

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
December 11, 2017 – 6:00 P.M.
Minutes

Planning Board members present were Clayton King, Lloyd Smith, Craig Jordan, Donna Tracy, Tom Eastler, Jeff Wright, and alternate member Mike Otley. Gloria McGraw and Bill Marceau were unable to attend. Others present were Code Enforcement Officer, J. Stevens Kaiser; Code Assistant, Robin Zagorodny; business owner Luke Sirois, and applicant Darryl Wood.

The meeting opened at 6:05 p.m.

1. Designate alternate members, if needed.

Chairman King asked for Mr. Otley to be designated as voting member in place of Mrs. McGraw for this meeting.

Mrs. Tracy made a motion to accept the designation.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative 2 Absent
Motion carried.

2. Review minutes of November 13, 2017

Chairman King made a motion to approve the minutes of November 13, 2017 as submitted.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative 2 Absent
Motion carried.

3. Marijuana Ordinance Review

Chairman King began by stating he attended the Maine Municipal Association meeting on State Marijuana law at the Augusta Civic Center on November 15, 2017. This workshop was primarily regarding retail sales [of Adult Use Marijuana], and the presenter stated that they were not discussing anything pertaining to medical marijuana. Mr. King said there were 150 in attendance, only a few municipalities had a draft ordinance in the works, and it was suggested to those who have not started one that they needed to create or extend a moratorium.

Mr. Kaiser said he had a conversation with Mr. Sirois recently, and his understanding was that the legislature was going to take up the Adult Use Marijuana law again in January, with the goal being approval of a veto-proof law that would require implementation by the Governor. He said it appears the law as currently drafted will not be substantially changed, although it will more specifically address, distinguish, and regulate Medical Marijuana when updated.

Mr. Sirois said the current State law proposal does not have anything changed from last the law voted on by the legislature. He said the Medical Marijuana law will be tightened up, and Medical Marijuana businesses may be required to come to the Town Planning Boards for approval and licensing. Mr. Sirois said if the law passes in January, implementation would probably be late 2018 or early 2019, and if it does not pass, then it will be another two years before something will happen in this regard. He said they're using the same guidelines for Adult Use restrictions such as 1,000 feet separation from K-12 schools, the municipalities will still have licensing authority, and they are looking at getting rid of the Town responsibility to collect the excise tax. Mr. Sirois said Towns will receive 5% of the 20% total tax collected by the State for retail, another 1% of the tax on cultivation facilities will also go to the Towns, and the opt-in aspect will stay in the proposal.

Mr. Kaiser said he has discussed the options with Town Manager Mr. Davis to either vote on an ordinance or reinstate a moratorium, either of which would be a Town Meeting Warrant Article in March. He said a moratorium would allow the State time to wrap up its work on better controlling medical marijuana and coordinating it with adult use.

Mr. Jordan asked what will happen if the State law doesn't pass in January do we wait for another two years.

Mr. Sirois stated their committee will bring it up again in January 2019 if this happens, and it would then go into effect in January 2020 when businesses could apply for a license.

Mr. Wright stated that the people of Maine voted for it last fall, why hasn't it happened by now?

Mr. Sirois stated that our current governor is against implementing this law, but the legislature wants it done so they are writing additional steps in so they can force the implementation after it is passed and they have to override another veto.

Mr. Kaiser said, in reply to Mr. Wright, that after last fall's referendum, recreational marijuana became legal and people can now grow their own, but it's launching the adult use marijuana businesses that's the reason the legislature wants to get back to this in January and finish the job.

Mr. Sirois stated that the language drafted by Legalize Maine was accepted, with the State Committee rewriting the original proposal submitted to become law - LD1650 - with a lot of changes. He said this version will be the foundation law that they will work from in January, and monies collected under the law all go into the general fund and will be designated for things like law enforcement, training, inspections, etc.

Mrs. Tracy asked what if the governor doesn't sign the new law.

Mr. Sirois stated they have the two-thirds majority to override his veto if needed to implement.

Mr. Smith made motion to table a vote on the Adult Use Marijuana Ordinance for now and recommend to the Board of Selectmen that they renew a moratorium until the State makes a decision on the law.

Dr. Eastler seconded the motion.

Open Discussion amongst the Planning Board Members.

Chairman King stated we do not want to act too early, so we should wait to see what the State is going to do.

Mr. Smith made an amendment to the motion. He stated that once the Planning Board finds out what State has approved, it can then come back and take action on the draft ordinance.

Mrs. Tracy seconded the amended motion.

