

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
October 16, 2023 – 6:00 p.m.
Minutes

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

Alternate members present: Michael Guerrette.

Alternate member unable to attend: Michael Macneil.

Others present: Selectmen, Josh Bell; Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; Zoning Board members, Paul Mills, Kyle Terrio, Terry Bell, Ed Provencher and Jennifer Bjorn; Travis Letellier of CivilX, LLC, representing Safe Voices and Elise Johansen of Safe Voices via phone; Eben Baker of Stantec Consulting and Yannick Tamm of EDF Renewables representing Clearwater Solar LLC. Others present were Amanda Shaw and Dwain Coughlin, abutters of Safe Voices.

Ms. Murphy 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 September 11, 2023

Ms. Murphy reviewed two typos found and corrected in the minutes prior to the meeting.

Mrs. McGraw made a motion to approve the minutes of September 11, 2023 as amended.
Mr. Otley seconded the motion.

VOTE: 6 – Affirmative 1 – Abstained
Motion carried.

Mrs. McGraw wanted to state that Garrett Reynolds, owner of Riverside Greenhouses, who received approval from the Planning Board at the September meeting, donated a bunch of mums to the school district and it was very much appreciated.

Mr. Wright stated Garrett Reynolds donated a bunch of mums to the fair as well.

4. 23-SR-16, 23-SS-13, 23-SD-02
Safe Voices
200 Livermore Falls Road / R04-12-B
6 – unit apartment building

Ms. Murphy introduced the agenda item and verified Travis Letellier of CivilX, LLC was

present to represent the application. At this time Elise Johansen was called on the phone to be able to answer questions if needed as well.

Mr. Wright made a motion that the Site Review, Soil Erosion/Storm Water, and Subdivision applications were complete for review and to review them together.
Mrs. McGraw seconded the motion.

Mr. Otley asked why they were filing a subdivision application.

Mr. Kaiser stated three or more units within five years triggers subdivision under State law.

VOTE: 7 – Affirmative
Motion carried.

Travis Letellier of CivilX, LLC introduced himself and stated Elise Johansen of Safe Voices was on the phone as well. He stated the proposal was to build a six-unit apartment building each having one bedroom. There will be new walkways added with ADA accessibility and a new septic for the building. He said they obtained approval from the Department of Transportation (DOT) and the Public Works Department (PWD) for a second entrance and were requesting a waiver for that due to access management requirements in the Ordinance.

Ms. Johansen of Safe Voices added that the current build houses men and woman now and the new building will as well. She also stated that the second entrance is very important to have especially for handicap access.

Mr. Wright, Mrs. McGraw, Mr. King, Mr. Jordan, and Mr. Smith all thought the plans and project looked great and didn't have any questions or concerns.

Mr. Otley asked about the sheet with the floor plans, and he thought they only showed four apartments.

Ms. Foster replied that it was going to be a three-story building as stated at the bottom of the floor plan.

Mr. Otley asked about the water line supply and if it was going to be enough to support both buildings.

Ms. Johansen replied that they did a study, and it will be enough to support both.

Ms. Murphy called for a motion.

Mr. Smith asked if the Board is allowed to grant a waiver.

Mr. Kaiser replied that the Board is not granting a waiver, they are accepting the PWD note and recommendation as well as the approval from DOT for the second entrance.

Mr. Smith stated he is worried it will set a precedence for future projects.

Ms. Murphy replied that it depends on each project individually and the need for a second

entrance as well as if the PWD and DOT approve it or not.

Mr. Jordan added that the Fire Department would need a second means of access to get to the second building otherwise they would be trapped and that it is downhill from the current building.

Mr. Letellier stated it would be challenging for the Fire Department without the second entrance. He also said it would be challenging to stay away from the wetlands.

Mr. Wright stated that Safe Voices had already gone to DOT and PWD and got permission.

Mrs. McGraw stated that they received approval for the second entrance and the Planning Board is not giving permission, only their blessing by acknowledging the comment on the PWD Letter of Review.

Mr. Kaiser stated that the Board should avoid the word “waiver” and just acknowledge DOT’s approval.

