



CITY OF BIDDEFORD

Planning and Development Department

205 Main Street
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Biddeford, ME 04005
(207) 284-9115

Planning Board Meeting Meeting Minutes

Date: August 6, 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, Steve Beaudette (Alternate Member) & Kayla Lewis (Alternate Member)
Staff Present: David Galbraith, Adi Iriqat, Nan Whitten & Attorney Harry Center
The chair called the meeting to order at 6:01 PM
3. Adjustments to the Agenda-N/A
4. Planner's Business-N/A
5. Consent Agenda
5.A. Approval of Meeting Minutes from July 16, 2025
MOTIONS: 6:02 PM
Motion- Dubois- Approval of meeting minutes as presented
Second- Angers
Vote- Motion passed unanimously
6. Unfinished Business N/A
7. New Business
7.a 2025.20 Conditional Use Permit request for Nicole & Scott Thibeau of Miles of Smiles Childcare Center to expand the daycare at 460 Elm Street (Tax Map 21, Lot 1) in the Business 2 Zone. The applicants would like to expand their license from 49-70 children.
 - Iriqat introduced the project
 - In 2017 they were approved for a Conditional Use Permit with a waiver for full site plan review. (They have since exceeded the number of children allowed).
 - Structure is 2 stories fully sprinkled
 - The parking lot is nonconforming but grandfathered
 - Engineering has requested a few changes that the applicant has said they would be happy to comply.
 - They have made spaces for ADA
 - The applicant must create a space for autos to turn around.
 - A sign is needed stating there is no back up allowed on Elm Street
 - The applicant has had the parking lot re-stripped, and they have acquired the use of 5 parking spaces from an abutter.

THERE WERE NO PUBLIC COMMENTS

- **Nicole Thibeau of 15 Deer Run Drive, Biddeford (Owner) represented the application**
- **Angers asked if they have a contract for the use of the 5 borrowed spaces? The applicant has an email from the abutter authorizing the use. The five spaces are also not needed per ordinance, so this is not necessary.**
- **Angers asked what happens in the event that Brady sells? The applicant plans on purchasing that building as well so feels it is a moot point.**
- **Lewis asked the Planner is the applicant would need an easement to use these 5 spaces. Planner-no, these are spaces that are in excess of the amount required by the ordinance.**
- **Deschambault asked about the applicant having a handicapped sign. The applicant has purchased the sign; they are waiting for the sod to be laid then the sign will be installed.**
- **Deschambault asked the applicant if the applicants understand the conditions of approval, yes they do.**
- **Patoine is concerned that there would be no add to staff. The applicant replied that they are currently overstaffed and as they have more enrollment, they will add more positions.**

MOTIONS: 6:16 PM

Motion-Patoine-Motion to waive full site plan review

Second-Angers

Vote-Motion passed unanimously

Motion- Deschambault-Motion to Approve Case #2025.20 Conditional Use Permit: for Nicole & Scott Thibeau to operate a Child Care Center located at 460 Elm Street (Tax Map 21, Lot 1) in the B-2 zone with the following Conditions of Approval:

1. **Standard Conditions of Approval apply.**
2. **The applicant must comply with all directives from the following departments: Engineering, Fire, Codes, and Planning.**
3. **Prior to the issuance of an occupancy permit, the Applicant shall revise the parking layout to incorporate the following improvements as requested by the City's Engineering Department:**
 - **A designated turnaround area shall be provided to prevent vehicles from backing out onto Elm Street.**
 - **A handicapped (ADA-compliant) parking sign shall be installed.**
 - **Parking shall be prohibited in all areas marked with red dashed lines.**
 - **A "No Backing Out" sign shall be installed at the Elm Street exit.**
 - **The parking space located at the rear of the building (identified with red dashed lines) shall be removed to allow for the turnaround area.****Revised plans reflecting these improvements shall be submitted to and approved by City Staff prior to final occupancy.**

