

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
August 11, 2014
Minutes

Planning Board members present were Clayton King, Donna Tracy, Bill Marceau, Gloria McGraw, Lloyd Smith, Craig Jordan, and Tom Eastler. Alternate member, Jeffrey Wright was also present.

Alternate member, Matt Smith was unable to attend.

Others present were Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Code Enforcement Assistant, Jane Ford; applicants, Robert Gardner; Mr. and Mrs. Tatiyanunthaporn along with their representative, Jack Cahill; and reporter, Ann Bryant of the Lewiston Sun.

1. Designate alternate members, if needed

In Mr. M. Smith's absence, Mr. King designated Mr. Wright as a voting member for this meeting.

2. Review minutes of July 14, 2014

Mrs. Tracy made a motion to approve the minutes of July 14, 2014 as submitted.

Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative 1 – Abstention 1 – Absent

Motion carried.

3. Robert Gardner – The Ice Cream Shoppe

171 Wilton Road

Map U31 – Lot 039

Site Review Application #14-SR-09

Soil Erosion Control/Storm Water Management Application #14-SS-07

Flood Hazard Development Application #14-FP-01

Shoreland Zoning Application #14-SZ-02

Site Review Application #14-SR-09

Mr. Gardner was present to represent the above applications and began the discussion by stating that he presently owns two other ice cream shops, one in Randolph and another one in Skowhegan. Mr. Gardner said he resides in Mercer. Regarding the building, he said it would be 1,680 SF (28' x 60').

Mr. Kaiser said that Mr. Gardner submitted two drawings, one a sketch plan, and the other a site plan from York Hill Surveying.

Mr. Gardner said that he brought a full size copy of the survey plan to the meeting.

Mr. Gardner said he spoke to the Wastewater Superintendent [Steve Millett] and was told that he did not have to put in a new sewer line across Routes 2/4, and that he could use the existing sewer line.

Mr. Wright expressed concerns about building in the floodplain.

Mr. Gardner said he will build one foot above the base flood elevation and the building would have a waterproofed basement.

Mr. Marceau asked if this would be a seasonal business.

Mr. Gardner said, yes, the shop would probably open in mid-March and close in mid-October.

Mrs. McGraw had multiple questions regarding both plans. She asked about the two driveways that were shown and if the driveway closest to the bridge would be paved and would both driveways be used as access to the ice cream shop. She said she looked at MDOT's website and asked if MDOT separates agriculture driveways vs. commercial. She added that she wished the hand drawn plan was more detailed.

Mr. Gardner said, regarding the hand drawn plan, that at first he was not sure what the distance to the Temple Stream was in relation to the building site, but his subsequent survey plan was much more accurate. He said the garage would be taken down, which was noted on the application, and regarding the existing house, he said it may be used for an office or retail on the first floor and the rest would be used for residential. Mr. Gardner said the driveway by the bridge is already partially hot topped. The other driveway will be repaved with new asphalt.

Mr. Kaiser said MDOT usually honors existing openings, including the driveway that leads to the former cornfield which is considered an agricultural access only.

Mr. Marceau said the existing traffic would increase, and the plan should show which driveway will be used for the ice cream shop.

Mr. Kaiser said the Town's Access Management Standards allow only one two-way opening for low-volume driveways, which for the ice cream shop will be the existing one in front of the garage and by the house.

Mrs. McGraw said she would hate to see two driveways being used for the house and ice cream shop.

Mr. Kaiser said because the driveway by the bridge is only for field access, it can't be used for this commercial development.

Mrs. McGraw asked what the square footage of the building would be and about the maximum lot coverage.

Mr. Gardner said the square footage was stated on the plan.

Regarding lot coverage, Mr. Kaiser said the lot size is more than sufficient for both the building and parking area.

Mr. Jordan said when the Board reviewed the thrift store [Touch of Class] on Rts. 2 & 4, the original building in the back and the new building both use one driveway for in and out traffic. He said we should ask for assurance, in this case, that the second driveway [by the bridge] won't be used for the ice cream shop.

Mrs. Tracy said she is familiar with the agricultural driveway when corn was planted there in the past and there was too much traffic in the area back then to use it safely.

Dr. Eastler made a motion to allow the use of only one driveway [the north driveway] for the use of the ice cream store.

Mrs. McGraw seconded the motion.

Mr. King questioned the traffic increase.

Mr. Gardner said there will probably be approximately 200-300 customer transactions per day, as at his Skowhegan store, which translates to approximately 100 cars per day.

