



CITY OF BIDDEFORD

Planning and Development Department

Greg Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

Planning Board Meeting Minutes

Date: March 3, 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, Alexa Plotkin (Alternate Voting Member), Michael Cantara (Alternate Voting Member).
2. Adjustments to the Agenda
3. Planner's Business
4. Consent Agenda
- 5.A. Approval of Planning Board Meeting Minutes of February 17, 2021
MOTIONS:
 - Benway-MOTION: To approve Meeting Minutes for February 17, 2021 once typographical errors are corrected.
 - Angers-SECOND
 - Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Angers & Droggitis)
5. Unfinished Business
6. New Business
- 6.A. 2020.42 Conditional Use Permit to reoccupy space as a place of worship for Biddeford Christian Ministries at 12 St. Mary's Street (Tax Map 38, Lot 28) in the MSRD 2 Zone.
 - Consulting Planner Chris DiMatteo did a brief summary of the project. He explained that it is the same proposal that was brought to the Board before but the permit expired so they have to re-apply.
 - No one from the applicant's team came to speak on the project.
 - Mr. Benway asked if there was the possibility of this facility being used as a temporary shelter.
 - Planner Tansley answered that if the applicant wanted to use the facility as a shelter they would have to come back to the Board for a Conditional Use Permit.
 - Mr. Cantara asked if they still have to go back to Planning Board if it is only being used on a temporary basis in the case of an emergency.

- Planner Tansley was not sure about that.
- Mr. Cantara said he was thinking in the case of extremely cold temperatures, a hurricane, or someone who needs shelter for 2 or 3 days due to being down on their luck. Do they still have to go back to Planning Board?
- Planner Tansley said he doubts that in a case like that they would have to go back to Planning Board unless they want to formalize this use.
- Mr. Cantara continued that he is familiar with the site, not to mention the landscape needs to be freshened up. They have unhealthy trees and the grass is very overgrown. These facts were not addressed on the plans.
- Mr. DiMatteo commented that this is a Change of Use request; there are no requests for renovations, which did not trigger required site improvements.
- Mr. Cantara said that it is a shame to leave dying and diseased trees unattended. They should be good neighbors and take care of these issues.
- Mr. Benway asked if it would be the CEO to address safety issues.
- Planner Tansley answered that if there were a safety hazard it would be addressed by either Public Works or Codes Enforcement.
- Mr. Angers asked Mr. DiMatteo if he took the pictures that are in the packet Mr. DiMatteo answered that he did not.
- Mr. Angers asked if anyone knew of the condition on the inside. He was under the understanding that the Codes Enforcement Officer served the owners with a Cease and Desist Order a year and a half ago. He would like to know how old the photos are that were submitted. He is concerned about making a decision without knowing the true condition of the interior. He said there is a fence falling down he looked at the building and worried about the safety of kids. The outside of the building is in great disrepair, the grass has not been cut in 2 years, there are junk cars in the yard and the Board is considering giving them a parking easement. Two bikes have been hooked to the fence for a year and a half. These are small things but the building is beautiful and needs to be taken care of. He is leery of giving approval. He wants a better plan with more direction and wants to know what it looks like on the inside.
- Mr. Droggitis commented that there is no sprinkler system or fire alarm system and wants to know if this is common in churches. The Maine State Fire Marshall suggested heat detection and fire alarms. He feels Mr. Anger's suggestions are worthwhile.
- Mr. Benway asked Mr. DiMatteo if the Board delays decision is this an impediment to the owner moving forward with his plans.
- Mr. DiMatteo answered that getting more information is part of the process.
- Planner Tansley then spoke to the public and asked if there was anyone out there representing the applicant to please raise their hand. There continued to be no representation for the applicant.
- Mr. Benway asked if it is appropriate for the Board to table the application to address the concerns of the Board. They should give a list of concerns on behalf of the Board to the applicant.

- Planner Tansley answered that the Planning Board is not to be concerned with the interior; he will circle back to the CEO on the Cease & Desist.

MOTIONS

- Mr. Benway-Motion-To table the item to allow the applicant to address the outstanding issues identified by Staff and the Board.
- Mr. Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval 4-0 (Benway, Droggitis, Angers, & Tarpey)

6.B. 2021.02 Conditional Use Permit for Retail Medical Marijuana (Caregiver Storefront) for Blossom Retail, LLC at 45 Boulder Way (Tax Map 2, Lot 56) in the I-3 Zone.

