CITY OF BIDDEFORD

Planning and Development Department

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Planning Board
Meeting Minutes

Date: **April 7, 2021**
Time: **6:00 PM**
Location: **REMOTE ACCESS MEETING (1MRSA § 403-A 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: Chair William Southwick, Sean Tarpey, Bruce Benway, Spiros Droggitis, Roch Angers, Michael Cantara (Alternate Voting Member).
2. **Adjustments to the Agenda**
3. **Planner's Business**
4. **Consent Agenda**
   4. A. Approval of Planning Board Meeting Minutes of March 17, 2021
   MOTIONS:
   - **Benway-MOTION: To approve Meeting Minutes for March 17, 2021**
   - **Angers-SECOND**
   - **Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Angers & Droggitis)**
5. **Unfinished Business**
   5. A. 2020.11 Site Plan Review for Westfield, Inc. to create multiple office/storage/commercial spaces at 20 Pomerleau Street (Tax Map 2, Lot 81) in the I-3 zone.
   - **Consulting Planner DiMatteo updated the Board on the project.**
   - **Bill Thompson of BH2M also gave an update, he feels they have covered everything in the comments from the staff and Board. He mentioned that when adding additional plantings in one area they must be mindful of a storm pipe drain.**
   - **Chair Southwick asked the public for comments, there were none. The item went back to the Board for questions and discussion.**

   MOTIONS:
   Benway: MOTION: Motion to approve the Site Plan for Westfield, Inc. at 20 Pomerleau Street (Tax Map 2, Lot 81) and approve the Findings of Fact based on the conditions recommended by Staff in its Draft Findings of Fact provided for April 7, 2021, and that due to the coronavirus pandemic and the Governor's

declaration of a civil state of emergency the Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board shall be deemed to have been signed by individual members of the Planning Board evidencing approval of the final plan.
Angers-SECOND then asked if the landscaping design should be added to the motion.
Mr. Cantara shares Mr. Angers point and notes that it was flagged last meeting.
Mr. Benway understands from Mr. Thompson that the applicant has agreed to the landscaping design and Mr. Benway was satisfied with that, but he will amend the motion if the Board wants.
Consulting Planner DiMatteo advised the Board that as part of the conditions on the Findings of Fact for Site Plan Approval they have #2 "All outstanding engineering peer-review comments shall be addressed to the satisfaction of the City Planner." He thought the Board could piggy-back off that saying it is engineer peer review as well as planner comments.
Chair Southwick asked if they needed a modification of the motion.
Consulting Planner DiMatteo answered that they could modify the motion to approving the Findings of Fact as amended.
Mr. Benway asked if we need to move the amendment? Mr. DiMatteo answered that yes, he needed to move the amendment.

MOTIONS:
Benway-MOTION: To move to add that landscaping be included for review and approval by the City Planner as part of the original motion.
Angers-SECONDED so the motion as amended stands for vote.
Chair Southwick-Roll Call for Vote-Unanimous Approval as amendmed (4-0) all in favor (Tarpey, Benway, Angers & Droggitis)

6. **New Business**
6.A. 2021.15 Conditional Use Permit-Stoner & Co. to operate an Adult Use Marijuana Cultivation Facility at 419 Hill Street (Tax Map 74, Lot 9) in the I-2 Zone.
- **Consulting Planner DiMatteo did an overview of the project for the Board.**
- **Mr. Droggitis asked Mr. DiMatteo if they have ever operated as a medical use.**
- **Mr. DiMatteo answered no he does not believe so but to ask the applicant**
- **Morgan Stoner co-owner of Stoner & Co. represented the applicant. He gave a brief introduction telling the Board that his business is changing with the laws. They have just begun in this location. There is no cultivation yet and they are building out to open their medical marijuana portion of the business. The medical marijuana business is slated to open in late June, early July.**
- **Chair Southwick asked for public comments, there were none.**
- **Chair Southwick opened the floor up to the Board.**
- **Mr. Cantara told the Board that he was approached by a citizen who was concerned about odors becoming a nuisance in the area and he felt it was important the Board hear that concern.**

- **Mr. Stoner acknowledged the citizen's concern and told the Board he has operated in this field for 4 years in Biddeford. They have not had an odor complaint yet. They have a very strong high tech odor mitigation plan. They have insulated rooms within rooms and have worked with the City consistently to stay in compliance.**
- **Mr. Droggitis asked about the adequacy of parking, he read from an undated letter to the Board and cited Exhibit B where it says they have 38 employees. He talked to Mr. Stoner about adding 50-75 employees.**
- **Mr. Stoner told Mr. Droggitis that he is in the middle of reworking that. Right now they have 38 employees at 414 Hill Street. There will be no storefront at 419. The staff they are adding will not be there all at the same time.**
  15-25 people will be hired within the next year for gardening, trimming and distribution. They will also be redoing the parking lot to accommodate more staff.
- **Mr. Droggitis asked about the sprinkler system and asked if it was required by City or State.**
- **Mr. Stoner answered yes by both. There was no sprinkler system before and they added it this month.**

