



CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Planning Board Meeting Meeting Minutes

Date: July 16, 2025
Time: 6:00 PM
Location: Council Chambers & Zoom

- 1. Pledge of Allegiance**
- 2. Declaration of Quorum/Voting Members**
Quorum Present: Alexa Plotkin, Chair, Larry Patoine, Susan Deschambeault, Roch Angers, Matt Dubois, & Kayla Lewis (Alternate Member)
Board Members Absent: Steve Beaudette
Staff Present: David Galbraith, Adi Iriqat & Attorney Harry Center
The chair called the meeting to order at 6:00 PM
- 3. Adjustments to the Agenda**
Item 7b for Chick-fil-A asked to be tabled
- 4. Planner's Business**
George Gervais (the Director of Planning & Development) resigned, his last day will be July 31, 2025
- 5. Consent Agenda**
5.A. Approval of Meeting Minutes from July 2 & 9, 2025
MOTIONS:
Dubois-change there was no vote noted in the minutes for July 2, 2026, minutes need to be updated
Motion-Roch – Approval of meeting minutes with previously mentioned change
Second- Patoine
Vote- Motion passed unanimously
- 6. Unfinished Business-N/A**
- 7. New Business**
7.a 2025.19 Review of a Shoreland Zoning Application for Brian T. Anderson to rebuild his house & attached garage at 49 Mile Stretch Road (Tax Map 62, Lot 29-32) in the Coastal Residential and Shoreland Overlay Zone. This request was approved in 2021, but the approval expired when there was no construction.
 - Iriqat introduced the project
 - Werner T. Gilliam of Walsh Engineering represented the applicant.
 - Existing non-conforming family home.
 - Applicant would like re-approval by the board
 - Applicants have acquired Permit-By-Rule through DEP.

- 19% footprint expansion, they would be able to go to 30% and remain in compliance.
 - Reduction in lot coverage from 9.6% to 9.00%
- NO PUBLIC COMMENTS**
- Patoine, no changes except it shrank a little bit and the flow through has been added
 - Angers-why did the project not start with original approval? Applicants opted not to do the project at that time.

MOTIONS: 6:27 PM

Motion-Angers- Motion to Approve Case #2025.19 Greatest Practical Extent Determination for Walsh Engineering, INC., on behalf of Brian T. Anderson (Tax Map 62, Lot 29- 32) in the Coastal Residential Zoning District with the listed Conditions of Approval.

Second-Patoine

Vote-Motion passed unanimously

Conditions of Approval:

1. The razed building shall not be relocated closer to any of the existing property lines as noted on the approved plan
2. The Code Enforcement Officer shall review and approve conformance to Section 15 of the Shoreland Zoning Ordinance
3. Obtain all required permits from the Maine Department of Environmental Protection and the Biddeford Code Enforcement Office
4. This approval shall expire one year from the date below if a substantial start is not made in construction. If a substantial start (30% of project completion, i.e., framing and foundation) is made within one year of the date below, the applicant shall have one additional year to complete the project thereafter; this approval shall expire 7-16-26.

7.b. 2025.07 Review of an application for Site Plan Review for Bohler c/o Chick-fil-A to construct a 4900±SF restaurant with a drive-thru at 150 Shops Way (Tax Map 2, Lot 24) in the Business 2 (B2) Zone. TABLED AT THE REQUEST OF APPLICANT

7.c. 2024.55 Review of Final Subdivision for 3 Lincoln, LLC for the proposed redevelopment of 3 Lincoln Street, (Pearl Street Lot 3) Tax Map 71, Lot 2) in the MSRD 3 zone and shoreland overlay. This applicant wishes to amend the previous Major Site Plan and Subdivision Approval (2022.02) from 3 buildings on Lot 3 to 4. The amendment includes the addition of five (5) town homes and revises Building A From 85 residential units to up to 52 units, Building B from 129 units to up to 85 units, and Building C will remain as a restaurant with approximately 154 total seats.