- Mr. DiMatteo did a brief summary of the project.
- Elizabeth Baldacci the Business Manager for Blossom, LLC and David Carr Jr. Owner of Blossom, LLC represented the applicant.
- Ms. Baldacci gave a thorough presentation on the business and permit request.
- Mr. Benway asked if there would be security cameras outside.
- Mr. Carr answered that there would be.
- Mr. Cantara asked if the applications with the Fire and Police Departments have been documented.
- Ms. Baldacci answered that they have documentation that they have applied to the State Fire Marshall and will provide documentation regarding the City Fire and Police Departments upon application.
- Mr. Cantara confirmed that the Planning Board would receive a certified letter from each department.
- Mr. Carr answered that yes they would.
- Chair Southwick asked if there are any certifications for the employees.
- Mr. Carr answered that all employees must go through a background check and receive a Caregiver Assistance Certification from the State

MOTIONS

- Mr. Benway-Motion-to approve the Conditional Use Permit for Blossom Retail, LLC at 45 Boulder Way, Tax Map 2, Lot 56, for a Medical Marijuana Caregiver Storefront and to approve the Findings of Fact and Conclusions of Law based on the conditions recommended by Staff in the Planning Board Draft Findings of Fact and Conclusions of Law dated March 3, 2021.
- Mr. Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval 4-0 (Benway, Droggitis, Angers, & Tarpey)

6.C. 2021.04 Site Plan/Subdivision Concept Plan Review-Tom Watson & Co., LLC for the redevelopment at 1 Gooch Street & 59 Elm Street (Tax Map 40, Lot 56) in the MSRD 3 & General District Shoreland Overlay Zone.

- Mr. DiMatteo introduced the project.
- Representing the applicant were:
John Laliberte-Tom Watson & Co.

Peter Heil-Acorn Engineering
Mike Barton-Tom Watson & Co.
Zach Stevens-Acorn Engineering
William Savage Acorn Engineering

- Peter Heil introduced the project; he spoke about the utilities all being underground.
- Chair Southwick asked if the pass thru under the tracks is developable.
- Mr. Heil answered that the property is owned by the railroad and the City; no improvements are scheduled for it at this time.
- Mr. Angers spoke on how this property is the gateway to the City if you are coming in from Saco. He would like to see landscaping in front of the building. He would also like to see something done about the City owned property. He suggested this group take it over and make it a pocket park for the area. He asked about the parking lot and the warehouse, if they intend to look at it, He wondered if it would stop their project.
- Mr. Benway mentioned that he grew up in OOB and remembers when the Saco Lowell was still in business, it is the gateway, something special and should be appreciated.
- Mr. Tarpey asked where the moving vans will come in to drop off and if there is an elevator.
- Mr. Heil showed them a bump out on the plans which is the area for drop off & delivery. There will be 2 elevators in the lobby.
- Mr. Droggitis asked about the storage facility on the first two floors, he wanted to know if this was for tenant's storage.
- Mr. Heil answered that it is for the public and if a tenant would like a unit, they are welcome to rent it.
- Mr. Cantara wanted to echo that landscaping the property would be good, if they could make the site eye-catching especially with the amount of green & open space, he encourages them to be creative. The building has a lot of history and he encourages the applicant to affix to the building a plaque showing the history of the building and its importance in the industrial revolution. He asked them how they plan to protect the Saco River.
- Mr. Heil does not anticipate any disturbance to the river. They will be removing telephone poles on Gooch Street all the while using construction fencing. They will be using the fencing while they scrape and re-asphalt the street.
- Mr. Cantara asked if Gooch Street was public or private. Mr. Heil answered that it is private and they plan to keep it that way.
- Mr. Cantara went on to encourage the applicants to create a public transportation shelter. He then asked of the 81 one Bedroom and 16 two Bedroom units will they all be the market rate or will any of them be affordable.
- Mr. Laliberte said they have considered this and the rates are to be determined, they are not set in stone.
- Mr. Cantara asked if it would be possible for them to consider making some of the units traditional affordable housing.
- Mr. Laliberte said there would be no restriction of rates it will be market rate.

