

**FARMINGTON PLANNING BOARD**  
**153 Farmington Falls Road**  
**July 8, 2019 – 6:00 P.M.**  
**Minutes**

Planning Board members present: Chairman Clayton King, Lloyd Smith, Donna Tracy, Craig Jordan, Gloria McGraw, Jeff Wright, and Mike Otley.

Alternate members present: Judith Murphy.

Members unable to attend: David Robbins.

Others present: Board of Selectmen members, Joshua Bell, Stephen Bunker, and Matthew Smith; Fire Rescue Chief Terry Bell; Police Chief Jack Peck; Steve Kaiser, Code Enforcement Officer; Kate Foster, Code Assistant; Amanda Meader Esq., Town Attorney; applicants Robert Gardner, Butch Haggan, Jacob Angelakis, Mike McInnis, David Horn, Luke Sirois and his lawyer Scott Anderson from Verrill Dana, Samuel Morris; Bobbie Wheeler and Andy Parlin representing Western Maine Homeless Outreach (WMHO) with Attorney Ronald Asestine Esq.; Steve Bracy, minister of Living Waters Church; Bill Hamilton, project architect; Ed David, Old South Church; abutting property owners John Moore & Jennifer Bjorn; residents and other members of the public and press.

Mr. King opened the meeting at 6:00 P.M.

**1. Designate alternate members, if needed**

All voting members present.

**2. Election of Officers**

Mrs. Tracy made a motion to have Mr. King continue as Chairman.  
Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative

Mr. Jordan made a motion to have Mr. Smith continue as Vice Chairman.  
Mrs. Tracy seconded the motion.

VOTE: 7 - Affirmative

**3. Review minutes of June 10, 2019**

Mr. Smith made a motion to approve the minutes of June 10, 2019 as written.  
Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative

**4. 19-SR-09, 19-FP-02, 19-SS-04, 19-SZ-01**  
**Robert Gardner**  
**171 Wilton Road**  
**U31-039**  
**Additional parking and 12’x20’ building addition**

Mr. King introduced the Site Review application and asked who was present to represent it.

Mr. Gardner stood stating he would be representing the application and gave an overview of what he would like to do.

Mr. Jordan made a motion to accept the Site Review application as presented.  
Mrs. McGraw seconded the motion.

There being no questions or concerns Mr. King called for a vote on the Site Review application.

VOTE: 7 - Affirmative

Mrs. Tracy made a motion to approve the “Soil & Storm” application as submitted.  
Mr. King seconded the motion.

Mrs. McGraw asked Mr. Gardner if he was going to use the second entrance.

Mr. Gardner stated he wasn’t due to expenses.

VOTE: 7 – Affirmative

Mr. Wright made a motion to approve the Shoreland Zoning application as submitted.  
Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Mrs. McGraw made a motion to accept the Floodplain application as submitted.  
Mr. Otley seconded the motion.

VOTE: 7 - Affirmative

**5. 19-SS-05**  
**Butch Haggan**  
**Off Red School House Road**  
**U37-19+19B**  
**Moving 2400 yards fill and importing 300 yards gravel**

Mr. King introduced the application and asked who was present to represent the application.

Mr. Haggan stated he was present to represent the application and gave an overview of what he was looking to do.

Mrs. McGraw made a motion to accept the application as submitted.  
Mr. Jordan seconded the motion.

Mr. Jordan asked what the area being filled would be used for.

Mr. Haggan stated Rick Collins, who owns the motel in front of the area, gets campers and motor homes at times and there isn't enough area in front of the building for those to park, so he would like to have parking in the back for the campers, motor homes, and other larger vehicles.

Mr. Jordan asked how close the work being done would be to the nearby brook.

Mr. Haggan stated it was over 200 feet to the brook and reassured Mr. Jordan it was well out of the floodplain.

VOTE: 7 – Affirmative

**6. 19-MJ-02**  
**Jacob Angelakis / Biome LLC**  
**105 Bridge Street**  
**U29-002**  
**Adult Use Marijuana Store, Cultivation, Manufacturing**

Mr. Angelakis introduced himself as the applicant to represent the proposed applications.

Mr. King asked Mr. Kaiser to explain the process each application goes through.

Mr. Kaiser stated the application is submitted to the Code/Planning Office where it is checked by staff to make sure nothing is missing before it is forwarded to the Planning Board to verify completeness. If the Planning Board finds anything lacking during its review, the applicant must add that before going before the Board of Selectmen for hearing and license/permit issue.