- Galbraith introduced the project.
- Marieke Thormann from 3 Lincoln LLC and Peter Heil from Acorn represented the applicant
- Thormann went over a presentation of Lot 3, overview of their vision of Lot 3
- Heil went over the changes in the project from the original beginning to today.
- Dubois asked how the structures have changed. Thormann explained it was reduced due to construction costs.
- Plotkin asked if they have always been condos, yes

- Patoine asked about the MDOT shared costs with One Diamond. The costs are still shared but the three developments are at different stages. This project will need a Traffic Movement Permit.
- Heil stated all proposed changes have been made.
- He talked about the requested waivers
- Amendments have been requested of DEP & SRCC
- NO PUBLIC COMMENTS
- Plotkin told the applicant that this application will be considered as a Sketch Plan due to the expiration of approval and changes being presented.
- Patoine, Angers & Deschambault agreed this being Sketch Plan
- Thormann asked how this would affect their process and the building permit they have applied for
- Galbraith said it would be a month and a half as this will go back for preliminary & final.
- Plotkin feels that the changes have been in the works for a while but now that they are in a hurry they want to rush it through the Planning Board.
- Patoine asked for a copy of the original plan
- Thormann wants to make sure the Planning Board understands they have no issues with the process they just want to understand
- Angers wants to make sure projects aren't being watered down as other projects withdraw. Galbraith not watered down.
- Angers where is the money coming from? We got a grant and some of the public works team.
- Angers wants to make sure there is enough money to fix everything. Galbraith said that is what we have to work around.
- Angers-if other projects keep pulling out the roadways are going to get watered down. Galbraith not at all.
- Deschambault-will be watching this carefully. This land was purchased by the taxpayers and are indebted until 2033. She feels like she is getting more information at the City Council meetings than she gets at the Planning Board. She is not committed yet but will continue to listen and ask questions.
- Dubois-is this grant separate from the impact fee? Yes
- Plotkin-She is not thrilled that cars have to go down Pearl Street to enter the project. She would like the building flipped so that the traffic is going by the fire lane. Thormann answered if they did that they would have to eliminate parking there.
- Dubois understands where Plotkin but has a different opinion. As a property manager and a condo owner in the area it is part of urban living.
- The fire lane is owned and maintained by the City.
- Will snow removal have any impact on the parking garage? This will change the snow removal process for the garage and there are details and cost sharing that will need to be worked out.
- Deschambault explained the plowing differences in the area between the City and developers.

- Patoine is concerned about someone driving along and they open the car door and get bombarded by a snow pile.
- Heil said they will have to consider this as part of the conversation with the garage.
- There will be signage saying resident and delivery access only
- They will continue working with the City on wayfinding.
- Dubois said the summer planters are helpful, but he sees people still parking there so it is a concern
- Patoine suggested a site walk
- Alexa said this is a good idea and to remember 2 years ago the open space requirement was waived.
- Angers confirmed that because this is a sketch plan, waivers need to be re-approved. He is skeptical, not a fan of the project. He is not convinced. He thinks perhaps they should have a site walk. He wants to think about it.
- Thormann said they are open to a site walk but wants the Board to remember that if they do not get the open space waiver approved they will not be able to build anything. She hopes the original collaboration with the City will be honored.
- Patoine would like a new application
- Angers would like to see how the applicant will react to what has been said he would like to see a little more “umph” to it. He is still not convinced and hopes that at the next meeting the applicant will be able to answer his questions better.
- Lewis this is the first time she has heard of a woonerf and would like a better explanation.
- Deschambault is concerned about the parking situation. Each applicant says they have 50 spaces that they have secured with the parking garage. She is afraid it is the same 50 spaces and that space will run out.
- Thormann said they work very closely with Premium Parking
- Dubois feels positively about the project and explained his concerns that he thinks the site walk will help clear things up.
- Thormann will provide the Board with their timeline.
- Deschambault would like the Deputy Fire Chief to attend the site walk
- Center thinks it would help to invite the Council

The Board agrees

No vote on this tonight. Site Walk to be scheduled.

7.d. 2024.35 Review of site plan application and shoreland permits for a proposed research pier and floats at Hills Beach.

MOTION

Patoine -Motion to remove the item from the table

Second-Angers

Motion carried unanimously

- Plotkin stated that the applicant does not need to present again, that they will go directly to comments
- Public comments will be limited and if it is something that has been said previously please do not say it again.