Mr. King asked Mr. Kaiser if the trigger for a traffic study was 100 trips per hour.

Mr. Kaiser said, yes.

Dr. Eastler gave a brief history of the flooding in that area, especially during the flood of 1987. He said the floodwater went completely over the Temple Stream bridge.

Mrs. Tracy said the area that was the cornfield was completely flooded.

Mr. King asked how this site compares with McDonalds and Rite Aid [regarding flooding].

Mr. Kaiser said the Rite Aid was designed and flood-proofed for a 100-year flood elevation that's about three feet above their floor, and in the 1987 flood McDonalds had more than a foot of water above their floor. He added that in the subject area, the 1987 flood put seven inches over the slab at Marvin's Auto Body across the street.

VOTE: 8 – Affirmative 1 – Absent
Motion carried.

Soil Erosion Control/Storm Water Management Application #14-SS-07

Mr. King made a motion to accept the application as presented.

Mr. Wright seconded the motion.

Mr. King asked who the contractor would be for this project.

Mr. Gardner said it would probably be himself.

Mr. King cautioned Mr. Gardner to follow Best Management Practices as this project will be highly watched.

Mr. Marceau asked how much fill would be used.

Mr. Gardner said probably 1,500 cubic yards, but he's applying for 2,000 to be safe.

Dr. Eastler suggested staying on the higher end of the amount of fill and to make sure larger rocks are used to prevent erosion and to stabilize the fill bank.

Mr. Davis suggested the use of angular rock.

Mrs. McGraw said that when the Board reviewed Kevin Vining's project [abutting site - Brickyard Café] we were careful that this site [ice cream shop] would not be impacted. She asked if this project would impact the Vining's property.

Dr. Eastler said, no, and that if not done correctly, they would be more harmful to themselves than the Vinings.

Mr. King asked Mr. Gardner if he was filling to match the Vining's grade along their common line.

Mr. Gardner said only for 30-40 yards.

Mrs. McGraw said she would like assurance that the garage will be taken down.

Mr. King said that should have been requested during the Site Review discussion and we are now discussing soil erosion.

Mr. Kaiser said the applicant stated on the Site Review application that he will be taking the garage down and that the plan showed the existing buildings. He added that the new building will be 75' plus from the Temple Stream.

VOTE: 8 – Affirmative 1 – Absent
Motion carried.

Flood Hazard Development Application #14-FP-01

Mr. King made a motion to accept application as presented.

Mrs. Tracy seconded the motion.

Dr. Eastler reminded Mr. Gardner to follow Best Management Practices.

Mr. Kaiser added that he will need a Flood Elevation Certificate prepared by a surveyor for this project as required by FEMA.

VOTE: 8 – Affirmative 1 – Absent
Motion carried.

Shoreland Zoning Application #14-SZ-02

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

Mr. King seconded the motion.

Mrs. McGraw asked for clarification regarding the 250' and 75' setbacks.

Mr. Kaiser said the Shoreland Zoning Ordinance applies to all activities within 250' of Temple Stream, and this area is in the General Development district. He said this activity requires Planning Board approval. He added that the required setback is 75' and there can be no construction within 75' of the stream.

Mrs. McGraw said the setbacks were not shown on the plan.

Mr. Kaiser said there is a scale on the plan to follow, which shows the 75'+ shoreland setback, and added that he got an MDOT Right-of-Way fragment to determine the front setback.

Mrs. McGraw said that should be on the final drawing.

Mr. Gardner said that would have added to the cost.

Mr. Smith asked, going back to a prior application and regarding landscaping, are we endorsing credit for the existing plant material when we passed that application.

Mr. Kaiser said, yes, it was stated as such in the Site Review application to maintain visibility for traffic safety, and the developer is preserving existing trees.

Mr. King asked what kind of ice cream would be served.

Mr. Gardner said they use three different brands of hard and soft ice cream.

Mr. Marceau asked if there would be any food sold, and when they would open.

Mr. Gardner said there would be no food except the ice cream, and he would probably open next April. He then complimented the Town's staff and Planning Board process.

VOTE: 8 – Affirmative 1 – Absent
Motion carried.

**4. Wichai Tatiyanunthaporn – Sweet Ginger Thai Restaurant
112 Marceau Court
Map U15 – Lot 029
Site Review Application #14-SR-05**

Jack Cahill of Central Maintenance was present to represent this application for business owners' Mr. and Mrs. Tatiyanunthaporn.

