

**FARMINGTON PLANNING BOARD**

**153 Farmington Falls Road**

**May 16, 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 members present: Michael Macneil and Troy Luther.

Members unable to attend: None

Others present: Code Enforcement Officer, Steve Kaiser; Code Assistant, Kate Foster; applicants Larry Karno of RMJ Group LLC and Joe Stevenson of King's Arrow Company; abutter Ed David and other members of the public.

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 April 11, 2022**

Mr. Smith made a motion to approve the minutes of April 11, 2022 as written.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

**4. 22-MJ-01**

**Michael Macneil**

**537 Whittier Road / R5-17-B**

**Adult Use Manufacturing**

Mr. King introduced the application and Mr. Macneil stepped down from the Board to represent his application.

Ms. Murphy made a motion to accept the application for discussion.

Mrs. McGraw seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

Mr. Macneil stated that a Manufacturing license became available and currently he can only

grow and sell his plants but he cannot sell manufactured products. With the Manufacturing license he can send his product to be processed by labs and get it back for resale. He stated that for now he will only be doing packaging of manufactured products at his location, and he has obtained the NFPA 101 Life-Safety requirement codes from Interim Fire Chief T.D. Hardy for future manufacturing activities.

Mr. Smith stated the application date and the received date don't match with a two month difference and asked why that was.

Ms. Foster replied that Mr. Macneil submitted his application then got called to work [merchant marine] so he postponed coming before the Board, and subsequently paid his fee so his application could be processed when he knew he would be available. She added that there were no other applicants interested in the open Manufacturing license slot causing no issues with waiting.

Mr. Smith stated on page 3 of the application, the question whether the business was within 1,000 feet of a school or church was left blank.

Mr. Macneil apologized for missing that and said the answer is "no".

Ms. Foster noted that she'll add this to the application before giving it to the Board of Selectmen for review.

Mrs. McGraw made a motion to approve the application as complete with the noted addition. Ms. Murphy seconded the motion.

Ms. Foster stated that once the Board votes on this motion, it is their final action because the Planning Board is only deeming the application complete, and the Board of Selectmen are the ones that approve the application and issue the license/permit.

Mrs. McGraw asked about the comment on the Letter of Review submitted by the Town Manager regarding cameras.

Mr. Macneil replied that State Law has changed since he submitted his application. He now only has to have one camera on the door going into the room whereas before he needed several in the room and on the door.

Mrs. McGraw asked Mr. Kaiser to explain the review process.

Mr. Kaiser said Ms. Foster reiterated that the Board of Selectmen issue the local license/permit and added that the motion has already been seconded. As far as State approval – it's already a given that he needs such – much like projects needing DEP permits.

Mr. Smith asked if the motion can be taken back or be made a false motion by Mrs. McGraw.

Mr. Kaiser stated that the Board either needs to vote on the standing motion where it has been seconded or Mrs. McGraw can state it is a false motion.

Mr. King asked if the Board had any further questions or comments. There being none, he called for a vote.

VOTE: 7 – Affirmative  
Motion carried.

Mr. Macneil returned to his seat with the Board.

**5. 22-SD-01**  
**RMJ Group LLC / Larry Karno**  
**Stewart-Lake Ave / U13-146**  
**Split 1 lot into 3 lots of roughly 15,000 SF each**

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

Mr. Wright made a motion to accept the application as complete for review.  
Mr. King seconded the motion.

VOTE: 7 – Affirmative  
Motion carried.

Larry Karno introduced himself and stated he purchased the property a couple years ago and split one lot off for the existing house and now would like to split the remainder into three house lots. He added he is very aware of the need for housing in Farmington, and Maine in general, has worked on housing for UMF staff and faculty, currently has a UMF employee as a tenant in the house, and is not interested in renting to students.

Mr. Karno said his plan is to put a three-bedroom two-bath home on lot 2 and two-bedroom duplexes on lots 3 & 4 with a one car garage for each unit - and rent to long-term tenants. He said he hopes construction costs go down in 2023 when he anticipates construction. He said it would be a total of five housing units added to the downtown area in a nice neighborhood and he is following all Town Ordinances and regulations.

Mr. Jordan stated he has no issues seeing that it meets all requirements.

Mrs. McGraw agreed with Mr. Karno that there is a need for housing and asked Mr. Kaiser if there was a difference in zoning for a single-family home vs a duplex.

Mr. Kaiser replied no, they are the same in our Zoning Ordinance, it is only when there are three or more units in a single building that it would trigger Site Review as a multi-family by the Planning Board.

Mrs. McGraw asked if it was going to be four lots and if that triggers subdivision review.