Mr. Guerrette asked why the Board would have to grant a waiver.

Mr. Kaiser replied that according to access management in the Town’s Zoning Ordinance, you’re only supposed to have one driveway to limit the number of driveways – but if DOT and the PWD are satisfied then its okay and the Board just needs to acknowledge it.

Abutter, Amanda Shaw asked about seeing the site plan as they are worried about the location and how close the building will be to the property line.

[Mr. Letellier reviewed the plans with Ms. Shaw]

Ms. Shaw stated that where the building is going to be on the other side of the lot, she didn’t have any further questions or concerns.

Mr. Smith felt that if the Board approved the project – he would like to have a site-walk after.

Mrs. McGraw replied that if the Board approves it, project review is done and there is no need for a site-walk.

Ms. Johansen added that because it is a shelter, they try not to have people on the property due to client sensitivity but if there is another way to provide the information being requested, they will do what they can.

Mr. Smith made a motion to have a site-walk.
There being no second, the motion died.

Mr. Wright made a motion to approve the Site Review, Soil Erosion/Storm Water, and Subdivision applications as presented with the acknowledgement of DOT’s and PWD approved second entrance.

Mrs. McGraw seconded the motion.

VOTE: 6 – Affirmative 1 – Opposed
Motion carried.

5. Review of Solar Energy Performance Standards

Mr. Otley asked about the buffering and how it says things like “can’t be seen from roads” etc. and is the point to buffer them from everything because that’s impossible, and if the array is further than 200 feet, does that mean it doesn’t have to be buffered.

Mr. Kaiser stated he thinks it is more for the Residential and Village Residential districts to have these buffered from abutting properties 200 feet. He added trying to screen them from everything is impossible.

Ms. Murphy stated the goal seems to be to buffer to the greatest extent possible.

Mr. Kaiser replied yes, in the residential areas especially.

Ms. Bjorn asked about the two different setbacks depending on the zoning districts and stated that there are still residential homes in the Farm and Forest and General Purpose districts, and if the setback can be 200 feet for all zones.

Mr. Kaiser said that is something for the Zoning Board to answer where they promulgated these changes, and they were reviewed by the Planning Board, and it is at this stage right now and in their court. He stated this is something that would have to go back to the Zoning Board if the Planning Board agrees to have changed.

Mr. Wright said he agrees with Ms. Bjorn and understands her concern, but it looks good to him as is as well.

Mr. King stated under item “u” of the Standards for CSES and ISES; who decides what the greatest extent practical is and makes that decision.

Mr. Kaiser replied that the Planning Board does.

Mr. Jordan said requiring a two hundred foot setback may limit some properties from having solar panels, but it could be revisited.

Ms. Murphy said even if we approve this as written tonight to be included as a warrant article, it doesn’t mean it can’t be revised in the future.

Mr. King suggested we deal with it now instead of kicking it down the road.

Mrs. McGraw said she is not opposed to this ordinance. She said she checked the normal usage for a household, which was 29 kW, and the ordinance under PRSES only allows 20 kW.

Mr. Kaiser said the 20 kW is related to the flow and kilowatt hours are what is used in a given month.

Mr. Mills said some of this was in the original ordinance approved in 2016.

Mrs. McGraw said if she covered her entire residential property with solar panels, she would be over the 2,000 square feet and 20 kW limit. She asked if this would put her into the CSES.

Mr. Mills said yes there has to be a limit at some point, and it would not likely be used solely for the residence.

Mr. Kaiser suggested an analogy regarding the 20,000 watt limit, and said he can run his whole house on a 5,000 watt generator for a perspective. He said the reason we use 20 kW as a benchmark is that 20,000 watts is enough to run a home and accessory items.

Mrs. McGraw questioned if Mr. Mills put a smaller number of solar panels on his office building, he would still be considered a CSES.

Mr. Mills said my building is multi-use and it should be considered CSES.

Discussion followed regarding the difference between PRSES and CSES permit requirements, Zoning Ordinance Table of Uses, study on glare and internet interference, and limiting the number of solar applications.

