

**Town of Farmington
Zoning Board
Wednesday, February 5, 2020 – 6:00 P.M.
Minutes**

Board members present were Adrian Harris, Kelly Kading, John Moore, Jane Woodman, and Paul Mills. Town Manager Richard Davis was also present.

Mr. Mills called the meeting to order at 6:05 p.m.

1. Review Minutes of September 4, 2019

Mr. Mills said the minutes on page 3 should be amended to read “Mr. Davis suggested that this item is too complicated and should be taken up at the next meeting.”

Ms. Woodman made a motion to accept the minutes with the amended sentence.
Mr. Harris seconded the motion.

VOTE: 5 – Affirmative
Motion carried.

2. Discuss Group Home definition

The Board discussed the proposed amendment to the current definition:

Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility: A housing facility which is approved, authorized, certified or licensed by the State. These include, but are not limited to, Department of Health and Human Services (DHHS) licensed community living facilities, foster homes, intermediate care facilities, mentally handicapped facilities, adult daycare facilities and developmentally disabled facilities; and Maine Department of Corrections licensed halfway correctional facilities. A license issued by the State Fire Marshal does not constitute sufficient approval.

The Board decided the definition needed further language and to give additional examples of the agencies that didn't constitute sufficient approval.

Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility: A housing facility which is approved, authorized, certified or licensed by the State board or agency that regulates the purpose of the facility involved. Examples include, but are not limited to, Department of Health and Human Services (DHHS) licensed community living facilities, foster homes, intermediate care facilities, mentally handicapped facilities, adult daycare facilities and developmentally disabled facilities; and Maine Department of Corrections licensed halfway correctional facilities. Neither a license issued by the State Fire Marshal, State Health Inspection Program, State Electrical Inspector, Plumbing Boards, nor any other license that is not directly related to the purpose of the facility involved, constitutes sufficient approval.

Mr. Mills asked the Board if they were agreeable to this draft of the definition.

The Board approved the amended definition by consensus.

3. Discuss Homeless Shelter definition

The Board discussed the proposed draft of the definition:

Homeless Shelter: A temporary housing facility serving individuals and families who lack a fixed, regular, and adequate nighttime residence, often including shelter, food, sanitation and other forms of support. The Homeless Shelter shall be enrolled in the Maine State Housing Authority monitoring program. Homeless Shelters exclusively serving children up to the age of 21 shall be licensed by the Maine Department of Health and Human Services.

The Board decided to amend the definition (see **strikeouts** for deleting and **underline** the additions) to read:

Homeless Shelter: A temporary housing facility serving individuals and families who lack a fixed, regular, and adequate residence, often including shelter, food, sanitation and other forms of support. The Homeless Shelter shall be enrolled in the Maine State Housing Authority monitoring program. There shall be on-site supervision 24 hours a day, 7 days a week. Homeless Shelters exclusively serving children up to the age of 21 shall be licensed by the Maine Department of Health and Human Services.

Mr. Moore said we must determine where a homeless shelter would be allowed in the Town's Zoning Ordinance Table of Uses. He said we also need to decide if it would be a 24-hour facility, if we will set a maximum capacity town-wide, do we want to further define the style of housing, and other conditions. Mr. Moore recommended we invite Bobbie Wheeler of Western Maine Homeless Outreach (WMHO) and Steve Bracy, minister of Living Waters Church to the next meeting to get their input.

Mr. Mills proposed we discuss this draft of the definition with the above changes, along with including "Homeless Shelter, Apartment Style" as referenced in the Town of Brunswick Maine's definitions, with representatives of WMHO at the Board's next meeting.

The Board approved the amended definition by consensus.

4. Discuss Methadone Treatment Facility definition

The Board discussed the proposed amendment to the current definition:

Chemical Dependency Treatment Facility: A facility licensed by the Maine Department of Health and Human Services Community Services Programs through the Office of Substance Abuse to treat individuals for drug and alcohol abuse. Treatment shall include, but not be limited to, psychological counseling and supervised medical detoxification programs utilizing substitute medications such as Suboxone, Methadone, Naltrexone, and Disulfiram.

The Board approved the amended definition by consensus.

5. Discuss modifications to the Village Business and Village Business Historic District

The Board reviewed maps depicting the Town's Village Business and Village Business Historic Districts, Farmington Village Corporation (FVC) Zones A and B, and the Maine Historic Preservation Commission (MHPC).

Ms. Woodman said the FVC zoning is more restrictive and protective. She said the MHPC map depicts the last of the historic single-family homes and we now have an opportunity to preserve this area of the town. She quoted the last sentence from a news article from November 1955 after it was put into effect in October "The opinion was also expressed by the Planning Board [FVC] that if at some future time the Town voted to have a similar zoning plan the necessity of the zoning plan within the Corporation [FVC] would probably be less than important." Ms. Woodman said there is no one at the FVC who is monitoring this, and we could be at the point where the Town may be receptive to something similar to the FVC had.

Mr. Mills said the FVC zoning was originally designed to encompass one mile back from the Sandy River.

Mr. Moore confirmed with Mr. Davis that the Town has a legal opinion that states the Town of Farmington Zoning Ordinance supersedes the FVC Zoning Ordinance. He then suggested making changes to small areas.

The Board discussed incorporating zoning requirements from the FVC and MHPC into the Town's Zoning Ordinance and making amendments to the Town's Zoning Districts in the Table of Uses and Dimensional Requirements.

Mr. Moore said it didn't make sense [referring to where marijuana is allowed in the Town's Table of Uses] not allowing marijuana in the Village Business Historic District but being able to have it in Village Business District across the street or around the corner. He asked to change the Town's Village Business District on Church Street to Village Business Historic District. Mr. Moore and Mr. Kading stated marijuana

shouldn't be allowed in either the Village Business or Village Business Historic district.

Mr. Mills said there are many ramifications that must be considered when changing the Town's Zoning Districts and Dimensional Requirements.

Mr. Davis suggested changing the Town's Zoning Districts that marijuana is allowed.

The Board discussed the Marijuana Ordinance and the Planning Board's role.

Mr. Mills proposed the Marijuana Stores, Manufacturing Facilities, and Testing Facilities, as written in the Town of Farmington Zoning Ordinance Table of Uses, be changed from "Y*" in the Village Business District to "N" and not allowed in that district.

The Board approved the changes in the Table of Uses by consensus.

The Board discussed looking towards the future of the community and preserving its historic homes and downtown.

Mr. Harris made a motion to adjourn.

Mr. Mills seconded the motion.

VOTE: 5 – Affirmative

Motion carried.

The meeting was adjourned at 8:00 p.m.

Minutes respectfully submitted by Cindy Gelinas.