

**PLANNING BOARD MEETING
TUESDAY, JANUARY 8, 2002
37 NORTH MAIN STREET**

Members Present: Don MacVane, Norman Russell, Kelly Parlman, Van Wallace seated for Bob Moriarty, Hiram Watson, Jim Horgan, Troy Robidas

Selectmens Rep: John Fitch

Staff Present: Tom Rozwadowski, Fran Osborne

Public Present: Margaret Russell (ZBA), Jane & John Wingate, George Price, Joyce & Gary White, Joel Plante, David & Diane Funk, Heather Pike, Maurice Tufts, Gloria & William Glennon, Ann & John Titus, Barry & Nellie Fisher, Sue Ducharme, Bernard Nason, Jr., Mike Hoage, Paul Parker (ZBA), and others not signed in

- Chairman MacVane called the meeting to order at 7:25 p. m. and informed the members of the public what would take place and in what order. Chairman asked that the minutes of December 11, 2001 be approved and Jim Horgan motioned approval as presented, Troy 2nd, all in agreement - motion carried.
- **Application for Special Use Permit by Angel & Ronald Cote'**, 129 Spring St. (Tax Map R60, Lot 11), to construct a single-family home within 100' of a water body. Ron and Angel Cote' are asked to present their request. A plan was presented to board members. A new septic design (copy in file) was required as they plan on building a new log home to replace an existing mobile home in place there 19 years. The closest corner of the new home will be 75' to the water body (Ela River). Jim Gamble of Homes of Yesteryear will be building their home and he was present to show placement of home on lot. A completed application by the Cote's was noted. Kelly motioned approval of Special Use Permit application as presented, Troy 2nd - all in favor - motion carried. It was noted the new septic design system is actually further than the existing one and an approved design had to be in place in case of failure of the existing system. John Fitch made note that the mobile home has been there and that this is an upgrade which would enhance the neighborhood. Chairman closed public portion of meeting. John Fitch made motion to approve the Application for Special Use Permit as presented, Jim Horgan 2nd, all in favor - motion carried. Norm Russell asked to go through the Special Use Permit points - these were covered - all points were in place and amendment was not needed - vote was unanimous for approval as above.
- **Subdivision Review Application by Daren & Rebecca Lovely**, 1 Lone Star Ave., (Tax Map U6, Lot 42), to create 2 lots. Scott Herbert from Berry Surveying & Engineering is representing the Lovely's. Plans were given to the board for review. Norm Russell made motion to accept application as complete, Jim Horgan 2nd - all in agreement - motion carried. Scott explained they are adding one lot to the existing lot with home. Gary Gullison asked to see the plan as well as Mr. Paulin. Scott said pins have not been set at this time but survey is complete. Pins will be set when the plan is approved. John Titus said he was not notified. Fran showed him a returned notice that was indeed mailed to the address as recorded in the Tax Map listings. It was returned to our office by the Post Office (attempted delivery) unopened. Discussion followed. Mr. Titus is opposed to subdivision. Mr. Herbert explained the definition of a wetland - what constitutes certain types of wetlands and said the state designates what a wetland is. Mr. Gullison said there are more wetlands than shown on the plan. James Spaulding asked how the wetland will be affected. Kris Hodgkis (Gullison's daughter) has wetlands concern and feels there is not enough area for a building. Sewer is shown on the plan, there is town water. This newly created lot would have to obtain town water and sewer. John Titus remarked about a drainage area the town did work on around 1966/67 and Tom R. said he met with Clark Hackett - Road agent, that morning on this plan and Clark said the town dredges the channel drainage about every 6 - 7 years. Mr. Titus said he will fight this subdivision legally. Mr. Gullison said there is a "For Sale" sign on property. Don MacVane explained a sale could not be consummated without Planning Board approval for subdivision. Mark Paulin has lived there 13 years and a portion of

