



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: February 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, Roch Angers, Alexa Plotkin (Alternate Voting Member), Michael Cantara (Alternate Voting Member).
- Absent: Spiros Droggitis (arrived late)

2. Adjustments to the Agenda

3. Planner's Business

4. Consent Agenda

5.A. Approval of Planning Board Meeting Minutes of January 20, 2021

MOTIONS:

- Tarpey-MOTION: To approve Meeting Minutes for January 20, 2021
- Benway-SECOND
- Mr. Benway asked about 1 Sea Spray saying this property has come to the Board previously asking to build a 3-unit condo under the name of Beach Bum and asked what happened to them.
- Planner Tansley will look into it and get back to him.
- Chair Southwick-Roll Call for Vote-Unanimous Approval (4-0) all in favor (Tarpey, Benway, Plotkin & Angers)

5. Unfinished Business

6. New Business

6A. 2020.39 Public Hearing take comments, and make recommendation to the City Council regarding various zoning amendments related to the Historic Preservation Ordinance

- Brad Favreau, Economic Development Coordinator and Staff Liaison to the Historic Preservation Committee gave an overview of the proposed changes in order for the City to apply for CLG status. He spoke on the opportunities that would be made available to the City upon receiving such status. He spoke on the strength of the current Historic Preservation Committee and said there were only 10 other communities in the State of Maine with CLG status. In

preliminary conversations with the State, they said we only had to make a couple of amendments to qualify for CLG status:

- a. Set criteria for others to nominate buildings as historic structures.
Eligibility is tied to an event, person or architectural style providing visual continuity in the neighborhood.
 - b. Create a process for nominations to be approved as historical structures by the City Council.
 - c. The committee also added additional definitions and made some clarity and corrections in the ordinance.
- Chair Southwick opened the meeting to the public, there being no questions or comments he brought the meeting back to the Board.
 - Mr. Cantara said he feels this proposal is long overdue and would make Biddeford special for future generations. He supports this proposal and thanks Mr. Favreau and the Historic Preservation Committee.
 - Mr. Angers concurs with Mr. Cantara and wished the City had done this earlier in order to save several buildings that have already been demolished. He commends Mr. Favreau on his hard work and very positive project.
 - Ms. Plotkin said she appreciates all of Mr. Favreau's hard work and supports the project.
 - Mr. Tarpey feels the same way as Mr. Cantara, agrees it is overdue and a very worthwhile endeavor.

MOTIONS:

- Mr. Benway-Motion: To send the proposed Historic Preservation Ordinance onto City Council for approval
- Mr. Angers-Second
- Chair Southwick-roll call for Vote: Unanimous Vote to Pass Motion (4-0), All in favor (Benway, Tarpey, Angers & Plotkin)

6B. 2020.08 Final Subdivision Site Plan Review Submission for K & S Development to construct a 3-Unit "Townhouse" style condominium project at 45 Hill Street (Map 39, Lot 112) in the MSRD-2 Zone.

- Chris DiMatteo, Consulting Planner, did a brief overview of the project. He noted that the applicant has addressed the 1 condition and 1 waiver as Conditions for Approval. The applicant has provided a lighting cut sheet and feels the project is now good for the Board to complete their discussion on the project.
- Planner Tansley said that the waiver requested must be acted on this evening. The waiver is for parking in the rear and or side setbacks
- Jonah DeWaters from Oak Point Associates represented the applicant. He said they have adjusted all comments there are not a huge amount of changes other than addressing grading comments. The applicant contacted the USPS regarding the mailboxes and will meet with a representative of the post office about where to add the mailboxes on the structure. There is a Condition of Approval concerning replacing the current fence with another at the same

height. The current fence is a piece of plywood. The owner is working with the abutter on something that will work with the neighborhood character.

- John Korpaczewski, Principal of K&S Construction, said that last Saturday he went to the site and found trash, couches etc. left on the site. They cleaned the lot, refastened the fences & plywood which was originally put up to keep people from cutting through the lot. He spoke with an abutter named Sal who owns the structure at 47 Bacon Street and they will meet with John to discuss John's fence which will come down and something new will be going up. USPS said no junction box is needed and they will meet on site as well.
- Mr. DeWaters addressed the comment of wanting a street tree, he selected a tree with the help of the landscape architects at his company.
- Chair Southwick opened the meeting to the public, there were no questions or comments so he brought the item back to the Board.
- Mr. Benway asked Planner Tansley about which waiver needing to be addressed whether it is item 16 or 17
- Planner Tansley said #16 needs the waiver which is not really a waiver but they need to make sure it is addressed.