Mr. Otley asked about parking spaces.

Mr. Angelakis stated there are some in the front and back and has talked to abutter Rachel Nichols about parking in front of their lot and the State right-of-way.

Mr. Jordan asked what was going to be done for odor control.

Mr. Angelakis stated each property is different, but at his location they have cleaned out all the rooms due to a growing issue and won't be growing again for another few weeks at least. Before re-start of growing, the rooms will be sealed and fitted with several carbon filters, circulating clean air in and exhausting stale air out.

Mr. Jordan stated to all the businesses that, if their methods to control the odor do not work to the extent they need to, the business can be shut down.

Mrs. Tracy stated she was at the abutting dentist two weeks prior and said it smelled really bad.

Mr. Angelakis replied saying it had to have been more than two weeks ago because he hasn't had anything growing for almost a month at the time of the meeting.

Mrs. McGraw discussed with Mr. Kaiser the number of marijuana businesses allowed, which he said is specified in the ordinance and can't be exceeded.

At this time Mr. King put Mr. Angelakis' application on hold due to the Public Hearing scheduled for 6:30 P.M.

**7. PUBLIC HEARING**  
**Western Maine Homeless Outreach**  
**227 Main Street**  
**U15-037**  
**Homeless Shelter**

Mr. King opened the Public Hearing at 6:32 P.M.

Mr. Manahan, attorney for abutters John Moore and Jennifer Bjorn, reread a letter he had sent to the Board members prior to the meeting and stated they are requesting that the Board, after the Public Hearing and comments, reconsider their June 10<sup>th</sup> vote where they voted the homeless shelter did fit under Group Home in the Zoning Ordinance.

Mr. Aseltine, attorney for the WMHO, stated Mr. Manahan's statement is not relevant and the application for the homeless shelter should be reviewed and considered on its own merits.

Mr. King asks Town Attorney Ms. Meader what will happen if the Board does take a revote of the decision made on June 10<sup>th</sup>.

Ms. Meader advised the Board that they do have the authority to reconsider their vote but the guidance given from the courts tell us that a reconsideration of a vote is appropriate when the Board feels it has missed crucial relevant facts or completely misunderstood or misinterpreted its own ordinance or the law. Ms. Meader added that if the Board does choose to reconsider and overturns their June 10<sup>th</sup> vote, the application will not be reviewed and any Board discussion will be done.

Mr. King verified with Ms. Meader that if the Board decided to take a revote at this time, before hearing from the public, and overturns its June 10<sup>th</sup> vote, the Public Hearing and application review would not occur.

Mr. Manahan said on page 11 of the Town ordinance it states the application must be deemed complete before holding a Public Hearing, and that did not happen at the June 10<sup>th</sup> meeting.

Ms. Meader said that is a non-pivotal point at this time, all interested parties are here, and it was already advertised as a Public Hearing.

Mr. Aseltine stated this was advertised for a Public Hearing, everyone has prepared for the Public Hearing, most of the people present to speak are in favor of the shelter, and it would be very unfair to the public and the applicant to have a motion to reconsider and possibly overturn their vote especially before even hearing from the public.

Mr. King stated that it's the Board's decision.

Mr. Wright made a motion to hold the Public Hearing as stated in the agenda and then have the Board revote their June 10<sup>th</sup> decision on whether the homeless shelter fits under Group Home in the Town's Zoning Ordinance or not.

Ms. Meader said if the Board finds a reason to reconsider under her previous statement in regards to misunderstanding or misinterpreting the ordinance or law or missed crucial facts, to do that first, otherwise continue with the Public Hearing.

Mr. Manahan stated Mr. Wright made a valid motion to hold the Public Hearing and then go back and reconsider re-voting the decision made at the last meeting on whether it is an allowed use.

Mr. Aseltine stated it was voted on at the June 10<sup>th</sup> meeting that it fit under Group Home in the Zoning Ordinance, it should now be reviewed under Site Review and approved or denied on its own merits, so let's move forward with the process and make that decision.

Mr. King asked Mr. Wright to please restate his motion.

Mr. Wright made a motion to hold the Public Hearing as stated on the agenda and then have the Board revote their June 10<sup>th</sup> decision on whether the shelter fits under Group Home or not. He stated he thinks he will get more information on a Group Home by listening to the public.

Mr. Jordan seconded the motion.

Mr. King opened it up for discussion.

