

Town of Farmington
Zoning Board
Thursday, February 18, 2021 – 6:00 P.M.
Minutes

Board members present were Paul Mills, Adrian Harris, John Moore, and Jane Woodman. Alternate member David Ballard was present. Kelly Kading and Kyle Terrio were unable to attend. Town Manager Richard Davis and Planning Assistant Cindy Gelinias were present. Representing the applicant were Norman Chamberlain from Walsh Engineering and Byron Davis. Representing the Farmington Village Corporation-Water Department were Superintendent Tom Holt and Assessors James Andrews and Dale Bryant.

Mr. Moore temporarily sat in for Mr. Mills as Chairman and he called the meeting to order at 6:05 P.M.

1. Welcome new members Kyle Terrio and David Ballard

Mr. Moore welcomed Mr. Ballard to the Board.

2. Designate alternate members if necessary

Mr. Moore designated Mr. Ballard as a voting member for the meeting.

3. Approve Minutes of February 5, 2020

Mr. Harris made a motion to accept the minutes.
Ms. Woodman seconded the motion.

Mr. R. Davis said we will have a brief discussion under other business to clear up some unfinished business as indicated in the minutes.

VOTE: 4 – Affirmative 3 – Absent
Motion carried.

4. Avesta Housing Development Corporation
Tax Map U20 Lot 013
Zoning Board Application 20-ZC-01

Initial Review and Public Hearing for proposed amendments to the Town of Farmington Wellhead Protection Ordinance to allow the development of a 25-unit building for a 62 year and older housing community and propane storage on Willow Springs Drive.

Mr. Moore introduced the project.

Mr. Chamberlain said Walsh Engineering is the civil engineer for the project located in Zone 1 of the Farmington Village Corporation (FVC) as covered in the Wellhead Protection Ordinance. He said they met with the FVC and they all decided the simplest way to deal with this was to change the Ordinance to allow multi-family housing and parking lots in Zone 1, which would then allow the Planning Board to review the project under the Wellhead Protection, Site Review and Soil Erosion Control and Storm Water Management Ordinances. Mr. Chamberlain said they also included underground propane tanks even though he wasn't sure how they were going to be heating the facility. He said they looked at the State's regulations under Wellhead Protection and it recommended underground oil tanks be replaced with propane tanks. Mr. Chamberlain said if the Zoning Board approves the requested amendments to the Table of Uses in the Wellhead Protection Ordinance, the project can move forward with permit applications to the Department of Environmental Protection (DEP) and the Farmington Planning Board.

Mr. Moore asked if anyone from the FVC would like to speak.

Mr. Mills arrived and took over as Chairman.

Mr. Andrews said the FVC checked with the hydrologists at Maine Drinking Water (MDW) about the proposed changes to the Ordinance. He said the hydrologist had no problem with changing the items from "No" on the list of permitted uses to "with Planning Board approval". Mr. Andrews said there was another request to allow additional coverage with impermeable surfaces within Zone 1 and this was denied. He said as an addendum, we found that our definitions of the zones and distances from the wells were very conservative compared to other Maine communities and far stricter than the standard set by MDW. Mr. Andrews said we are meeting with Susan Breau at MDW to discuss if the FVC needs to make changes to these zones. He said this project is a long way from the well, and he thought this area was included in Zone 1 of the Ordinance because there is a perennial stream running through the proposed project site and continuing down to the field near where the well is located. Mr. Andrews said this may be a situation where we can ease the restrictions of Zone 1 to allow the project to move forward.

Mr. Moore asked if they capped the parking lot size.

Mr. Andrews said, yes, each zone has a permitted coverage area including roof tops and parking lots.

Mr. Chamberlain said we thought that changing the allowed uses was simpler in the short-term than changing the boundaries.

Mr. Andrews said we may be able to resolve this without having to do an expensive hydrological study. He stated they aren't opposed to the project or the changes to the Ordinance as proposed tonight.

