



CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
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Planning Board Meeting Meeting Minutes

Date: August 21, 2024
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members: Larry Patoine (Chair), Roch Angers, Alexa Plotkin, Steve Beaudette (Excused at 6:45 PM) & Matt Dubois (Alternate Member)
Staff Present: David Galbraith, Adi Iriqat & Nan Whitten
Matt Dubois will be voting tonight in place of Sue Deschambault

3. Adjustments to the Agenda-none
4. Planner's Business-none
5. Consent Agenda

Approval of Meeting Minutes from August 7, 2024

- Dubois asked that the expiration date for the Notice of Approval for Westbrook Development Corp be amended to 8-7-26.
- Correction made

MOTIONS: 6:01

Motion- Angers-Motion to approve the Consent Agenda with previously mentioned correction

Second-Beaudette

Vote: Motion passed 3-0-1 (Plotkin, Beaudette, Dubois in favor; Angers abstained)

6. Open Public Hearing 6:01 PM

6.a 2024.38 Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments.

- Galbraith introduced the amendment he noted that it was asked to be brought up by the City Council
- Now it is 500' between storefronts
- The proposal is 500' from lot lines away from schools, daycares, public facilities and residential.
- Galbraith wanted to know if the Board wanted residential used, use or zoned.
- Public Comments
Patrick Donahue from 5 Star Properties-he warns the Board against over regulating, he feels to property line is overly regulating and not the answer
- Back to the Board
- Plotkin asked what the trigger is for this amendment request, should we be looking more to enforcement of issues?

- Galbraith answered that he is not sure what the trigger is but he is willing to go back and get clarification.
- Plotkin would like clarification and better enforcement.
- Angers feels that the City Council President should be able to answer the Board's questions. Angers does not feel 500' is enough and would prefer 1,000'. Getting more information from the Council President would help.
- Patoine commends the Council President for bringing this issue up. As Patoine goes around town he fields many complaints about the smells of marijuana and that many times people step out of the store and light right up and others have to suffer the smell.

MOTIONS: 6:14 PM

Motion-Angers-Motion to table Proposed Zoning Text Amendment – Marijuana Establishments City of Biddeford Code of Ordinances, Part III – Land Development Regulations, Article VI – Performance Standards, Section 77 Marijuana Establishments, until the next meeting when they have gotten more information from the City Council President.

Second-Dubois

Vote: Motion Passed Unanimously

7. Close Public Hearing-6:15 PM

8. Unfinished Business-None

9. New Business

9.a 2024.35 The Planning Board will review a Conditional Use Application for Christine Biyoga to open a day care for up to 12 children between the ages of 6 weeks and 12 years old at 26 Green Street (Tax Map 9, Lot 38 in the MSRD-2 Zone. The subject property is owned by Biddeford Housing Authority. The name of the proposed daycare is Arc-En-Ciel Peaceful Place to Grow and Learn LLC.

- Iriqat introduced the project
- Christine Biyoga represented the application

Public Comments:

***Pamela Miller of 41 Crescent Street*, is concerned about parking. The street is 25' wide and due to cars parking along the street they fear an emergency vehicle would not be able to get down the street. There is no place for the children to be dropped off in spring and summer, let alone winter with snow banks. She feels it is a dangerous situation.**

***Ron McKee of 41 Crescent Street*, is not against the theory but does not feel this is the correct location for the business. There are times he cannot get down the street due to where cars are parked. This is a very congested area causing several safety issues, there is no room for the employees to park. Quite often cars are double parked and he feel this situation needs to be looked at more closely.**

***Guy Gagnon of the Biddeford Housing Authority*, wanted to clear up a few things that have been said. This building never burned down, the previous building burned. This is a fairly new building that has a sprinkler system. The original structure had 10 units, this one only has 5 units so he feels he freed up at least 5 parking spaces. This project is partnering with the United Way and priority is being given to low income families who he does not think will have cars so there will be no issues with drop off.**

Gagnon believes there will be only 2 staff members. The Housing Authority plans on creating a drop off area out front. There are 6 spaces (1 spot is not striped) behind the building, there are 5 units in the structure but there is always parking available out back. There will be an area fenced in out front for a play yard.

Emma Richardson from Coastal Enterprises, said that parking was on her mind as well but feels as it has been addressed. The child/staff ratios depends on the enrollment and ages of the children and staff would be phased in as needed.

