

FARMINGTON PLANNING BOARD

153 Farmington Falls Road

June 12, 2017 – 6:00 P.M.

Minutes

Planning Board members present: Clayton King, Dr. Tom Eastler, Lloyd Smith, Craig Jordan, Gloria McGraw, and alternate members Jeff Wright and Mike Otley

Planning Board members absent: Donna Tracy and Bill Marceau

Others present were: Town Manager, Richard Davis; Code Enforcement Officer J. Stevens Kaiser (CEO); and Code Enforcement Assistant, Robin Zagorodny

Applicants present were: Glen Pound; John Moore, Jr.; Brandon Scott; Representatives for Woodlands: Engineer Elliot Thayer; Architect, Peter Bethanis; and Ann Bryant of the Lewiston Sun Journal and Franklin Journal.

Resident Carol Ramu was also present.

The meeting opened at 6:00 pm

1. Designate alternate members, if needed.

Mr. King designated Mr. Otley & Mr. Wright as voting members.

Mr. Kaiser, (CEO) introduced the new Code Enforcement Assistant, Robin Zagorodny, to the Planning Board Members.

2. Review minutes of May 8, 2017

Mr. Smith made a motion to approve the minutes of May 8, 2017 as submitted; Mrs. McGraw second the motion.

VOTE: 6 – Affirmative 2 – Absent 1 - Abstain

Motion carried.

Approval of Site Walk Notes, no discussion

Dr. Eastler made a motion to accept the minutes as submitted. Mr. Smith seconded the motion.

VOTE: 6 – Affirmative 2 – Absent 1 - Abstain

Motion carried

**3. J & G Properties, LLC
Glen Pound – Storage Facilities Addition
249 Farmington Falls Road
U8/2
17-SR-03 and 17-SS-03**

Glen Pound said he would be building two additions (24'x70' & 32'x70') nearest John Cormier's property, including ground work and drainage.

Dr. Eastler motioned to accept the Site Review application as submitted. Mr. Smith seconded the motion.

VOTE: 7 – Affirmative 2 – Absent 0 - Abstain
Motion carried

Mr. Otley asked about lighting, wanting to know if it will be shielded.

Mr. Pound stated yes, it will be shielded LED lighting.

Mrs. McGraw asked if the surface coverage for this project was near the limit.

Mr. Kaiser said even with these additions there is plenty of available lot coverage remaining.

Dr. Eastler motioned to approve application as submitted. Mr. Jordan seconded motion.

Dr. Eastler motioned to accept the Soil Erosion Control and Storm Water Management application as submitted. Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative 2 Absent 0- Abstain
Motion carried.

4. **John Moore, Jr.**
Drive-In
123 Narrow Gauge Square
U15/ 58 and 58-1
17-SR-04 and 17-SS-04

Mr. Moore stated that the proposal was to complete the drive-in this summer. It would hold 50-60 cars maximum. Vehicles would enter on the right side and exit on the left as shown on the plan.

Mr. King made a motion to accept the Site Review application as presented. Dr. Eastler seconded the motion.

VOTE: 7 – Affirmative 2 – Absent 0-Abstain
Motion carried.

Mr. Wright commented that many people want a drive-in in town and look forward to it.

Mr. Smith asked whether the 12 foot entrance and exit widths are enough to get cars through.

Mr. Moore stated that he was able to pass his plow truck through the entrance and exit without any issue going 5 mph. He said most people can handle a 12 foot in and out width.

Mr. Smith asked if this will conflict with the times of the indoor movie theatre, in reference to exiting into that parking area when movies are still playing.

Mr. Moore stated the second drive-in movie will get out at 1:00 am. He said the first showing for indoor movies starts at 6:00-6:30 pm, where the drive-in will start at 9:30 pm and therefore it will exit through an empty main lot. Mr. Moore said the drive-in will be busier on beautiful summer evenings, and the inside theater busier when the weather is poor.

Mr. Wright asked how it will be noise-wise - speakers.

Mr. Moore said he'd broadcast FM to car radios, and not use speaker boxes.

Ms. Ramu said she loves the work that Mr. Moore has done with his theater and property, how it has beautified the area and added to the community's culture, and that the drive-in will be great by bringing in an old-school type movie experience.

