



PLANNING BOARD MEETING MINUTES

October 7, 2026

1. Pledge of Allegiance-Meeting brought to order at 6:00 PM
2. Declaration of Quorum
Planning Board: John McCurry, Matthew Sargent-Dubois, Roch Angers, Leah Schaffer, Chico Potvin & Rob Nicoll (Alternate Member)
Staff: David Galbraith & Harry Center
3. Adjustments to Agenda-none
4. Planner's Business
Galbraith talked about 2026.47 Planner approval of the proposed doors and new ramp for Blossom Retail, LLC at 45 Boulder Way (Tax Map 2, Lot 56) as a minor amendment to the approved development plans, NOT requiring a site plan amendment before the Planning Board.
5. Consent Agenda
5.a. Approval of Meeting Minutes of September 2, 2026
MOTIONS: 6:00 PM
Motion- Schaffer -Motion to approve Meeting Minutes as presented
Second-Angers
Vote: Motion passed unanimously
6. Unfinished Business
6.a 2026.44 Review of a request from the University of New England (UNE) for a 1-year extension of their 2025 approval to construct a Marine Science Research Pier at 11 Hills Beach Road (Tax Map 52, Lot 4) in the Institutional Zone.
 - Tabled at last meeting
 - Motion-Schaffer-Motion to remove from the table
 - Second-Nicoll
 - Vote-Unanimous
 - Galbraith reminded the Board that this is only for a 1-year extension to the approval.
 - Item was in the courts it was also stayed.
 - Not a re-hearing of the case
 - Staff believe this has more than validityMOTION:
Motion-Schaffer-Motion to extend approval for Marine Research Science Pier for 1 year
Second-Potvin

No Public Comments

- **Angers-talked about emails received regarding the process, he feels the mooring owners are being told they must move, the harbor master should be consulted.**
- **Patoine (former Board Member) asked for a report which was never given to board.**
- **He feels there is something there that they have not been told about it**
- **Angers feels harbormaster should be involved. He does not feel reasons were ever given as to why harbor master was not included.**
- **Angers must vote on his integrity, this is like a can of sardines, this smells very fishy, he will not be voting in favor.**
- **Potvin feels like if they vote no they will be no further and they have more important things to deal with. This will have to go through Codes as well.**
- **Sargent-Dubois will not be able to support this project due to the harbor master issue.**
- **Nicoll appreciates the feelings of his colleagues he is not voting this evening; we must be careful to vote the way it is intended which is very straight forward of is the request for an extension valid based on all the reasons why they were not allowed to start construction a year ago. We will be opening a door that will make it very difficult for any progress to be made.**
- **Potvin asked Galbraith & Center-when they go to pull the permit does the Harbor Master have to sign off on the permit?**
- **Center answered The harbor master has no role with respect to the Code Office. He cited the ordinance portion that mentions the harbor master and went on to say there are 10 criteria that are limited to other agency approvals i.e. indigenous tribes, army corps... When that ordinance was passed the proponent of the ordinance telling the Policy Committee the Harbor Master is merely a facilitator, the Harbor Master guides the applicant through the process. Two former councilors and (Liam was on the Policy Committee at that time too) said then the Harbor Master approves it and the chair of the Harbor Commission at that time said Absolutely Not, the Harbor Master does Not Grant or approve anything he is merely a facilitator. The language is inconsistent, the problem we run into is the government can't impose regulations on private property without clear constitutionally supportable standards setbacks, height.... There is nothing in the ordinance about depth, current, effect on moorings, other aspects eluded to for placement of the pier. Secondly, as a Planning Board, we go to deny the request without the applicant even being there. We have in public record a Harbor Commission Meeting where the Harbor Commission considered the potential pier and UNE hadn't even applied yet and it said the Harbor Master is going to deny the permit. As City Solicitor, that puts Harry in a spot to find a neutral judge to say that's ok, we had a due process body considered a permit before it was even filed, determined to deny an applicant without giving the applicant the opportunity to be heard. That is the position the City was in and that is why he gave his legal opinion regarding the Harbor Master; it was nothing personal but in his legal opinion it was a flawed process. You cannot deny something before someone applies. Is the extension necessary because it's**

beyond the university's control? The tree cutting permit was denied due to the language in the moratorium. It said "no permits" period so Codes denied it and it held up in the appeal process. Last night the Council said the pier project and DeCary Hall are not subject to the moratorium. Now the delay the elephant in the room is the 250' buffer zone. It's in maps and the Master Plan and then it's not in a different plan, does this cause the delay, is it because the applicant didn't bring this buffer zone forward. Is this something you can consider when considering the extension.