4. If applicable, submit a letter of evidence of lead inspection and abatement to the satisfaction of either a State of Maine licensed lead inspector or the Department of Health and Human Services.
5. A compliance inspection needs to occur by the Planning/Engineering Department to verify the parking lot is properly striped (meeting all dimensional requirements for the stalls), that the accessible parking space has been striped properly (8' stall, 5' clear zone), and that all site improvements associated with this approval were completed satisfactorily.
6. This approval is for up to 70 children. If a change in the status of the DHHS certificate occurs, the applicant shall submit a copy of the new certificate to the City Planner's office within 30 days of receipt. Suppose the change of status represents an increase in the allowable number of children. In that case, this Conditional Use Permit must be reviewed and approved by the Staff Review Committee and/or Planning Board.
7. Upon application for renewal of the DHHS certificate, the applicant shall submit a copy of the application to the City Planner's office within 30 days of submittal to the DHHS.
8. Upon receipt of the renewed DHHS certificate, the applicant shall submit a copy to the City Planner's office within 30 days.
9. All outside play equipment shall be located inside or rear yards and shall meet the required side and rear setback requirements. The applicant, at their own cost, shall have a licensed surveyor mark out the property lines and mark out the limits of the play area such that it is 10 feet from any side or rear property line.
10. Operation of the children's day-care center or home day care and maintenance of that portion of the building or residence dedicated to the children's day-care center or home day care shall be as set forth in 10-148 CMR Chapter 32, Rules for the Licensing of Child Care Facilities, of the Maine Department of Health and Human Services.
11. That portion of the building or residence dedicated to children's day-care center or home day care shall have provisions for the secured storage of household chemicals, cleaning agents, and all other potentially harmful substances. The Code Enforcement Officer shall be responsible for ensuring that said secured storage is adequate prior to the children's day-care center or home day care opening for business.
12. No trash is permitted to be placed at the curb for City pickup. Trash pickup and disposal, for all units associated with this approval or previous approvals, is the responsibility of the applicant.
13. Backing in and out of Elm Street is not permitted.
14. Modifications to Approved Development Plans: The project shall be constructed according to the approved development plans. If any changes are needed, the applicant must submit a letter requesting a "Minor Modification" to the approved development plans. The applicant must adequately justify the reasons for those deviations. The narrative shall include the current approved plans and the proposed modifications, which the City Planner shall agree to in writing before construction. Changes beyond the authority of the City Planner shall be reviewed and approved by the Planning Board.

15. Once the As-Built drawings are submitted to the Planning Department (clearly identifying what deviations and variances were installed based on the approved permit drawings), the City Engineering Department will conduct an inspection. The “as-built Checklist” shall be submitted for review and approval for any performance guarantee release.

16. Sewer Permits must be finalized and paid before a Building Permit is issued; payment will go through the Engineering Department.

17. Required Inspections:

i. Erosion & Sediment Control Inspections

1. It needs to be completed by a city-approved third-party Inspector and paid by the Applicant via the inspection fee escrow held by the city.

2. Initial, monthly, and final inspections.

3. At a minimum, the City’s Engineering Department shall be notified for an initial E&S inspection before breaking ground.

ii. Right-of-way Inspections

1. Needs to be completed by the City Engineering Department.

2. For all public roads, storm, and sewer connections.

3. Private right-of-way inspections: The design engineer shall complete private right-of-way/road and utility inspections and certify that they have been constructed as approved before the full or partial release of established bonding.

iii. Stormwater BMP Installation Inspections

1. Needs to be completed by the design engineer.

2. Confirming stormwater facilities are installed correctly per design.

3. Inspection reports need to be submitted to the Engineering Department.

iv. Post-construction BMP Maintenance Annual Inspections

1. Needs to be completed annually by the design engineer or 3rd third-party inspector.

2. Needs to assess the current condition of each BMP, what repairs are needed, and confirm ongoing maintenance has occurred.

3. Upon completing each inspection, copies of all inspection reports must be submitted to the Engineering Department.

Second- Dubois

Vote- Motion passed unanimously

7.b. 2025.11 The Biddeford Planning Board will review an amended Sketch Plan Request for Bedard Homes LLC . This proposal is to create 36 single-family home lots at 268 Pool Street (Tax Map 8, Lot 52-1) in the SR1 Zone.

- Galbraith introduced the project and described the changes that have taken place to the project.
- Galbraith reminded the Board that this is a Sketch Plan application therefore, there is no vote tonight.
- Jayson Haskell of DM Roma Engineering represented the application.
- The applicant has reduced the number of lots and the impact to wetlands.
- In complying with the requested reductions, the applicant lost the road connection for utilities.

- The applicant has been working with Maine Water and the Sewer Department for the City of Biddeford.
- This new subdivision plan mimics a cluster subdivision in showing 10 times more open space than required in a cluster subdivision.
- According to the ordinance, the land is rated for 99 lots, however, the applicant is only making 36 lots.
- The applicant is working with FB Environmental Associates & IF & W in order to protect the wildlife in the area.
- All changes requested by the Planning Board, City Departments, FB Environmental & IF & W will be reflected on the Preliminary application.

