

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
May 9, 2016
Minutes

Planning Board members present were Clayton King, Donna Tracy, Lloyd Smith, Gloria McGraw, Tom Eastler, and Craig Jordan. Alternate members, Jeff Wright and Mike Otley were present as well. Bill Marceau was unable to attend.

Others present were Selectman, Matt Smith; Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Code Enforcement Assistant, Jane Ford; applicants John Moore and Jacob Bogar; and one UMF geography student.

1. Designate alternate members, if needed.

N/A

Mr. King welcomed Mr. Otley to the Board.

2. Review minutes of March 14, 2016

Mrs. Tracy made a motion to approve the minutes of March 14, 2016 as submitted.

Dr. Eastler seconded the motion.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

3. Jacob D. Bogar

Rebuilding and Expansion of Existing Shed
519 Temple Road
Map R10 – Lot 024-B
Non-Conformance Expansion Application #16-NC-02

Mr. Bogar was present to represent this application.

Mr. King asked Mr. Bogar if he had any additional information for the Board regarding his application.

Mr. Bogar asked if the Board received the sketches. He said the existing non-conforming shed on his property has been falling down for years and he wants to make repairs and take advantage of the 30% non-conformance allowance. He said the building would be used to provide privacy and safety as he would store gasoline in this shed and not his garage.

Mr. King asked each Board member if they had any questions.

Mrs. McGraw questioned the dimensions and Mr. Bogar pointed them out on the sketch and explained his calculations.

Dr. Eastler made a motion to accept the application as submitted.

Mr. Smith seconded the motion.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

4. Bryan McNaney

Construction of a Covered Porch
1127 Farmington Falls Road
Map U-1 – Lot 018
Non-Conformance Expansion Application #16-NC-01

No one was present to represent this application.

Mr. King made a motion to table the review of this application for the June 13, 2016 meeting.

Mrs. Tracy seconded the motion.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

5. John Moore & Jennifer Bjorn/St. Pancras Realty, LLC

Proposed Outdoor Entertainment at the Stone Hearth Café
168 Front Street
Map U15 – Lot 053
Modification to the original Site Review Application 13-SR-18

Mr. Moore was present to represent this application.

Mr. Moore asked if anyone perceived any possible conflicts with Board members as he does business with a few. Mr. Jordan disclosed he does work for Mr. Moore and if anyone thought this was a conflict of interest he would step down.

Mr. King said this type of conflict refers to gain from a financial interest in a particular project, and no Board members felt this is an issue in this instance.

Mr. Moore said that he would like to amend his original 2013 application/approval to add outside entertainment during the summer. He said he is going before the Board of Selectmen for a Special Amusement Permit on May 24th.

Regarding sound, Dr. Eastler asked about the decibel level.

Mr. Moore said it would be up to 85 dB(A) on the premises.

Mr. Moore was asked what he was using to mitigate sound impact off-site.

Mr. Moore said he would be using a curtain that would reflect the sound back toward the building.

Dr. Eastler asked if there were any abutters present, and there were none.

Mr. Smith said he was concerned regarding the lateness of the hours and that it may be too loud especially during the middle of the week.

Dr. Eastler said the sound would project more towards the movie theater, and less towards other buildings where apartments are on the upper levels.

Discussion followed regarding how the sounds might affect the apartments in the area, such as over the laundry, Liquid Sunshine, the Granary, the Mills building and others.

Dr. Eastler said the further away you go, the sounds will lessen.

Mr. King asked how many days per week would there be entertainment.

Mr. Moore said seven days a week.

Mr. King asked how any excess noise problems would be handled on Front Street.

Mr. Kaiser said we always have the option of enforcing under State nuisance law, but Mr. Moore is aware of this and he expects he will keep this under control. Mr. Kaiser noted that Mr. Moore has already spoken with Chief Peck in this regard.

Dr. Eastler made a motion to accept the application.

Mr. King seconded the motion.

Mr. Otley asked about the apartments in the Williams building.

It was stated that some apartments would be in the direct line of the sounds.

Mr. Moore said he is aware that probably someone will complain. He said living on Main Street he has found that any noise he may generate won't be out of the ordinary in that area, where there is already a lot of background noise. He said when the bars close, noise and sometimes screaming is common, as is the sound of Harleys accelerating. He said this is an active area. He said it comes with living on Main Street and he knew there would be a lot of noise when he moved there. He said recently the American Legion had a dance, and he could hear it at 10:30 or 11:00 at night. He added that he isn't complaining, but that's just how it is.

