

FARMINGTON PLANNING BOARD

153 Farmington Falls Road

July 10, 2023 – 6:00 p.m.

Minutes

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

Alternate members present: Michael Guerrette.

Members unable to attend: Michael Macneil.

Others present: Board of Selectmen, Josh Bell; Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; applicants: Eben Baker of Stantec and Yannick Tamm of EDF renewables representing Clearwater Solar; Norman Chamberlain II of Walsh Engineering and Jesse Thompson of Kaplan Thompson Architects representing Avesta Housing, accompanied by property owner Byron Davis.

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

1. Pledge of Allegiance

2. Designate alternate members, if needed

No designation needed.

3. Review minutes of June 12, 2023

Mr. King made a motion to approve the minutes of June 12, 2023 as written.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

4. 23-SR-07

Stephen Hopkins

227 Main Street / U20-013 (“Holman House”)

Convert structure into 11 apartments

Applicant Stephen Hopkins was not present for the meeting.

Mr. King made a motion to table the application until the next meeting of 8-14-23.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

**5. 21-SR-19, 21-SS-13, 21-SE-03
Clearwater Solar Partners LLC
414 Farmington Falls Road / U04-039
4.99 MW solar facility – Amendments to approved plans**

Mr. Smith introduced the application and verified the applicant was present.

Mrs. McGraw asked if the Board can review the amendments only instead of reviewing each application with changes where it has already been approved and the application is only back for a few minor amendments.

Mr. King made a motion to review the amendments only.
Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

Yannick Tamm of EDF Renewables introduced himself and said that CMP's cluster study is taking longer than expected but that needs to be completed before they can start. He stated in the first diagram of the packet it shows the previously approved plans in green and the proposed changes in grey, several of the changes at the request of DEP. Mr. Tamm said the changes include a wider entrance for big trucks, adjusted radius of the road, three additional temporary laydown yards, slight revision in the bridge, and a temporary stream crossing.

Eben Baker of Stantec added that at the stream crossing there is a culvert they are replacing for salmon passage. He said power will be underground between the two large arrays with some poles at the back, and they are still in the process of getting approvals from DEP and the Army Corp of Engineers (ACOE).

Ms. Murphy asked about the request for an extension and what a cluster study is.

Mr. Tamm said they are requesting an extension due to unforeseen circumstances with the property owners and CMP. He said CMP is doing an interconnection cluster study in different regions to see what the impact on their facilities are and it keeps getting delayed, but they say October 2023 they will be finished. Mr. Tamm added that after this study is completed they will have a better idea of what their schedule and costs will be.

Mr. Smith asked if they think this study will make it more costly and not worth doing.

Mr. Tamm replied that's a possibility and risk but they are optimistic.

Mr. King said the new plans show the arrays closer to the houses and asked what it was when it was originally approved and why it was moved closer.

Mr. Baker replied it was originally 90 feet and they agreed to stay 500 feet from the nearest house and they can still do that even moving a little closer to the houses.

Mr. Tamm added that they were originally 521 feet from houses and this will make it 506 feet.

Mr. Jordan stated he hopes the snowmobiles will still be able to go through.

Mrs. McGraw stated she had the same concerns as Mr. King that were answered.

Mr. Wright stated the amendments were very clean and laid out to easily understand.

Mr. Smith asked if anyone in the audience had any questions or comments.

Josh Bell asked Mr. Tamm and Mr. Baker why they were asking for an extension now if they are not sure the study will pass and what can they give the Board for reassurance that they will be able to start by the extension date.

Mr. Tamm replied that unfortunately it is completely out of the developers hands but they want to do everything else they can to be able to get ahead and be ready for when the study is done, adding that there are a lot of moving parts and they only have control over a few.

Mr. Kaiser stated that he recommends the Planning Board grant an extension for commencement to begin by 11-8-24 and a completion date of 11-8-25 which would be an additional year to stay in sync with the original approval. He added that there were extenuating circumstances involving the project to warrant an extension.

There being no further discussion or comments, Mr. Smith called for a motion.

Mr. King made a motion to approve the amendments as presented.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Ms. Murphy made a motion to approved the extension.

Mr. Otley seconded the motion.

VOTE: 6 – Affirmative 1 – Opposed

Motion carried.

