



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: March 2, 2022
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: 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

- The Chair announced that with the resignation of one of the members of the Board, Alexa is now a voting member of the Board.
- He then (as always) explained the role of the alternate member compared to the voting board member.

2. Adjustments to the Agenda

3. Planner's Business

- Planner Tansley noted there were members of the CMP application team in the audience and just wanted to make sure they knew they were not on this agenda.

4. Consent Agenda

4 A. Approval of Planning Board Meeting Minutes from February 16, 2022

MOTIONS: 6:02 PM

Benway-Motion- to approve the Meeting Minutes from February 16, 2022

Angers-Second

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

5. New Business

5.A. 2022.03 Conditional Use Permit for Undertow Cannabis Co LLC to operate a medical marijuana caregiver storefront at 30 Morin Street (Tax Map 11, Lot 3) in the I-1 Zone. The company has leased an 896 SF building (formerly R&W Engraving) off Route 1 intending to sell exclusive and third party medical cannabis flowers, extracts, edibles and a wide selection of local branded merchandise. Growing/cultivation would not occur at this location.

Applicant: Undertow Cannabis, LLC

Agent: Self, Jill Polster, Esq.

Tax Map/Lot: Tax Map 11, Lot 3

Zone: Industrial-1

Overlay Zone: None

Defined Land Use: Marijuana Establishment (Medical Marijuana Caregiver Retail)

Application Type: Conditional Use Permit

Application status: Request for Final Approval. Draft findings included. Public comment will be accepted for this item

- Assistant Planner Bonine introduced the project
- Jill Polster, Esq. & Jacob Claudine represented the applicant of 30 Morin LLC
- There were no comments from the public
- Members of the Board questioned the applicant about parking now & in the future, and the plans for snow removal.
- The applicant will be striping the parking lot due to Planning staff comments on the report. The parking lot will be plowed and they have a snow removal company lined up for when the snow is piled up too high.
- The Board also asked about lighting and security.
- The applicant has security systems and motion lighting set up.

MOTIONS: 6:09 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 approve the Conditional Use Permit for 30 Morin LLC for a Medical Marijuana Caregiver store at 30 Morin Street (Tax Map 11, Lot 3) and approve the findings of fact based on the conditions recommended by Staff in its Report dated February 24, 2022.

Angers-Second

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

5.B. 2022.06 Site Plan Review of 5 Alfred Street for Seth Harkness (Tax Map 38, Lot 400) in the MSRD 1 Zone. The purpose of the project is to convert eight offices on the second floor to eight studio and one-bedroom apartments. There will be no changes to the exterior footprint of the building.

Applicant: Seth Harkness

Agent: Self

Tax Map/Lot: Tax Map 38, Lot 400

Zone: MSRD-1

Overlay Zone: Historic Preservation

Defined Land Use: Residential (8 Apartments)

Application Type: Site Plan

Application status: Request for Final Approval. Draft findings included. Public comments will be accepted for this item.

- Assistant Planner Bonine introduced the project
- Seth Harkness, applicant, talked about the structure and his plans to take the 8 offices and create small apartments out of them. Parking is on site and there are no changes

to the exterior. Seth also owns an abutting property and is doing just about the same thing in this building that he did in the building next door.

- Speaking from the public was Sterling Roop who asked about affordable housing and the possibility of combining some of the space to make two bedroom apartments.
- Mr. Harkness talked about restoring the building using historical accuracy and the tin ceilings lend to the small apartments. These apartments will be at market rate due to the cost of the building overall.
- The Board asked about the sprinkler system
- The building has to have a sprinkler system according to Code Enforcement.
- The Board asked a few questions about the parking lot.
- Mr. Harkness told the Board that there are twenty spaces, which are more than enough for the residents.
- The Board asked about the commercial tenants.
- Mr. Harkness is working with each of them. After the residential portion is done, he will begin working with the commercial portion of the building. There may be changes with the existing businesses.
- When asked about using any grants for the work, Mr. Harkness said he is using the Historic Tax Credit.
- Planner Tansley told the Board that each 1-bedroom apartment requires 1 parking space, which would be 8 so Mr. Harkness, has more than enough spaces for his building. He would need 34-50 spaces if the building were all offices. Residential parking is typically used at night and weekends with retail and other businesses needing space during the weekdays.

MOTIONS: 6:26 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 approve the Site Plan Review for Seth Harkness to create 8 apartments at 5 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 February 24, 2022.

Angers-Second

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

- 5.C. 2021.45 Determination of the Greatest Practical Extent for Dan & Roberta Lynnworth. The property is located at 52 Fortunes Rocks Drive (Tax Map 64, Lot 33) in the Shoreland Resource Protection, Coastal Residential Zone. The purpose of the project is to tear down and replace a garage used for storage.**

Applicant: Dan Lynnworth

Agent: Self, Mike Richman

Tax Map/Lot: Tax Map 64, Lot 33

Zone: Coastal Residential

Overlay Zone: Resource Protection Shoreland Zone

Defined Land Use: Storage Building

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**
- **Representing the applicant were Dan & Roberta Lynnworth and Mike Richman of Custom Concepts**
- **There were no public comments**
- **The Board asked about the current use of the structure and the height of the proposed structure.**
- **The structure is currently used for storage and it was confirmed that the height of the proposed structure is within the setbacks.**

MOTIONS: 6:33 PM

Benway-Motion-to approve the Determination of Greatest Practical Extent for Dan Lynnworth based on the plans submitted by Stephen J. Martin dated 10/28/2021, for 52 Fortunes Rocks Road and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Staff Report dated February 24, 2022. In addition, due to the coronavirus pandemic 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.

Angers-Second

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

6. Unfinished Business

7. Other Business

- 7.A. Comprehensive Plan Public Sessions Workshop: The Planning Board will be presented with a compiled draft Comprehensive Plan Policies and Strategies for consideration for the public sessions to occur in March. The draft policies and strategies will be reviewed and refined to ultimately reflect those Policies and Strategies the Board wishes to ask session participants to indicate their support for each on a scale of 1 to 5, with 1 being of strong support and 5 being strong opposition. The public sessions planned for later in March will provide input to the Board in its formulation of the final policies and strategies to be ultimately included in the Draft Plan, which will be the subject of a Public Hearing later in the spring.**

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

- **Planner Tansley shared and the Board discussed the Draft Goals, Policies & Strategies Plan (GPS)**
- **The Board will get a hard copy on Friday to go over page by page at the workshop, which will be held, via zoom on March 9, 2022.**

- The future dates of the public sessions are to be determined but will most likely be held in March.
- The Chair told the Board about the site walk he attended at the CMP site. He spoke about how well the event was organized, attended and executed. He felt it cleared up some misconceptions about why the new station is needed.
- Planner Tansley stressed the importance of attending and participating in the City Council Budget meeting on March 17th when the Planning Board request will be presented to the Council.
- The Board discussed the desire to go back to the Live meetings but will not be Live until they can be guaranteed that the system used for Hybrid Meetings can run efficiently and does not impair the quality of the meeting.

8. Adjourn

The Chair told the Board that according to Robert's Rules they do not need a motion to adjourn.

Meeting adjourned at 7:19 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.