Mr. Jordan stated he doesn't think all the Board members understood what they were voting on at the June 10<sup>th</sup> meeting. He added that by definition, no way does the homeless shelter fit under Group Home in the ordinance.

Mrs. McGraw attempted to amend Mr. Wright's motion but didn't get a second.

There was discussion and clarification on Mr. Wright's motion.

Mr. Aseltine stated the second part of Mr. Wright's motion was out of order.

Mr. King asked if the Board had any more discussion before taking a vote.

Mr. Jordan stated the Board needed to have complete clarification on what they were voting on and what a yes or no vote was.

Ms. Meader clarified what the process and steps would be with each different decision that could be made.

Mrs. McGraw asked for the motion to be reread.

Ms. Meader reread the motion stating to hold the Public Hearing and then to revote on whether the shelter fits under Group Home or not.

VOTE: 5 – Affirmative 2 – Opposed

Mr. King asked everyone that wanted to come up and speak to keep it short and to the point. He said everyone is tired and hot, and after 8:00 P.M. the Board has to decide if they want to continue or not in 20-minute increments. Mr. King said if the Board decides not to continue, they will have to continue the meeting the following night.

Mr. Manahan reread his letter he had sent out to the Board members prior to the meeting.

Mr. Bracy spoke in favor of the homeless shelter and how much it can help someone.

Mr. Underkuffler read a statement he had written [which is in the file] regarding the purpose of the Public Hearing, the central issues around the homeless shelter, and that getting it right now is most important.

Lisa Laflin, Executive Director of Tri-County United Way, stated that WMHO has respected all their funding requirements and believes they will in a new facility, but she does see both sides for and against the shelter.

Sarah Carrahan, a social worker and a member of Farmington Friends, stated she was in favor and hoped the Board and town would support them as well.

Marraine Kettell, Pastor of 1<sup>st</sup> Congregational Church of Farmington (Old South Church), spoke in favor of the shelter.

Janet Smith, chairman of “82 High St.”, spoke in favor of the homeless shelter, and said many of the homeless shelter guests transfer to 82 High St. once they complete their program at the shelter. She said 82 High St. also has ongoing programs to continue helping people.

Caitlin Carson-Gabriel spoke against the shelter asking the Board to consider the current balance in town and how it would be affected with this risky location for a shelter.

Susan Todd, a relative of the original owners of the Holman House, gave a history of the house, stated the family has always had a good relationship with the Old South Church, but said she doesn't feel like this is the best location for the homeless shelter.

Nick White a member of the Old South Church spoke in favor of the shelter asking the Board to support the shelter stating that having a home is not such a sure thing anymore.

John Rosenwald spoke in favor of the shelter and did not agree with the fact that someone who is not from Farmington has been trying to run the meeting, pick apart the law, and comment about people loitering with more police calls and adverse impacts, when they don't even live here.

Mike Pond, a member of the Living Waters Church, spoke in favor of the shelter, stating the Town's Code Enforcement Officer and Town Attorney both determined and informed the Board where it fits under zoning. He said the Board isn't supposed to be biased but someone would have to be a blind man not to see there's a lot of fear mongering going on. Mr. Pond said you should see how excited a little girl gets just to have a place to call home when they get accepted into the shelter.

At 8:00 P.M. Mrs. McGraw made a motion to continue the Public Hearing for another 20 minutes.

Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative

Mike Pond continued, saying that the Board has thrown everything they can at WMHO and they've done everything that has been asked of them.

Joe Paradis, who owns Depot Laundry on Front Street, said he had several concerns about the shelter location and stated his business is unattended at the beginning and end of the day.

Kelly Kading spoke against the location of the shelter, and stated if they're willing to move to a different location he will help raise the money.

Andy Parlin, who works for WMHO, stated homeless people are already in the downtown all the time and the Holman House was the only option that was presented to WMHO. He added there are several policies in place already and thanked everyone for their support.

Bobbi Wheeler, who works for WMHO, stated it is very important to have a shelter, they've always wanted to make sure they did things the right way, and they've done everything the Board has asked them to do.

Mark Rains, a mental health worker and member of Farmington Friends, spoke in favor of the shelter and stated they care about the health and future of the children.

Camila Kai, a neighbor, spoke in favor of the shelter.

At 8:20 P.M. Ms. Murphy made a motion to continue the Public Hearing for another 20 minutes.

Mr. Wright seconded the motion.