**6. 23-SR-08, 23-SS-07, 23-SD-01
Avesta Housing Development Corp
Willow Springs Drive / U20-013
25-unit age-restricted affordable housing development**

Mr. Smith introduced the application and verified the applicant was present.

Mrs. McGraw made a motion to accept the Site Review, Soil Erosion/Storm Water, and Subdivision applications as complete for review and to review the three applications together.

Ms. Murphy seconded the motion.

Mr. King asked about the Farmington Village Corporation and if the Planning Board required them to sign off and approve the project when Avesta Housing built the original apartment building on site.

Mr. Kaiser stated that he delivered the project packet information to Tom Holt at the Farmington Water Department and asked for any comments or questions to be sent back prior to the meeting and he did not receive anything back from him. He also said he emailed Mr. Holt and requested if he had any special concerns to contact him.

Mr. Kaiser said that after the first building was built, the Board received a letter from the Town Attorney stating that the Farmington Village Corporation had no land use or zoning authority, and it is therefore up to the Planning Board to review under the Wellhead Protection Ordinance.

At this time, Mr. Smith called for the vote.

VOTE: 7 – Affirmative
Motion carried.

Mr. Chamberlain of Walsh Engineering and Mr. Thompson of Kaplan Thompson Architects introduced themselves.

Mr. Chamberlain stated the building is going to be two-stories with all 25-units being one bedroom and the shape is due to the maximum lot coverage being 50% with a couple of wetlands on the property. Some other changes are extending the fire lane to the end of the building, moving the HVAC and transformer units closer to the building, and installing the two propane tanks underground.

Mr. Chamberlain stated there are less than 25 peak trips per hour so there will be no traffic impact study, there are a couple minor amendments to the Storm Water Management Plan, and they'll be using the existing wet pond for stormwater runoff.

Mr. Thompson stated some of the building's features are the modern construction with sprinkling, an elevator, energy efficiency, a farmer's porch with a gable roof, landscaping, and permanent affordability.

Mr. Guerrette asked if the front porch was going to be screened in to help with the bugs.

Mr. Thompson said that will be something to discuss with the developer.

Byron Davis, the property owner, stated the front porch on the existing building is the most popular area and he has not received any complaints about the bugs.

Mrs. McGraw asked if it was federally funded.

Mr. Chamberlain replied from his understanding part of the financing is from Community Development Block Grant (CDBG) funds.

Mrs. McGraw asked if there was any State or federal applications pending.

Mr. Chamberlain replied that they need to amend their existing DEP approval.

Mr. King asked about solar panels where the existing building has roof mounted units.

Mr. Thompson replied that they have submitted a grant to fund some solar panels but they can't confirm they will get it or put them on.

Mr. King asked about the letter from Farmington Village Corporation (FVC) in the packet.

Mr. Kaiser stated that everything meets the Wellhead Protection Ordinance which was amended to allow housing projects that are served by public sewer.

Mr. Smith stated on the second line of the purchase/sales agreement, there is no start date and it says that it expires May 31, 2023, therefore it is not current and up to date.

Mr. Davis stated they will update that immediately as co-owner and he is not concerned.

Ms. Murphy stated there seems to be a lot of changes between when the Board first received the plans and now at the meeting and asked if that was something they anticipated.

Mr. Chamberlain said that this is a very fast-moving project and they had another meeting just a few days prior to the Planning Board meeting.

There being no further questions or comments, Mr. Smith called for a motion.

Mr. King made a motion to approve the Site Review, Soil Erosion/Storm Water, and Subdivision applications as presented with the condition that they receive all applicable State and federal permits and update the Option Agreement.

Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Mr. Guerrette asked how they get their tenants and if there is a screening process.

Mr. Thompson replied that they advertise locally if need be, but there is an existing waiting list for senior housing therefore they may not need to advertise. He added that there is a screening process.

7. Election of Officers

The Board discussed the election of officers.

Mrs. McGraw made a motion to nominate Judith Murphy as Chairman.

Mr. Otley seconded the motion.

Ms. Murphy stated she is the newest regular member, but she puts a lot of effort into the Board, tries to always come prepared, and is not afraid to ask questions. She said she believes she can run a meeting, but wants to make sure the Board was comfortable with her being Chairman and running the meetings.

Mrs. McGraw stated that a good Chairman does not have all the answers nor are they the expert. The Chairman is the organizer of the group and she stands with her nomination.

