

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
March 8, 2021 – 6:00 p.m.
Minutes

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

Alternate members present: Linda Brown.

Members unable to attend: Michael MacNeil.

Others present: Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; Applicants Tawyna Clough, Larry Karno, Bill Greenlaw, Matthew Smith, Randi Jackson of TRC and Mark Bergeron representing SRE Solar Origination 1, LLC, and Tom Donnelly of hep Farmington SPV, LLC.

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

1. Designate alternate members, if needed

All regular members present.

2. Review minutes of February 8, 2021

Mr. Smith made a motion to accept the minutes of February 8, 2021 as written.
Mrs. McGraw seconded the motion.

7 – Affirmative
Motion carried.

3. 21-SR-04 & 21-SS-04
Tawnya Clough
595 Farmington Falls Road / R6-7
12,500 SF Mini golf course

Mr. Jordan made a motion to accept the Site Review and Soil Erosion/Storm Water applications as complete.
Mr. Otley seconded the motion.

7 – Affirmative
Motion carried.

Tawnya Clough was present for the meeting and gave the Board an overview of the project. She said she's owned her business for 10 years, and it has always been in her plans to have an 18-hole mini golf course – which will be to the right as you face the store.

Ms. Murphy asked if there had been mini golf there before.

Ms. Clough said there was a 9-hole course there many years ago when it was Bradley's Ice Cream and there are cement pads there from it. She said there is going to be a couple of cool water features, one that you hit the ball into for it to go into the hole.

Mr. Otley stated the design is beautiful and he believes it is a great idea that the town could really use.

Mr. Smith asked how close to the back bank it will be.

Ms. Clough replied that it will be fairly close to that bank but they aren't planning on cutting many trees - if they do cut some it will be to keep debris off the course.

The other Board members were fine with the project and had no questions.

Mrs. McGraw made a motion to approve the Site Review and Soil Erosion/Storm Water applications as submitted.

Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Mr. King asked if she was planning on being open for the 2021 season.

Ms. Clough stated that is her plan, hopefully opening in mid-July.

**4. 21-SR-05, 21-SS-05, 21-SE-02
SRE Solar Origination 1, LLC
516 Whittier Road / R5-17
1 MW (AC) solar facility**

Mr. King introduced the application.

Mr. Otley made a motion to accept the Site Review, Soil Erosion/Storm Water, and Solar Energy Systems applications as complete.

Mr. King seconded the motion.

Ms. Murphy asked about the request from the applicants for a 16' wide road instead of the required 20'.

Randi Jackson from TRC introduced herself and replied that the ordinance requires 20' unless lesser is approved by the Planning Board. She said since it is only going to be for intermittent use, say once a month, they have requested to have it be 16' instead, adding that this would also decrease any environmental impacts.

Mr. Kaiser added since it won't be paved, the functional width after prep and install will likely involve another two feet on either side – for a useable access of 20'.

Mr. Otley rescinded his motion.
Mr. King rescinded his second.

Ms. Murphy made a motion to accept the applications as complete with the road being 16' instead of 20'.
Mr. King seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

Ms. Jackson gave an overview of the project, stating it is in the Farm & Forest district, it will be 4.9 acres including the driveway, and they have pulled it away from the Sandy River as much as possible. She said there will be pads for the transformers and inverters, and underground conduits for electrical cables. Ms. Jackson said there will be no runoff into the Sandy River and erosion control measures will stay in place until all the erosion control mulch has been applied. She said they're hoping to receive their permits from the Army Corps of Engineers and DEP sometime between April and May.

Mr. Jordan said this is a good location for this project and he looked at the site.

Ms. Murphy said the information in the application was good, and this is a small project with no impact.

Mr. Otley said he looked at the site and this is a minor solar project compared to the NextEra Solar project.

Mr. Wright said he also visited the project area, and the application was very well done.

The other Board members agreed it was a good location and the plans were very professional.

Ms. Murphy said she read something about being able to buy into the project for a 10% discount on your power bill.

Ms. Jackson replied that is correct, people will be able to sign up with Summit Ridge Energy instead of CMP or other energy providers.

Mrs. McGraw made a motion to approve the Site Review, Soil Erosion/Storm Water, and Solar Energy Systems applications as presented.
Mr. Wright seconded the motion.

VOTE: 7 – Affirmative
Motion carried.

- 5. 21-SR-06 & 21-SS-06**
RMJ Group LLC
914 Farmington Falls Road / R1-18
80'x40' Steel storage building

Mr. King introduced the application.

Mr. King made a motion to accept the Site Review and Soil Erosion/Storm Water applications as complete.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Larry Karno introduced himself as the applicant being the owner of RMJ Group LLC. He said because he couldn't find storage for his own motor home, he decided to construct an 80'x40' steel storage building with five 16'x40' storage units in it on a one-acre parcel. Mr. Karno added if this ends up being popular he might build two additional buildings.