MOTIONS
Benway-<u>MOTION</u>: To approve the Conditional Use Permit for Stoner & Co. at 419 Hill Street (Tax Map 74, Lot 9) and approve the Findings of Fact based on the conditions recommended by Staff in its Draft Findings of Fact provided for April 7, 2021 and that due to the coronavirus pandemic and the Governor's declaration of a civil state of emergency the Planning Board authorizes the City Planner to sign the final plan on behalf of the Planning Board and declares that 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.
Angers-<u>SECOND</u>
Mr. DiMatteo called a Point of Order he wanted to make sure that the Board knew that he had as a provision to waive the Site Plan Review as part of this review process.
Planner Tansley acknowledged that this is correct.
Chair Southwick confirmed why this was the case and said that the approval will be with waiving the Site Plan Review as part of the review.
Mr. Benway amended his original motion to include a waiver of full site plan review.
Angers seconded the amendment to the motion. No vote required on a "friendly amendment".
Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Angers & Droggitis)

5.B 2021.16 Conditional Use Permit-Curaleaf Maine Adult Use, Inc. to operate an Adult Use Marijuana Cultivation and Extraction Laboratory at 5 Drapeau Street (Tax Map 12, Lot 22) in the I-1 Zone.

- **Consulting Planner DiMatteo did an overview of the project for the Board.**

- **The following represented the applicant:**
- **Bethanie Cardner Business Manager for Curaleaf**
- **Scott Reed President**
- **Jenna McDonald Compliance Manager**
- **Steve Kitz Director of Mechanical Engineering**
- **Heather Sullivan Licensing Manager**
- **Ms. McDonald did an introduction of the company and project**
- **Chair Southwick shared the concern of the community about odor.**
- **Mr. Kitz talked about their two fold steps to mitigate the odor which is very aggressive. The first step is to control the building pressure the second is to kill air born pathogens.**
- **Chair Southwick asked if this is new science**
- **Mr. Kitz answered that it is fairly new**
- **Mr. Tarpey commented that one entity holds the lease, there is a sublease, as a City they should only deal with 1 entity for odor. They should put the onus on the lease holder.**
- **Mr. Cantara reiterated the concerns of the citizen who already approached him with their concerns regarding odor and nuisance issues.**
- **Mr. Angers asked Mr. Kitz what would happen in the case of a black out situation, do they have back up to continue operating.**
- **Mr. Kitz answered that they have an emergency generator and back up if need be. Regardless they always have power.**
- **Mr. Angers commented that they need to protect their interest. He asked how long the filtration of air would keep working on a generator.**
- **Mr. Kinz said the building would be neutral, the plants may have a mild odor but it would not exfiltrate from the building. Once the power is reestablished the filtration system would restart again. Their goal is to have power back on within 30 minutes.**
- **Mr. Angers asked about losing power for 3 days, what would happen to the odor and the product.**
- **Mr. Kinz said the generator would cover at 100%.**
- **Mr. Angers asked how long they could run it for.**
- **Mr. Kinz answered indefinitely.**
- **Mr. Cantara asked rather than power the need for WIFI.**
- **Mr. Kinz answered that none of the filtration system needs WIFI, they do have a small generator that is constantly online to back up the security system & WIFI.**
- **Mr. Cantara asked if they had back up for that.**
- **Mr. Kinz said they have several layers to go through before they would be out of WIFI/power.**
- **Mr. Angers asked what could possibly happen that the odor is not controlled?**
- **Mr. Kinz answered that they have redundant systems in every room, filtration systems, backups, WIFI, he said nothing comes to mind.**
- **Ms. McDonald introduced Heather Sullivan their licensing manager to address the Board's concerns about having only 1 entity.**

- **Ms. Sullivan introduced herself as a resident and Planning Board member of Hollis. She talked about her role and the structure of the company. All companies come under the umbrella company of Curaleaf.**
- **Chair Southwick asked if anyone in the Public wanted to talk. No public comments. He brought the meeting back to the Board.**

MOTIONS
Benway-<u>MOTION</u>: To waive the regulations of Article 11 Site Plan Review in its entirety as permitted in Section 9.b.2 waivers of the City Land Development Regulations
Angers-<u>SECOND</u>
Chair Southwick-Roll Call for Vote on amendment-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Angers & Droggitis)
Benway-<u>MOTION</u>: To approve the Conditional Use Permit for Curaleaf Maine Adult Use, Inc. at 5 Drapeau Street (Tax Map 12, Lot 22) and approve the Findings of Fact based on the conditions recommended by Staff in its Draft Findings of Fact provided for April 7, 2021
Angers-<u>SECOND</u>
Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Angers & Droggitis)

7. **Other Business**
8. **Adjourn**

MOTIONS
- **Mr. Benway-<u>Motion</u>-to adjourn**
- **Mr. Angers-<u>Second</u>**
- **Chair Southwick-Roll Call for Vote-Unanimous Approval 4-0 (Benway, Droggitis, Angers, & Tarpey)**

Meeting was adjourned at 6:52 PM

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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.