

FARMINGTON PLANNING BOARD

**153 Farmington Falls Road
November 13, 2017 – 6:00 P.M.
Minutes**

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

Others present were Town Manager, Richard Davis; Code Enforcement Officer, J. Stevens Kaiser; Planning Assistant, Cindy Gelinias; Police Chief Jack Peck; and applicant, John Moore.

1. Designate alternate members, if needed.

Mr. King designated Mr. Otley as a voting member.

2. Review minutes of October 16, 2017

Mr. King made a motion to approve the minutes of October 16, 2017 as submitted.

Mr. Smith seconded the motion.

VOTE: 5 – Affirmative 4 – Absent
Motion carried.

3. 17-SS-07 (ATF)

**John Moore
193 Front Street
Farmington, ME 04938
U15-058-003**

Mr. Moore clarified that only one of the two projects listed was after-the-fact. He said the “99 Year Lease” parking area is being prepped for filling to add parking, and the second site is the after-the-fact portion located behind the old train depot, which was filled for 8-10 more parking spaces for tenants. Mr. Moore said the fill, which was mostly clean loam without any pavement or concrete, was acquired much quicker than expected because it was free from the Town’s sidewalk project, and the contractor was able to save time and transportation costs because the site was close. Mr. Moore said he has also been working with Jeff McKay at UMF on coordination and access to the playing fields.

Mr. King made the motion to approve the application.

Mr. Smith seconded the motion.

Mr. Kaiser asked how many parking spaces will be gained on the “99 Year Lease” lot.

Mr. Moore said he will add approximately another seven spaces to the 21 already there.

Mr. Jordan said when the train depot, laundromat, and movie theater area was first improved, traffic would race through this area. He said the brick work between the train station and Farmers Union rental building that Mr. Moore is proposing to construct will help slow the traffic down, and he complimented him on his commitment in improving the look of the area.

Mr. Moore said he left enough space along the Farmers Union side for a future side walk and stairway for people to access the UMF fields. He said UMF is considering building a turf field and doubling their existing parking lot next to the playing fields.

VOTE: 5 – Affirmative 4 – Absent
Motion carried.

4. Marijuana Ordinance Discussion

Mr. Kaiser recommended going ahead with a vote on the performance standard for odor. He stated a warrant article has been drafted which will allow us to address the current issues with the odor from medical marijuana grows, and we'll have this standard in place when Adult Use is implemented.

In regards to Mr. Kaiser's CEO review of the Farmers Union barn addition, Mr. Jordan said he wanted to explain the reason for this application. He stated excess trusses were delivered for the first addition, and the supplier wasn't going to charge for them and didn't want them back. Mr. Jordan said the quote to construct this addition was very low because the trusses were free, and the Farmers Union Board decided to go ahead with it. He stated Mr. Wright and he are on the Farmers Union Board and would have to recuse themselves if it was a Board review and not a CEO review.

Mr. Kaiser stated this addition falls within the parameters for CEO review, unless any abutters or Board members request a Board review.

Mr. King said if any Board members did want to review this, we wouldn't have enough members for a vote because Mr. Jordan and Mr. Wright would have to recuse themselves.

Mr. King polled the remaining Board members who all stated they were fine with the project.

Mr. Smith made a motion to table the Adult Use Marijuana Ordinance discussion until there are more members attending.

Mr. King seconded the motion.

Mr. Kaiser said the State has basically put Adult Use Marijuana off another year, and we have drafted our ordinance which could be put before the voters at the Annual Town Meeting in March. He said the latest draft was mailed to the Board on October 31st with only a few minor changes since that time. Mr. Kaiser stated Mr. Smith came in with some good suggestions, including agreement with Mr. Otley's idea of allowing grow operations in the farm and forest district, which could reduce odor problems. He said he also received a letter from Mrs. McGraw today saying although she couldn't attend, she liked the draft, and felt a total of two stores in the downtown and three outside the downtown might be acceptable.

Mr. Kaiser said we have until mid-February to decide if we want to put the Adult Use Marijuana Ordinance on the Annual Town Meeting Warrant. He said this leaves a few meetings for the Planning Board to finalize its work on the draft, and he also has to meet with the Zoning Board for their review of proposed zoning ordinance changes.

Mr. Davis stated while the State may extend the moratorium for another year, our ordinance could be adopted at any time, and when the State does finally enact the law we can amend our ordinance if necessary.

Mr. Otley asked what the odor standards are based on and how are they evaluated. He said he worked at the Farmington Fair stables and the skunky smell was very potent from the grow operation next door.

Mr. Kaiser stated such odors have to be first monitored, and when they are deemed to have risen to the level of a public nuisance, the process has to pass the “straight face” test to be actionable if we have to go to court. He said the first step is to find out what they can do voluntarily then establish a timeframe to fix the problem, warning that this is a “three strikes you’re out” process. Mr. Kaiser said we want to be fair and give everyone a chance to abate their odor problem, but we also want to be able to take them to court and force them to abate if they don’t comply. He said we get a lot of comments about the skunk odors around town but not true complaints.

Mr. King said he amended his tenant lease agreements to not allow growing marijuana in his apartments because he had a good tenant leave due to odor, and this could have an economic impact on the landlords.

Mr. Kaiser said growing inside also poses a fire hazard.

Chief Peck said he is looking at odor from a complaints and enforcement view, and people are commenting on the odor but not asking that something be done about it. He said so far local people have been willing to talk about it and work it out with each other.

VOTE: 5 – Affirmative 4 – Absent
Motion carried.

5. Other Business

Mr. Kaiser said he is anticipating the solar project application in the next month or two. He stated we have also drafted a warrant article for the Sign Ordinance to clean up some issues caused by a Supreme Court decision a couple of years ago.

Mr. King recommended making the Adult Use Marijuana Ordinance number one on the December agenda, and to warn applicants that it may take longer to get to their projects that night.

Mr. Wright made a motion to adjourn the meeting.

Mr. Otley seconded the motion.

VOTE: 5 – Affirmative 4 – Absent
Motion carried.

There being no further business, the meeting adjourned at 6:27 P.M.

Minutes respectfully submitted by Cindy Gelinas.

Planning Board

Date