Mr. Wright said he is associated with the Farmington Fairgrounds and believes it will succeed really well as there is nowhere else here to store RVs.

Mr. Karno said he will maintain and keep access open to the building all year long.

Other Board members thought it was a great idea as well.

Mrs. McGraw asked how much the fee was going to be.

Mr. Karno replied that it is hard to compare prices where there aren't any around but he is thinking somewhere around \$150-\$180 per month.

Mr. Wright made a motion to approve the Site Review and Soil Erosion/Storm Water applications as submitted.

Ms. Murphy seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

**6. 21-SR-07 & 21-SS-07 ATF
RSU #9
269 Middle Street / U12-20
Parking expansion for 75 spaces**

Mr. King introduced the application.

Ms. Murphy made a motion to accept the Site Review and Soil Erosion/Storm Water applications as complete.

Mr. Wright seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Mr. King verified with the Board that they had all read the letters that were given to them by

two abutters and then asked who was present to represent the applications.

Bill Greenlaw the director of facility management for RSU9 introduced himself as the representative of the application. He said when CARES Act funding became available, they reviewed potential projects to be done by 12-31-2020. The district felt extending the parking would be a good idea for parent drop off and child safety with the traffic on Middle Street. He said they consulted with Vining's and looked at the plans done in 2019 by Gorrill Palmer, checked State law with Maine Drilling and Blasting, thought they were all set, and started construction.

Mr. King asked why no one thought to check with the Town on any permits.

Mr. Greenlaw replied he thought they were fine to start because they weren't hauling anything out, they met the setbacks and were in compliance with State blasting law, and Gorrill Palmer had done the site design.

Mr. King asked if the lot expansion was shown on the 2019 Gorrill Palmer plan.

Mr. Greenlaw said yes.

Mr. Otley asked if the engineer told them whether or not they needed permits.

Mr. Greenlaw said he understood the plans were done to meet setbacks and other requirements.

Mr. King asked if Gorrill Palmer identified any problem or sensitive areas when they did the plan in 2019.

Mr. Greenlaw said he wasn't aware of any such issues with the plan.

Mr. Jordan asked Mr. Kaiser for his opinion.

Mr. Kaiser said the Code Office wasn't aware of the project until an abutter called about some blasting being done in December. He tried to speak with Mr. Greenlaw, but he was out of office so he kept leaving voice mails and sending emails, and it wasn't until the beginning of the year he made contact with him.

Mr. Kaiser said he looked at the site and the additional parking had already been roughed in by Vining's. He said they're well aware of BMPs and DEP regulations so he has confidence in the quality of the work, and he told Mr. Greenlaw to not do any more until reviewed by the Planning Board.

Mr. Greenlaw said that construction stopped after talking with Mr. Kaiser and there is still a lot to be done before the project is complete. He said DEP has the plans, they've looked at the site, there are currently no problems, and he looks forward to their OK.

Mr. Smith suggested a penalty fine for being after-the-fact.

Mr. King asked what material is left to be imported to the site.

Mr. Greenlaw said grading gravel and paving.

Mr. Otley asked if there would be any more blasting.

Mr. Greenlaw said no.

Mrs. McGraw felt there was two questions - one being if the Board would have approved the applications if they had come in before the work started, and do we have any problems with what's been done so far.

Ms. Murphy said all applications should be treated the same.

Mr. Wright said he doesn't want to set bad precedents.

Mr. Kaiser advised the Board that if they want to fine RSU9 they should seek legal advice first, but he doesn't suggest doing so as they are considered a municipal entity.

Mr. King asked Mr. Greenlaw about his background.

Mr. Greenlaw said he's an MMA graduate, he worked at BIW for quite a few years, he managed 27 cruise line ships, and he's certified in whole ship including turbines.

Mr. Jordan made the suggestion to table the applications until there is an OK from DEP.

Mrs. McGraw asked if RSU9 granted approval for this project.

Mr. Greenlaw said the CARES money is open funding to schools, and because couldn't put it towards new modular classrooms to replace the old units they put it into additional parking. He added the blasting done was surficial and they didn't drill and blast the ledge knoll – they went around it instead.

Mr. King said, in reference to abutter letters, that it's not our call on whether or not RSU9 needs additional parking, and whether or not there are vernal pools is unknown. He opened the floor to abutter comments.

Abutters Carole Ansheles, Marsha Slaughter and Jesse Minor, who live in the Granite Heights subdivision, were present.

Ms. Ansheles stated she had made a call to DEP to make them aware of the project. She said she spoke with other neighbors about their concerns but doesn't expect any penalties or reversal of the project - but just wanted people aware. Ms. Ansheles then reviewed the letter and questions she had given the Board prior to the meeting, such as stormwater management, polluted parking lot runoff, loss of habitat, etc.