- Galbraith talked about why extensions are generally granted. In this case the reason the staff is in favor of this is because the City held the University up in getting permits. We base the decision on, is this a valid reason for giving an extension? We've also had the same on shoreland zoning whether they moved forward or not. If they come to us before it expires then we bring it in for an extension if it has already expired, we have no choice but to bring them back to Planning Board as a new request.
- McCurry asked about basing their decision on not knowing about the 250' in the beginning and the case was approved whether the 250' or not and we do not approve the extension request because of the 250' now, we are in essence re-considering something that was approved by the prior Planning Board.
- Galbraith said that is correct and that 250' is not a City regulation, (and Harry can correct me if I'm wrong), that 250' was found in one sentence in the Master Plan of 2004 or 2007 and it has not been in the Master Plan since. There is 250' on the latest plan and it said 250' SRCC, that was their regulation, not the City's regulation and we looked at it by the City's regulation. We are looking at whether we have valid reason to approve this extension.
- Schaffer feels this very cut and dry, and there are only 2 who were on the Planning Board. She does not feel that she has any basis to reinterpret what the previous Board voted on. What she is looking at is the extension request and is UNE able to go forward with this request and get their permits based on anything from their own or outside factors. To her it is cut and dry and she will be voting to approve this request.
- Potvin, in an effort to assist with McCurry's question, gave the scenario of if he went for an extension and the ordinance had changed. In this case the ordinance did not change and the 250' buffer is not our ordinance but the Saco River Corridor's.
- McCurry Thanked Potvin and said he agrees with Schaffer he believes tonight is just the extension. If they were going through this from the beginning there would probably be a different result.
- McCurry Called for a VOTE:
Motion passed 3-2 (Potvin, Schaffer & McCurry in favor, Angers & Sargent-Dubois opposed)

7. New Business

7.a 2026.43 The Planning Board will listen to a Conditional Use Permit application from Omar Azimi to run a barber shop from his home located at 351 West Street (Tax Map 4, Lot 12) in the RF Zone. Mr. Azimi plans on taking clients by appointment only from 9:00 AM to 4:00 PM Monday-Friday.

- Galbraith introduced the project.
- Traffic issues were reviewed and where this is by appointment only so staff do not feel this will generate a lot of traffic that is going to affect the roadways
- A neighbor did write in and it was part of the packet.
- Schaffer asked if there are any plumbing changes due to chemicals, Galbraith answered that the issue would be dealt with through the Codes office

MOTIONS: 6:29 PM

Motion-Potvin- Motion to Approve Case # 2026.43 a Conditional Use Permit request by Omar Azimi (property owner) to open a home business (1 chair barber shop) located at 351 West Street (Map 4 Lot 10-12) within the Rural Farm (RF) zoning District without any special Conditions of Approval (COA).

Second- Sargent-Dubois

No Public Comments

Vote- Motion passed unanimously

7.b. 2026.23 Review of an Amendment to Site Plan and Subdivision for AVESTA Rochambeau is located on Trailside Way (Tax Map 7, Lot 15) in the R-3 zone.