Mr. Kaiser replied that creation of three or more lots within five years triggers subdivision review and that is why he is here with an application. He added that it doesn't matter if Mr. Karno builds on the lots or sells them vacant, as whoever builds needs to meet structural setbacks and codes.

Mrs. McGraw asked what if Mr. Karno sells any of the lots within five years.

Mr. Kaiser restated that is why Mr. Karno is before the Planning Board with a Subdivision application.

Mr. Karno stated he is applying for subdivision approval, not knowing whether he will build or just sell the lots – as there are many market factors and his personal plans to consider.

Ms. Murphy stated she doesn't have any issues with the plans, she is aware the Board is only approving the lot split and if Mr. Karno decides to sell the lots as vacant lots, the new owner can do what they want. She added it is a very lovely neighborhood.

Mr. Otley stated that he lives up the street and these lots seem small but as long as they meet Town requirements, he has no issue.

Mr. Karno stated he met with Mr. Kaiser early on to review his plans and is meeting the minimum lot size requirements. He added that his original plans showed buildings, driveways, and curb-cuts that all met Town requirements, but where he is only here for subdivision review, it was determined best to only present the lot split and he wanted to be open, honest, and upfront about his plans.

Mr. Wright stated he didn't have any issues with the plans and the housing is needed.

Mr. Smith asked about the possibility of having deed restrictions if Mr. Karno sells the lots vacant.

Mr. King asked if lot 3 was going to be a single-story building.

Mr. Karno replied, no, the duplexes will be two-story and the single family one-story.

Mr. Kaiser explained to the Board that Mr. Karno is here for residential subdivision approval and if it's going to be anything other than residential use in the future it would have to come back to the Board.

Mr. Karno stated that he sees duplex buyers living on one side and renting out the other side or using it for a relative, in-law, etc.

Ed David stated he is an abutter to this project, and lives at 115 Stewart Avenue directly across the street from the proposed subdivision. He stated that he feels Mr. Karno is asking for an approval based on what he says he will do, and the Board doesn't know if that will be true or not, and asked the Board not approve this without seeing the proposed development that would be changing the character of the area. He said he would like to make the legal argument that in order for this to meet the size requirements for the proposed lot 4, Mr. Karno has to take away a small section from lot 1 calling it a "flim-flam" to get it to meet the 15,000 SF requirement.

Mr. David stated that lot 2 is only 3 SF above the minimum lot size requirements for lots with sewer and water. He feels the Board is being asked to approve six families, eighteen bedrooms, and the Board should see that there is going to be parking and driveways to accommodate those eighteen vehicles because the ordinance says that there needs to be a parking spot for each bedroom. He added that he thinks that Mr. Karno should commit to deed restrictions for the future buildout of the lots.

Mr. David continued by stating that the land slopes substantially from lot 1 all the way down to Lake Avenue and feels that the Board should see the building plans and construction plans to accommodate that slope before approving. He said even though it meets the minimum requirements, the Board's job is to deal with the planning and character of the town.

Mr. David requested that the Board take a view of the wooded area with the lines laid out, stand on the corner of Stewart and Lake Avenue and look to the North, East, and South, and see that all the buildings around are single-family residence and this will change the visual aspect of the neighborhood.

Mr. David concluded by stating he is sensitive to the need for housing but also sensitive to the character of the neighborhood. He said yes, I have NIMBY ["Not In My Backyard"] concerns, and this is probably going to end up as student housing.

Mr. King asked Mr. Kaiser if it was correct that the Board was only approving the lot split and subdivision plan.

Mr. Kaiser replied yes.

Mr. King stated that when someone gets ready to build, they go to the Code Enforcement office for information on setbacks, parking, etc., and the Planning Board has no control over that unless it is three or more units per structure.

Mr. Kaiser said Mr. David has raised issues within the context of this application, and it is for the Board to decide relevance.

Mr. King asked about room for parking and if Public Works has any issues with drainage.

Mr. Kaiser replied no, this is only for the lot split, but Phil Hutchins has looked at drainage and driveways.

Mr. Smith reiterated that the Board is only approving the application for subdivision review and nothing in the future. He added that a Site Review application would be reviewed in the future for building.

Mr. Kaiser said in response to Mr. Smith, Site Review is not required for single-family and duplex developments like this, and no other application is required.

Mr. Wright stated the Board is only approving the lines on the paper.

Mr. Kaiser stated this isn't any different than other subdivision applications they have

reviewed, which only show the lot split lines and not potential future structures.

Mr. Otley asked about topo and soil maps along with other things that he had to submit when he did a subdivision.

Mr. Kaiser replied that those items don't apply to this situation because the site is shallow, sloped and sewered.

