



CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
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Biddeford, ME 04005
(207) 284-9115

Planning Board Meeting Meeting Minutes

Date: May 15, 2024
Time: 6:00 PM
Location: Council Chambers & Zoom

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members: Larry Patoine (Chair), Susan Deschambault, Alexa Plotkin & Dylan Doughty (Alternate Member)
Doughty will be voting this evening due to the absence of Roch Angers & Stephen Beaudette
Staff Present: David Galbraith & Nan Whitten
Chair Patoine opened the meeting at 6:02 PM
3. Adjustments to the Agenda-None
4. Planner's Business
 - Galbraith talked of the Freddy LLC that has made changes to the approved plan- changes will be explained in Other Business
5. Consent Agenda
 5. A. Approval of Meeting Minutes from 5-1-24
MOTIONS: 6:03PM
Motion-Plotkin -Motion to approve minutes as presented
Second-Doughty
Vote: Motion passed by unanimous vote
6. Open Public Hearing 6:03 PM
 6. A. 2024.17 The Biddeford Planning Board will have the SECOND READING in a Public Hearing to review and discuss a proposed change of zone from MSRD 2 to MSRD.
 - Galbraith re-introduced the item.
 - No public commentsMOTION: 6:06 PM
Motion-Deschambault- Motion to approve Case # 2024.17 Final Rezoning Review for the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from the MSRD-2 zoning district to the MSRD-1 zoning district.
Second-Doughty
Vote: Motion passed 2-1 (Deschambault & Doughty in favor, Plotkin against)
 6. B. 2024.26 Biddeford Planning Board will have the FIRST READING for an amendment to Article XII-Floodplain Management Ordinance
 - Galbraith introduced the proposed change
 - He explained that the entire Floodplain Ordinance will be replaced and that this is not a request but a mandate from FEMA

- If we fail to be in compliance by July 2024, all flood insurance in the City of Biddeford will be canceled.
- Deschambault asked what agency requested this change the answer is FEMA
- No public comments

MOTION: 6:11 PM

Motion-Plotkin-Motion to APPROVE the proposed Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII Floodplain Management Ordinance – FIRST READING, as written, and upon adoption replace the City’s existing Floodplain Management Ordinance.

Second-Doughty

Vote: Motion passed unanimously

7. Close Public Hearing 6:12 PM

8. New Business

8. A. 2024.10 The Biddeford Planning Board will review and discuss a Preliminary Site Plan Application for UNE to build Tennis Courts at 16 Old Pool Road (Tax Map 9, Lot 13) in the IN Zone. Galbraith introduced the project

- Galbraith introduced the project
- Andrew Phillippe of UNE, Tom Saucier of Site Design & Chris Huntress of Huntress Associates represented the application
- The applicant is requesting a slope waiver as the slope is greater than 2-1 and in a ledge area.
- Permit By Rule was approved on April 12, 2024
- Public
- Mr. Phillippe answered questions from an abutter that were emailed in.
- Deschambault asked the applicant to call the police instead of security when there are parking problems on Old Pool Road.
- Deschambault asked if the abutters will know when there will be events- they are on the website. Will there be music? No
- Patoine asked if there is a problem with people using the courts after dusk how will they rectify the problem. By keeping the gate locked.
- Galbraith reminded the Board that this is a PRELIMINARY application.

MOTION: 6:28 PM

Motion-Plotkin-Motion to approve Case # 2024.10 Preliminary Plan Review for UNE to expand their tennis courts located at 16 Old Pool Road (Tax Map 9, Lot 13), with the recommended Conditions of Approval.

Second-Deschambault

Vote: Motion passed unanimously

8. B. 2024.25 The Biddeford Planning Board will review and discuss a Shoreland Zoning/Greatest Practical Extent Application for Jonathan & Elizabeth Beebe to raze and reconstruct the existing home, moving it towards the street side setback line to the greatest extent practicable. The property is located at 99 Fortunes Rocks Road (Tax Map 65, Lot 2) in the Coastal Residential and Shoreland Overlay Zone.

- Galbraith introduced the project

- Werner Gilliam from Walsh Engineering represented the applicants
- DEP and IFW approvals have already been obtained
- There were no public comments
- Patoine asked for a clarification of the VE & AE flood zones. Gilliam explained the difference,
- Galbraith told the Board that he and the CEO have met to discuss this project and they both agree on the fact that it should be approved.

MOTION: 6:37 PM

Motion-Deschambault- Motion to approve Case # 2024.25 a Shoreland Zoning Permit request for Jonathan & Elizabeth Beebe to remove and reconstruct an existing non-conforming structure located at 99 Fortunes Rocks Road (Tax Map 65, Lot 2) in the Coastal Residential Zone and Shoreland Overlay.