PUBLIC COMMENTS

- Susan Orman-55 Parkside Drive
- William DeLong-55 Parkside Drive
- Erik Heumiller representing the Biddeford Conservation Commission
- Richard Rhames-10 West Loop Road

BOARD

- Lewis asked which part of the parcel is in the SR-1 zone, the entire parcel is in the SR-1 zone.
- Deschambault asked who from IF & W will be on the site on Monday, 3 biologists 1 of which is a reptile specialist. FB Environmental will be submitting the report.
- Patoine asked if the connector road will be passed. The connector road will be gravel and gated at both ends.
- Patoine confirmed that they will have the sewer capacity but will never be allowed ADUs on the property. The ADU restriction will be in writing on the plan and on all deeds to the property and lots.
- Patoine asked how the ADU restriction will be enforced, it will be on plan and deeds and entered into the new permitting software.
- Dubois asked about a site walk and talked about the neighbors being unhappy with the fact that Public Works does not plow the sidewalks.
- The Board agreed that they would like a site walk
- Angers explained that he lives in Cathedral Oaks and the only sidewalk plowed is the one leading to the Eastern Trail.
- Angers asked if a traffic study would be required. There will not be enough traffic generated to trigger a traffic study requirement.
- Angers asked who pays for the pumping station and sewer upgrades. Galbraith explained they are usually paid through sewer fees for new construction.
- Angers asked the Planner if he was concerned about the comments sent in by the Conservation Commission. Galbraith explained he is waiting for the report by IF & W.
- Patoine asked the applicant to flag Parkside, Lot 7, Pool Street, the utility easement and both sides of the entrance to the horseshoe for the site walk.
- Lewis would like to explore a cluster subdivision because that is what the public has requested.
- Plotkin asked for a cluster subdivision plan to show alternative options.

7.c. 2024.34 Final review of site plan application and shoreland permits for a proposed research pier and floats at 11 Hills Beach Road for the University of New England. The project is located in the city Institutional (IN) zone and the Limited Residential District shoreland zone.

- Galbraith re-introduced the project
 - Alan Thibeault from UNE & Dan Bannon from GEI Consultants represented the applicants
 - Plotkin asked if there are any changes to the original plans/presentation? No
- PUBLIC COMMENTS**

- Kyle Noble-56 Hills Beach Road
- Gary MacMullen-84 Old Pool Road
- Diane LaRivier-517 Pool Street
- Walter Alexander-Bridge Road
- Matt Haas-36 Meetinghouse Road
- Christina Stone-272 Hills Beach Road

BOARD

- Lewis spoke to the public about the Charter and the failure of the ordinance to provide for a replacement in the event of no Harbor Master or Deputy Harbor Master. She stated that the ordinance is not complete, and this is also causing a mooring dispute. She asked the public to make the Board members aware of revisions needed in the ordinance. She asked the public to keep engaging and asked Attorney Center about conflicts with other ordinances. Attorney Center gave Lewis some clarifications. Lewis asked about handling disputes in which Plotkin tried to clarify.
- Attorney Center told Lewis she was premature in this line of questioning. There has been no decision yet, he explained steps if the project was approved. Attorney Center clarified that the engineer who approved the project is not a "railroad engineer", he went on to name some of their maritime experience and asked the Board members to stop referring to the engineer as a "railroad engineer".
- Galbraith reminded the Board that they have to make the decisions based on the standards as they are now with the information they have in front of them according to the ordinance.
- Patoine asked the applicant about the fact that the City accepted a \$45,000 grant for a rescue boat for the Saco River. Mr. Thibeault said he was not aware of this grant.
- Dubois read a statement explaining his reasoning for voting against the project the last time it came up. He said he could not in good conscience vote for a project he does not feel was properly vetted. He would like to either table it or deny it without prejudice.
- Angers told the Board and public that he spoke to the City Council personally and he believes in his convictions and is proud of himself. He said he received an email from Councilor Norm Belanger. Councilor Belanger stated that he will look

into whether the Council should become involved and that he agrees it is a “flawed process”. Angers read the emails between he and Councilman Belanger. Angers would like the project tabled until the new City Manager comes on board.

- Attorney Center said all he can do is advise the Board. However, if they table the project it has to be for a reason such as an incomplete application package, it has to be for a reason that will hold up in court. UNE has a right to be heard.
- Deschambault confirmed that when tabling a project a reason must be stated. The reply was yes, and it must be a legitimate reason.
- Dubois asked if they could defer it to the Harbor Master, the answer is no because it is not in the ordinance.