Mr. Moore asked how they were going to channel the water from the parking lot.

Mr. Chamberlain said the water runoff from the parking lot would be channeled backwards into the wet pond that was developed for the previous Brookside project that was outside Zone 1.

Mr. Andrews said there is a test well that was dug just below the pond, but he wasn't sure if it was the corporation that conducted the testing.

Mr. B. Davis said he thought the corporation had hired an engineering firm to conduct the tests for five years, and he remembered the tests showed negative impact to the water quality.

M. R. Davis asked if the testing was a permit stipulation.

Mr. Andrews said yes it was, and he would like a copy of the test results. He confirmed with Mr. Holt that there haven't been any water quality issues with the previous Brookside project, and Mr. Holt said, no.

Mr. Moore said issues impacting the water quality would typically come from an underground oil tank, runoff from a parking lot, impact from a building, and sewage.

Mr. Chamberlain said the Ordinance proposal requires any project in Zone 1 to be connected to the public sewer system.

Mr. Andrews said there is a salt storage shed on the property.

Mr. B. Davis said the shed would be removed.

Mr. Andrews said that particular well is very deep and draws from the aquifer under the field and Sandy River, and it would take a significant amount of contaminates to show up in the well.

Ms. Woodman asked about the Planning Board process.

Mr. Chamberlain said the Planning Board would contact the FVC to see if there were any concerns regarding the storm water management for the project. He said the Brookside project went through the Planning Board process a number of years ago, but the current project hasn't submitted an application. Mr. Chamberlain said if the Zoning Board agrees to these amendments to the Ordinance, it will then go before the Board of Selectmen and then go on a Warrant Article for a Town Meeting vote.

Ms. Woodman said she is concerned about changing the parking lot standards throughout the Ordinance because the wells are in town.

Mr. Andrews restated the parking lot and impermeable surface allowances, which is 30%, will not be changed and only the permitted uses will be changed to allow the project to go before the Planning Board.

Mr. R. Davis said any impervious surface will be addressed through performance standards by the Planning Board – the parking lot will drain through the retention pond to be filtered and treated.

Mr. Chamberlain showed the Tata & Howard Wellhead map.

Mr. Mills stated the Planning Board doesn't get involved until after the Ordinance is changed. He said we are an advisory panel, but to do the mechanism of the Ordinance change, it must go before the Selectmen for a Public Hearing and then as a Warrant Article for a Town Meeting vote.

Mr. Ballard asked what the simple question was we are trying to address.

Mr. Chamberlain said we can't move forward with the project because the current Zone 1 in the Wellhead Protection Ordinance doesn't allow multi-family housing, parking lots, and propane storage. He said we are asking the Board to approve these changes and send it on to the Selectmen for its consideration as a Warrant Article and Town Meeting vote.

Mr. B. Davis said the corporation purchased the property prior to the 2013 Wellhead Protection Ordinance for a condominium project. He said the property was the industrial site of Maine Dowel that required hazardous waste site location cleanup with extensive DEP permitting and State and local review, which was approved. He said the project didn't work out due to the 2008 economic issues, and they later put together the Brookside Village project, which is a wonderful facility. Mr. B. Davis said the vision is to build a couple more like that facility on the property and these would be an asset to the community. He said the Ordinance was written after the Brookside Village was built.

Mr. Mills asked if abutters to the project were notified and if anyone contacted the Town with any concerns.

Mrs. Gelinis said the abutters were mailed a certified letter and the meeting was advertised in the paper, posted in the Municipal Building and on the Town's website. She said she did not receive a response from the abutters, and Mr. R. Davis said no one contacted him.

Mr. Holt said the first Ordinance was written in 1994, with input from MDW, who he answers to, and he would like to do a site walk-over instead of doing it all on the computer. He said it is a good project, but he is concerned about where the runoff will go from the additional proposed projects on this site.