- Galbraith introduced the project, outlined some of the changes proposed
- Galbraith mention the Buy American project and how it affects the applicant
- Potvin is fine with the change.
- McCurry asked how the Board feels about deminimis changes not coming to the Board, all in favor.
- Nicoll would like to see them if they are in sensitive areas.
- When in doubt, Galbraith will bring them in.
- Galbraith will utilize email with questions

NO PUBLIC COMMENTS

MOTIONS:

Motion-Nicoll- Case # 2026.23 Site Plan Amendment for AVESTA Housing a 46-unit low-income senior housing development, located at Barra Road (Tax Map 7, Lot 15) in the R-3 zone, with the below recommended Condition of Approval (COA):

- 1). All previous Conditions of Approval are hereby reaffirmed.

Second-Angers

Vote-Motion passed unanimously

7.c 2026.45 The Chisholm Family Irrevocable Trust has applied for a Shoreland Permit (Greatest Practical Extent/GPE) for their property located at 41 Bridge Street (Tax Map

63, Lot 50) in the Coastal Residential and Resource Protection Zone. The applicant proposes the reconstruction of the existing non-conforming structure further back from the resource to meet setbacks to the greatest practical extent. They request the Board to authorize the replacement of the non-conforming structures as allowable under the Biddeford Land Development Regulations Article XIV, Section 12.C.2 and 3. The applicant is seeking to pursue a one-time expansion of footprint up to 30% of the existing footprints. The proposed building footprint contains 1,478 square feet with a 150 square foot deck.

- Werner Gilliam from Walsh Engineering Associates & Todd Chisholm represented the application.
- Working within several restricted zoning areas and flood zones
- Replacing & relocating septic system
- Overall lot coverage goes from 41% to 33%
- PBR approved 8-19-26 by DEP
- Working with Code Office on Demo permit and building permit application
- Schaffer thanked the applicant for laying everything out clearly
- Galbraith said that blasting company has been contacting people, he has been dealing with abutter who has oldest camp in the area. The two items of concern are the foundation and underground pipes Codes is aware of the issues of concern. Homeowner will request a pre-blast survey which will be a condition of approval.
- Angers (in audible) waiver Galbraith said it is not something Planning Board needs to grant as we typically do not get a performance guarantee for shoreland zoning permits.
- Schaffer stated we should add an exclusion to the ordinance.

MOTIONS: 6:39 PM

Motion- Sargent-Dubois-Motion to Approve Case # 2026.45 Review a Shoreland Permit request from the Chisholm Family Revocable Trust (Applicant) to replace a legally existing, non-conforming single-family home located at 41 Bridge Road (Tax Map 63, Lot 50) located within the Coastal Residential (CR) Zone, and Resource Protection (RP) and Limited Residential Shoreland Overlay districts, with the below recommended Conditions of Approval (COA).

1. The new 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 October 7, 2027.
5. Applicant is required to do a pre-blast survey for #39 Bridge Street Second-Angers

No Public Comments
Motion passed unanimously

7.c 2026.28 The Planning Board will listen to a Subdivision Amendment request by Longboard Ridge Subdivision. The property is located at 781 Pool Street (Tax Map 5, Lot 17-2) in the Coastal Residential and Limited Residential zones. The developers would like to increase the maximum allowable impervious area and lawn area on the new lots. To mitigate for potential increase in developed areas, the stormwater management system has been revised to collect, temporarily store, and filter a greater volume of runoff.