- Back to comments from the Board
- Beaudette asked about a plan for greatest capacity, parking is a concern
- Plotkin agreed that there is little to no parking and the streets in that area are tight. Workers can park out back or find alternative areas for parking, there are other parking options.
- Angers went to the site Friday and Saturday of last week and agrees with the comments from the local residents. The day of the meeting he asked to look at the property and the parking in back. The drop off idea bothers him because of the traffic and people backing out or in with children in the car. Angers stated that he was chair of the Biddeford Housing Authority (BHA) and stepped down 2 or 3 years ago. He was the Chair when the BHA went to obtain that property it was decided there would be 5 units and an open room for the community to use at no fee. It bothers Angers that this has become a “for profit” project for the housing authority. The Planning Board gave BHA for 5 parking spaces and now they want to use it for profit. Angers wants a letter from the BHA Board approving the use of the Community Room as a “for profit” day care. Angers: “As a Planning Board, we agreed to 5 spaces, where did the 6th one come from?” Angers asked Gagnon to answer his questions.
- Plotkin asked Gagnon if he was getting any Federal Funding to have a Community Room.
- *Guy Gagnon*-He is not getting funding for the Community Room, and it was not being used so they thought this would be a better way to help the community. He is sure residents will use it for day care and they will not need a drop off spot. The situation at St. James is ten times worse. He feels the traffic is being overstated and that a crosswalk with lighting would help.
- Plotkin mentioned that drop off times for day care would vary.
- Patoine clarified that with the new drop off area people would pull in and back out into traffic? He said he is hearing a lot of words like may not and rarely and the Board needs facts not opinions to make a decision.
- Galbraith stated that there is parking out back but it is not utilized and it has to be cleaned out.
- Angers asked if a fire truck could get down the road, he does not think this is the right place for a day care. Angers feels it is asking for trouble.
- Galbraith asked if the Board would like him to check with the Fire Department about their opinion.
- *Emma Richardson* stated that the State Fire Marshall will make sure this is a safe location for the facility, they will check the flow of traffic and the slot for pick up and drop off.
- Patoine would like to hear from the Fire & Codes Department.

- Beaudette said he is leaning toward tabling the project until the parking issue has been addressed.

MOTIONS: 6:53 PM

Motion-Beaudette - Motion to Table Case # 2024.35 The Conditional Use Permit, Findings of Facts and Conclusions of Law for Home Day Care facility called Arc-En-Ciel Peaceful Place to Grow and Learn LLC located at 25 Green Street (Tax Map 38, Lot 263) until there has been input obtained from the Fire & Codes Departments on the parking situation.

Second-Plotkin

Vote-Motion Passed 3-1-0 (Plotkin, Beaudette, Dubois in favor, Angers against)

9.b 2024.42 The Planning Board will review a Shoreland Zoning Permit (Greatest Practical Extent) request for David Blanchette to rebuild a seawall, house foundation, and make repairs to the existing house due to storm damage from the storms in January. The property is located at 67 Fortunes Rocks Road (Tax Map 64, Lot 43) in the CR zone.

- Iriqat introduced the project
- Angela Blanchette P.E. represented the applicant
- Blanchette explained that the house needs to be raised in order to be safe for additional storms.
- The sea wall needs to be rebuilt due to storm damage
- The lot allows limited options.
- No public comments
- Angers confirmed that the house will be on piles and the water will flow under the house going forward.
- Dubois confirmed the sea wall is replacing an existing sea wall and the sea wall goes past abutting properties down to the public portion of the beach.

MOTIONS: 7:05PM

Motion-Plotkin -Motion to Approve Case # 2024.42 Shoreland Zoning / Greatest Practical Extent Determination for 67 Fortunes Rocks Road (Tax Map 64, Lot 43) in the CR Zoning District Determination, with the above listed Conditions of Approval.

Second-Angers

Vote-Motion passed unanimously

9.c 2023.29 The Biddeford Planning Board will review and take comments regarding Phase I of a Preliminary Subdivision Plan Application for One Diamond Development, LLC to construct 477 residential units, multi-unit buildings and commercial space at 1 Diamond Street (Tax Maps 40 & 37, Lots 25-1,25-2,24,25,34 & 35) in the B1 & GD1 and in the shoreland overlay zone.

- Galbraith re-introduced the project
- He told the Board that there are changes in process and there will be no vote tonight.
- Dan Riley of Sebago Technics represented the application
- Riley explained the applicant went through a complete cost review after approval of 2023
- Phase III is now Phase I
- He showed changes through a Power Point presentation

- No public comments
- Plotkin went through the JDA of 2021 asked about an update. There has been an extension but no amendment
- Plotkin stressed that the Riverwalk must be completed. It needs to be safe, well lit and inviting. The changes and JDA need to marry up and be straightened out.
- Plotkin requested less one bedrooms and studios and more family size units
- Patoine would like to see and updated Master Plan
- Angers asked how they will be heated-heat pumps. Angers is worried about the electric grid. He asked if they are using solar panels-none at this time. He also said they will need to install EV stations.
- Patoine said we ask for ability to serve letters for water, and sewer, should be add CMP?
- Dubois is generally in favor of for sale units but is there a market for studios?
- Patoine asked if there will be bike lanes on the roads-no road is too narrow

10. Other Business

- The City Council approved both Contract Zones
- There is another potential housing project coming to Planning Board at 5 Points.

11. Adjourn 7:57 PM

Planning Board Chair/Vice Chair

Date

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