Second-Doughty

Vote: Motion passed unanimously

- 8. C. 2024.14** The Biddeford Planning Board will meet to review and discuss a Site Plan Review submitted by BHV Biddeford, LLC for an internal change of use to a pickle ball court at 420 Alfred Street, Five Points Shopping Center (Tax Map 20, Lot 26-1) in the Industrial 3 Zone.

- Galbraith introduced the project
- Galbraith explained the sewer capacity issue in that area of town.
- Jordan Gagnon of Sebago Technics & Tony Orrino of BVH represented the applicant
- Public: Tony Curro of 182 May Street
- Patoine asked about public amenities, there will be bathrooms and changing rooms but no showers or locker rooms
- Patoine asked about the noise level and how other patrons in other areas of the building will be affected-the noise level is undetermined at this time but does not anticipate it being a problem where the walls were sound proofed for a movie theater.
- Deschambault asked about like facilities in the area-there is one in Portland
- Deschambault asked about the costs and fees-they will have monthly memberships as well as day passes-they are trying to remain flexible.
- Will there be instruction-it is in development now
- Patoine asked about the interior changes, it is being retro fit into a pickle ball court
- Doughty asked about taking sewer into consideration for the empty spaces-there is a formula for these spaces.

MOTIONS: 7:01 PM

Motion-Plotkin- Motion to waive Article XI, Full Site Plan Review. I motion to waive Article XI, full site plan review, as no site improvements are being made.

Second-Deschambault

Vote: Motion passed unanimously

Motion-Plotkin- Motion to approve the Preliminary Site Plan/Conditional Use Review for BVH Biddeford, LLC to change the use and develop a pickle ball recreation center, within the former Smitty's Cinema tenant space, located within

the Five Points Shopping Center located at 420 Alfred Road (Tax Map 20, Lot 26-1) in the I-3 Zone.

Second-Doughty

Vote: Motion passed unanimously

8. D. 2024.20 The Biddeford Planning Board will meet to review and discuss a Conditional Use Application for JAR Co. CV LLC to open an Adult Use Retail Cannabis Shop at 420 Alfred Street (Tax Map 20, Lot 26-1) in the Industrial 3 Zone.

- Galbraith introduced the project
- Joel Pepin represented the applicant
- Deschambault asked where else they have businesses like this-Windham, South Portland, Portland, Newry & Carrabassett Valley
- Doughty asked how many employees they will have-2-4 per shift 7 days a week 6-10 in all. They hours will be 8:00 AM -9:00 PM but they will start with shorter hours until they have more traffic.

MOTION: 7:07 PM

Motion-Plotkin-Motion to waive Article XI, Full Site Plan Review. I motion to waive Article XI, full site plan review, as no site improvements are being made.

Second-Doughty

Vote: Motion passed unanimously

Motion-Plotkin- Motion to approve the Conditional Use Permit and the Findings of Fact and Conclusions of Law for JAR Co. CV LLC for an adult-use recreational marijuana retail facility at 420 Alfred Street, Unit 11(Tax Map 20, Lot 26-1).

Second-Doughty

Vote: Motion passed unanimously

8. E. 2024.24 The Biddeford Planning Board will meet to review and discuss a Conditional Use Application for Orange Fitness to open Fitness Center/Gym at 420 Alfred Street (Tax Map 20, Lot 26-1) in the Industrial 3 Zone.

- Galbraith introduced the project
- Jordan Gagnon of Sebago Technics represented the applicant
- Patrick Welch the owner of Orange Fitness answered questions
- Public: Tony Curro of 182 May Street
- Deschambault asked about the hours being 24/7-it is being decided
- Doughty asked if this was a franchise-answer-No
- Doughty asked about Fitness Centers in other cities they have owned-they have owned and sold others in other towns

MOTION: 7:15 PM

Motion-Plotkin-Motion to waive Article XI, Full Site Plan Review. I motion to waive Article XI, full site plan review, as no site improvements are being made.

Second-Deschambault

Vote: Motion passed unanimously

Motion-Plotkin-Motion to approve the Conditional Use Permit and the Findings of Fact and Conclusions of Law for Orange Fitness for Fitness Center/Gym at 420 Alfred Street (Tax Map 20, Lot 26-1).

Second-Doughty

Vote: Motion passed unanimously

9. Other Business

- Galbraith told the Board of the changes made to Freddy LLC this was an administrative approval but the Board must sign the plan.
- Galbraith told the Board that the new Assistant Planner, Adi Iriqat, will be in the office for his first day on Monday the 20th, he is in training this week.

10. Adjourn 7:49 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.