Mrs. McGraw recused herself from participation of this review because she is a tenant of the property owner.

As the landlord, discussion followed regarding whether or not Mr. Marceau should also recuse himself.

Dr. Eastler said just the perception of conflict is enough to require recusal.

Mr. King asked Mr. Marceau to also recuse himself from participation of this review and Mr. Marceau agreed.

Mr. King asked if everyone was familiar with this location, the former site of Black Bear Graphics, and the participating Board members said they were.

Mr. Cahill said these are experienced operators, this will be their third restaurant, with one in Brunswick and another in Waterville. He said they are here for Planning Board approval for the change of use of this site. He said he submitted a sketch showing the proposed floor plan layout.

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

Mr. King seconded the motion.

Mr. King said he received a couple of phone calls regarding any potential odor issues.

Mr. Cahill said for insurance purposes and for Fire Marshal's approval, a vent stack will be installed that will extend two feet above the adjacent roof level and be equipped with a one horsepower exhaust fan.

Mr. King asked if this stack could go higher and be anchored.

Mr. Cahill said this is a steel duct with the blower fan on top.

Mr. King said that there is not too much that can be done about that, but the higher the vent, the better.

Mr. Cahill said they would have to be able to access it because the blower fan needs to be serviced.

Dr. Eastler said the grocery store next door [Trantens] recycles their exhaust for heating the store and it might be worth investigating for this restaurant.

Mr. Davis said this is outside the purview of Planning Board review.

Mr. Cahill said the height of the stack vent would defeat any effort at thermal recapture.

Mr. Jordan said that Fire Marshal's Office will decide on the acceptability of the plans, and they will also have an ANSUL system [in the hood]. He said the grease trap is also important and needs to be monitored.

Mr. Cahill said they will be installing a 100 or 200 gallon trap that would be located in the kitchen. He said he installed one in Old Orchard Beach under the dishwashing table and that worked out well.

Mr. Wright asked if the space was large enough for a restaurant.

Mr. Cahill said he's done smaller ones, and this is doable because it is wide open.

Mr. Jordan asked about the bathrooms.

Mr. Cahill said there will be one men's room and one women's room, and both would be handicapped accessible.

Mrs. McGraw asked if the restaurant would take up the entire ground floor of the building.

Mr. Marceau said, no, there are also two 250 SF offices and an attorney will be renting one of them. He said the restaurant area is approximately 1,700 SF.

Mrs. McGraw asked if this project will be affected by the recent flooding downtown.

Dr. Eastler gave a brief history of the storm water system in that area and said he didn't think the use of the building would have anything to do with the historic flooding problems.

Mr. Jordan said there are two different drainage systems involved (sewer and storm water).

Mrs. McGraw said she checked the back of other downtown restaurants and found that all had cardboard boxes piled up all around the back doors.

Mr. Cahill said they'll use Mr. Marceau's dumpsters and all their oil will go to recycling.

Mr. King asked if food waste from Trantens go into dumpsters.

Mr. Marceau said, yes.

Mr. King asked when the dumpsters are emptied.

Mr. Jordan said these dumpsters are emptied on Monday and Thursday.

Dr. Eastler said that we may need to talk about this in the future if it becomes a health issue.

Mr. Jordan said getting rid of the grease is the biggest issue.

Dr. Eastler briefly discussed the composting facility that Farmington now owns, and that food waste is picked up from UMF and the Mallett School. He said they are looking for others to participate and this might be something the owners might like consider.

Mr. King asked when they will open.

Mr. Cahill said they first thought September, but now it will probably be October.

Mrs. McGraw said she is glad to have new businesses in town, and that Mr. Marceau manages his properties well.

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

5. Comprehensive Plan Review of Sections 1 - 4

Mr. Smith said he would like to see the abbreviations in the Table of Contents spelled out for those who aren't familiar with them.

Dr. Eastler commented on the success of the recent disaster drill, and suggested some additional info be added to the Comprehensive Plan draft regarding:

- The need to develop methods/programs to encourage citizens to serve on the Fire Rescue Department, and also making this need known on the Town's website.
- The existence and support of excellent local emergency, disaster, and pandemic plans, and making these available on the Town's website.

Mr. Kaiser said he would draft additions regarding Dr. Eastler's suggestions to the Plan.

There being no further business, the meeting adjourned at 7:28 P.M.

Minutes respectfully submitted by Jane Ford.

Planning Board

Date