MOTIONS: 8:04 PM

Motion-Dubois-Motion to table because the Harbor Master was removed by the old City Manager and he would like the new City Manager’s opinion on the subject
Second-Angers

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

Motion-Patoine - Motion to APPROVE Case # 2024.34 Final 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, with the adoption of the Findings of Fact (FOF) and recommended Conditions of Approval:

1. The material provided for the proposed project has been reviewed only for general conformance to the City technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. Standard Conditions of Approval apply.
3. Modifications to Approved Development Plans: The project shall be constructed in accordance with the approved development plans. No deviations to the approved development plans shall be made without prior written authorization by the City Planner. Should the Applicants desire a modification from approved plans, they shall be required to submit a formal letter requesting a “minor modification” to the approved development plans. The narrative shall be submitted outlining the request, the reasoning for the request (justification) and include plans illustrating the approved plans and proposed modifications. Changes beyond the authority of the City Planner shall be reviewed and approved by the Planning Board. It should be noted that review fees for any proposed changes may be assessed to the Applicant, for Staff or Peer Review time spent evaluating the request.
4. A Letter of Credit or other surety acceptable to the City of Biddeford shall be submitted prior to the issuance of permits or site work being initiated. The

financial guarantee shall be established for 150% of the cost of the following improvements:

- a. Landscaping
- b. Paving
- c. Work within ROW (existing or proposed)
- d. Stormwater Drainage
- e. Loam & seed
- f. Sediment & erosion control
- g. As-Built Plans
- h. Property Monuments
5. Prior to any ground disturbance, the applicant shall establish a construction inspection account equal to \$2,500.00.
6. Prior to any ground disturbance, a pre-construction meeting with the owner/applicant, contractor, and City is required. Contact the Engineering Department to schedule this meeting.
7. Contact the Department of Public Works for driveway location permits, curb cut permits and/or street opening permits prior to the start of construction.
8. An as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project electronically, which can be read by the City of Biddeford's Geographic Information System software. Note: Any modifications to the Planning Board approved development plans shall be reviewed and approved by the City Planner prior to being made, including any "field changes".
9. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion effects from the work. All disturbed areas must be re-vegetated and/or otherwise stabilized at the appropriate stage of the work per Maine DEP standards in the Best Management Practice (BMP) manual.
10. That the Article VI Performance Standards requirements regarding Dust, Fumes, Vapors & Gases (sect 25), Explosive Materials (sect 28), Glare (sect 37), Noise (sect 48) be followed.
11. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc. prior to commencing business.
12. At the completion of the project the owner/applicant shall request a final inspection. This request shall be directed to the Engineering Department. Performance guarantees and remaining escrow accounts shall not be released until the Planning Office certifies that the project has been completed and is in compliance with the approved development plans and all applicable City Ordinances.
13. The applicant shall submit approved plans for signature of the City's Planning Board, which shall be recorded in the York County Registry of Deeds. An electronic copy of the recorded plan shall be sent to the Planning Office.
14. Once stamped and signed "As-Built drawings" are submitted to the Planning and Engineering Departments (clearly identifying what approved deviations and variances were installed based on the approved permit drawings), the City Engineering Department will conduct an inspection. The "as Built Checklist" shall be submitted for review and approval, for any performance guarantee release.

15. As-Built Drawings and CAD Files need to be submitted to the Planning & Engineering Departments prior to a 'Site Punch list Inspection' and any bond release.
16. York County Recorded Drawings: Applicant must submit recorded copies of York County Registry of Deed drawings to Planning & Engineering Department prior to Building Permit Issuance.
17. As agreed during the public hearing process, the University of New England (UNE) shall be responsible for the reasonable costs, as applicable, for the relocation of all impacted moorings displaced by the construction of the UNE research pier.
18. Fire Department Requirements:
 - A. The Applicant shall schedule an on-site inspection with the Biddeford Fire Chief to verify that the emergency vehicle turn-around can accommodate the largest vehicle in their fleet to the Department's satisfaction. Any necessary modifications shall be coordinated with the City Planner and constructed to the Fire Chief's satisfaction.
19. Except to the extent necessary to construct the access drive depicted on the Site Plan on Pearl Street, all construction traffic shall utilize the Lincoln Street curb-cut and is hereby restricted from using Pearl Street.

Second-Deschambault

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

8. Other Business-N/A

9. Adjourn

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.