Mr. Bell requested a 200-foot setback in all zoning districts and to require all wires be underground.

Mr. King said he would agree with the 200-foot setback, and said he thought the Board could require a developer to provide a feasibility study.

Mr. Kaiser said yes, depending on the components. He stated it is the Zoning Board's job to make changes, and anything that is different from the draft we are looking at must go back to them. Mr. Kaiser added it is up to the Planning Board to make clear to the Zoning Board what their recommended changes are.

Mr. Smith said he is still against prohibiting solar panels in the floodplain in 8.s.

Mr. Guerrette asked if the Board approves it today with the recommended changes for the 200-foot setback and all wires underground as discussed tonight, can this be sent to the Select Board for approval of the changes.

Mr. Kaiser said per the Zoning Board Ordinance it has to be sent back to the Zoning Board for these changes.

Mr. Guerrette asked where we stand with new projects coming in while we wait for this to be amended and if we can file a moratorium.

Mr. Kaiser said only after adoption that these changes would apply to any applications, and moratoriums are usually done when no regulations are in place, and it would be very hard to pull off a moratorium when you already have regulations in place to handle solar projects.

Mr. Bell asked Mr. Smith his reason for not restricting solar panels in the floodplain.

Mr. Smith said he doesn't think we should restrict the floodplain and it is targeting one entity who owns land there.

Ms. Murphy said solar engineers don't want to put them in the floodplain anyway, so it's a moot point. She asked to move the motion.

Mr. King made a motion to deny this tonight and send it back to the Zoning Board with recommendations to extend the setback to 200-feet all around, and also require all electrical wires be put underground where compatible.

Mr. Mills said he received an email, through Cindy Gelinias, from Town Attorney Amanda Meader regarding revisions to an ordinance, so long as one public hearing has been conducted, could be approved by the Planning Board and sent on to the Select Board for approval without going back to the Zoning Board.

Discussion followed regarding the procedure, new attorneys, and the changes to the performance standards, and Zoning Board Ordinance.

Mr. Kings motion was not seconded.

There being no second, the motion died.

Mr. Otley made a motion to approve the draft but we request the changes of removal of the 75-foot setback and include 200-foot setback in all zones.

Discussion followed regarding burying all electrical wires.

Mrs. McGraw seconded the motion.

VOTE: 7 - Affirmative
Motion carried.

Mr. Kaiser said he will send out a revised draft to both boards.

6. Other Business

Clearwater Solar, LLC for a minor amendment to the access road:

Yannick Tamm introduced himself and was accompanied by Eben Baker. He stated they are proposing minor change to the access drive to reach the solar project because of the identified intermittent stream. He stated the original design of the access drive interfered with the stream and they have re-delineated and confirm there were no additional wetlands or streams on the rest of the parcel.

Mr. Tamm added they are proposing to reroute the access drive by 63-feet so as not to interfere with the intermittent stream. He said no new stormwater features are proposed but shifted slightly so that we are setback from the stream.

Mr. King asked why this intermittent stream was discovered after all the engineering plans were done.

Mr. Baker said the delineation was conducted during the drought conditions of July 2021 and this stream was missed at that time. During a due diligence review in September 2023, it was discovered, and to put forth the best project to protect natural resources we issued a minor realignment of the access road.

Mr. Jordan commended them on bringing this to the Board's attention.

Mr. Wright made a motion to approve the changes to the project as presented.

Mr. King seconded the motion.

VOTE: 7 - Affirmative

Motion carried.

Code Office:

Mr. Kaiser stated the Town received approval for the EDP Riverside Greenhouse project. He said the diner has been moved, and discussion followed regarding the diner.

Mr. Guerrette asked why the Safe Voices plan had to be signed.

Mr. Kaiser said because all subdivision plans must be recorded.

There being no further business or discussion, Ms. Murphy called for a motion to adjourn.

Mr. Otley made a motion to adjourn the meeting.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

The meeting was adjourned at 7:15 p.m.

Minutes respectfully submitted by Kate Foster and Cindy Gelinias.

Planning Board

Date