

City of Biddeford
Planning Board
April 06, 2022 6:00 PM Zoom: Apr 6, 2022 06:00 PM Eastern Time (US and Canada)
Topic: Planning Board

Please click the link below to join the webinar:

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1. **DECLARATION OF QUORUM/VOTING MEMBERS**
2. **ADJUSTMENTS TO THE AGENDA**
3. **PLANNER'S BUSINESS**
4. **CONSENT AGENDA**
 - 4.A. Approval of Meeting Minutes from March 16 & 23, 2022
[PB Minutes 031622-DRAFT.pdf](#)
[PB Minutes 0032322 Workshop-DRAFT.pdf](#)
5. **NEW BUSINESS**
 - 5.A. 2022.09 The Planning Board will hold a Public Hearing for proposed zoning amendments to the property at Tax Map 17, Lot 16 -3, located off the south side of Cole Road, from I-1 to R-1-A. This parcel is owned by Richard M. Lowe. The parcel appears to have originally been zoned R-1-A , however it may have been incorrectly classified as I-1 through zoning map changes.
Applicant: Richard M. Lowe
Surveyor: John Bruckler
Tax Map/Lot: Map 17, Lot 16-3
Zone: I-1 (Request is to change to R-1-A)
Description of Land: Residential Vacant Land (Per Tax Card)
Application Request: To respond to Planning Board with Favorable Recommendation
Public Comment will be accepted for this item.

[3-01-2022 Cole Road I-1 to R-1-A PB Directive-MEMO.pdf](#)
[2022.09 Cole Road Zone Change PH memo to PB 040622.pdf](#)
6. **OTHER BUSINESS**

- 6.A. 2021.50 Discussion of expectations and rules of conduct for both the Board and the public for Site Walk of CMP's South Street Substation Site. This Site Walk is scheduled for Saturday, April 9, 2022 at 10:00 AM.

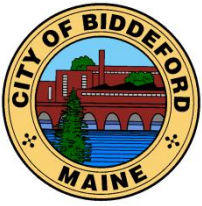
No public input is anticipated.

- 6.B. Comprehensive Plan Workshop
The Planning Board will be discussing the procedures and expectations for the Public Sessions.

No public input is anticipated

7. 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

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Planning Board Meeting Minutes **DRAFT**

Date: March 16, 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, Bruce Benway, Sean Tarpey, Alexa Plotkin and Michael Cantara (Alternate)

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

Chair Southwick opened the meeting at 6:00 PM

2. Adjustments to the Agenda

3. Planner's Business

4. Consent Agenda

4 A. Approval of Planning Board Meeting Minutes from March 2 & March 9, 2022

MOTIONS: 6:03 PM

Benway-Motion- to approve the Meeting Minutes from March 2 & March 9, 2022

Angers-Second

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

5. Unfinished Business

6. New Business

6.A. 2022.07-Determination of the Greatest Practical Extent for Stuart Noyes. The property is located at 102 Fortunes Rocks Road (Tax Map 65, Lot 30) in the Limited Residential and Coastal Residential Zone. The purpose of the project is to tear down and replace single family home. Applicant had prior approval for this project in 2015; however, said approval expired before substantial construction had begun.

Applicant: Stuart Noyes

Agent: Travis Kinney, Gulf Shore Design

Tax Map/Lot: Tax Map 65, Lot 30

Zone: Coastal Residential

Overlay Zone: Limited Residential Shoreland Zone

Defined Land Use: Single Family Residential

Application Type: Determination of the Setback to the greatest Practical Extent from the wetland

Application status: Request for Final Approval. Draft findings included

Public Comment will be accepted for this item.

- Assistant Planner Bonine introduced the project
- Travis Kinney represented the applicant, Stuart Noyes who also attended.
- There were no comments from the public
- Members of the Board questioned the applicant about the stonewall to be removed as well as the setbacks of the wetlands (side & rear setbacks also)
- Planner Tansley demonstrated the position of the structure and setbacks with an aerial view in order to clear up any confusion.
- The regulated resource was also discussed.

MOTIONS: 6:16 PM

Benway-Motion- Motion to approve the Determination of Greatest Practical Extent for Stuart Noyes based on the plans submitted by Dana A. Libby, PLS dated 2/8/2022, for 102 Fortunes Rocks Road and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Staff Report dated March 10, 2022. Also, due to the coronavirus pandemic the Planning Board authorizes the Assistant City Planner to sign the final plan on behalf of the Planning Board and declares that the final plan once signed by the Assistant City Planner shall be deemed to have been signed by individual members of the Planning Board.

Angers-Second

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

6.B. 2021.38 Site Plan Review for Jason Jirele with Caleb Johnson Studio to convert 2nd, 3rd & 4th floors of 25 Alfred Street, former Odd Fellows Lodge, to 1 and 2 bedroom apartments (Tax Map 38, Lots 402) in the MSRD1 Zone. The building is currently unoccupied. The first floor contains a former restaurant and retail store. The 2nd, 3rd & 4th floors contain prior meeting rooms, banquet room and Lodge Room of the former Laconia Lodge the former Independent Order of Odd Fellows Group.