- **Mike-Tadema-Wielandt from Terradyn Construction represented the applicants**
- **900-foot dead end road with 9 lots**
- **Infrastructure has been built, road etc.**
- **Previous approval included limits which are negatively affecting lot sales**
- **New plan shows approximate clearing limits, and houses and driveways (conceptual); what was approved and what they are now proposing.**
- **Amendment is to increase impervious area to 10,000 SF and 25,000 SF of lawn area**
- **Lot boundaries & road are not changing.**
- **Galbraith told the Board, the reason a tree clearing area was limited was there was a perception that the lots would be clear cut for ocean views; this amendment retains more trees than required in this zone.**
- **Galbraith has met with the man building on lot 4, original buffer was negotiated, not in the ordinance**
- **Schaffer can you expand on how the stormwater system is dealing with the additional runoff. Two stormwater features to collect the stormwater runoff, new management pond to collect, store, filter and release the runoff. The quality of the stormwater is improved and less stormwater. Another on lot 7 in its own area.**
- **Schaffer new treatment is only accounting for that 1 lot, 1 for lot 7.**
- **Sargent-Dubois what are the proposed BMP on lots 5 & 6, no new BMPs proposed on those lots.**
- **Schaffer (inaudible) Tadema-Wielandt feels this may have been submitted in error.**
- **Sargent-Dubois asked about stormwater maintenance and inspections, this will be annual inspections & maintenance required.**
- **Sargent-Dubois asked about an HOA, who is responsible for these inspections? There is a HOA one BMP that has already been constructed and this procedure is already in place.**
- **Schaffer, question for Galbraith, the clearing meets the ordinance. Is anyone going out to check to make sure they did not exceed the limits of clearing? Galbraith, yes, is in the Conditions of Approval and Codes will be inspecting it.**
- **One lot has been cleared and the lot was surveyed and flagged prior to and after clearing and that will be the ongoing procedure. Schaffer-good because excavators can go a little crazy with clearing and after having worked on several of these projects it's good to see this will be covered.**

- Nicoll appreciates that they are mitigating the runoff but why is this change being requested? We received emails from abutters asking if this will be enough or will you be coming back again? The developers make assumptions and what the market is telling the seller is the buyers want to develop more than was approved. This is conservative and doesn't think anyone will be able to max this out.
- Nicoll-If no one can hit 10,000, why not request less and reduce the likelihood of more stormwater? They had to draw a line and this is where they chose the line.
- Potvin-so the setbacks are the no cut line areas except for the driveway? On the front, no cutting in the setbacks at all. Setbacks 40/25/25, seems as though there is enough vegetation to cover the lighting and he understands their decision to max out at 10,000 sf.

MOTIONS:

Motion-Potvin-Motion to APPROVE Case # 2026.28 Subdivision Amendment #2 of Longboard View, a seven (7) lot single-family residential subdivision by Beachwood Development LLC located at 781 Pool Street (Tax Map 5, Lot 17-2) located within the Coastal Residential and partially within the Limited Residential Coastal Overlay District as outlined above and as shown on the submitted development plans, with the adoption of the attached Findings of Fact (FOF) and recommended Conditions of Approval (COA) as written and amended.

Second-Angers

Public Comments:

Nancy Irving-11 Maddox Pond

Rick Irving-11 Maddox Pond

Sargent-Dubois asked about better elevations, Schaffer told him where to find them in the packet

McCurry asked if they have to keep the stormwater on their property. Galbraith said they have to keep the same flow rate. That's why 5 & 6 have the retention pond, that's where the majority of the water leaves the site because it is the low point of the land that is why they have the BMP to control the rate of the flow and to clean the stormwater.

Angers-there were questions that were asked that should be answered. David, could you respond to the questions the two individuals asked?

Tadema-Wielandt showed the stormwater plan showing how the water will flow and drainage. He talked about the wetland that flows to the south, increase in runoff will be at the corner that's why they have sited such areas. The system is designed to maintain the runoff to make sure the runoff is the same rate of flow from before the construction but no more. When it comes to lights, he does not feel it will have much of an impact on Maddox Pond.

Galbraith explained about the lighting on the lot that has been purchased will be 100' to tree line. They are not proposing to touch the existing wetland areas.

Schaffer struggles with the thought of a 5,000-sf house and why do they have to ask for so much new area? Are they expecting to have a lot of basements in the area that will affect the flow? That's hard to predict as people can build what they want. The topography of this area is all flowing down so nothing is going to change the flow direction. Schaffer

would like to see the clearing be surveyed afterwards and sent to Planning & Codes as a condition of approval. Galbraith was putting that in his Findings of Fact Nicoll the body that is in charge of maintaining these BMPs will be the HOA but this is not communicated to new homeowners. Have we had the HOA informing new homeowners? Galbraith-this is part of the Condition of Approval for Maintenance Manual and Maintenance Report. It should be added to the deed.

