



CITY OF BIDDEFORD

Planning and Development Department

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Planning Board Meeting Minutes

Date: February 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, Spiros Droggitis, Alexa Plotkin (Alternate) 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 January 19, 2022 & January 26, 2022

MOTIONS: 6:02 PM

Benway-Motion- to approve the Meeting Minutes from January 19, 2022 & January 26, 2022

Angers-Second

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

5. Unfinished Business

6. New Business

6. A. 2022.01 Conditional Use Permit & Shoreland Zoning Permit for the City of Biddeford for Replacement of a Pump Station at 432 Main St. & 20 Horrigan Ct (Tax Map 34, Lot 16 & 16-1) in the B1 & GD-2 Zones

- Craig Chekan & Tom Milligan from the City of Biddeford Engineering Department introduced and described the project.
- There were no public comments

MOTIONS: 6:26 PM

Benway-Motion-To approve the Conditional Use Permit and Shoreland Zoning Permit for the City of Biddeford based on the plans submitted by Wright-Pierce, dated December 2021, with "For Bidding" date of December 17, 2021, at Horrigan's Court and approve the Findings of Fact and Conclusions of Law based on the Conditions outlined in the Staff Report dated January 29, 2022. 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 & Droggitis)

6. B. 2021.31 Final Review of a 6-Lot Cluster Subdivision for Ginger Hill Design + Build at 918 Pool Street (Tax Map 4, Lot 48) in the Coastal Residential (CR) and Rural Farm (RF) Zones.

- Christopher DiMatteo, Consulting Planner updated the Board on the changes and updates made for the project.
- Representing the applicants:
Bill Walsh of Walsh Engineering
Connor Ritter of Walsh Engineering
Emily Ingwersen-Ginger Hill Design & Build
- Speakers from the public:
Richard Rhames

MOTIONS: 6:45 PM

Benway-Motion-To approve the Cluster Subdivision and Conditional Use Permit for Ginger Hill at 918 Pool Street based on the plans submitted by Walsh Engineering, dated January 12, 2022 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 2, 2022. 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 individual members of the Planning Board.

Angers-Second

Chair Southwick-Roll Call for Vote-Motion Failed, 1-3 (Benway in favor, Angers, Tarpey & Droggitis against).

- Mr. Walsh asked how they had not met the ordinance requirements
- Ms. Ingwersen said she did not feel they had a chance to address comments.
- Mr. Benway said he was uncomfortable having a discussion following a vote

MOTIONS: 6:48 PM

Benway-Motion-To allow the applicant to address the Board after vote

Angers-Second

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

- Ms. Ingwersen addressed the open space and clearing concerns. She acknowledged that they will restrict the clearing of lot 5 and will make other changes to please the Board.
- Mr. Cantara that in his opinion they should reconsider the note on page 3 regarding maximum clearing. He asked if it would be appropriate to reconsider the Board's earlier vote based on this conversation with the applicant.
- Chair Southwick said he would consider that and ask the Board's opinion. He said he was concerned about the note on buffering on page 4 and asked the applicant to relook at this point. He asked Planner Tansley if it is appropriate for the Board

to give the applicant specific direction on changes to make to be more in line for the Board to give an approval on the project.

- Mr. Benway asked the Planner if he saw any ordinance violations. Planner Tansley said he sees no violations. Developers can always improve on their subdivisions; he is not sure what else can be done by the applicants to get approval.
- Planner Tansley brought up the Existing Conditions Plan to clarify what the Board is looking for in changes to the plan. He then showed the difference between the standard subdividing and cluster subdividing of the property. He said he thought it might be useful for the Board to see the differences. He told the Board that the applicant made the project more “clustery” but at the same time, the applicant has to adhere to the ordinance with minimum lot size and setbacks.
- Mr. Walsh addressed the comment by Mr. Di Matteo saying the applicant did not comply with the request to add more plantings in an area. The area in question has several unknowns and he suspects it is ledge. He talked about the grading of the lots.
- Ms. Ingwersen mentioned they were also concerned about site distance in some areas where plantings were requested.
- Mr. Benway asked for an explanation from each of the members who voted no:
Mr. Droggitis denied the motion because there were items in the report not addressed; he feels loose ends need to be tied up.
Mr. Tarpey feels the lot at the top isolates the open space. He would like to see a nicer, less chopped up cluster subdivision. He wants more connectivity of the property for dog walking.
Mr. Angers is concerned about items not being addressed, buffering issues and the connectivity issues.
- Planner Tansley clarified that the Board wants 1) more connectivity for dog walking 2) additional buffers on lots 1 & 6.