Dr. Eastler made a motion to accept the Soil Erosion Control and Storm Water Management application as presented. Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative 2 – Absent 0-Abstain
Motion carried.

5. Woodlands Senior Living of Farmington LLC - Phase 2
17-SR-02 and 17-SS-02
175 Knowlton Corner Road
R4/22

Mr. King asked the applicant if they had made any changes to their plans,

Mr. Thayer, project engineer, stated that there was one change, and that was to the number of fire hydrants. He said that Mr. Bethanis, project architect, met with Farmington Fire Rescue, and in addition to the fire hydrant on Knowlton Corner Road, and the two already planned for Phase 1 and 2, we are adding one more to the northwest corner of Phase 2.

Mr. King then requested the Board members to review each item on the Supplemental Information Check-off Sheet [dated 5-5-17 by CEO] for any comments and/or discussion, with affirmation from Mr. Kaiser, then acceptance by the Board.

Mr. Kaiser said these items are essentially the same as those on the Board's review criteria check-off list.

#1 - Location of zoning and overlay district boundaries - Provided by applicant and accepted by Board & CEO.

Note: Approximately 95% of property in Farm & Forest [project location], remainder in General Purpose. Floodplain and Shoreland limits depicted on plans.

- #2 - Boundaries of all contiguous property under the control of the owner/applicant - Provided by applicant and accepted by Board & CEO.
- #3 - Bearings and distances of property lines - Provided by applicant and accepted by Board & CEO.
- #4 - Location of existing bldgs. (w/in 50') and roads/driveways (w/in 200') of parcel - Provided by applicant and accepted by Board & CEO.

Note: Abutting parcels and roads depicted on plans. Google maps image of existing buildings and driveways included in application.

- #5 - Topographical contours and elevations - Provided by applicant and accepted by Board & CEO.
- #6 - Location and size of existing and proposed sewer & water mains - Provided by applicant and accepted by Board & CEO.
- #7 - Location, names, and widths of streets & right-of ways within and adjacent to development - Provided by applicant and accepted by Board & CEO.

Mr. Jordan noted for the record that the Planning Board had received and accepted comment from both a neighbor with a right-of-way through the subject property to a farm field and from representatives of the project in regard to same. Mr. D. Walters stated this has been resolved between the subject parties. Dr. Eastler stated this was a private civil matter, not a matter for Board consideration. Mr. Thayer stated that the subject easement allows relocation by the owner.

- #8 - Locations, dimensions, and elevations of buildings - Provided by applicant and accepted by Board & CEO.
- #9 - Locations, dimensions, and materials to be used for parking, driveways, and loading areas - Provided by applicant and accepted by Board & CEO.
- #10 - Utility plan with size and location of piping for water and wastewater disposal - Provided by applicant and accepted by Board & CEO.
- #11 - Location of electrical, telecom, and other utilities - Provided by applicant and accepted by Board & CEO.
- #12 - Landscaping plan - Provided by applicant and accepted by Board & CEO.

Note: At 5/8/17 Planning Board meeting, Mr. L. Walters stated that they would double the amount of tree plantings, which was accepted by Planning Board.

- #13 - Location of existing and proposed easements, and other legal restrictions - Provided by applicant and accepted by Board & CEO. [See #7 above].

#14 - Site Evaluation for non-sewered sites - N/A - Acknowledged and accepted by Planning Board & CEO.

Note: Soils and hydro-geologic assessment done in response to abutter concerns.

#15 - Access Management Plan - NA - Acknowledged and accepted by Planning Board & CEO.

Note: Applicant did trip generation analysis that concluded an access management plan was not required.

#16 - Assessment of any activities generating air pollution, fumes/odors, sound/noise - N/A - Acknowledged and accepted by Planning Board & CEO.

#17 - Waste Management - Provided by applicant and accepted by Board & CEO.

Note: Mr. L. Walters stated a contractor will be used for waste management, including bio-medical waste.

#18 - Traffic Impact Study - N/A - Acknowledged and accepted by Planning Board & CEO.

Note: Peak under 100 trips/hr. [See #15 above].