land has water (ducks and heron come to the water). Why has such a dramatic change taken place in water being there. John Fitch said the town has dredged two times in 6-7 years. Water is at a dead level and the water table is low at present. He has seen water go across the road. Chairman closed the public portion of the public hearing. Kelly said this is in the limited development zone to Kicking Horse Brook and Tom R. indicated this was a canal and not Kicking Horse Brook. Chairman said if the lot size meets our requirement in the UR zone with a limitation of 50' and Norm said it looks by his estimates they can meet the setback requirements. Chairman asked that Mr. Berry delineate wetlands distance in feet to the building footprint. Norm said this plan is drawn to scale and should be accurate. Chairman asked that Mr. Berry correct the listing on the plan of Kicking Horse Brook to what it should be (this is a storm drain created by the town). John Fitch would like to see an elevation of high water mark in wet area and where it will be. Mr. Herbert explained the Town definition of wetlands. Chairman asked Mr. Herbert to label wetland area with soil type (1, 2, or 3). John Fitch said 9 months of the year it is low but it does flood. Norm Russell asked to show ground surface contours where building is to be and determine where wetlands are. There is .44 acre of upland area on new lot created and .26 acre of upland on existing old Parshley home - he said the cellar is probably wet most of the time in this home. The Town has filled this area over the years with sand being dumped along with brick and concrete. Troy asked where the sewer line came in - Mr. Herbert said at the corner of E. Grove St. There is town water. John Fitch said if they are within 100' of water and sewer lines they must connect to it. They have no choice. Don MacVane asked to show the easement on the property. Mr. Gullison said the shed is the only place that is above the street and the property - he pointed out on the plan the area where water stands. Mr. Titus - the elevation is above because of the town dumping fill there. Mrs. Paulin questioned the driveway. The Gullison's daughter asked about delineating wetland soil types and if there would be another meeting. In the spring this is a pond. Mr. Styles lot also sinks from the road. This lot will shrink and end the subdivision. Chairman explained the Planning Board goes by dimensional requirement - setbacks must be met - the public portion of public hearing closed. John Fitch, Jim, Norm and Kelly said we should continue this public hearing. Wait to see the wetlands delineated, stamped by a wetlands scientist. John Fitch motioned to continue this to February 12, 2002 Planning Board meeting, Jim 2nd - all in favor - motion carried. Chairman explained to the public this meeting will not be re-noticed by mail.

- **Continuation Site Review Application by Eva Christensen** for yard-waste compost facility at the Jct. Of Paulson Rd. & Rte. 11 (Tax Map R36, Lot 1). Mrs. Christensen was asked to present required information requested. She presented letter from USDA/NRCS and attachments in their original form. She also brought actual copy of test pit done. NRCS came and looked at the property, she also brought copy of bunker design, retention pond and other areas as requested. Eva said Mr. Pike is addressing the Rte. 11 culvert (suggestions in letter attached). John Fitch made mention of water table high of 18" - discussion followed. He wants to see engineered. Eva said a tile drain system has been designed with 1 1/2% drain off drop. If water goes above tile drains instead of the 18" what happens? Eva explained the NRCS report in relation to her map to the board that the property drains to a filter strip and then goes down several feet. Chairman asked Eva to make a note on the plan of the pond as she was not sure before whether this would be done or not. (1) Show the water table in relation to elevation to the high water mark of the brook from someone, (2) elevation of pipes in ground. Eva said you want a topographical map and I can't do that - it's too expensive. She explained the water will leach into the filter strip which is twice as long as required. Heather Pike from the public suggested Eva call UNH Public Information and talk with DES. Eva explained she has tried to obtain maps without success. Jim Horgan suggested to go down the list from the October 23rd meeting minutes.

- * Provide map with details as requested.
- * Make copies of information for board members
- * Verification of water table - test pit log - explain numbers
- * Location of test pit on map (Eva pointed to this on the map)
- * Explain 6" water table test pit report - clarify relationship to visible surface

- * final map - include backup data
- * pond - show on plan - (have drawings & specs by an engineer)
- * show where pipe outlet goes from pond (pond will be 50'x40') Is pond designed for 100-year storm event?
- * written waiver for asphalt parking area and engineering stamp
- * phasing - note what and where on plan

Jim Horgan made motion to continue Eva Christensen Site Review until January 22, 2002 at 7:30 p.m., John Fitch 2nd - all in agreement - motion carried. Planning Board members John Fitch, Van Wallace and Kelly Parlman will do a site walk January 9, 2002 at 8:00 a.m.