- Galbraith began the comments. He asked the Board for some latitude to clear a few things up. He has faced personal attacks that are offensive, wrong and untrue. He has gone out of his way to be open and accommodating for this project. Videos that have been cobbled together, Planner puts heavy thumb on scale for the pier review. He has no control over the vote. He has been accused of manufacturing an agreement between the fire department and UNE, not true, he followed up with Chief Best on a question about the department parking a fire boat at the pier, he was not manufacturing an agreement. Galbraith read the emails between he and Chief Best. Galbraith was accused of restricting what the Board can ask regarding this project. He would never restrict what the Board asks unless he is afraid they will get in legal trouble. Decisions should be based on the ordinances adopted. Galbraith was accused of scheduling a site walk when he knew 3 people couldn't make it. Galbraith explained what happened and even scheduled a second site walk to accommodate others. Galbraith has never seen this behavior and his integrity is more important than any development.
- Plotkin explained that all members of the Board saw the comments and emails, and this does not sit well with the Board. This is not the type of conversation we wish to have in Planning it helps no one's cause. Keep things above board.
- Deschambault explained that Planning is a small department, she explained the ups and downs of the department. What has been said is sad and the Board members are volunteers, and they still have to defend what they do. Deschambault mentioned she knows UNE and many of the staff. Deschambault explained how she researches her position in projects. She spoke about the Saco River Corridor Commission (SRCC) and read their findings of fact from the report about UNE. She explained what the SRCC took into consideration in their decision.
- Deschambault showed the Comprehensive Plans for the City and UNE.
- Deschambault discussed the Department of Environmental Protection (DEP) Clean Water Act that UNE filed. She read the history of UNE with DEP. UNE has a strong positive history of permitting with DEP.
- Deschambault then went on to talk about the Army Corp of Engineers approvals.
- Galbraith added that the Code Enforcement Director has sent Galbraith an email regarding his permit process. He ensured David that he does his due diligence to make sure he is in compliance when issuing a permit also.
- Lewis talked about the "foundation" of the project has been faulty causing the community to be unhappy. She wants to acknowledge the public's concerns. She is saddened that it has gotten to the point of character assassination. There is foundation erosion, and she is sorry that it got to this point. The problem is the root of this project causing tension. She hears and acknowledges it. The Board is aware that there are problems.
- Angers has problems with the whole process it has nothing to do with the Planner; he commends the Planner. The problem is the process. Did DEP ever speak to the public. Were the fishermen and the public involved? If the public were not involved then we would have a problem. Why wasn't UNE more subjective to bring in the neighbors to come in and look at the water. We get a list of things from the city solicitor saying they can only look at certain

parameters. He has never looked at the flip side. He's looking at what he can do, what about safety? He says the solicitor says he can't look at that as a reason to make his determination. He is very concerned. He brought the Biddeford Planning Board book, and he believes the Code of Ethics in this book is very important. He feels they should take a look at these things. He read from the Code of Ethics and considering all sides of the issue. The public pays the taxes and should be heard. The situation of the Harbormaster really bothers him. Who is the harbormaster? Why was he stopped from participating? A Railroad engineer took the place of the harbormaster. The Council oversees the harbormaster. Should the harbormaster be making this decision not the railroad engineer make the decision? He wants UNE to have a pier, the opposing parties agree, but the question is where. Did the three entities look at the other location?

- Attorney Center answered Angers questions. He referenced the written materials he submitted to the Planning Board on June 9th. If someone appeals the decision he will have to go to the Superior Court and defend the decision. He then talked about the Shoreland Zone, there is no criteria for safety or fishermen. If it is denied due to one of those reasons a judge will ask him where this criterion is in writing. Maine Supreme Court says you cannot make up mandates. Nothing in the ordinance says to consider an alternative location or water depth. Findings and conclusions must be in the ordinance. If we do not follow the ordinance and we go to court we will lose. A huge red flag is that the Planning Board members are talking amongst themselves through email. That is not in the record. The harbormaster is not in front of you. He has the policy committee meeting where Council President asked the Chair of the Harbor Commission "So the harbormaster is the one who issues the permit" Answer: "absolutely not the case! The harbormaster is nothing but a facilitator to facilitate the application through the process." He makes sure all other entities have signed off. The City Manager's actions have been documented; this concept is not before you. The harbormaster cannot dictate where piers are to be placed. He is not trying to limit you; he is trying to keep you within the ordinance and standards.
- Angers received from Sue the Harbormaster ordinance. What supersedes Title 38? Center-nothing. Angers what about the training? He read required training from Title 38. Did this individual go through this training? Center no, he is an engineer, he was a temporary reviewer to make sure our ordinance was being followed. Anger, shouldn't he have taken this training? Attorney Center answered that this issue is not before the Planning Board. Someone should have challenged the City Manager at that time but that is not the role of the Planning Board. A citizen or UNE could have challenged it at the time, but it is not part of the Planning Board's role. Whether or not the engineers are qualified is not something that is relevant to the Planning Board's jurisdiction and review of this pier. You may as well argue that UNE should have free tuition, it has nothing to do with the pier either. There is no criteria in the ordinance for this.
- Lewis stated that the system has not communicated in a way that the community understands. She encourages the public to look at the system to see what is upsetting people and when and how they should have taken action.