- Mr. Tarpey mentioned that it is fine to have a bus stop but what if you want to go in the other direction. Have they done a Traffic Study?
- Mr. Heil said not at this point we have not triggered the need for a Traffic Study.
- Mr. Tarpey answered that they must have come close.
- Mr. Heil said no the determining factor is 100 we are only at 50.
- Mr. Tarpey said this is part of a larger parcel, which was recently subdivided.
- Mr. Heil said even though it is all owned by the same group, it is technically 2 separate properties.
- Ms. Plotkin said she would not vote against it without open space where there is other open space in the area.
- Chair Southwick commented that it is a unique project with storage & residential space surrounded by residential spaces, talk up encouraging walking & biking, have you considered transferring some of the storage into bike space.
- Mr. Heil said they are proposing bicycle space as part of the amenities.
- Chair Southwick asked Planner Tansley if it would be appropriate to take comments from the public on this project now. Greg said it would be.
- Chrystina Gastelum said she was pleased to see makers space, she wonders if the City would provide a waiver for parking requirements where they may not need an auto, and create more green space. She asked about a recreation garden and green space on the roof using plantings that are native and pollinator friendly. She would like to see car share and charging stations. They need to look at pedestrian crossing especially in dusk and dark; they need better lighting and other ways to make the area more walkable. A Traffic Study would help with the walkability. The sidewalk ends going across the river, so in order to get across Route 1 safely, you need to cross the street.
- Mr. Anger said he doesn't see affordable housing being considered but he hopes they will reconsider, as it is a need. He loves the idea of a plaque. There is a lot of history in that building. He remembers his father and Godfather working there; it was a big part of Biddeford. He also thinks they should relook at the Traffic Study. He hopes they do not put in high fencing to hide the project, as it is a welcome to Biddeford spot. Charging stations will be useful as the country transitions to electric cars.
- Chair Southwick said this is a huge investment have you thought about aesthetic upgrades behind the building.
- Mr. Heil said none at this time.
- Mr. Laliberte said they were waiting to see what the garage does to the site as the building has quite a presence.
- Chair Southwick told them he just wanted to raise the point.
- Ms. Plotkin brought up if we watch this item on the Council meeting; affordable housing was discussed and deemed not necessary for this project.
- Mr. Cantara appreciates Ms. Plotkin's comments but as due diligence is important for the Council, it is also important for the Planning Board. He feels he needs to raise the issue. The issue is difficult, but needs to be mentioned. Asking the applicant to review this is for the good, as things change.

- Mr. Heil said that Mr. Angers mentioned fencing, they are not proposing fencing, there will be at least 1 car charging station and conduits for additional stations. He then asked how the Board would like the next submission handled.
- Mr. DiMatteo said that whether they do a 2 or 3 step process is up to the Board. The intent of the applicant is to move things along. The Board can direct the applicant to obtain any studies they want. The Board has to make it clear to the applicant what they want.
- Chair Southwick asked the Board if they had other conditions or wishes.
- Mr. Tarpey replied that this project is exciting, big & complex. The documents have been supplied but they still do not know what is between the building and the Saco River. They do not know what's going to happen with the parking lot & building. He would like to do more research. He worries about parking and traffic; he doesn't feel like the Board should rush. He feels like he has more work to do.
- Chair Southwick noted that MDOT wouldn't address issues ahead of time based on speculation. They wait for problems.
- Planner Tansley replied that a Development Traffic Movement Permit would not trigger a traffic study; however, the Board can request one. If the Board wants to require a traffic study, now is the time to tell them whether DOT is involved or not.
- Mr. Heil told the Board the same applicants own other buildings on Gooch Street. As these buildings are developed it would trigger a traffic study. They are going to improve the parking lot to make sure the entire area looks beautiful. Future development is restrictive on that lot due to the Saco River.
- Mike Barton (Owner's Rep) said that they have engaged with other utilities and that they have removed a significant quantity of electrical wiring overhead because parcels are owned by the same entity. They have streamlined with CMP to put them underground. This improvement in itself is big. Traffic, we don't know what is coming; part of Gooch Street is wider for possible traffic routing. Comments are well received, they are providing additional lighting for the next submission, the same way they did for Riverdam.
- Mr. Benway commented that he would like the applicant to recognize the historic significance and recognize the workers as it was not an easy job

MOTIONS

- Mr. Benway-Motion to determine the proposed project is a major subdivision (5 or more units).
- Mr. Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval 4-0 (Benway, Droggitis, Angers, & Tarpey)
- Mr. Laliberte told the Board he grew up in Saco, his father grew up in Biddeford. The Project Manager, Scott Joslin, loves history and began removing a freight elevator in another of their structures. Scott found great relics and they will pay homage to the history of the site. Affordable housing was not intentionally skirted as a question. It was considered; in 2016, they ran into roadblocks with financing due to affordable

housing. These windows do not have enough R-value, not all bedrooms will have a window, and the building is not a great fit for affordable housing. The applicants own and operate several houses in Portland and do not want to seem insensitive. They are very excited about this project.

6.D. 2021.12 Discussion/Schedule Public Hearing LDR Attachment A. Fees and Charges Proposed Amendments.