Mr. Kaiser stated that the Planning Board can then review the ordinance and vote to send it on to the Board of Selectmen to be approved as a warrant article for a Town Meeting vote.

Vote: 7 Affirmative 2 Absent
Motion carried

Chairman King asked for copies of the current State law for Adult Use Marijuana to be made available to the Planning Board for review.

Mr. Wright asked Mr. Kaiser how he developed the fee schedule.

Mr. Kaiser said they are about half of what the State fees are, which seemed reasonable and adequate to cover administration costs without being excessive.

4. **17-SR-09**
L.E.A.P. Inc.
Darryl Wood
Renovate downstairs open area to a 3-bedroom unit
746 Town Farm Road
Farmington, ME 04938
R14-050A

Chairman King read the description on the application and asked the applicant to give presentation on what they wanted to do.

Mr. Wood stated that L.E.A.P., Inc. owns the structure at 746 Town Farm Road, where currently the upstairs is accessible and being used as two apartments and the downstairs is being used as a training center. He said this arrangement has been going on for six to seven years, and they now feel there should not be apartments and training in same building. Mr. Wood said the first level of the building is accessible so they want to add three additional bedrooms and two additional common living areas. He said they will install sprinklers throughout the whole building, the renovations would meet ADA specifications, and the work will be done by their maintenance people and local contractors. Mr. Wood said they would like to fast-track this project as they are closing a site in Rumford and want to offer this location as option for those people to move to Farmington. He said managing this additional living space would create twelve jobs, as the facility has to be managed 24 hours a day, 7 days per week, and 365 days per year.

Mr. Smith made a motion to accept the application.

Chairman King seconded the motion.

Mr. Jordan asked if the building has Town water.

Mr. Wood stated yes, it has Town water, and a newly rebuilt septic system.

VOTE: 7 – Affirmative 2 Absent
Motion carried.

Mr. Jordan asked how hard is it to keep those twelve job openings filled.

Mr. Wood stated there is a staffing shortage statewide. He said it's hard to fill and keep good workers with the current pay rate for this type of work compared to other types of work like restaurant or retail that can pay more, and they run a background checks and a lot of training is involved before the individual is put out into the work force.

Mr. Jordan asked what they did before these homes were created.

Mr. Wood stated there were institutions in the past like Pineland that closed, and the people were then put into community homes.

5. Other Business

Mr. Kaiser brought the Planning Board up to speed on a few ongoing enforcement cases.

Mr. Smith asked about the [York] solar project.

Chairman King mentioned that he has ongoing concerns about bonding issues.

Mr. Kaiser said, to protect the Town, we're going to have to request the applicant pay for the Town's bond counsel, and also work on this with the Town Attorney.

Chairman King said we don't want to end up like Wilton who got stuck with the demo of an old industrial building.

Dr. Eastler reminded the Board of the solar info packet he gave them a while ago. He mentioned Maine's new mining law, the likely increase in this activity, and that we should contact Cindy, an administrative assistant at BEP, on their process and protections against abandonment.

Mr. Kaiser stated that the Town would be having Frank Underkuffler double check the bond counsel's work on the solar project guarantees..

Dr. Eastler mentioned the worthlessness of Letters of Credit and the need for proof of financial capacity.

Mr. Kaiser said he believes NextEra is sufficiently capitalized, but energy policies and tax laws are currently in flux.

Dr. Eastler said it's Aaron Svedlow's job at NextEra and his job convincing town citizens to take on these projects.

Mr. Kaiser said townspeople are looking forward to the Planning Board process following the two local information sessions held by NextEra at UMF.

Chairman King reminded the Board members that the additional valuation of this project – 80-100 million dollars, will change the Town's school funding formula and County tax burden.

Mr. Kaiser said Frank Underkuffler would be helpful in this regard as well as bonding. He said a financial analysis would be needed to determine the increase in county taxes & decrease in State school funding, adding that depreciation of the solar facility also needs to be figured in.

Mr. Kaiser stated there was rumor of another homeless shelter being done in town, and such would require Site Review by the Planning Board and review under NFPA-101 Life-Safety with Fire rescue Captain Tim Hardy. He said If they were to go ahead without Planning Board approval, we would issue a cease and desist order.

Mr. Jordan stated Skowhegan shelter is having issues with break-ins in the local stores.

Mr. Smith made a motion to close the meeting.

Chairman.King seconded the motion.

VOTE: 7 affirmation 2 – absent
Motion Carried

There being no further business, the meeting adjourned at 6:49 P.M.

Minutes respectfully submitted by Robin Zagorodny.

Planning Board

Date