



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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Planning Board Minutes

Date: Wednesday, May 6, 2020
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1 MRSA § 403-A permits public proceedings through remote access during the declaration of state of emergency due to COVID-19). After April 30, 2020 please visit www.biddefordmaine.org/planning for information on how to view and participate in the Meeting and/or Public Hearing. Written comments can be provided to Greg.Tansley@biddefordmaine.org.

1. Pledge of Allegiance
2. Declaration of Quorum/Voting Members

A. Quorum Present: Chair William Southwick, Bruce Benway, Sean Tarpey, Spiros Droggitis, Michael Cantara (alt voting member).

3. Adjustments to the Agenda
4. Planner's Business

Greg Tansley, City Planner: Thank you everyone for being here. This is our first Planning Board zoom meeting. Tonight we have Brian Phinney, Chief Operating Officer for the City and Keith Jacques, City Attorney here with us. Mr. Phinney has become our expert on zoom meetings and he's here to help with the public participation. Mr. Jacques is here because of the Covid-19 and this is our first zoom meeting.

Brian Phinney, Chief Operating Officer: Explained how zoom works.

5. Consent Agenda
- A. Consideration of Minutes: March 4, 2020.

MOTION:

Benway – Motion: to adopt consent agenda.

Cantara – Second.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

6. Unfinished Business
7. New Business
- A. 2020.03 Final Subdivision Review for Redline Properties, LLC to subdivide a lot into

three residential lots located at 15 Victory Avenue (Tax Map 28, Lot 86) in the R-2 zone.

Greg Tansley, City Planner: Spoke briefly on the project.

Peter Labreck, Redline Properties: Gave a brief statement.

Keith Jacques, City Attorney: Explained about the waivers that are in place for signing the plans.

MOTIONS:

Item A

Cantara – Motion: to give permission to the City Planner Greg Tansley to sign plans on behalf of the Board should the project get approved.

Benway – Second.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

Item B

Cantara – Motion: to approve the minor subdivision for Redline Properties, LLC to create a 3-Lot Subdivision at 15 Victory Avenue (Tax Map 28, Lot 86), approve the Findings of Fact, and sign the plans based on the conditions recommended by Staff in its report dated April 24, 2020, and that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency and a statewide stay at home order, the Planning Board pursuant to Chapter 66-9 hereby authorizes the City Planner to sign the final plan on behalf of the Planning Board and the final plan once signed by the City Planner shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.

Droggitis – Second.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

- B. 2020.09 Conditional Use Permit for Clean Cannabis, LLC to operate a Medical Marijuana storage, packaging, and distribution operation (to its retail stores outside of Biddeford) at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

Greg Tansley, City Planner: Spoke briefly.

Thomas Mourmouras, Owner: Gave a brief statement.

Beth Cardner, Go Development: We're please to have Clean Cannibis in Biddeford.

MOTIONS:

Cantara – Motion: to waive Article XI, Full Site Plan Review.

Droggitis – Second.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

Cantara – Motion: to approve the Conditional Use Permit for Clean Cannabis, LLC for a Medical Marijuana Growing Facility at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the findings of fact based on the conditions as provided in Staff's Report dated April 28, 2020.

Droggitis – Second.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

- C. 2020.10 Conditional Use Permit for Maine Organic therapy, Inc., to expand its existing Medical Marijuana grow operation at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

Greg Tansley, City Planner: Spoke briefly.

Lynn Illes, Maine Organic Therapy: Talked about odor control.

Beth Cardner, Go Development: as a landlord we're happy to have them in our building.

MOTIONS:

Canatra – Motion: to waive Article XI, Full Site Plan Review.

Benway – Motion: to approve the Conditional Use Permit for Maine Organic Therapy, Inc., for a Medical Marijuana Growing Facility at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the findings of fact based on the conditions as provided in Staff's Report dated April 28, 2020.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

- D. 2019.36 Contract Zone PUBLIC HEARING and Final Site Plan Review/Conditional Use Permit and for a 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.

Greg Tansley, City Planner: Spoke briefly.

Clair Colburn, Finegold Alexander Architects: Gave a presentation.

Doug Reynolds, Gorrill Palmer: Jumped in to discuss an easement and permits from DEP & DOT.

Clair Colburn, Finegold Alexander Architects: finished her presentation.

Sterling Roop, 16 Pinewood Circle: Want an independent three party accessment of the neighborhood done, has issues with how the Contract zone was written and would like the landsape protected.

Margen Soliman, 507 Elm Street: Wants to keep most of the vegetation, wants to see terms written into the Contract zone to protect the neighbors.

Chrystina Gastelum, Conservatuin Commission: Has concerns with impervious surface, vegetation and the watershed.

Richard Rhames, Conservation Commission: Has concerns with Thatcher Brook Watershed and a vernal pool.

Michael Cantara, Board Member: Can the applicant answer some of Ms. Gastelum questions regarding vegetation.

Clair Colburn, Finegold Alexander Architects: All plants will be native.

Doug Reynolds, Gorrill Palmer: Addressed the concerns with impervious surface and the Thatcher Brook watershed.

Sean Tarpey, Board Member: What kind a rain event do you plan the stormwater on?

Doug Reynolds, Gorrill Palmer: DEP and the City go by a 25 year strom analysis.

Sean Tarpey, Board Member: What kind of protection are you for the vernal pool?

Doug Reynolds, Gorrill Palmer: Mentioned they are working with MDEP on the permit.

Spiros Droggitis, Board Member: Solar Ray? Can we put a prevision in that would have the applicant come back to install trees?

Clair Colburn, Finegold Alexander Architects: It depends on how the bids come in.

Phil Johnston: At this time we don't know the projected cost. That will be at least six months away.

MOTIONS:

Cantara – Motion: to waive a part of Article VI (Performance Standards), Section 49.A.10. and not require trees within the parking lots due to conflicts that may be created between the parking lots and the possible future solar array installation by the applicant in those parking lots.

Benway – Second.

Chair Southwick – Call for vote – Cantara, Benway in favor / Droggitis, Tarpey oppose / Chair Southwick voted in favor to break the tie. Motion passed 3-2

Cantara – Motion: to postpone action on the Contract Zone Recommendation and Final Site Plan Review/Conditional Use Permit to May 20, 2020 to allow follow-up comment on a proposed new consolidated courthouse at 511-515 Elm Street.

Benway – Second.

Chair Southwick – Call for vote – Unanimous Approval (4-0) all in favor.

8. Other Business

9. Adjourn

MOTION:

Cantara – Motion: to Adjourn.

Benway – Second.

Chair Southwick – Call for vote- Unanimous Approval (4-0) all in favor.

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Planning Board Chair

11-6-2020
Date

These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.