Mr. Chamberlain said the runoff from the parking lot would go into the pond and be treated like everything else. He said any future projects would probably be outside of Zone 1 and would conform to DEP and State and local requirements.

Ms. Woodman said when she worked with Mr. Holt at the FVC there was concern about the pond feeding into the stream that went down to the field where the well was located, and that is when they amended the Ordinance.

Mr. Holt said we own the Zone 1 area and changing the Ordinance could have an impact on other areas and create a precedent for future development.

Discussion followed regarding the Planning Board process and allowed uses.

Mr. Chamberlain said the Planning Board could require further levels of stormwater treatment. He said the wet pond was designed with additional piping that diverts water back into the pond for treating suspended solids, phosphates and nitrates and has a stone berm with an underdrain. Mr. Chamberlain said the pond was built to accommodate future development that was approved by DEP.

Mr. Davis asked if the Planning Board originally required the pond be dredged or cleaned out.

Mr. Chamberlain said the pond was reconfigured with a stone wall down the middle with the inlet and outlet on each side. He said the water from the building and parking lot would drain into the inlet and circle to the back before making its way back down to the outlet, thus allowing a longer treatment time. Mr. Chamberlain said this is based on DEP standards for best management practices. He said this project must apply to DEP for a stormwater permit, but there is no point if we can't get the Ordinance changed to be approved by the Planning Board. Mr. Chamberlain said we could build outside of Zone 1, but it would be more costly to construct a much longer road to the property.

Mr. Moore suggested testing the outflow. He said there is a lot of water runoff from the Town roads between this project and the outflow that have very little treatment plans. Mr. Moore confirmed the water quality has not been impacted since the Brookside project was built.

Mr. R. Davis suggested looking at the test records for a base line and then doing another test to see if there have been any changes.

Mr. B. Davis agreed. He said we have a DEP site review that was approved for many condo units going up the hillside that would have significantly increased the impervious surface, and this project has been scaled back from what was approved.

Mrs. Gelinas pointed out that this meeting is a Public Hearing. Mr. Mills opened the Public Hearing at 6:53 P.M.

Ms. Woodman asked what time frame MDW had to change the plan.

Mr. Andrews said we don't know. He said we want to meet with Ms. Breau to discuss the options, which may include conducting an expensive hydrological study or reconfiguring Zone 1 that extends much further from the well than required by State zone standards. Mr. Andrews said this is not the discussion for tonight, and Ms. Breau does not have an issue with the proposed changes to the table of uses.

Discussion followed regarding alternative engineering and testing.

Mr. Mills closed the Public Hearing at 6:58 P.M.

Mr. Harris made a motion to adopt the proposed changes to the allowed uses.

Mr. Chamberlain said multi-family housing projects must be on public sewer and the Planning Board could require additional conditions for the parking lot stormwater management approval and DEP approval.

Mr. Andrews said the extra level of review required by the Planning Board for approval of the use gives FVC and MDW the confidence to approve the changes.

Mr. Ballard seconded the motion.

VOTE: 5 – Affirmative
Motion carried.

5. Other Business

Mr. R. Davis said the February 5, 2020 minutes showed the Board approved the definitions of Group Home, Homeless Shelter, and Methadone Treatment Center by consensus. He stated we must follow a similar procedure as tonight by holding a Public Hearing that would then go to the Selectmen to be included as a Warrant Article for Town Meeting vote.

Discussion followed regarding the definition and criteria for Homeless Shelter in the Zoning Ordinance Table of Uses.

The Board agreed to appoint Mr. Moore to research the Homeless Shelter definition and invite any interested parties to a workshop. Mrs. Gelinis would send a Doodle Poll to members to schedule a date for the workshop.

Mr. Harris made a motion to adjourn at 7:30 P.M.
Mr. Moore seconded the motion.

VOTE: 5 – Affirmative
Motion carried.

Minutes respectfully submitted by Cindy Gelinis.