#19 - Assessment of stormwater runoff - Provided by applicant and accepted by Board & CEO.

#20 - Assessment of exterior lighting impact on adjacent property - N/A - Acknowledged and accepted by Planning Board & CEO.

Note: Lighting plan provided indicating no impact.

Dr. Eastler made a motion to accept the submitted Supplemental Information Check-off Sheet. Mr. King seconded the motion, noting same will be referenced in facts, finding, & decision document.

VOTE: 7 – Affirmative 2 – Absent 0-Abstain
Motion carried.

Mr. King made a motion to accept the Site Review application as presented. Mr. Wright seconded the motion.

VOTE: 7 – Affirmative 2 – Absent 0-Abstain
Motion carried.

Mr. Davis and Board members positively commented to show support for this new business coming to town.

Mr. King said is a great project and encouraged the applicants to add all the extra landscaping they can.

Dr. Eastler made a motion to accept the erosion control plan as submitted. Mr. Smith seconded the motion.

VOTE: 7 – Affirmative 2 – Absent 0 - Abstain
Motion passed.

6. Other Business:

Mr. King asked Mr. Kaiser to explain the application to be considered under Other Business.

Mr. Kaiser said he met in early May with Mr. Scott and explained to him the need for approval by the Planning Board and the Town LPI Richard Marble, and in mid-May he sent them applications. He said he informed him the application had to be returned by May 30th for this agenda. Mr. Kaiser said Brandon's girlfriend Nicole contacted him last week, saying they'd been in Texas and couldn't get the application back in time, and he then sent out his memo to the Board on May 9th.

Mr. Kaiser continued, saying the LPI Richard Marble has approved connection of the proposed mobile home to the existing septic system. He said the home will not be in the floodplain, and will be 215' from Temple Stream - in the northwest corner of the property - just inside the Shoreland zone. Mr. Kaiser said he usually can approve these, but because it is in the Agriculture & Forest District it needs Planning Board approval. He noted that he contacted all abutters with no objections to the proposal.

Mr. King suggested it be placed on the agenda for review at this evenings' meeting, although we do not want to make this a habit.

Dr. Eastler made a motion to put it on the agenda tonight. Mr. Smith seconded the motion.

VOTE: 7 – Affirmative 2 – Absent 0-Abstain
Motion carried.

Brandon Scott
Install 12' x 70' MH
17-SZ-01
213 Clover Hill Road
R10/49D

Mrs. McGraw questioned the ability of the existing septic system to handle two homes.

Mr. King said Richard Marble has already approved this.

Mr. Scott's girlfriend Nicole said they spoke to Richard Marble and he stated that the system was designed for three bedrooms and would accommodate the additional trailer with two bedrooms as there was one bedroom in the existing unit.

Mrs. McGraw said there could be subsequent tenants moving in and adding more bedrooms and then having septic issues.

Mr. Kaiser stated it's the plumbing inspector's responsibility for reviewing and approving this, and septic systems are inherently 30% over-designed for capacity so there's leeway. He added it's up to the owner to comply as policed by the plumbing inspector.

Mrs. McGraw said she is looking at it as a realtor, and banks may not touch it due to the circumstances.

Mr. Kaiser stated the LPI has approved many similar dual connections to systems in the past and they've not failed, adding that he and the LPI have had success in promoting good stewardship of septic systems by owners throughout town.

Dr. Eastler gave an example of an old system he had on the coast with a metal tank and cobblestone dating from the '50s that he kept functioning by not overloading and having regular pumping.

Mr. Kaiser said regular pumping every three years allows for inspection/repair of baffles in tank and the prevention of any solids being able to clog and ruin the drain field.

Mr. Otley said he was concerned about the size and flow of the well and there being adequate water supply.

Mr. Kaiser spoke that we do not get involved with that - only the separation of the septic system and any well. He added that this is a drilled well, and he's seen multiple connections to these work - whereas a dug well might not.

Mr. King make a motion to approve the Shoreland Zoning Application to install a mobile home at 213 Clover Hill Road. Mr. Smith second the motion.

VOTE: 7 – Affirmative 2 – Absent 0-Abstain
Motion carried

Mr. King asked Mr. Kaiser if he had anything else to bring up under Other Business.