Ms. Slaughter reviewed her letter and questions she had given the Board as well. Her biggest issue with the project was the blasting where she had just had foundation work done

on her house and was upset no one got any type of notification before the blasting started. Ms. Slaughter said they have water issues on Granite Heights, the lot is in an area that is sometimes wet, there are brooks nearby, and asked who's responsible for any mitigation.

Mr. King asked how long ago the Middle School was redone and wouldn't those plans show vernal pools.

Mr. Kaiser replied about 15 years ago and said much has changed regarding vernal pools since then. He said Cameron Dufour at DEP has looked into the project, and if he thought there were any issues Bill or himself would have heard something from him by now. Mr. Kaiser said, regarding Maine Drilling and Blasting, they're required under State law to notify property owners within a certain distance and have limited liability for some damages.

Mr. Greenlaw stated they did a full assessment prior to the blasting, which was 100' from the school and 300' from the nearest house, and documented everything. He added that the blasting was only surficial and barely felt at the bus garage nearby.

Mr. Smith stated that when NextEra did their blasting, Maine Drilling and Blasting sent out notifications to everyone within a certain radius and it was well over 300'.

Mr. Minor spoke about how he has been working from home and when the blasting started it felt like the LEAP explosion and would shake his house. He talked about the spotted salamanders in Beaver Brook between the parking expansion and Granite Heights, that they are not found in many other areas, and he's concerned their habitat has been affected. Mr. Minor added that he doesn't see the need for the expansion.

Mr. Kaiser stated, if DEP finds any issues they will write up a mitigation order, so it's not a bad idea to table the applications until the next meeting - that way there is time to get a response from Cam at DEP.

Mr. Otley made a motion to table the Site Review and Soil Erosion/Storm Water applications until there is a response from DEP.

Mr. Jordan seconded the motion.

Mrs. McGraw asked what the Board can even do if they have concerns.

Mr. Otley said nothing, only DEP can do something.

Mr. King added that hopefully this will send a message to everyone to get approval before doing a project.

VOTE: 7 – Affirmative
Motion carried.

Mr. Jordan added that if any vernal pools were disturbed or destroyed, new ones can be created.

7. 21-MJ-02
Matthew Smith
116 Partridge Road / U22-2
Medical Marijuana Cultivation – Tier 1 outdoor

At this time Mr. Smith stepped down as a voting member where he is the landowner in the subject application.

Mr. King designated alternate Linda Brown as a voting member for this application.

Mr. King stated he is an abutter to the application property but has no conflict of interest with the application.

Ms. Murphy made a motion to accept the application as complete.
Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative

Applicant Matthew Smith introduced himself and said people can find THC products everywhere but there is not the same variety available for CBD products. He is looking to grow CBD plants, which will look like regular marijuana plants but will not be able to get people high, and the final product will be used in his kitchen that he has already received approval for.

Ms. Murphy verified his application is for 30 mature plants and the fee is per mature plant instead of square footage.

Mr. Kaiser stated his annual fee will be based on plant count.

Ms. Murphy asked how many crop cycles he expects per year.

Mr. Smith said just one.

Ms. Murphy made a motion to approve the application as presented.
Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

At this time Mrs. Brown stepped down as a voting member and Mr. Smith took his seat as a voting Board member.

8. Other Business

- The Board reviewed the changes to the solar plan on the Vining property that was reviewed at the 2-8-21 meeting.

Mr. King asked if they verified a vernal pool and downsized it because of that.

Mr. Tom Donnelly was present and stated, after all the water they found when they bored through the snow, they were 85-90% sure there was a vernal pool and decided to change the plans. The plans move the layout mostly to the south and southwest and only ten feet closer to the main road.

Mr. King asked Mr. Kaiser if the Board needed to vote on this change.

Mr. Kaiser replied that it would be best to vote to acknowledge and record acceptance of the change.

Mr. Otley made a motion to accept the revised plans as presented.
Mr. King seconded the motion.

Mr. King asked if they had to leave an entrance to the vernal pool.

Mr. Donnelly said yes.

Mr. Smith asked if during construction they have to keep a certain distance from the vernal pool and be careful around it especially where they are more significant during the spring.

Mr. Donnelly replied that is correct, the general rule is 250' from the edge of the pool.

Mr. Jordan said each vernal pool renders about five acres of land untouchable.

VOTE: 7 – Affirmative

- The Board discussed the zoom class that Ms. Murphy and Mr. Otley attended.

Code Office Updates: None.

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

VOTE: 7 – Affirmative
Motion carried.

The meeting adjourned at 7:35 p.m.

Minutes respectfully submitted by Kate Foster.

Planning Board

Date