

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
May 11, 2015
Minutes

Planning Board members present were Clayton King, Lloyd Smith, Gloria McGraw, Craig Jordan and alternate member, Jeff Wright. William Marceau, Donna Tracy, and Thomas Eastler were unable to attend.

Others present were Selectman, Matthew Smith; Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Planning Assistant, Cindy Gelinas; applicant Eric Johnson; abutter, Tawnya Clough; and Ann Bryant of the Lewiston Sun.

1. Designate alternate members, if needed.

Mr. King designated Jeff Wright as a voting member.

2. Review minutes of April 13, 2015

Mr. King said there was some housekeeping that needed to be addressed.

Mr. Kaiser said the Board made a motion that was seconded at the March 9th meeting but wasn't voted on. He said this motion wasn't addressed at the next meeting held on April 13th where three motions were made, seconded, and voted on.

Mr. King said the motion would have to be tabled again until the June 8th meeting because Dr. Eastler wasn't present here. He said the Board could vote on the minutes.

Mrs. McGraw made a motion to approve the minutes of April 13, 2015 as submitted.

Mr. Smith seconded the motion.

VOTE: 4 – Affirmative 3 – Absent 1 – Abstained
Motion carried.

Mr. King said they would move on to Other Business while they wait for the applicant on the agenda to arrive.

Mr. King asked the Board if they received the modified landscape plan for AutoZone, and everyone said, yes.

Mr. King said he wanted to discuss Planning Board procedures, as he recently attended an MMA workshop and had a discussion with Mr. Kaiser in that regard. He said that going forward, the Board will first take a vote on whether a subject application is complete.

Mr. King said if he asks for a document when the Board is reviewing an application, we will state we have received it as a matter of record and it will then be in our possession and become our product from then on.

Mr. Kaiser said if an applicant has additional material for a project, whether requested by the Board or at the applicant's discretion, it must be submitted two weeks in advance of the next meeting.

Mr. King returned to Item 3 on the agenda at 6:15 p.m.

3. Sandy River Farm Market – Conversion of Storage Barn to a Commercial Ice Cream and Cheese Facility

562 Farmington Falls Road

R06 – Map 005

Site Review Application #15-SR-04

Mr. Johnson stated he didn't receive a notice informing him of the meeting.

Mr. King stated the application has been accepted as a matter of record.

Mrs. McGraw made a motion to accept the application in order to start the discussion.

Mr. King seconded the motion.

VOTE: 5 – Affirmed 3 – Absent

Motion carried.

Mr. Johnson said we have outgrown the structure [the lower level of the store] that we are utilizing to process ice cream. He stated we would like to close in and insulate the pole barn and convert it for processing ice cream, and possibly later install a scoop window. Mr. Johnson said two of the bays are approximately 15'x25' each and we would use the two bays closest to the store to tie into the existing drainage system and power. He said the milk waste will go into the special downstream system the store uses and flowage will remain the same. Mr. Johnson said the facility will follow all State inspection requirements.

Mrs. McGraw asked if the total area of the new facility would be 30' x 25'.

Mr. Johnson said yes, two bays would be converted.

Mr. Wright asked if it was a tractor shed now.

Mr. Johnson said yes.

Mr. King asked about the milk waste disposal system.

Mr. Johnson said this is done in compliance with USDA regulations.

Mr. King asked Mr. Johnson if he had researched this with USDA.

Mr. Johnson said he had, and the facility will follow all State inspection requirements.

Mrs. McGraw questioned the permitting process for the proposed additional driveway opening.

Mr. Johnson said Mr. York submitted an application and received a permit from DOT for the installation of a driveway and culvert on southern [east] end of the greenhouse. He said this would help the safety factor of people turning into the property.

Mrs. McGraw asked if MDOT was aware when they granted permission that there would be more usage of the store and farm driveways.

Mr. Johnson said it can handle any additional traffic.

Mr. Kaiser said drive way openings are subject to MDOT standards that follow the same access management criteria as we do in the urban compact area, which has a benchmark of 100 trips per hour before a study is required.

Mr. Johnson said he understood MDOT would lower the speed limit in that area if it reached a certain traffic count.

Mr. King asked Mr. Johnson the distance between driveways.

Mr. Johnson said about 200'.

Mr. Jordan stated Mosher's Seafood is an abutter and has two entrances to their property.

Mr. Kaiser stated the driveway openings along that road are quite spread out and this one has good sight distance.

Mr. Smith said the proposed parking spaces go beyond the third bay and he has safety concerns with keeping kids out of the adjoining sheds.

Mr. Johnson said the facility will be just for processing, and there is already a petting zoo for kids there.

Mr. Smith said he'd like to see a safety fence across the other shed openings.

Mr. Johnson said this is possible.

Mr. Smith asked about paving the parking lot.