- **Cluster Development Review by Packy Campbell/RSA Development** on Elm St. and Dick Dame Lane, (Tax Map R34, Lots 1 - 8 and U9, Lot 19) to create 60 units on one lot. Chairman stated we are only talking about how Packy is going to develop this lot. A plan of what he intends to do was presented for all to see. Packy introduced himself to the public. He intends to develop a cluster development (see attached letter). Packy read stated purpose from Town of Farmington Cluster Development Regulations. Packy asked the board to vote in favor of allowing this cluster development to be considered under Subdivision Regulations. Chairman explained Subdivision Review and Site Review will still be required. Chairman asked for comments from the public. The Chairman explained cluster development to the public. This lot qualifies for cluster development. Packy explained the "green colored area" on his plan is planned for duplexes and this is conceptual - they may be closer on the final plan. The "purple colored area" will be townhouse units - 2 BR with garage under. The "yellow colored area" will be single-family homes (ranches, capes, etc.) and will be 75' - 100' apart. These will be 3 - 4 BR homes. Mrs. Paulin asked how many townhouses - 18 (2 buildings of 9 units). These are similar to Ledgview in Rochester. Chet Bryant asked about the black line - Packy said this will be the road to the two pieces being developed. Houses will be on other side of mound from Elm St. He asked about the entrance on Dick Dame Lane - ? fire, ambulance, and that there should be another exit. Packy is designing a bridge with natural river bottom and formed concrete. It will meet criteria by the State of N. H. Packy has started this process. The area has been flagged. The span will accommodate a 20' wide road. Mr. Spaulding is concerned about safety issues with having one entrance. Packy said I think that is a concern. I'm willing to look at some sort of emergency road. Mike Hoage - is the culvert the one shaped like a Quonset hut - yes. Morris Tufts - asked is Packy was going to purchase the Cameron house - Packy said that is incorrect - Mark Phillips bought it back. Jim asked what the physical length was from Dick Dame Road - Packy said 1,200 feet with 2,300 feet of road including loop road (1/2 mile). Packy said the Barron gravel pit and the Mark Phillips are pieces of property involved. Bernie Nason asked if the cluster development as planned could be expanded. Packy said no - what is there is the way it will be. Jane Wingate mentioned the right-of-way over the bridge (Butch Barron's road to get gravel out). When Butch Barron got permission what exactly was he permitted to do? Dick Dame Brook and Madd River have special protection by the Conservation Commission. Are you going beyond what was allowed - are you exceeding that and by what authority? Packy said he is in the process of getting a Wetlands Permit. The Conservation Commission helped me with my plans. He came to the Planning Board and (can't develop within 100' of Dick Dame Brook) the Planning Board interpreted the crossing (Dick Dame and Madd River and tributaries) and that I was denied "Special Use Permit." Mark Phillips the previous owner was denied and gave up on the project. Mr. Spaulding asked about culvert on Dick Dame Lane and impact on traffic. Packy is proposing getting a permit, do a design and improve the watershed. Mr. Spaulding said his back yard is a mess from the bridge that's there. My land is devastated from what's there and you are creating more problems. Packy said he was trying to correct this. Mr. Spaulding said he has been to court on Dick Dame Lane and Rancourt MHP on widening of Dick Dame Lane. Your development is going to be mandated by the State as to what you will have to do on the Dick Dame Lane. Packy - there are already houses approved and on Dream Hill Terrace which were included in my traffic study. This problem already exists before I do anything. What I propose is to resolve the road issue before.

