

**FARMINGTON PLANNING BOARD**

**153 Farmington Falls Road**

**July 11, 2022 – 6:00 p.m.**

**Minutes**

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

Alternate member present: Michael Macneil and Troy Luther.

Member unable to attend: All members present.

Others present: Town Manager, Christian Waller; Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; applicant: Keenan Farwell, Director of UMF Facilities Management; Robin Tannenbaum, CHA Architecture; abutter: Peter Broderick.

Mr. King opened the meeting at 6:00 p.m.

**1. Pledge of Allegiance**

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

All voting members were present.

**3. Review minutes of June 13, 2022**

Ms. Murphy made a motion to approve the minutes of June 13, 2022 as written.

Mr. Wright seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

**4. Election of Officers**

Mr. King made a statement and opened the floor for nominations.

Ms. Murphy made a motion to nominate long-term Board member Lloyd Smith as Chairman.

Mr. Jordan made a motion to nominate Clayton King as Chairman as he's done an excellent job.

Mr. King said we have two nominations.

Mr. Smith said we need seconds on the two nomination motions.

Mr. Wright seconded Ms. Murphy's nomination motion.

Mrs. McGraw seconded Mr. Jordan's nomination motion and asked how we proceed.

Mr. Kaiser suggested taking up the motions in the order they were made. If the first motion fails, then the second would be taken up. If the first motion succeeds, then the second motion becomes moot.

Mr. King called for the vote on the first motion.

VOTE: 4 – Affirmative, 2 – Opposed, 1 – Abstained  
Motion carried.

Mr. Smith made a motion to nominate Judith Murphy as Vice Chairman.  
Mr. Wright seconded the motion.

VOTE: 6 – Affirmative, 1 – Abstained  
Motion carried.

There being no other nominations, the elected officials were confirmed.

**5. 22-SR-08**  
**University of Maine Farmington**  
**274 Front Street / U14-50**  
**Change of use – Early Childcare Education Center**

Mr. Smith introduced the application.

Robin Tannenbaum from CHA Architecture introduced herself as the designated agent representing the application as well as applicant Keenan Farwell, Director of UMF Facilities Management. She stated the structure was previously a call center, which is a commercial use, and they are before the Board for a change of use approval to become an Early Childcare Education Center. It will provide daycare for children from six-weeks to five years old with the possibility of having an after-school program for older children.

Ms. Tannenbaum stated the building will be staying the same except for additional egress doors, the parking will remain the same, the two grassy areas on the side will be turned into natural playscapes for the kids, the east side will be for infants and toddlers, and the west side will be for the older kids such as Pre-Kindergarten and Kindergarten kids who come for after-school programs. She added that the area daycare community is very excited about the project.

Ms. Murphy asked if there is going to be four classrooms plus the UMF classrooms.

Ms. Tannenbaum replied correct, there are four classrooms for the childcare center and one classroom for UMF students at the front of the building.

Ms. Tannenbaum added there is a big kitchen area for mealtime and cooking projects, meeting rooms, staff offices, observation rooms between two sets of childcare rooms for the UMF students to be able to observe silently and discreetly human development in action, as

well as a multi-purpose room.

Mr. Wright made a motion to accept the application for review.

Ms. Murphy seconded the motion.

VOTE: 6 – Affirmative 1 – Abstained

Motion carried.

Mr. Macneil asked how many kids would be able to attend.

Ms. Tannenbaum said normally between 50-55.

Mr. Farwell added that full capacity of the facility is 64 children.

Ms. Tannenbaum said where the Swett-Winter Center didn't accommodate babies – this will.

Mr. Macneil verified with Mr. Farwell that there is already a waiting list and it will be privately funded.

Mr. Luther stated he is very familiar with these types of projects because his son has attended one in the past and this is an amazing project.

Ms. Tannenbaum agreed and said it is being broadly supported in the community.

Mr. Smith asked if it was going to be fenced in.

Ms. Tannenbaum replied yes - the playscapes, as well as the roundabout which will be gated due to being a track for young kids will be. Adding it will always be monitored by a teacher.

Mrs. McGraw commented that the pre-K at the Mallett School is heavily used and this will be a great addition.

Ms. Tannenbaum asked Mr. Kaiser about having to file a Soil Erosion/Storm Water application.

Mr. Kaiser stated that he is just waiting on the final numbers from their consultant to see if one needs to be filed. He added with tonight's approval they can start on the building and follow up at the August meeting if necessary.

Mr. Otley made a motion to approve the Site Review application as submitted.

Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

## **6. Other Business**

Mr. Smith reviewed the map given to the Board from Mr. Kaiser showing where on the Farmington Solar project the Conex boxes and Shelterlogics were going to be located.

Mr. Otley asked if they had to file any type of application for these.

Mr. Kaiser replied that it is a follow-up final project detail that needs the Board's acknowledgement and acceptance, and Mr. Smith requested a larger map of the locations.

Mr. Otley stated they still haven't replanted new trees.

Mr. Kaiser said in his memo that these are to be done in August and are required.

Ms. Foster stated the site manager met with Phil Hutchins about the road repairs and he is satisfied.

Mr. Otley stated the {Conexes and Shelterlogics} aren't permanent structures.

Mr. Wright asked about the rumor about another solar facility across the road roughly the same size.

Mr. Kaiser said Eric Johnson said earlier this year they were looking into a 350-acre solar facility on their property across from Farmington Solar.

Mrs. McGraw stated she thought the Board had denied or not accepted similar {Conex/Shelterlogic} plans a while ago.

Mr. Kaiser said someone from TRC came in with insufficient plans that were constantly changing and unacceptable.

Mrs. McGraw asked if the Board can make NextEra replant new trees.

Mr. Kaiser replied that the trees are in the approved plans therefore they have to be replaced until they survive.

Mr. Luther asked, where a lot of heavy equipment was hauled in for the Farmington Solar project are they responsible for road damage.

Mr. Kaiser said all public roads have been repaired to acceptance and he hasn't heard from any private road owners unhappy with repairs.

Mr. Smith asked if the Board should vote on the Conex layout.

Mr. Kaiser replied that it would be a good idea.

Ms. Murphy made a motion to accept the Conex/Shelterlogic locations on the plan.  
Mr. Wright seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Planning Board Review Process:

Mr. Jordan stated it is a good idea to follow this at every meeting.

Ms. Murphy stated the Board should remove the first motion, second, and vote on completeness where it seems to confuse the public.

Mr. Otley disagreed and thought having the two votes is best.

Mr. Macneil agreed with Mr. Otley and stated that if the application is not complete then there is no need to review it and the process would stop right there.

Mr. Smith stated that it causes confusion when there is a marijuana application where the Board only reviews for completeness.

Mrs. McGraw stated the first motion should be to put it on the table verse approve completeness.

Mr. King stated whoever makes the motion should make it clear if it is for one application or all if there is more than one up for approval.

Mr. Kaiser stated that he or Ms. Foster can read the motions back to the Board for clarity.

Discussion followed between Board members, Mr. Waller, Mr. Kaiser, and Ms. Foster about the renewal of terms on the Planning Board and the process.

Mr. Kaiser stated as long as a Board member is in good standings, there isn't any problem with timing of renewals and being sworn in.

Ms. Murphy stated that the Board should bring the Planning Board process list home and review it at the next meeting, giving the Board members more time to review it now that it has been discussed.

Conflict of interest definition:

Mr. King read a paragraph on the second page of the article about conflict of interest by Philip Saucier and said that the part about how not only does the Board member that has the conflict of interest have to step down from the Board, but it says that they need to leave the room as well. He said he disagrees with that and that the party should be able to sit in the audience and ask questions if they want.

Mr. Otley stated they are just recommendations and doesn't say that is what has to be done.

Mr. Smith stated that as long as he is Chairman, if a party needs to step down, they can sit in the audience and have a fair chance in asking questions. He added they just won't be able to vote.

Mr. Smith said he thought it would be a good idea to review the definition of Conflict of Interest but thinks the Board has been handling it correctly.

Mr. Kaiser said that a member with a direct pecuniary interest in the application being reviewed must recuse themselves – other than that it may be just a question of prejudice or bias.

Ms. Murphy said she felt it would be best if a member has to step down that they sit in the audience instead of continuing to sit with the Board.

Mrs. McGraw added that conflict of interest doesn't necessarily mean you have a conflict with an applicant or their project, it's if you have anything to gain by the applicant or project getting approval.

Mr. Kaiser stated that it is good for the Board to have these discussions whenever the issue of impropriety arises.

Code office updates:

There were no further updates from the Code Office.

Ms. Murphy made a motion to adjourn the meeting.  
Mr. Otley seconded the motion.

VOTE: 7 – Affirmative  
Motion carried.

The meeting adjourned at 7:05 p.m.

Minutes respectfully submitted by Kate Foster.

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Planning Board

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Date