- Planner Tansley began the discussion saying that they have discussed this review for years. The last time they made any changes to the fees was in 2005. The fees should be reasonable and true to cover the fee costs. They have looked at the fees of surrounding communities and ran through the Bureau of Labor analysis. The analysis showed that from January 2005-January 2021 there is an average of 30% increase if you take into consideration inflation. The increases people will see are between 30% & 40% with the average being 40%. He said the staff is getting a better handle on the cost of doing business as Mr. DiMatteo keeps good track of his time where as Planner Tansley never had to keep track of his time. The proposed changes have been run by Director Eddy and he is comfortable with them. If the Board wants him to walk them through it, he will do that or he can take questions and comments and when it is ready it will be presented to the City Council. It was determined that all members of the Planning Board had looked at the proposed fee increase.
- Mr. Benway feels the proposed fees are too low and he proposes they discount fees for the developers who are participating in affordable housing in the City of Biddeford.
- Mr. Cantara said the review might inform the public.
- Mr. Benway told him that is what Public Hearings are for. He then asked if this is in the City budget.
- Planner Tansley answered that yes it is in the budget.
- Mr. Benway replied that he thought it may be in the budget and they need to get behind this while the City is still working on the budget.
- Mr. Angers asked if they reduce fees for affordable housing, it goes to a Public Hearing and then onto the City Council. He asked if they could add some verbiage for affordable housing, he wants to hear what the public has to say.
- Mr. Cantara said he supports adding affordable housing.
- Mr. Benway suggested a reduction of 25-30% for affordable housing, there is still a review process. 25% is common but giving a 30% reduction shows people the City's interest in affordable housing and it shows that the City thought about it.
- Mr. Droggitis asked if we would raise fees to the public to offset the other reduction.
- Mr. Benway said it is a drive to create revenues that if you look at inflationary rate 5 years out, he can't see them reviewing the fees again every year. He said in the 90's it was a different Council but they increased fees regularly and aggressively.
- Chair Southwick reminded the Board that the fees are not being reviewed to make a profit but to cover costs. He wants the Board to remember that if they reduce rates for affordable housing the City ends up subsidizing it. Is the cost of the fees an incentive to do affordable housing? Will it drive what you are trying to accomplish?

He feels this needs deeper consideration to stimulate the developers to create affordable housing.

- Planner Tansley said that he would talk to Director Eddy to come up with options to discuss before the public hearing.
- Mr. Angers told the Board that Westbrook & South Portland may have done something for affordable housing,
- Planner Tansley will get back to every one on the 17th.
- Mr. Cantara asked how much time is needed for the Public Hearing.
- Planner Tansley told him we need 3 days to set it up and it needs to be in the paper 15 days prior to the meeting.
- Chair Southwick asked if Planner Tansley would ask Director Eddy to set aside some funds to offset for affordable housing.
- Planner Tansley said he is not sure that is possible, but he will ask about diverting funds from the general fund to a special fund.
- Mr. Benway said that is considered a sinking fund; the Council may not be interested.
- Mr. Droggitis said it would be good if the public can see it.
- Planner Tansley said that April 1st there will be a Public Hearing for Review of Fees, and then they realized it would be March 31st.

MOTIONS

- Mr. Benway-Motion to schedule a Public Hearing for March 31, 2021 for the proposed fees and charges amendment as proposed by staff or as amended by the Board.
- Mr. Angers-Second
- Chair Southwick-Roll Call for Vote-Unanimous Approval 4-0 (Benway, Droggitis, Angers, & Tarpey)

7. Other Business

7.A. Planning Board Discussion of Schedule through June 30, 2021.

- Planner Tansley showed the proposed schedule, which he said, has already changed. The plan is to go out to the end of the fiscal year.
- This is subject to change and already populated.
- Planner Tansley thanked the Planning Board for all their hard work.
- Mr. Angers brought forward that if someone of the staff or Board notices the Board is being crushed they can meet on the off weeks. He doesn't want to be rushed and he doesn't want the others to be rushed so he is willing to step up.
- Planner Tansley thanked Mr. Angers for his flexibility.
- Chair Southwick said these are not idle times, he agrees with Mr. Angers they do have wiggle room but he doesn't want people to think just because they don't have a meeting that they aren't doing anything.

MOTIONS

- Mr. Benway-Motion-to adjourn
- Mr. Angers-Second

- Chair Southwick-Roll Call for Vote-Unanimous Approval 4-0 (Benway, Droggitis, Angers, & Tarpey)

Meeting was adjourned at 8:58 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.