank you,

Ann Irving
9 Stoncliff Rd
Biddeford Pool

Whitten, Nan

From: Anthony DiBona <adibona1955@gmail.com>
Sent: Monday, May 30, 2022 9:30 AM
To: Whitten, Nan
Cc: Anthony DiBona; Janice DiBona; Lucie Fontein
Subject: Planning Board June 1 Meeting

Good morning, my name is Tony DiBona and my wife Janice and I have had a home in Biddeford Pool for over twenty years. We love the charm, beauty and tranquility of Biddeford Pool, which residents and visitors alike enjoy throughout the year. I'm also President of the Biddeford Pool Land Trust (BPLT), where one of our properties, the family friendly Yates Park, abuts the residence at 14 Yates Street where a Conditional Use Permit Application by owner Andrew Emerson is under consideration to allow for a commercial firearm selling and crafting operation. We are strongly against this request. This type of operation, internet based or not, is completely in conflict with the character of Biddeford Pool. There are only a very few commercial businesses in Biddeford Pool and they are aligned with the community (I.e. lobstering, fishing, Post office, seasonal grocery and gift stores, realtor, etc.). There also is an additional traffic issue to consider as Yates Street is very busy in the summer and increased FedEx / UPS delivery traffic is not acceptable. There is strong BPLT Board and community opposition to this commercial firearm crafting and selling Conditional Use Permit Application and we respectfully request the Planning Board consider our concerns when deciding on this matter.

Sincerely,

Tony DiBona
BPLT President