Mr. Kaiser said he has recently discussed the solar [York] project with a lobbyist from Bernstein Shur representing same, and was told this project might be ready for review this fall. Erik [Johnson] had been concerned about project viability after Ranger Solar was sold.

Mr. Kaiser updated the Board on the work intern Mario Gerardi has done on the Recreational Marijuana Ordinance and maps. He said Mr. Gerardi has checked with other States as well as other Towns in Maine and has drafted an ordinance including zoning maps showing 1,000' buffers around churches and schools and the remaining areas are available for retail recreational marijuana. Under State law, applications will come to the Town first, and if locally approved then go to the State for final approval. He said Mr. Gerardi is very capable and intelligent and is a great resource for us this summer.

Mr. Otley asked about the 1,000' setbacks.

Mr. Kaiser said the majority of the Maine towns and other states use the 1,000' setback buffer for public schools and churches, and in our case this setback from the Mallett School blocks out most of the downtown. He added that we hope to have the draft ordinance and map for initial Board review soon, possible within a week, and when ready it will be sent out to the Board.

Dr. Eastler stated we should have a cover letter stating prohibition does not work, not that he is for or against, but thinking you can "make it go away" does not work.

Mr. Kaiser said Mr. Gerardi has found and injected whereas references in the preface of the draft ordinance citing the failure of marijuana prohibition. He noted that, as with alcohol prohibition, a study he is now reading on drug prohibition has concluded that the primary results have been the enrichment of the cartels at the expense of our political and law enforcement systems.

Dr. Eastler, back to the solar issue, said he had a large compendium of solar project failures and bankruptcies, and he'd like the Code office to copy same for the Board. He gave an example of a large solar farm in Spain that recently filed for bankruptcy: the project was developed, profits taken when sold, the new owner then went bankrupt, and the cleanup costs were left to the government.

Mrs. McGraw asked about different marijuana businesses saying, although we do not have "[medical marijuana] dispensaries", we do have "[medical marijuana] caregivers", so terminology is important and knowing what we already have before an ordinance goes into place is the best approach. She said we need to know what is here before we limit what we think we don't want, adding that we also have many grow facilities already.

Mr. Davis said there are differences between the current medical and future recreational marijuana regulations, and some predict that the medical marijuana business will ultimately disappear once the recreational marijuana business is in place. He said there are also others trying to get them [medical] going before ordinances come in and regulate [recreational].

Mrs. McGraw wanted to know if we require a registration of marijuana businesses.

Mr. Kaiser said these are not separately categorized in the Zoning Ordinance, neither the Planning Board nor the Board of Selectmen has been interested in doing so, therefore grow facilities are categorized agricultural use, and caregiver businesses are categorized as service use.

Mr. Davis stated that many people do not know that they are even there until there is an odor.

Mr. Kaiser said when the recreational marijuana ordinance is voted on this fall, we will also be voting on the addition of odor performance standards to the Zoning ordinance.

Mrs. McGraw stated there is also a fire risk with grow lamps.

Mr. Otley asked if the grow operation in the old shoe shop that rents space to caregivers is a leasing business v. agricultural?

Mr. Kaiser said it's still agricultural - namely the growing and cultivation of plants as defined in the Zoning Ordinance, and there is no use listed for leasing/renting in the Zoning Ordinance.

Dr. Eastler said a family member was looking into the oils of the plant as a medication for autism as the children positively react almost instantly to the oils applied to the skin.

Mrs. McGraw stated there have also been studies on epilepsy, and other medical uses for marijuana. She personally feels overwhelmed with how much is taking place and happening in the area.

Mr. Kaiser stated there is a widespread market for it, not just in Farmington, and it has become ubiquitous.

Mr. Davis stated people visiting the Town Office and businesses in town often leave a strong marijuana odor behind, which is very noticeable.

Mr. Smith made a motion to adjourn the meeting. Mr. Otley seconded the motion.

VOTE: 7 - Affirmative 2- Absent 0- Abstain
Motion passed

There being no further business, the meeting adjourned at 7:08 P.M.

Minutes respectfully submitted by Robin Zagorodny.

Planning Board

Date