Ms. Murphy stated she doesn't have any issue with the project, but she is torn balancing the neighbor's concerns with the property owner's rights.

Mr. Karno stated that Mr. David misread the plans, the small rectangular lot he refers to is being added to lot 1, not being taken from it, therefore was not needed to meet the minimum lot size requirements. He added that he decided to be forthcoming with his plans which he didn't have to. He was hoping it would put to rest some of the comments and concerns instead of only seeing lines on a paper – it's his community too and he doesn't want to change the character of this neighborhood.

Mr. David asked that they meet on a middle ground as he would like to see it in writing with deed restrictions.

Mr. King stated that there have been many subdivision plans they have approved without building plans, and the Board has set a precedence with others like Vining, Cousineau, Otley, etc., and we're only approving the lot split under subdivision - that's it.

Ms. Murphy asked if Peter Durrell's subdivision on Holley Road had restrictions.

Mr. King replied to Ms. Murphy stating it did not.

Mr. King asked Mr. Kaiser if the Board can legally require Mr. Karno to put covenants and restrictions on the lots.

Mr. Kaiser replied that Mr. Karno could volunteer to do so but requiring him to do so would be questionable legally as his proposal conforms to the Subdivision, Site Review, and Zoning Ordinances.

Mr. Otley stated that it is not the Planning Board's job nor place to put any restrictions on any possible building as that is not before the Board for approval.

Mr. David stated there is nothing before the Board to insure it will be what the applicant says it will be and you have to therefore assume it could be anything.

Ms. Murphy said we have his word and you need to have some level of trust in this particular situation.

Mr. King and Mr. Otley both stated the Board does not have the authority [to impose covenants/restrictions].

Mr. Kaiser stated the Board needs to separate what the Board can require and what the applicant can volunteer.

Mr. Macneil stated he felt that restricting the applicant to only build single-family homes on his lots could be a liability issue regarding "taking".

Mr. Kaiser replied that it wouldn't be a liability if Mr. Karno voluntarily agreed to it, but to require him to do so might be considered a "taking".

Mrs. McGraw stated that the Board and public are forgetting that there is an ordinance and zoning in place with requirements that Mr. Karno has met, and there is nothing in there about what he can or cannot do in the future - it's his right.

Mr. King stated that there wouldn't be as much of an issue if Mr. Karno hadn't volunteered his plans - but he was only thinking that doing so would help.

Mrs. McGraw made a motion to approve the Subdivision application as presented.  
Mr. Otley seconded the motion.

VOTE: 7 – Affirmative  
Motion carried.

**6. 22-SS-06**  
**King's Arrow Company / Aaron Adams**  
**Town Farm Road / R14-3-A**  
**1,000 CY Material Stockpile**

Mr. King introduced the application.

Ms. Murphy made a motion to accept the application for discussion.  
Mr. King seconded the motion.

VOTE: 7 – Affirmative  
Motion carried.

Joe Stevenson introduced himself as the land consultant for King's Arrow Company stating they have owned the property for a few years now, and they're going to be blasting some stone at the solar site near Hannaford's and need to stockpile up to 1,000 CY from that project.

Mr. Jordan said he didn't have any problems and just wanted to make sure all BMPs are followed.

Mr. Smith asked if they were going to bring in a rock crusher where it would be noisy and he would want to know hours of operations.

Mr. Stevenson replied that they are bringing in small material, so they won't need a crusher.

Ms. Murphy asked if the stockpile would be visible from the road.

Mr. Stevenson replied that there is a wooded buffer along the road and shouldn't be too visible.

Mr. King asked if the material was coming from Farmington or other towns.

Mr. Stevenson replied there is a solar farm going in behind the DOT garage where most of the material will come from, but material could come from other jobs as well.

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

Mr. Wright made a motion to approve the application as submitted.

Mr. Otley seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

## **7. Other Business**

Mr. Kaiser informed the Board of a few projects that are in the planning stage and others that are underway.

Mr. King stated that Farmington no longer has the largest solar farm. A solar farm in the Albion/Union area is over 700 acres.

Mr. Kaiser informed the Board that there is a possibility of a 350-acre expansion of the York solar farm on the other side of Rt. 2/27.

Mr. Macneil informed the Board that the solar facility approved for his property was cancelled by the developer, but it may be picked up by someone else.

Mr. Smith asked when other solar facilities that have been approved were going to start and no one was sure.

Ms. Murphy made a motion to adjourn the meeting.

Mr. Smith seconded the motion.

VOTE: 7 – Affirmative

Motion carried.

The meeting adjourned at 7:15 p.m.

Minutes respectfully submitted by Kate Foster.

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Planning Board

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Date