Mr. Wright asked when movies are being shown will there be glare from scattered projection light.

Mr. Moore said no, that there would be a 15' high light projected and aperture controlled, directed precisely at the screen.

Mrs. McGraw said when she lived on Anson Street, she enjoyed the various types of vibrant and wonderful entertainment at the gazebo and the park. She asked if they would have loud bands five nights in a row.

Mr. Moore said he is not likely to have a loud band five nights in a row. He said it would be similar to the entertainment at the Homestead - single or duet performances, maybe a band on a Saturday night, and background music for people to eat by maybe until 8:30 p.m.

Mr. Jordan said he has no questions.

Mrs. Tracy said she was going to ask about the Special Amusement Permit, but that has already been addressed.

Mr. Smith asked if the space that a two or three piece band would take up would cut into the allotted floor space. He also asked if that would affect the number of people who can fit into that floor space.

Mr. Moore said he would have around 50 seats and arrange them into an amphitheater setting.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

Mr. King said the Board would move on to agenda item #8.

8. Solar Energy Discussion

Mr. Kaiser began the discussion stating he had written a draft (last updated 4-6-16) to become a performance standard in the Zoning Ordinance. Topics included classification of solar energy systems - private residential, commercial, and industrial, permits required, etc. He said Dr. Eastler had made a couple of suggestions since that last draft that he has not yet incorporated.

Regarding permits, Dr. Eastler said if a system is a part of or attached to a house then it shouldn't require a permit. If the residential system is set up separately on brackets on the property then that would be something that would need review and approval. He said this is because a large solar collector installed in the yard could negatively affect a neighbor's viewscape and/or create a glare problem.

Regarding bonding and surety, solar projects should be guaranteed up front by surety bonds and not by letters of credit or other assurances. He said he feels this way because he read about 14 different companies that built solar farms and then they went bankrupt due to factors such as flooding, erosion, etc. He said there have been 128 failures in the last three years that have gone bankrupt, and this is a significant risk to the property owners and the Town. He said if the originators who took all the perks to develop walk away, the farmers then also went bankrupt, and that leaves the towns with the cost of removal, etc.

Mr. Smith asked about the minimum size of 20,000 SF and maximum size of 800 acres on ISES and where these came from.

Mr. Kaiser said 20,000 SF is the upper limit for CSES, and therefore the lower threshold for ISES, and he used 800 acres as the upper limit for ISES as this was the size of a proposed project in Farmington and we probably don't want to go larger than that.

Dr. Eastler spoke about larger solar farms in Arizona and New Mexico and gave a description of those operations. He also talked about the required substations, cost of electrical lines, square footage and kilowatt hours.

Regarding the possibility of an industrial solar energy farm in Farmington, Mr. Jordan asked about the capacity of the Sturdevant substation near that location.

Dr. Eastler said it is big enough, but they would add to it anyway.

Mrs. McGraw asked if we want these projects to be as big as 800 acres, and Mr. Kaiser said that's the size of the proposed project in Farmington.

Dr. Eastler said he's concerned about other aspects such as environmental impact, bonding and tax benefits, etc.

Mr. King asked Mr. Kaiser if this will be a stand-alone ordinance or a performance standard.

Mr. Kaiser said he'd like to have this presented as a performance standard and have it ready for a Special Town Meeting approval this summer.

Mr. King said he would like move to agenda item #7.

7. Wind Energy System

Discussion whether to strengthen the existing performance standard in the Town of Farmington Zoning Ordinance or convert them into a new stand-alone Wind Energy Ordinance

Mr. Kaiser began the discussion by stating that Temple adopted a stand-alone Wind Energy Systems Ordinance that prohibits industrial wind projects after they were approached by an industrial wind developer several years ago. He said that company returned this past winter to see if Temple now wanted to change their ordinance to allow industrial wind. Mr. Kaiser said he compared Temple's Ordinance against Farmington's current Wind Energy System performance standard in the Zoning Ordinance, and added that the wind potential in Temple is slightly higher than in Farmington, but still marginal when compared to high wind areas like the coast.

Mr. King asked if a stand-alone ordinance would give the Planning Board more strength.