- Attorney Center read the last line of the Harbormaster Ordinance that the Harbormaster will guide the applicant through the system.
- Lewis-your concerns are valid, but this is not the best place to have them addressed.
- Galbraith pointed out that it is similar to the site walks. We were accused of UNE running the site walks that is not the case and accused the Planning staff of trying to silence the majority. We are trying to follow the rules. He reminded the Board that this is for preliminary review.
- Plotkin said they had been asked what would happen to the moorings, she asked Center to discuss it.
- Attorney Center reminded the Board that they are an administrative body. You are like judges and must follow the law. There is nothing in site review or shoreland ordinance that you have to worry about mooring owners. The application says the location is subject to change at the discretion of the harbormaster or his deputy. The mooring owners own the block and chain not the location. The contract is good for 1 year only. Moorings are not a criterion that is in the ordinances. This will be a separate issue, but it is not up to the Planning Board.
- Lewis understands this is highly emotional and very intense. Maybe this highlights what is not in the ordinance. This may lead to changes that the community would like to see.
- Deschambault this is for another day.
- Plotkin invited UNE to come to the podium to speak, they do not need to speak at this time.

PUBLIC

- Walter Alexander Ward 1
- Carol Alexnder Ward 1
- Paul Brady Ward 1 (565 Pool Street)
- John Schafer Ward 1
- Kyle Noble Ward 1
- Kris Stone 272 Hills Beach Road
- Joe Emmons Ward 1

MOTION

Motion-Anger-to extend the time of the meeting past 9:30 PM

Second-Dubois

Motion passed unanimously

MOTIONS:

Motion-Patoine-Motion to APPROVE the requested waiver for Article XI.II. Section 5.B.1.a. (post development runoff) for Case # 2024.34 Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City's Institutional (IN) Zoning District.

Second-Deschambault

Vote-Motion passed 3-2 (Plotkin, Patoine & Deschambault in favor, Angers & Dubois against)

Motion-Patoine- Motion to approve waiver for Article XI.II. Section 5.B.1.e.3.: No slope shall be created which results in a slope of more than two feet horizontal to one foot vertically unless proper retaining walls are proposed. The design includes slopes which exceed this standard in ledge (1/4H:1V) and along the drive (1H:1V). This waiver has been requested by UNE and granted by the planning board for all projects proposed by UNE on the campus due to the presence of ledge and the desire to minimize impacts of construction on adjacent areas. Based on our experience the ledge in the area is stable at steeper slopes. Turf reinforcement matting specifically designed to stabilize steeper slopes will be utilized along the drive side slopes.

Second-Deschambault

Vote- Motion passed 3-2 (Plotkin, Patoine & Deschambault in favor, Angers & Dubois against)

Motion-Patoine Motion to approve waiver for Article VI. Section 26.F.:

No cut or fill slopes that exceed 3 horizontals to 1 vertical. See above for justification.

Second-Deschambault

Vote- Motion passed 3-2 (Plotkin, Patoine & Deschambault in favor, Angers & Dubois against)

Motion-Patoine- Motion to approve Article XIV. Section 15.H.4. Road and driveway banks shall be no steeper than a slope of two horizontal to one vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15T. See above for justification for steeper slopes. The erosion control specified for the project exceeds the standards of Section 15T.

Second-Deschambault

Vote- Motion passed 3-2 (Plotkin, Patoine & Deschambault in favor, Angers & Dubois against)

Motion- Patoine- I motion to APPROVE Case # 2024.34 Preliminary Plan – Site Plan and Shoreland Zoning Review for the University of New England (UNE) / Proposed Construction of a Marine Science Center Research Pier to be located at 11 Hills Beach Road (Map #52, Lot 4) located in the City’s Institutional (IN) Zoning District.

Second-Deschambault

Vote- Motion passed 3-2 (Plotkin, Patoine & Deschambault in favor, Angers & Dubois against)

8. Other Business-N/A

9. Adjourn 9:44 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.