Mr. Johnson said they paved in front of the store, but it would just be gravel here.

Mr. King asked if there was a difference on how many parking spaces were required for retail and commercial.

Mr. Kaiser said both require one parking space for every 250 square feet of building.

Mr. King asked if he would agree to come back later for the self-serve ice cream approval and move forward tonight with just the building approval for the processing facility.

Mr. Johnson said that would be fine if he can just build out the structure and use existing parking.

Mr. King said it is a great project but there are safety and parking concerns.

Mr. Johnson stated the existing parking area between the store and new building is under-utilized.

Ms. Clough stated she is an abutter and the owner of Mosher's Seafood that also has an ice cream stand. She said she has no objections to processing ice cream but she does have a problem with it being in competition with her business just next door.

Mr. King said we don't have a right to turn down a project because it is competing with another business, competition is good.

Ms. Clough said there are already several other places in town serving ice cream and we need more variety, not redundancy.

Mr. King said that having more retail offerings in town helps all businesses as it draws in more consumers.

Mrs. McGraw said the Board can't dictate or control the type of businesses in town.

Mr. Jordan made a motion to approve the application as presented.

Mr. Wright seconded the motion.

VOTE: 3 – Affirmative 2 - Opposed 3 – Absent None opposed.

Motion failed.

Mr. King asked the Board what the objections were.

Mrs. McGraw said it wasn't the same quality application we are used to and it was too vague leaving questions unanswered.

Mr. Smith said it was the way the motion was made and the lingering parking and safety issues, and he wants a fence.

Mr. Jordan said we can't protect people from everything.

Mr. Smith said we do lots of conditional approvals.

Mrs. McGraw made a motion for the applicant to resubmit, addressing safety and other issues raised by the Board and providing a more detailed plan.

Mr. King suggested Mr. Johnson reconfigure the layout.

Mr. Johnson said he worked with Mr. Kaiser and Mr. King when doing his application, and these issues were brought to his attention which he felt he addressed, and therefore he felt he had completed the application as required. He said he isn't opposed to the discussed safety issues, and his insurance company will probably dictate many more requirements.

Mr. Kaiser suggested improving safety by also utilizing existing store parking and blocking off the equipment bays with construction fencing.

Mr. Jordan said we shouldn't interfere to this extent, as simple ropes would suffice, and we should rely on personal responsibility.

Mrs. McGraw asked where the petting zoo was.

Mr. Johnson said beside the greenhouse.

Mrs. McGraw asked if it was safe to have a petting zoo and ice cream on either side of the driveway.

Mr. King seconded the motion.

VOTE: 4 – Affirmed 1 – Opposed 3 – Absent
Motion carried.

Mr. Jordan said the motion just voted on requires Mr. Johnson to come back next month.

Mr. Kaiser said the Board needs to be specific on what is lacking in the application.

Mr. Jordan said Mr. Johnson did what he felt was right to get an approval for this meeting. He said there are two issues at this time - parking in front of building and security of the bays in the equipment shed.

Mr. Johnson said we are using the one entrance and can block off the other entrance. He stated we are committed to making ice cream, and if we aren't approved at this meeting, we are thrown back another month which infringes on our abilities to move ahead because we need to keep processing.

Mr. Jordan said, at this point, we could give Mr. Johnson the ability to continue moving his processing plant into the new structure, and then he could come back to the Board to submit an application to sell scoop ice cream.

Mr. King asked Mr. Johnson if a motion was made to grant you permission for construction without the retail serving operation, coming back to the Board for retail approval by addressing security and parking issues, would he be agreeable to that.

Mr. Johnson said, yes.

Mr. Jordan made the motion to grant Mr. Johnson approval to go ahead with construction of the processing plant and come back at a later date with a drawing showing the parking moved and a written plan for a how he is going to secure the equipment bays if he is going to sell scoop ice cream at his facility.

Mr. Smith seconded the motion.

VOTE: 5 – Affirmed None – Opposed 3 – Absent
Motion carried.

4. Other Business

Mr. Kaiser said Coca-Cola made a drainage adjustment to the previously approved site plan by adding a manhole and connecting piping. He asked the Board to acknowledge and vote on this modification.

Mrs. McGraw made the motion to accept the minor adjustment to the drainage plans.

Mr. King seconded the motion.

VOTE: 5 – Affirmed None – Opposed 3 – Absent
Motion carried.

Mr. Kaiser said AutoZone submitted an adjustment to the previously approved landscaping plan. He asked the Board to acknowledge and vote on this modification.

Mr. Smith made the motion to accept the modified landscaping plan submitted by AutoZone.

Mr. Jordan seconded the motion

VOTE: 5 – Affirmed None – Opposed 3 – Absent
Motion carried.

There being no further business, the meeting adjourned at 7:00 p.m.

Minutes submitted by Cindy Gelinis

Planning Board

Date