Mr. Kaiser said enforceability is the same under both. He said that Temple doesn't have a Zoning Ordinance so they had to do a stand-alone wind ordinance. He said they do have Shoreland Zoning and Floodplain ordinances.

Dr. Eastler talked about the previous Bailey farm proposal when they wanted to erect four towers and sell electricity to the Town and RSU9. He said that location could sustain a 750 kw installation. He also discussed how flicker would be detrimental at Craig Jordan's property if a wind tower was erected on Mosher Hill. Dr. Eastler also added that Farmington does not have the topography to support an industrial wind farm.

The Board tabled this agenda item for future continuation.

6. Connectivity – Proposed Site Review Performance Standard

Discussion regarding Highway Connectivity – To determine if a proposed commercial retail and/or service business project is best served by utilization of an existing abutting retail and/or service businesses' highway access driveway opening to service a proposed project

Discussion regarding Background Connectivity – To determine if a proposed commercial retail and/or service business project is best served by utilization of a background connector to an existing abutting retail and/or service businesses in addition to a new curb-cut for the construction of a highway opening to service a proposed project

Mr. Kaiser said the language he drafted [to be added to Site Review] would give the Board a better foundation for requiring the consideration of connectivity issues when it saw fit during application review. He talked about situations on the Wilton Road where some property owners won't consider connectivity options. Regarding the Bean property next to Hannaford's, Mr. Kaiser said Hannaford's wants \$70,000 to allow connection of that lot to their driveway.

Mr. Kaiser said that access management standards and traffic impact studies are a big help but the addition of connectivity consideration would benefit public safety.

Mr. King gave Irving's, McDonald's and Rite Aid as a classic example where connectivity would have be very beneficial.

Mr. Kaiser said Irving's won't allow background connection because their insurance company said it's dangerous to do with gas stations.

Mr. King asked if there are steps the Board can take.

Mr. Kaiser said it depends on the particular project - we can apply access management standards, and traffic impact studies are required for projects that will generate over 100 trips per hour. He said the time will come when connectivity is very important such as when the McCleery farm and Cousineau's properties are developed.

Dr. Eastler said [background] connectivity works well at the site of the Credit Union and the KFC mini-mall.

Mr. Kaiser mentioned the lot where the "Big Pencil" used to be located, and that the Credit Union is willing to allow connectivity on that side.

Dr. Eastler made a motion to develop this into something that the Board can vote on [a warrant article for a Special Town Meeting].

Mr. King seconded the motion.

Mrs. McGraw asked - don't we cover this and ask all of those questions during site review, such as the Dollar Store.

Mr. Kaiser said this draft would provide a stronger basis, where we can say to a developer you need to thoroughly research the legal, cost, and physical aspects of connectivity on the basis of public safety concerns.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

Dr. Eastler said, regarding tabling agenda item #7, should something occur and we haven't developed a wind ordinance, we should vote to strengthen the tabling aspect and made a motion that the Board table item #7 with the intention to take it up again.

Mr. Smith seconded the motion.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

Mr. Jordan asked Dr. Eastler if he knew what the Kibby wind power project produces and if it will ever pay for itself.

Dr. Eastler said he would look into that and get that information.

Mr. Jordan spoke of Justin Jordan, who has a welding manufacturing plant, and said his employees continually do warranty repair work on the Kibby wind plants, which are 320 feet high. He asked what will happen when the warranty expires and project continues to suffer damage.

Mr. Davis said they had to replace one unit in Cartridge already.

Mrs. McGraw asked about the Alzheimer's facility.

Mr. Davis said they are still working with the developers and the Daku property is looking good. He said this will be a fairly substantial investment.

Mr. Otley asked since the Board voted to table agenda item #7, shouldn't a motion be made and a vote taken to table item #8.

Dr. Eastler agreed and made the motion to table agenda item #8.

Mr. Jordan seconded the motion.

VOTE: 6 – Affirmative 2 – Abstentions 1 - Absent
Motion carried.

Mr. King thanked Mr. Otley for that suggestion.

9. Other Business

Mr. Kaiser said that after their latest denial/reversal on the UCU project, the Village Corporation is considering abandonment of their zoning and just be a water company.

There being no further business, the meeting adjourned at 7:45 p.m.

Minutes respectfully submitted by Jane Ford.

Planning Board

Date