VOTE: 7 – Affirmative

Dan Ryder, a teacher at Mt. Blue High School, spoke in favor of the shelter, saying it's mainly

families, he's had two homeless students in his class, and asking the Board to make the best possible decision based on what they actually know and not what they may think they know.

Ed David, a retired lawyer, spoke in favor of the shelter and about the Town's zoning, stating that no one thought of homeless shelter as a separate use when the Zoning Ordinance was done.

Pam Prodan, a retired lawyer, spoke in favor of the shelter, stating she was in a bad situation as a kid and wished there were a shelter back then.

The pastor of St. Joseph's Church spoke in favor of the shelter, gave the definition of prudence, and cautioned the Board to not use scapegoating in its decision.

8:40 P.M. Mrs. Tracy made a motion to continue the Public Hearing for another 20 minutes. Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Bill Hamilton, architect for the shelter, spoke in favor and stated he thinks it's a good opportunity for WMHO.

John Moore spoke against the shelter, stating that he does have a lot of respect for Bobbi Wheeler and what she does but doesn't feel as though it is a good location. He stated he thinks there is a way for all parties involved to be happy, adding that the zoning is the issue.

Mr. Aseltine spoke in favor of the shelter, stating it is a family shelter, and the location they're looking to go to is in a multi-use area with the resources they need.

Chairman Bell reminded the public that the main reason people are opposed to the shelter is due to the location, with the problem being zoning, and the Board needs to remember where it fits in the criteria.

9:00 P.M. Mr. King closed the Public Hearing.

Mrs. McGraw Made a motion to continue the regular meeting for another 20 minutes. Mr. Wright seconded it.

VOTE: 7 - Affirmative

### **19-MJ-02 (CONTINUED)**

Mr. Jordan restated that there will be recourse if the odor is not under control for any of the locations, adding that he wasn't against these businesses.

Mrs. Murphy wanted to make sure Mr. Angelakis knew most of the questions were for every applicant and he just happened to be the first one.

Mark Goodwin an abutter, had several questions about the odor and parking.



Mr. King stated the applicant and abutter should schedule a time to meet to go over these issues together.

**VOTE: 7 – Affirmative**

**[NOTE: CORRECTION WILL BE MADE AT THE AUGUST 12<sup>th</sup> MEETING TO  
ADD MISSING MOTION & SECOND TO ACCEPT THIS APPLICATION]**

**8. 19-MJ-03**

**Mike McInnis / Greengrow LLC  
104 Fairbanks Road  
U19-016-A  
Medical Marijuana Store, Cultivation, Manufacturing**

Applicant Mike McInnis and property owner Dave Horn were present.

Mr. McInnis explained what methods are used to help control the odor.

Mrs. McGraw made a motion to approve the application as submitted.  
Mrs. Tracy seconded the motion.

Kelly Kading spoke as an abutter about the odor.

Mr. Kaiser stated that odor complaints should be made in writing to the Code Office.

At 9:20 P.M. Mrs. McGraw made a motion to continue the meeting another 20 minutes.  
Mr. Wright seconded the motion.

**VOTE: 6 – Affirmative 1 – Abstained**

Mr. Jordan verified with Mr. Kaiser that the Code Office was keeping record of the odor checks.

Mr. Smith said his understanding was that the only job of the Planning Board with these applications was to make sure they were complete and ready for the Board of Selectmen to review.

**VOTE: 7- Affirmative**

**9. 19-MJ-04 & 19-MJ-05**

**Lucas Sirois / Narrow Gauge Botanicals LLC & Lakemont LLC  
407 Wilton Road & 374 High Street  
U34-004 & U09-002-A  
Adult Use Marijuana Store & Adult Use Marijuana Cultivation and Manufacturing**

Applicant Lucas Sirois was present with his attorney Scott Anderson of Verrill Dana.

Mr. Sirois introduced the applications and locations.

Mr. Wright made a motion to approve the applications as stated.

Mr. Jordan seconded the motion.

Ms. Murphy asked what the plan was for selling the amount of marijuana being cultivated at the 374 High Street address.

Mr. Sirois stated they wholesale to multiple dispensaries throughout the state legally, and are looking to do more wholesale and retail as well.

VOTE: 7 – Affirmative

**10. 19-MJ-06**

**Samuel Morris / Caniba Naturals  
232 Broadway  
U15-096  
Medical Marijuana Store**

Applicant Samuel Morris was present to represent the application stating he has been in business as a caregiver through his medical marijuana store and would like to continue as such.