MOTIONS:

- Benway-Motion: Waive the Code of Ordinances Part III, Article IX, 11, Section 5.B4.f.1: No paving, parking or storage shall be permitted within the required setback of any side or rear property line.
- Angers-Second
- Chair Southwick-roll call for vote: Unanimous vote for motion to pass (4-0) Benway, Tarpey, Angers & Plotkin in favor
- Benway-Motion: To approve the Final Subdivision Plan for K & S Development to construct a 3-Unit Townhouse style condominium project at 45 Hill Street (Tax Map 39, Lot 112).
- Angers-Second
- Chair Southwick-roll call for vote: Unanimous vote for motion to pass (4-0) Benway, Tarpey, Angers & Plotkin in favor

6.C. Discussion: Residential Density Bonus in the MSRD-2 and residential densities in other zones

- Planner Tansley spoke about wanting to get the Board thinking about 2 items that were approved by Council to send to the Planning Board
 - a. 2021.9-Public Hearing regarding an increase in density in MSRD-2. Many places have surplus space in buildings but not enough lot area to add an additional unit but they need a quality standard
 - b. 2021.10 Density within the City as a whole being increased must come through the Comp Plan, such as 10,000 square foot unit but be approved with for 2 units at 18,000 square feet after meeting certain criteria.
- Ms. Plotkin confirmed that 2021.10 came from the Council and not the Planning Department.

- Chair Southwick commented that the interest in affordability is geared more toward Biddeford instead of York County.
- Ms. Benway asked about the language in 2021.9 if it was in the Planning Boards purview, what it means, the specifics of other zones, how far can it go, he would like the language to be more specific.
- Planner Tansley said that the MSRD-2 is a ring around the Downtown area and the R-2 is abutting to let the Board look and focus on MSRD-2.
- Chair Southwick said that the way the zone is written it allows greater density on one side of the street only in some place so the increase in zone is to allow the increase on both sides of streets.
- Mr. Cantara mentioned that 21% of rentals in Biddeford are in poor condition is this increase in density likely to encourage property owners to upgrade their units in order to create another unit?
- Planner Tansley said the new unit must meet standards, he will have to check with Roby Fecteau about the existing units. Is it quality vs affordability, it would be good to have both. He said the Council is open and asking for the Board's opinion.
- Ms. Plotkin said that Councilor's Belanger & Clearwater were against this item because they do not want things done in a peace mail nature, they want a larger more focused effort.
- Planner Tansley said this is a process and is not yet for public input.
- Guy Gagnon, Executive Director of the Biddeford Housing Authority, said that affordable housing is now at 80% of the median income Maine State Housing Authority (MSHA) is at 80% of the median income also and a 2-bedroom home is \$1422.00 per month, this is not hitting the mark for affordable housing. A significant difference would be 60% which would be \$1066.00 for a 2-bedroom place. Income levels are lower in Biddeford. Condo sales are at 125% of the median income with MSHA at 115%. He suggests a qualifier with sales meeting MSHA standards which are adjusted annually, as they are tied to an index. Lack of affordable housing is a huge crisis we need to go deeper, if we leave things the same they will stay the same. We need to make it enticing to create affordable units.
- Planner Tansley asked if Mr. Gagnon could send his comments to the Director of Planning, Mathew Eddy and to him, he feels it would be very helpful
- Mr. Benway asked if he would send his written comments to the Board as well.
- Mr. Cantara said that Mr. Gagnon's comments showed the reality of the fact that Biddeford has been facing this problem for several years. There needs to be government programs, both federal and local to facilitate incentives for developers to create true affordable housing, 80% of median income ignores hundreds of families who still cannot afford housing.
- Mr. Angers said that he is the Chair of the Biddeford Housing Authority, both Mr. Gagnon & Cantara make strong points and they are there to help and they want to help. He would like the City to have more collaboration with the Biddeford Housing Authority.

- Chair Southwick said there are no quick solutions to complex problems. Planning Board members talk to your neighbors, and the staff will do their due diligence. We will put all the information together and make something good and lasting for the City. He appreciates all that everyone has done.
- Planner Tansley spoke on future scheduling with the Comp Plan and the PEP meetings he envisions the next meeting being on the 17th. Agenda items (among others) will be 1 Sea Spray, they will discuss their schedule through July, clearer ideas on development projects, contract zone at 5 Points, looking at the fees to keep track of the efforts for the fee. Planning Board fees are supposed to cover staff time and costs. They need to relook at the fee structure to be more representative of the work level. Larger items are coming down the road.
- Mr. Cantara asked if they will be having a Public Hearing on the items sent from the City Council
- Planner Tansley said not until they have a proposal. They will pull the amendment together and then bring the proposal to the Board, and have a Public Hearing once the Board agrees on the proposal.
- Mr. Anger asked if the Board sets the fee or does the Council. How do our fees compare to other cities, he does not want to be out of whack on fees? They will hear it from the residents when in public.
- Planner Tansley said they will make recommendations on fees and then send it to the City Council for approval.
- Mr. Droggitis asked when the fees were last updated.
- Planner Tansley said the fees have not been updated in a very long time. He then went on to explain the fee structure to the Board.
- Mr. Angers asked when the census data is scheduled to come out.
- Planner Tansley believes the census is now being litigated and the figures probably will not come out until 2022.

MOTIONS:

- Benway-Motion: to adjourn
- Angers-Second
- Chair Southwick did a roll call to Vote-Unanimous to pass the motion (4-0) Benway, Tarpey, Angers, & Plotkin in favor

Meeting was adjourned at 7:32 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.