

**WARRANT
SPECIAL TOWN MEETING
December 12, 2023**

TO: S. Clyde Ross, a Resident of the Town of Farmington in the County of Franklin and State of Maine.

GREETING: In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Farmington, qualified by law to vote in Town affairs, to assemble downstairs at the Community Center at 127 Middle Street in said Town on Tuesday, the TWELTH day of DECEMBER, 2023 at 7:00 o'clock in the evening to act upon Articles 1 through 7, all the said Articles being set out below, to wit:

FIRST - To choose a moderator to preside at said meeting.

SECOND - Shall Chapter 11 - Land Use, Article 10 - Town of Farmington Subdivision Ordinance, current version adopted on July 22, 2003, be amended to incorporate revisions per State Planning and Land Use regulations for Affordable Housing.

STATEMENT OF FACTS: An amendment was made to the State's Planning and Land Use Regulation laws that requires a long-term affordability covenant for affordable housing developments per 30-A M.R.S. §4364 (3) was enacted on July 1, 2023.

NOTE: Copies of the Ordinance (Chapter 11, Article 10), with additions *underlined in italics*, are available in advance at the Municipal Building and will be available at the Community Center during the Town Meeting. Below is the addition to the Ordinance:

p. Long-term affordability covenant per 30-A M.R.S. §4364(3), as enacted by PL 2021, c. 672, §4, is amended to read:

Before granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

- 1) For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and**

- 2) *For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.*

THIRD – Shall Chapter 11 - Land Use, Article 5 - Town of Farmington Site Review Ordinance, current version adopted on August 2, 1995, be amended to incorporate revisions per State Planning and Land Use regulations for Affordable Housing.

STATEMENT OF FACTS: An amendment was made to the State's Planning and Land Use Regulation laws that requires a long-term affordability covenant for affordable housing developments per 30-A M.R.S. §4364 (3) was enacted on July 1, 2023.

NOTE: Copies of the Ordinance (Chapter 11, Article 5), with additions *underlined in italics*, are available in advance at the Municipal Building and will be available at the Community Center during the Town Meeting. Below is the addition to the Ordinance:

13. *Long-term affordability covenant per 30-A M.R.S. §4364(3), as enacted by PL 2021, c. 672, §4, is amended to read:*

Before granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

- 3) *For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and*
- 4) *For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.*

including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

- 5) *For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and*

- 6) *For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at of below 120% of the local area median income at the time of initial occupancy.*

Fourth – Shall **Article 1. Innkeepers, Victualers, Tavern Keepers, and Lunch Wagons**, be amended to remove references to **Victualers** and be amended to incorporate revisions to sections **6-2.2 Definitions** **6-1.3 License Required** and **6-1.6 Fees and Renewals**.

STATEMENT OF FACTS: Victualers are not required to obtain yearly operating licenses from the Town of Farmington as they are regulated by the State of Maine.

NOTE: Copies of the Ordinance (Article 4 Section 6-4.2 and Section 6-4.3), with deletions as strikeouts, are available in advance at the Municipal Building and will be available at the Community Center during the Town Meeting. Below is the proposed change to the Ordinance:

6-2.2 Definitions:

~~A. 4. Victualer. "Victualer" means a person who serves food or drink prepared for consumption on the premises by the public.~~

6-1.3 License Required

No person shall operate as an ~~vi~~ctualer, innkeeper, tavern keeper, lodging house or operate a lunch wagon, within the Town of Farmington unless licensed to do so by the Town, unless specifically waived by the Town. Applications for ~~Victualer's~~

6-1.6 Fees and Renewals

Each person licensed as an innkeeper, tavern keeper, or lunch wagon ~~or victualer~~ shall pay to the Town Clerk a fee to be determined by the municipal officers. All licenses unless otherwise provided, shall be for twelve (12) months duration. Renewals of said ~~victualer's or~~ innkeeper's license shall be set by the municipal officers.

Fifth: Shall **Article 3. Special Amusement Town of Farmington Licensing Ordinance**, be amended to incorporate revisions last amended June 7, 1978, be amended to incorporate revisions to sections **6-3.3 Definitions** **6-3.4 Permit Required** **6-3.8 Permit Appeal Process** **6-3.10 Penalty** and **6-4.6 Fees**

6-3.3 Definitions

For the purpose of this Article, the following definitions shall mean:

6-3.4 Permit Required

No permit shall be issued for any thing, or act, or premises

The fee for a Special Amusement permit shall be ten dollars (\$10.00).

hold a public hearing within thirty (30) days of the date of the request was received,

6-3.8 Permit and Appeal Procedures

The licensee may not reapply for a permit within thirty (30) days after an application for a permit ~~which~~ that has been denied.

has been revoked or suspended, may, within thirty (30) days of the denial

6-3.10 Penalty

fine of not more ~~that~~ than twenty-five dollars (\$25.00) for each offense to be recovered, on complaint, to the use of the Town of Farmington. ~~Maine~~.

Sixth – Shall Article 4. Motor Vehicles for Hire Town of Farmington Licensing Ordinance, current version adopted on , be amended to incorporate revisions to sections 6-4.2 Issuance of License and 6-4.3 Display of License to align the requirements of the issuance of Taxicab Licensing with Maine State requirements and to strength the applicant background requirements.