Mr. Smith called for a vote on Judith Murphy as Chairman.

VOTE: 6 – Affirmative 1 – Abstained
Motion carried.

Mr. King made a motion to nominate Mike Otley as Vice Chairman.
Mr. Wright seconded the motion.

VOTE: 6 – Affirmative 1 – Abstained
Motion carried.

8. Other Business

Mr. Smith stated that he feels there are certain members that don't review their packet materials, as there are a lot of questions asked at meetings that are answered in the applications.

Mr. Kaiser stated that it is important as a Planning Board member to do your homework. He added that he feels the Board does a good job.

Mr. Kaiser stated he has not heard anything further from the business going in at the corner of Knowlton Corner Road and Wilton Road that we believe is Starbucks.

Ms. Murphy added that there seems to be a lot of possible applications that haven't started the process or applications that have been approved and not started.

Mr. Kaiser gave an overview on the funding for the Edgewater Village Housing project to the Board.

Mr. Guerrette asked if there was anything specific they should look for as far as "homework" goes.

Mr. Kaiser replied that as long as the Board reviews the applications and makes sure that they are complete and follow the ordinances that apply - that's all that can be asked - but advised to be on the lookout for any "red flags". He added while it's important for everyone to have their own perspectives, we have to remain objective.

Mr. Guerrette asked about solar.

Mr. Otley asked how much heat solar panels put off.

Mr. Kaiser stated that if there are any concerns or questions about solar panels to bring them to the Zoning Board as they are reviewing those standards and working on some changes. He added solar companies are working on designing panels that cool themselves.

Mr. Bell stated there is going to be a Public Hearing on the changes they have made to the Solar Energy Performance Standards. He would like to see Clearwater Solar reapply at the end of their two year approval date that was granted by the Planning Board in 2021 and asks that the Planning Board proceed with caution when the date comes due.

Ms. Murphy stated that Maine is being inundated with solar projects.

Mr. Bell stated there is an incentive for solar companies. He said the Zoning Board has made changes such as preserving open space and no solar panels in the floodplain.

Mr. Kaiser stated changes can be made to the Zoning Ordinance at anytime and the changes should reflect what the town's people want.

Ms. Murphy asked about the housing change the State has imposed.

Mr. Kaiser replied that it won't affect Farmington much because we don't have overly restrictive affordable housing rules and we have fairly open zoning unlike a lot of towns. He stated when the law goes into effect next July, any affordable housing project will have to record an Affordability Commitment at the Registry of Deeds.

Mr. Smith asked who determines if a building is "affordable housing" or not. He added he feels it will create more homelessness or the State will go broke.

Mr. Kaiser replied Housing and Urban Development (HUD) sets low-mod income levels by county and this is the basis for determining "affordable" housing under State guidelines. He added that there are Section 8 vouchers available to assist renters.

Mr. King asked about the application that got tabled, who enforces the deed restrictions. He stated that he is asking about this because the plans that were submitted go against the deed.

Mr. Kaiser replied that the Board can acknowledge the deed restrictions and make it a condition of approval.

Mr. King stated there was not a parking plan in that application either.

Ms. Murphy stated she had questions as well, such as noise and curfew.

Mr. Kaiser stated the applicant was struggling to get a signature from the owner and he was told he needed it before the meeting and that it may take more than one meeting to receive approval.

Mr. Jordan stated that applicant constructs high-end apartments and the rental fee would be higher than the surrounding rentals.

Ms. Murphy asked about trash overflowing, noise or more than one person renting a studio apartment.

Mrs. McGraw stated that if the applicant comes back in, it is up to the Board to look at the ordinances and other apartment buildings in the area in order to make any decisions. She added that the Board cannot impose restrictions on one rental property that is not on another.

Mr. Kaiser stated that occupancy concerns fall under NFPA 101 Life-Safety Code requirements.

Further discussion followed regarding the application that was tabled and the Board's right to restrict things on applications.

Mr. Guerrette asked how much power the town as a whole draws from the solar panels, and if the power from a cluster stays in that region.

Mr. Kaiser replied that the solar companies have stated that electrons follow the path of least resistance – namely wherever power is needed the most.

There being no further business or discussion, Mr. Smith called for a motion to adjourn.

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

VOTE: 7 – Affirmative
Motion carried.

The meeting was adjourned at 7:45 p.m.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date