Potvin (inaudible) today it flows to the lot on the corner as it did prior to construction and will in the future

Sargent-Dubois-what is the opening shown on the plan between lots 4 & 5, a walking path from Longboard Lane to Peter Pond Lane.

Schaffer amended to add a COA, once lots are cleared, they are surveyed again to confirm it did not exceed maximum clearing allowance. Galbraith had that in his COA and read it. Schaffer would like to keep amendment

Second-Potvin

Sargent-Dubois-Point of Order, we have a motion on the table, McCurry explained procedure

Vote for Amendment-Motion passed unanimously

Vote for Motion as a whole-Motion passed unanimously

7.d 2025.11 The Biddeford Planning Board will review a Final Subdivision 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.

- Jayson Haskell from DM Roma Engineers represented the applicant
- First sketch plan submitted February 2025
- Now at 30 lots
- 60% of the property is open space to be given to the City for trails
- At the last meeting, they requested a 6-month extension, they received DEP approvals
- The utility access road had to be changed to accommodate the utilities, they were crossing the stream in 2 places but now will only be crossing once and reduced wetland impact to less than required for a tier 1 wetland permit.
- Bat study to make sure there is no impact with tree clearing, no endangered or threatened species found
- The roads will now be public instead of private, road was shifted to northwest by 5 feet, now stormwater system is on the shoulder and now can be excepted as public road. Maintenance responsibilities of the City as opposed to the HOA; new HOA docs have been created.
- Road names approved: Magnolia Drive, Cedar Circle & Hawthorne Lane
- Clarification items with peer review engineer to be addressed next week.
- Designed and proposed as a cluster subdivision both on the general notes of the plan
- Long process for the Bedard's making sure they are good stewards of the land and good neighbors.

MOTIONS: 7:43 PM

Motion- Sargent-Dubois-Motion to APPROVE Case # 2025.11 Final Site and Subdivision Plan Review for Bedard Homes, LLC and granting of a front yard setback reduction from forty (40') feet to twenty-five (25') feet, for a proposed 30-lot single-family subdivision, called "The Woodlands Reserve" located off Parkside Drive and 268 Pool Street (Tax Map 8, Lot 52-1) in the Suburban Residential 1 (SR1) Zoning District and a portion within the Stream Protection Shoreland Overlay District, with the adoption of the attached Findings of Fact (FOF) and Conditions of Approval (COA).

Second-Angers

Public Comments:

Jim Kleva 41 Parkside Drive

Loren McCreedy 223 Cleaves Street

Galbraith has a very long list of Conditions of Approval, applicants have been working with Planning, engineering & public works

McCurry the runoff will maintain like the last one, the flow and amount will not increase on others' properties.

Schaffer wants to echo a few comments: need to look at the cluster subdivision, this is not a cluster subdivision by any means, erosion control inspections when do these happen? When there is construction near a property line, building of the actual lots

Potvin-are the 4 lots coming off Parkside will they be sewerred or unsewerred? All lots will be sewerred.

Potvin will this be done at once or phased? Phased, not showing phase lines, if we phase, we will have to come back to the Planning Board, therefore all at once.

Potvin will there be sidewalk or striped line? Striped line

Potvin, did they specify the kind of stripe?

Angers reading this and everything, who maintains street lighting, HOA but he will double check

Angers, is there only going to be lighting at the stop signs? Galbraith we only ask for it at intersections

Angers, there's no other street lighting? Is that adequate? It's a big stretch of road.

Galbraith this is what has been requested by Police and Fire and neighbors usually don't want a lot of light.

Galbraith there will be cisterns for the fire department owned and maintained by HOA.

Galbraith talked about ordinances we have to bring back to amend. New assistant Planner starting on the 19th so that we may get to this.

Angers do we have a lot of subdivisions where the HOA is in charge of the lights and the pumping station. He's questionable about how much the HOA will be taking care of.

Galbraith this is not something the City wants to be responsible for so it is up to the homeowners. We want this clearly spelled out in all homeowner docs.