NOTE: Copies of the Ordinance (Article 4 Section 6-4.2 and Section 6-4.3), with additions underlined in italics, and ~~deletions as strikeouts~~, are available in advance at the Municipal Building and will be available at the Community Center during the Town Meeting. Below is the proposed change to the Ordinance:

6-4.2 Issuance of License

Licenses issued under the provisions of **Section 1** hereof shall be for the calendar year, but such licenses shall be subject to revocation by the Board of Selectmen for failure of the licensee, or ~~his~~ their agents, to comply with the rules and regulations of the Board of Selectmen. Renewal will be required on an annual basis. ~~No license shall be issued to any person, firm, Limited Liability Company, corporation, or other entity which hires a person to drive who:~~ ***In determining whether the applicant is at present of such good moral character that the applicant can be trusted with the safe care and custody of passengers, the Chief of Police, or their designee, shall consider factors including but not limited to the following:***

No license shall be issued to any applicant who:

- A. Is in violation of this Article.
- B. Is a registered sex offender.
- C. ~~Has been convicted of a Class A crime; or~~ ***Has been convicted of of murder, manslaughter, or a Class A, B, or C crime against a person at any time.***
- D. ***Has any outstanding warrants.***
- E. ***Has made any false statements or omissions on the application;***
- F. Has convictions for the following periods of time immediately preceding ~~his~~ their ~~or~~ her application.

TEN YEARS	FIVE YEARS	THREE YEARS
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Misdemeanor Sexual Assault <u>Crime</u>	Assault	Driving to Endanger
Habitual Offender	Operating Under the Influence	Three moving Motor Vehicle Violations per 29-A M.R.S. Chapter 19
	Operating After Suspension	<u>Criminal Threatening or Terrorizing</u>
		<u>Criminal Mischief</u>
		<u>Harassment</u>
		<u>Theft by Unauthorized Taking or Transfer</u>

It is the responsibility of any owner of a taxicab service applying for a taxicab license to make certain that no person hired to drive is in violation of this section. **An owner's license** shall also be revoked by the Board of Selectmen of a person or entity which subsequently hires an individual with any of the unpardoned offenses listed in this section after being notified in writing by the Town Manager or Chief of Police that an individual hired by said person or entity has such an offense and fails to take corrective action within fifteen (15) days of such written notification.

The Board of Selectmen may promulgate rules and regulations governing the operation of said vehicles, the fares to be charged, and the amount of the fee for such licenses. No license shall be issued unless:

- A. The applicant furnishes proof of **required** liability coverage **per state of Maine requirements** on all vehicles to be used under such license;
- B. Drivers are qualified under the terms of this Article;
- C. Owners and drivers are properly insured;
- D. Motor vehicles for hire are properly registered **with for hire plates**; and
- E. The applicant has paid the appropriate licensing fees

6-4.3 Display of License

Drivers while on duty are required to display their valid drivers' licenses in the vehicles so that passengers can view their validity. In addition, a copy of the valid Taxicab License issued by the Town of Farmington to the person or entity permitted to engage in the business of carrying passengers for hire shall be ~~on display~~ **kept** in all vehicles being used for said business and are available on request.

6-4.6 Fees

Fees for the Taxicab License shall be fifty dollars (\$50.00) for each taxicab and the sum of fifteen dollars (\$15.00) for each operator ~~plus the cost of background checks~~ for an initial license, and the sum of five dollars (\$5.00) for each operator ~~plus the cost of background checks~~ for renewals. ~~Operators licensed in reciprocating communities will not be charged the background check charge for initial licenses only.~~ Fees shall be determined by the

Board of Selectmen and are subject to change from time to time. All fees are non-refundable.

Seventh: Shall proposed amendments be made to Chapter 11 – Land Use, Article 8, 11.8.11.K. Solar Energy Systems Performance Standards in the Town of Farmington Zoning Ordinance.

STATEMENT OF FACT:

The Zoning Board and Planning Board have both approved amendments to the Solar Energy Systems Performance Standards to improve standards for review.


NOTE:

Copies of the Solar Energy Systems Performance Standards (Chapter 11, Article 8, 11.8.11.K.), with deletions in **bold strikeouts** and additions in **bold, italicized and underlined**, will be available at the Municipal Building and will be available at the Community Center during the Special Town Meeting.

The Registrar of Voters will be in session at the Community Center on December 12, 2023, at the time of the meeting to add new names to the voting list or make changes to the voting list.

Given under our hands at Farmington, Maine this 28th day of November, A.D. 2023.

TOWN OF FARMINGTON BOARD OF SELECTMEN



Matthew W. Smith Chairman




Joshua H. Bell



Byron T. Staples



Stephan M. Bunker



Dennis E. Neil
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ORIGINAL:



OFFICER'S RETURN

I certify that I have notified the voters of the Town of Farmington of the time and place of the Town Meeting by posting an attested copy of the within warrant at the FARMINGTON MUNICIPAL BUILDING at 10:30A; at the WEST FARMINGTON POST OFFICE at 10:37A; at the FARMINGTON POST OFFICE at 10:45; at the FARMINGTON FALLS POST OFFICE at 12:28p; and at the FARMINGTON COMMUNITY CENTER at 10:50, all being conspicuous public places within the Town of Farmington on December 1, 2023, which is at least 7 days prior to the day of said meeting.

Dated at Farmington, Maine this 1st day of December 2023.

S. Clyde Ross

S. Clyde Ross
Resident of Farmington

True copy:

Diane L Dunham

Diane L Dunham
Town Clerk