MOTIONS: 7:12

Benway-Motion-To reconsider the original motion to approve the Cluster Subdivision and Conditional Use Permit for Ginger Hill at 918 Pool Street based on the plans submitted by Walsh Engineering, dated January 12, 2022 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 2, 2022. 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 individual members of the Planning Board.

Angers-Second

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

Benway-Motion-To postpone review of the Ginger Hill 918 Pool Street Subdivision and Conditional Use Permit until February 16, 2022 in order for the applicant to address the issues raised tonight.

Angers-Second

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

6. C. 2021.30 Final Review of a 6-Lot Cluster Subdivision for Ginger Hill Design + Build at 158 Oak Ridge Road (Tax Map 4, Lot 57) in the Rural Farm (RF) Zone.

- Mr. DiMatteo re-introduced the project and updated the Board on changes made.
- Representing the applicants:
Bill Walsh of Walsh Engineering
Connor Ritter of Walsh Engineering
Emily Ingwersen-Ginger Hill Design & Build
- Speakers from the public:
Richard Rhames
- The Board discussed the project with the applicant:
Open space issues
Land Trust/Solar Panels
Removal of dead & dying trees vs no motorized vehicles on land
Clarification: No ATVs or snowmobiles
The fact that it abuts Meadow Woods preserve
- It was suggested the applicant resolve the issues mentioned and bring the project back in 2 weeks.
- It was also suggested that the applicant re-look at page 4, paragraphs 6,7 & 8
- To clarify what vehicles are and are not allowed in the notes
- Be very specific in notes
- Public Access for all open space held by the Land Trust
- Clarify the no solar panels issue

MOTIONS: 8:07PM

Benway-Motion-To postpone the review of the Ginger Hill 158 Oak Ridge Road Subdivision and Conditional Use Permit (Cluster) in order for the applicant to address the items discussed in tonight's meeting.

Angers-Second

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

6. D. 2021.50 Conditional Use Permit for reconstruction/replacement of the existing substation for Central Maine Power Company at 466-468 South Street (Tax Map 2, Lot 40-1) in the SR1 Zone.

- Mr. DiMatteo updated the Board on changes made by the applicant.
- Representing the applicant
Mark Christopher
Jeremy Pettengill
Marc Inman
Jack Wu
- Speaking from the public:
Alex White-475 South Street (representing neighbors)
Anthony Chicco-3 Fox Hollow Drive
- The Board discussed issues with the applicant:
Buffers on the street
No clear cutting

**Trees on the road
Lighting**

MOTIONS: 9:02 PM

Benway-Motion- To approve the Conditional Use Permit and Site Plan for Central Maine Power Co. at 466-468 South Street based on the plans submitted by TRC Companies, as amended, 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 2, 2022. 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.

No second-motion dead.

MOTIONS: 9:18 PM

Benway-Motion- To postpone the review of the Central Maine Power Co. application in order for the applicant to address to the greatest extent possible the issues with the local residents and propose Conditional Use standards as outlined in the ordinance.

Angers-Second

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

6. E. 2022.02 Sketch Plan Review for 3 Lincoln, LLC to redevelop the former MERC site (3 Lincoln St. — Tax Map 71, Lot 2) in the MSRD-3 & GD-1 Zones.

- Planner Tansley introduced the project
- Representing 3 Lincoln LLC are as follows:
Peter Heil-Acorn Engineering
Marieke Thormann-Fathom Companies
Jesse Thompson-Kaplan Thompson Architects
- The applicants described their project with commercial design
- Retail on Pearl Street
- They have mixed use for lots 1 & 3
- They talked about affordable housing vs market rate
- They have no plans for the MERC smoke stack as it is not on their property technically

7. Other Business

8. Adjourn

MOTIONS: 10:00 PM

Benway-Motion- to adjourn

Angers-Second

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

Meeting adjourned at 10:00 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.