Mr. King stated someone informed him about the marijuana businesses not being allowed within 1,000 feet from a public or preexisting school (K-12).

Ms. Foster and Mr. Kaiser replied by saying the business is grandfathered in the ordinance due to being in business at that location prior to December 31, 2017.

Mr. Smith made a motion to accept the application as submitted.

Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative

**11. 19-SR-04 (CONTINUED)**

**Western Maine Homeless Outreach  
227 Main Street  
U15-037  
Homeless Shelter**

Mr. King asked if there was a motion on the table.

Ms. Foster stated Mr. Wright made a motion to hold the Public Hearing and then reconsider the June 10<sup>th</sup> vote.

Mr. Jordan stated there were a couple things the Board asked for to deem the application complete which they have not received, therefore he doesn't feel the application is complete at this time.

Mr. Kaiser replied saying the Board hasn't even gotten to the point of reviewing the application for completeness, adding that whether the application is complete or not may be a moot point if the Board reconsiders their June 10<sup>th</sup> vote.

Mr. King wanted to make sure all Board members were clear on what the motion was.

Ms. Meader restated the motion and reminded the Board they can go back and revote. She also stated what the courts say about re-voting – that they need a valid reason to do so and they need to have a discussion about that prior to the vote.

After some confusion of what the motion was, the Board first took a vote on whether they wanted to go back and reconsider their June 10<sup>th</sup> vote.

VOTE: 5 – Affirmative 1 – Opposed 1 – Abstained

Mr. Jordan made a motion that it is more objectionable than other uses under Group Home. Mr. Otley seconded the motion.

At 9:40 P.M Mrs. McGraw made a motion to continue the meeting for another 20 minutes. Mrs. Tracy seconded the motion.

VOTE: 6 – Affirmative 1 – Opposed

Mr. Aseltine brought up a procedural issue stating the Board needed to revote on the exact motion that was voted on June 10<sup>th</sup>. He said the Board needs to go back to the June 10<sup>th</sup> minutes and restate that motion as is because that is the motion that is now if front of the Board.

Mr. Jordan stated that works. [That the homeless shelter fits within Group Home in the Table of Uses because it is "similar to and no more objectionable than" other uses under group home]

Mrs. McGraw stated she made the motion at last month's meeting and as she said then, she is not saying she is for or against the shelter, only that her opinion at the last meeting was that it is similar enough or no more objectionable than a Group Home, understanding it is not a Group Home but similar enough to one. She added the Board is in a very difficult position and is going to upset a lot of people no matter which way they vote, wishing she could go back and not have to vote on this at all. Mrs. McGraw made it clear she has not heard anything new to give the Board reason to revote.

Anna D'Epiro Cushing asked what would happen to the current shelter if the Board rescinds their vote where the original shelter was approved.

Mr. Kaiser stated five years ago the shelter was accepted as an accessory use because it is within the Living Waters Church on the same property, and the Fire Rescue Department also reviewed the site for life-safety requirements. He said the Holman House lot is on a lot

separate from the church property, therefore it is a whole different situation.

Mr. Aseltine urged the Board to consider the Maine Municipal Association Attorney's and the Town Attorney's opinions stating it does fit under Group Home, adding that in most situations its best to listen to your attorney's. He ended by asking the Board to vote in favor of the motion with the facts presented to the Board.

Mr. Underkuffler stated the reason this has been such a difficult decision for the Board is because what zone in town, if any, should have a homeless shelter in it - where there is no definition in the Zoning Ordinance. He added that this is a Town meeting topic.

At 10:00 P.M. Mr. Smith made a motion to continue the meeting for 5 minutes.  
Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

Mr. King called for a re-vote on Mr. Jordan's motion that the homeless shelter fits within Group Home in the Table of Uses because it is "similar to and no more objectionable than" other uses under Group Home.

VOTE: 1 – Affirmative 5 – Opposed 1 – Abstained

## **12. Other Business**

A utility easement for a previously approved subdivision on Front Street.

Mr. Jordan made a motion to approve the utility easement as written.  
Mrs. Tracy seconded the motion.

VOTE: 6 – Affirmative 1 – Absent

Mrs. Tracy made a motion to adjourn the meeting.  
Mrs. McGraw seconded the motion.

VOTE: 6 - Affirmative 1 - Absent

The meeting adjourned at 10:03 P.M.

Minutes respectfully submitted by Kate Foster.

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Planning Board

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Date