

**PLANNING BOARD MEETING  
TUESDAY, FEBRUARY 5, 2002  
37 NORTH MAIN STREET**

**Members Present:** Troy Robidas, Kelly Parliman, Hiram Watson, Don MacVane, Norm Russell, Jim Horgan (Van Wallace called to be excused)  
**Selectmen's Rep:** John Fitch  
**Staff Present:** Tom Rozwadowski and Fran Osborne  
**Public Present:** Randy Orvis (Conservation Commission, Margaret Russell (ZBA),  
One member of public who did not sign in

- Handouts for the proposed Zoning Ordinance amendments were given to board members by Fran for review and final vote to be included in the Town Warrant Articles March 2002.
- Chairman MacVane seated Hiram Watson for Bob Moriarty, meeting was called to order at 7:00 p.m. The minutes of January 22, 2002 were reviewed and amended as follows:
  - Add **Kelly Parliman** to members present
  - Page 2 - line 13 - Norm - multi-dwelling units are **not** designed for remote areas -
  - Page 2 - line 18 - more than 2 units is multi-dwelling unit and will **not** be consideredNorm motioned approval of minutes with amendments above, Kelly 2<sup>nd</sup> (Troy abstained), motion carried.
- John Fitch spoke to board members about the Housing Partnership projects at 29-31 Spring St. and 25 Maple Street. The Selectmen were not in favor of signing on these two projects - the Selectmen felt Farmington residents should have been given local priority in rentals. Tom stated the contractor has come in to obtain a building permit but has not paid the amount due yet.
- The proposed Zoning Ordinance amendments next item to discuss and approve for inclusion in the Town Warrant Articles this year. The first amendment involved much discussion - **Section 1.04 (C) (1)** - the frontage requirement was discussed at length relating to building on a Class VI road or a deeded right-of-way to a back lot where the width of the right-of-way would allow that as frontage if deeded (lots of record). Review would be required for lots with no frontage or 10' of frontage (not large enough). John Fitch mentioned having a width at least large enough for emergency vehicles to gain access. Norm and Tom suggested a 50' frontage requirement. Jim - change as deemed appropriate by the ZBA. Don - we are attempting to soften the requirement. Hiram - should we impose on these applicants. Margaret - if you don't allow them to build on their land - it is land taking. Norm - if you can't safely access a lot for a building, then it could be used for a wood lot which would not be considered taking of their land - they can still use it. The board in general feels 50' is reasonable. Randy Orvis - confused about frontage on an "approved way." Margaret read the old Land Use Ordinance Section 6.1 - "The lot size requirements of this ordinance shall not apply to any non-conforming lots laid out by deed or plan duly recorded in the Strafford County Registry of Deeds prior to the effective date of this ordinance." Randy said in a new subdivision there is no requirement for a 50' driveway - are you going to make them build a 50' width driveway? If they have frontage they are entitled. Norm - if they construct a driveway unreasonable for driveway on a back lot, we should throw in 50'. Don - frontage on approved access way - lots prior to 1979 - Tom can issue a building permit but they must go to the ZBA for variance. Tom read the N.H. Planning and Land Use Regulation 200-2001 Page 253 and 254 - **Section 674:41 Erection of Building on Streets; Appeals. (see attached from book)** which Chairman MacVane read. Norm - what's central to this is lots that were pre-existing prior to the Planning Board approval after being established - then these lots are not buildable. Randy - access to a street is required but doesn't have to be frontage - can be a right-of-way or a deeded easement. Discussion followed. Jim - any street that's recognized and provides access to a back lot and is on a map - it's legitimate. Width was discussed.

Public Hearing 7:30 p.m.

- Chairman MacVane opened public hearing on Zoning Ordinance amendments.

**Section 1.04 (C) (1)** - Margaret and Kelly want to use wording in the old Land Use Ordinance. Randy - change frontage on an approved way to "access to an approved way." Norm the Town would be better served having a 50' frontage. Signing of waiver for school children, etc. was discussed to protect the Town. Kelly - if below 50' they would have to go to the ZBA. If over 50' they can get a building permit. Tom - regarding back lots - if frontage is not met and a reasonable emergency access can be established, then come to the ZBA. Don - do we want to eliminate frontage requirement on pre-existing lots. Hiram - either way is fine. Kelly - grandfathered lot (50' frontage) - this provides this class of lot with something that matches the minimum frontage of other lots in town of 50'. Lancelot Shores development was discussed where lots do have the frontage requirement. Lots have access to an approved way (Meaderboro Road). John Fitch - they have to meet the setbacks - if they do not have 50' they go to the ZBA. Tom - no one has applied for a variance that didn't have 50' frontage since I've been here. Jim Horgan - suggested wording "Setback requirements must be met and the lot must have a **minimum of 50' frontage on a street giving access.**" Jim made motion to accept this wording, Troy 2<sup>nd</sup>, Kelly discussion, Jim - said this will go to the Town for approval, John abstained from vote, Norm, Don and Jim accept this wording, Kelly and Hiram no - 3 yes - 2 no - motion carried.

**Section 2.01** (last paragraph) insert in proper place according to minutes of January 22, 2002 as follows:

This will allow a financial institution with a drive-through window (**side and rear only**) to be Located in the Village Center District as long as it meets all legal requirements imposed by The Farmington Planning Board during the Site Review process,

**Section 3.01 (A) and (B) - Access of Lots to Streets** - (submitted by Brad Anderson) Chairman MacVane read this and said we cannot add this - we voted to eliminate this at the last meeting January 22, 2002. Norm said a subdivision on a Class VI road is not allowed - any lot we allow to be subdivided is buildable. John Fitch mentioned if a contractor brings a Class VI road to Town specs, then he may ask the road be an approved road according to Town standards - Tom said a Class VI road is one that is not town maintained for a period of at least 5 years.

**Section 4.04 Waterfront Protection Overlay District (B)** (Submitted by Brad Anderson) Chairman MacVane asked the board to review this before acting on it. After reviewing the board concurred that this section should be deleted in its entirety.

**Article - Section 3.15 Sludge** - Randy Orvis stated he has a problem with this article - in particular (B) - he feels Farmington septage haulers should be able to bring local area towns septage he is hauling for in to Farmington. What's to prevent a Farmington septic hauler from bringing septage in his truck from an out-of-town location but dumping it here in Farmington - who monitors it? John Fitch said the intent of this article was to prevent sludge coming in not knowing the content and being placed on farmers property.

After discussion, John Fitch made motion, Jim 2<sup>nd</sup> to include this article in the Town Warrant Articles for vote. Jim said this was already approved previously at Town Meeting 2001 - all in favor of including - motion carried. Add sentence explaining "**Due to an administrative oversight last year this was not included in the Articles to be approved by public vote. The Planning Board recommends this be included in the 2002 Town Meeting Warrant Articles.**"

Norm said Dale Sprague is talking about a clarifier and accepting neighboring towns septage. Don - we should address this when it comes up.

Jim Horgan made motion to correct amendments and include Sections 1.04 through 3.15 to be recommended by the Planning Board to the Selectmen for inclusion in the March 2002 Town Warrant Articles for public vote, John 2<sup>nd</sup> - motion carried (copy attached).

- Fran gave board members a letter from Packy Campbell to review along with fax listing the recommendations from Mary-Pinkham Langer for the "Earth Removal Regulations" final Planning Board approval on February 12, 2002 before public hearing. With no further business to discuss, Norm made motion to adjourn at 8:30, John Fitch 2<sup>nd</sup>, motion carried. Minutes recorded by Fran Osborne.

**APPROVED**

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Don MacVane, Chairman

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Date