Applicant: Jason Jirele with Caleb Johnson Studio

Owner: Biddeford Development Group, LLC

Agent: Caleb Johnson Studio

Engineer/Surveyor: Michael Tadema-Wielandt

Tax Map/Lot: Tax Map 38, Lot 402

Zone: MSRD-1

Overlay Zone: Historic Preservation

Defined Land Use: Multi-family Residential

Application Type: Site Plan

Application status: Request for Final Approval. Draft findings included.

Public comment will be accepted for this item.

- Assistant Planner, Hannah Bonine introduced the project noting that the applicant has also requested a parking waiver.
- Representing the applicant: Jason Jirele & Patrick Boothe both of Caleb Johnson Studio

- **Public Comments:** Richard Rhames who spoke of the Knights of Labor and requested that any historically significant articles found from the former fraternal orders be salvaged.
- The Board discussed the project with the agents; historical articles and affordable housing were talked about.

MOTIONS: 6:39 PM

Benway-Motion- to Waive Article XI, Section II – Full Site Plan Review.

Angers-Second

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

Benway-Motion- to waive the off street-parking requirement

Angers-Second

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

Benway-Motion- to approve the Site Plan Review for Jason Jirele to create 11 apartments at 25 Alfred Street based on the materials submitted and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Draft Findings of Fact in the Planning Board packet for March 10, 2022.

Angers-Second

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

7. Other Business

7.A. 2021.50 Discussion to make arrangements for Site Walk of the South Street CMP Station with applicants.

No public comments are anticipated during this portion of the workshop

- A possible site walk with CMP was discussed, the Board agreed upon the date of 4-9-22 at 10:00 AM. Assistant Planner, Hannah Bonine will contact and confirm with CMP.
- Planner Tansley reminded us that this would be considered a formal meeting and we need to notify abutters and post the meeting on our website.
- We also have to talk about the expectations and rules of conduct for both the Board and the public in order to curtail any ex parte discussions.
- The staff will be responsible for recording and documenting the walk.

7.B. Comprehensive Plan Public Sessions Workshop Continuation of the work from the 3-9-22 Workshop

It is not anticipated that public input will be accepted during this workshop item.

- The Board discussed and decided to have the Climate Change Task Force go through the Climate Change Chapter in the Comp Plan and give feedback on other chapters as well.
- The Board completed the exercise of working on the GPS.

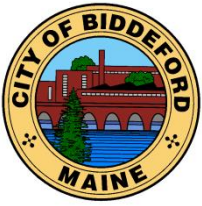
8. Adjourn

Meeting adjourned at 8:24 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.



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Planning Board Workshop Meeting Minutes (DRAFT)

Date: March 23, 2022
Time: 6:00 PM
Location: REMOTE ACCESS MEETING (1MRSA§ 403-B meeting).

Planning Board Attendees: Chairman Bill Southwick, Roch Angers, Bruce Benway, Sean Tarpey, & Michael Cantara (Alternate Member)
City Staff: James Bennett (City Manager), Hannah Bonine (Assistant Planner) and Nan Whitten (Office Manager)

- Chair Southwick brought the meeting to order at 6:00 PM
- City Manager Jim Bennett talked with the Board about the plans to handle the transition of Planner Tansley retiring. He began by thanking everyone for their hard work. He informed the Board that Greg Mitchell will assist with the Economic and Community Development and that Consulting Planner Chris DiMatteo will be assisting Assistant Planner Bonine for the time being as well as Lee Jay Feldman, Director of Planning for the SMPDC.
Mr. Bennett will be holding weekly staff meetings with the Planning Department for project priorities with the Comprehensive Plan remaining the primary focus. The City is working on recruitment for both the Director and Planner, Deputy Director. Planner will be filled first as this is the position with the most pressure and the weakest bench in the City. Both positions are being advertised nationally, Mr. Bennett anticipates filling the Planner position within 6-8- weeks.
- The Board worked on the Comprehensive Plan Public Engagement Dates: April 12, 2022 from 1:00 PM-3:00 PM and 6:00 PM-8:00 PM
April 14, 2022 from 1:00 PM to 3:00 PM
All Public Engagement Meetings will be held via Zoom.
- Meeting adjourned at 6:34 PM

Planning Board Chair/Vice Chair

Date

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Biddeford City Council

Meeting Date: March 1, 2022

Meeting Time: 6:00 PM

Agenda Item No: 2022.14

Item Description: Changing/clarifying the Zoning for two properties off Cole Road, Tax Map 17, Lots 16-2 and 16-3 as Residential (R-1-A) – Send to Planning Board for recommendation.