Mr. Spaulding - this was originally designed for Winter St. exits, not Dick Dame Lane. John Fitch said let's get back to the Cluster Development which is what we are here for. Randy Orvis - asked about open space - you have 50% which is well over the 25% required. Will this be open to the public? Packy - the Homeowners Association will own the common land. This will be decided. I do propose walking paths from Elm St. and Lone Star Avenue. Gary Rogers (1st house on Dick Dame Lane) - questioned traffic study. Are you going to take 4' off my land? Joel Plante - (4th house) said this was a well thought out proposal. Our water flow should be better with planned improvements. If the road has to be widened with sidewalks - there's a problem. A safety concern is one entrance all the way to Farmington Ridge Estates. My mother lives there and the gate is an issue - the key is not available from the Police, Fire or Ambulance people. Farmington Ridge MHP states the Town closed the only legal exit. This is a hammerhead deal. We as a community need to require a way in and a way out instead of just one way - property and lives are lost going round about ways. There needs to be another way out either with this development or a future development. Packy - no sidewalks have been proposed - there will be in my development - fix the crash gate, fix the bridge, entrance and exits are all existing conditions. Bernie Nason - pollution of river is a concern - this development is 1/4 mile from the town well. Packy - wetlands are on the N.E. section. Packy explained the elevation. There is a 10' differential from houses South. Mr. Nason said the footpaths will be in my back yard. Jane Wingate - said Packy mentioned he and Brad consulted on this development. Jane Wingate spoke in the person of Brad Anderson about putting open space into "Land Trust." Make sure this is done before breaking any ground on this project. Margaret Russell - water and sewer - will come in from Elm St. Sue Ducharme - Elm St. - questions wetland and cluster development and that Packy has excluded the wetlands in his proposal. Cindy Paulin - would rather see a cluster development than single homes. Bernie Nason - the portion of common land use will only provide partial taxes to the town. Jeffrey Ellison - how is this going to affect the sewage system? Mr. Spaulding - questions Elm St. vs. Dick Dame Lane exits. Children's safety is an issue. Packy said I cannot go out Elm St. The wetlands impact to Elm St. was not feasible and he was instructed to find an alternative. Why is your development better than anybody else's who's come before the PB. Kelly - suppose we decide not to support your cluster development, what would be your alternative. Packy said 54 mobile homes or 76 apartments. I could have put in 78 units but I am doing 60. Public portion of meeting closed. Discussion followed about decision. Don MacVane explained Packy's plan does set out the requirements we have established. John Fitch - I would like to see this better than the whole lot being taken up. Tom Rozwadowski explained the decision tonight is for guidance only for the cluster development - no final decision on the project at this meeting. Don MacVane - concerns for safety. Kelly - perhaps I prefer cluster to a regular subdivision. Troy - I think he's going in the right direction. Van - I would like to see an emergency way out - then I'd rather see a cluster development. Norm Russell - a cluster development would have less impact than traditional which would be more scattered - it is better use of the land due to its sensitive nature. I recommend sending him on this way. Norm made motion to accept the proposal to proceed with the cluster development, Kelly 2nd - all in favor - no abstentions - motion carried. Chairman said Packy is still bound by the Subdivision and Site Review Regulations. Norm said he has to do this within one year.

Mr. Spaulding asked about court documents he has regarding Dick Dame Lane and Chairman told him to bring any documents on court proceedings and it will be a matter of record.

- **Voluntary Merger - Sergio Barata/Jennifer Mahoney (Tax Map R44, Lot 6 & R44, Lot 14).** Lot #6 with the house will be merger lot. The board reviewed the paperwork. Jim Horgan made a motion to accept the voluntary merger as presented, John Fitch 2nd - all in favor - motion carried.
- **Zoning Ordinance Amendments** - Chairman asked for amendments to consider. Tom presented a list of amendments. An amendment from Brad Anderson to make the Appendix I Landscaping more readable was presented, Randy Orvis presented an amendment for Campgrounds and Recreational Vehicle Parks, and another by Brad Anderson on Section 3.00 General Standards and 4.04 Waterfront Protection overlay District. Norm Russell asked that in the Table of Permitted Uses - Page 3 of 4, under Mineral Extraction -

include PR in all zones - include SR, UR, VC. (discussion on Agricultural Use - Noncommercial Mineral Extraction took place - Norm said there is no such thing (it was decided to leave this alone as is). Margaret representing the ZBA asked that Section 1.04 be included in its entirety. A sludge amendment was also included from Jane Wingate at last meeting. These were all to be advertised for public hearing. Tom will see these are advertised for public hearing on January 22, 2002. Copies of suggested amendments are attached.

- **Additional Code Enforcement Office Associated Application Fees:** A list of fees not previously included with the list presented by the Planning Board to the Selectmen from the September 25th meeting was presented for review. The following additional list will be presented to Selectmen for approval.

- (1) Subdivision Review - change to \$150.00 base fee plus \$7.50 per abutter fee
- (2) Lot Line Revision - change to \$150.00 base fee plus \$7.50 per abutter fee
- (3) Variance Request - change to \$150.00 base fee plus \$7.50 per abutter fee
- (4) Special Exception - change to \$150.00 base fee plus \$7.50 per abutter fee
- (5) Appeal from Administrative Decision - \$150.00 plus \$7.50 per abutter fee

John Fitch made motion to submit fees approved by the Planning Board to the Selectmen for final approval, Troy 2nd, all in favor - motion carried.

- With no further business to discuss, John Fitch made motion to adjourn at 11:45, Troy 2nd - all in favor - motion carried. Minutes recorded by Fran Osborne. Taped transcript available in the Code Enforcement Office.

APPROVED

Don MacVane, Chairman

Date