Haskell said they are talking to pump manufacturer/maintenance starting contract talks with them to oversee everything until it is turned over to an HOA

Potvin a lot of people are monitoring their own pumps HOAs are taking more responsibility than they used to

McCurry, if someone notices a light is out who do they call? They would call the committee within the HOA to be repaired.

If the City accepts the road, they will maintain it and the striping

Nicoll said this is a good pedestrian area and some folks may want additional lighting.

There is a bus stop on either side of Pool Street, have you reached out to add a stop on Magnolia or moving the existing one to there?

Galbraith said that is the first time this has come up.

Vote-Motion Passed Unanimously

Galbraith stated that the Bedard's and their team have been very responsive and very collaborative and patient.

8. Open Public Hearing 8:07 PM

PUBLIC COMMENTS:

Loren McCready-223 Cleaves Street, Biddeford, ME 04005

Mike Eon-PO Box 444, Biddeford, ME 04005

8.a The Planning Board will have the second reading of the Data Center Ordinance.

MOTION: 7:03 PM

Motion- Schaffer-Motion to forward a positive recommendation to the City Council to adopt the proposed Ordinance Amendment to the City's Code of Ordinance, Part III – Land Development Regulations, Article II – Definitions, to include the below definition of "Data Centers":

Data Center / Data Center Artificial Intelligence (AI): A Data Center is a facility used to house computer systems and associated components, such as telecommunications and storage systems. Data centers provide critical infrastructure for the storage and processing of information, and they support the global financial system, cloud services, machine learning, and artificial intelligence (AI). An AI data center is a specialized facility designed to support the unique requirements of AI workloads. Data centers are prohibited within the City of Biddeford.

Second-Sargent-Dubois

NO PUBLIC COMMENTS

Vote-Motion passed unanimously

8.b Proposed Ordinance Amendments to the City's Code of Ordinance, Part III - Land Development Regulations, Article V- Establishment of Zones, Table B- Dimensional Requirements.

MOTION: 8:18 pm

Motion- Sargent-Dubois-Motion to forward a positive recommendation to the City Council to amend the proposed Ordinance Amendments to the City's Code of Ordinance, Part III – Land Development Regulations, Article V – Establishment of Zones, Table B – Dimensional Requirements, to reduce the minimum front yard setback "from major right-of-way (R.O.W.)" and "from other right-of-way (R.O.W)", from forty (40) feet to twenty-five (25) feet in the following zoning districts:

Suburban Residential 1 (SR1)

Single-family Residential 1A (R-1-A)

Residential single-family 3 (R-3)

Residential duplex 3 (R-3)
Residential multi-family 3 (R-3)
Residential all other 3 (R-3)
Rural Farm single-family (R-F)
Rural Farm duplex (R-F)
Rural Farm other (R-F)

Second- Angers

NO PUBLIC COMMENTS

Schaffer the motion does not include the frontage reduction. Galbraith-we never published for that and if you want it, we have to do it we have to present it separately.

Nicoll supports a workshop to discuss frontage reduction and density.

Potvin, are we all set with Rural Farm going from 25 to 40?

Schaffer, could we add cluster development to this workshop?

Vote-Motion passed unanimously

8.c The Planning Board will have the second reading of the Amended Setbacks for the Mobile Home Overlay District.

MOTION: 8:28 PM

Motion- Schaffer-Motion to forward a positive recommendation to the City Council to amend the City's Code of Ordinance, Part III – Land Development Regulations, Article VI – Performance Standards, Section 45 – Manufactured Housing/ mobile home parks, Division 2 – Mobile Home Parks, Subsection E – Design requirements, Item 2 to the below language.

- a. On lots of 10,000 square feet in area or larger, structures shall not be located less than 10 feet from any boundary lines of an individual lot. On lots less than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines**

Second-Angers

NO PUBLIC COMMENTS

Vote-Motion passed unanimously

9. Close Public Hearing 8:29 PM

10. Other Business

11. Adjourn 8:30 PM



Signature-Planning Board Chair

10/21/24
Date

These minutes are summary and are not intended to be verbatim. Archived meetings are viewable on the City's website: www.biddefordmaine.org.