Submitted by: Greg Tansley, A.I.C.P., Deputy Director/City Planner

Supporting Information/Documentation:

- See Attached Council Order

Key Terms:

- None

Executive Summary:

- Mr. Richard Lowe owns property off the south side of Cole Road, between the Demetrios Cemetary and the train tracks.
- This property has a confused history with respect to Zoning. It appears this property has been the subject of various zoning map interpretations over time. The owner has expressed their belief that the property was zoned R-1-A (Residential) since back in the 1990's but over time has had its zoning changed administratively (map interpretation) rather than City Council action. The record seems to support this.
- One of the properties (17/16-2) has had a single-family home on it since 1995, according to tax records. This parcel is not currently owned by Mr. Lowe (once was) but is part of this discussion.
- In reviewing the zoning history of the area and reflecting on a lack of parcel-based mapping until the 2000's, it is possible that these two parcels have been intended to be R-1-A all along. Due to the scale and detail of the maps available, however, they may have been incorrectly classified as I-1 through map changes.
- We recommend the City Council send this matter to the Planning Board for a Public Hearing and a recommendation back to the City Council for future consideration.

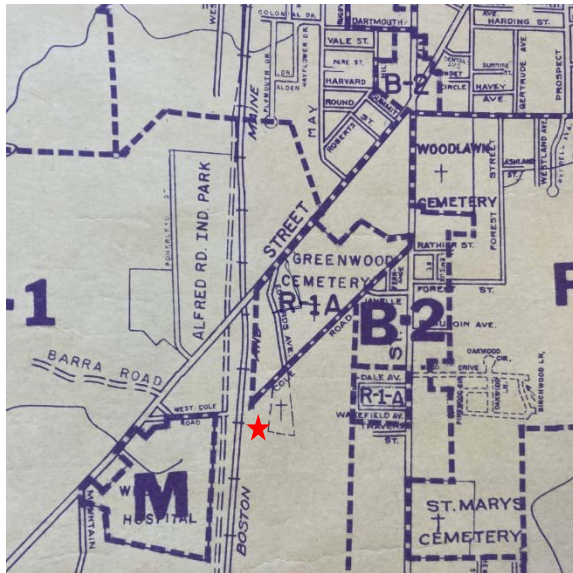
Detailed Review:

- See above.
- Also, for additional information, here are pictures of the zoning map for this areas back to 1979. Given that a single-family house is located on one of the parcels (built in 1995 – Tax Map 17, Lot 16-2) it seems reasonable to believe that they have been

considered R-1-A since that time and the map should be corrected as such. The **red star** indicates the approximate location of these parcels on the zoning maps.

- It should also be noted that these parcels are not easily suitable for industrial uses with no ready access to city sewer and located at the end of a street with limited access to Route 111 due to Edwards Avenue load restrictions. It appears at this time that residential may have been the intended use of these parcels and remains the highest and best use to this day.

1979 Zoning Map:



1990 Zoning Map:



2001 Zoning Map:



- Current:

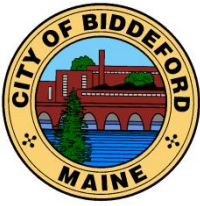


Funding Source:

- N/A

Staff Recommendation:

Send to the Planning Board to hold a Public Hearing and make a recommendation back to the City Council for future consideration.



CITY OF BIDDEFORD

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PLANNING BOARD REPORT

TO: Chair Southwick and the Biddeford Planning Board

FROM: Hannah Bonine, Assistant City Planner

DATE: March 31, 2022

A handwritten signature in cursive script that reads "Hannah Bonine".

RE: 2022.14 Public Hearing, take comments, and make recommendations to the City Council, regarding a zoning amendment to revise the zone for property owned by Richard M. Lowe at Tax Map 17, Lot 16-3, located off the south side of Cole Road, from I-1 to R-1-A.

MEETING DATE: Wednesday, April 6, 2022 @ 6:00 PM

Summary

Richard Lowe owns property off of Cole Road between the St. Demetrios Orthodox Cemetery and the train tracks (Tax Map 17, Lot 16-3), which is currently part of the I-1 zone. In reviewing the zoning history in the area, it appears this property was zoned R-1-A in the 1990s, but has been subject to administrative changes through map interpretation over time. Parcel-based mapping was not introduced until the 2000s, and this lot may have been accidentally included in the I-1 zone through that process.

A single family home was constructed on the lot adjacent to Mr. Lowe's property (Map 17, Lot 16-2) in 1995. This gives reason to believe that this lot, in addition to Mr. Lowe's lot in question were at that time considered part of the R-1-A zone. These lots may not be suitable for industrial uses due to factors such as load restrictions on nearby roads and the lack of public sewer connectivity. Because of the neighboring residential uses, the best use of this parcel is residential.

On March 1, 2022 the Biddeford City Council voted to request the Planning Board hold a Public Hearing on this item.

Recommended Motions

Motion to recommend/ not recommend the Zoning Change pass at the City Council.

Attachments

3-01-2022 Cole Road I-1 to R-1-A PB Directive MEMO (to City Council)