

**PLANNING BOARD MEETING
TUESDAY, FEBRUARY 12, 2002
37 NORTH MAIN STREET**

Members Present: Don MacVane, Kelly Parliman, Jim Horgan, Hiram Watson, Van Wallace (Norm Russell on vacation)

Selectmen's Rep: John Fitch

Staff Present: Tom Rozwadowski, Fran Osborne

Public Present: John Berry (Berry Surveying), Margaret Hayes, Grace Simms, Robert Smith (Habitat for Humanity), Chet Bryant, Robert & Catherine Place, Regina Legere, Roy Hieme (S.E. N. H. Habitat representative), Kris Hotchkiss, Jerry Gullison and others not signed in

- Chairman MacVane called the meeting to order at 7:00 p.m. seating Hiram Watson for Norm Russell and Van Wallace for Bob Moriarty.
- Chairman explained the Earth Removal Regulations were to be reviewed for final approval by the Planning Board but Norm Russell who chaired the subcommittee for these regulations is on vacation until the middle of March. Jim Horgan made a motion to continue this until Norm Russell returns, Kelly 2nd - all in agreement - motion carried.
- Chairman MacVane informed members of the public who were attending for the continuance of the Lovely subdivision public hearing at 7:30 that they could take a new revised plan showing requested changes out in the lobby and look it over before the public hearing.
- Chairman asked for approval of the February 5, 2002 minutes. John Fitch made motion to approve as presented, Jim 2nd - all in favor - motion carried.
- Discussion took place with board members with regard to Packy Campbell's proposed cluster subdivision. Chairman MacVane suggested we do what Packy requests in his letter to re-notify abutters. Tom is comfortable with that. Chairman stated he doesn't think Packy should have to pay for another subdivision fee. Kelly - questioned cluster. Don said Packy has already paid for subdivision review and the cluster issue should have been included. We continued the cluster development - we should have included subdivision. Tom will contact him regarding this issue. Don explained to the public there would be no public participation as the board would not be voting on anything at this meeting. Packy arrived at 7:15 and apologized for misunderstanding of when he was supposed to be here. He brought his plan with revisions based on input from abutters and a road alternatives letter from Norway Plains. Don explained there would be no public input and asked any members of public to save questions for public hearings and that they would be notified as appropriate for public hearings. Chairman informed Packy the board talked about his letter and agrees that we will re-notice with no advertising fees, this will continue the process. Don asked Packy if 2nd means of egress to the development was done and Packy asked question regarding starting the process over. Don told Packy changes are not sufficient to start the process over and by noticing people you will be covered. Tom explained to Packy that the "Cluster Regulations" were adopted at the Planning Board meeting April 28, 1987 (copy attached) as an amendment to the subdivision regulations and should be attached to them. Don asked Packy if these pieces of property would be deeded - Packy said "yes, provided the market stays stable." Packy said the review process in the Subdivision/Cluster Regulations says I must provide impact statement, topo, traffic study, etc., and my engineer will bring in a plan according to Subdivision Regulations. Tom - are you asking for your application to be accepted? Packy - I want abutters here, at some point I want the board to accept my plan as complete - I'm not sure at what point. I need time to get certain items that might be requested by the PB (A, B, C,). Packy knows this may take several meetings and by mid April we will be close - hopefully the engineer can get what I need ready. Subdivision

fees will be \$25.00 per unit times the number of units to be developed plus abutter fees for noticing. Chairman informed Packy the means of ingress and egress is a big issue with abutters. Diversion of traffic is also an issue. Packy explained the other access will go over Kicking Horse Brook (with application for Special Use Permit). Based on the traffic study and with some dumping onto Elm St., this will mean Dick Dame Lane will not have to be widened. Don - explained Townhouse structures, the 2nd road would allow frontage for the number of units you want in the development - multi-family is considered more than two units. Packy agrees, but is surprised it took so long to bring up. He would like to provide diversified housing for lower cost homes on their own deeded lot. Don - the board doesn't want to get ahead of you and have you spend a lot of money. Packy - if I can sell a nice home and make money, I'm O.K. with that. I want a range of price - I know townhouses may not be allowed. Don- they won't be allowed. Packy - from a money standpoint I don't make a lot of money on these. Condo units with individualized deeds and a condo association (maybe legal advice is needed from the town) here. Packy read the 1/22/02 minutes from the PB. If I come forth with the cluster regulations (if any and all changes in the cluster regulations) - it should not affect me as I am already in the process. I want interpretation of the ordinance. Don - you are going through under the Subdivision Regulations and will meet those standards as well as the Cluster Regulations which are part of the Subdivision regs. You have to adhere to these regulations. Packy - when I come to Fran I want the same notice. Tom - the notice we send out will take you through the entire process. We are in agreement we will re-notice abutters and we'll continue each meeting one by one. We are over the confusion issue. Don asked Packy to go in and see Tom and Fran. He must pay for Subdivision regulations fee of \$25.00 per unit developed plus abutter notices. Packy - I want to bring in the Subdivision Review Application with the understanding you may not accept it right away. Tom - before we advertise you need your plan to be available. Packy knows he needs an impact statement according to cluster regs but is confused about the board not accepting his application as complete. He will bring what's in the general cluster regulations but asked the board to let him know what he needs under the Zoning Ordinance or Subdivision Regulations. Discussion about rules in each was addressed to the board. Don asked Packy to sit down with Tom and see what he needs to advertise and make sure he has everything he needs. Don said we want to know lot sizes, etc. Packy - anything reasonable I am going to meet. Tom - if there's any questions, I will talk with Don. Abutters will be re-notified.

7:30 p.m. Public Hearing

- **Darren & Rebecca Lovely Subdivision Review Application continuation** (Tax Map U6, Lot 42), 1 Lone Star Avenue - to create two lots. John Berry from Berry Engineering & Surveying was present to represent the Lovely's. He said he took comments from Scott Herbert and addressed them. Topography is on the plan, setbacks are identified, water and sewer lines are depicted, the drainage channel (written as Kicking Horse Brook) has been appropriately identified on the plan (this does not appear on GIS maps). I have moved boundaries if it ever gets dredged. Tie lines have been created and labeled. Note #6 - easement to Town of Farmington for drainage work if necessary but with note on plan that materials dredged must be removed - this is a 40' wide easement. The concern about mobile homes is addressed - no mobile homes will be allowed. John Fitch stated a mobile home and a modular home are the same. He also asked if there was a high-water mark on the plan. John Berry discussed this as to what in particular he was looking for. Kris Hotchkiss - we are in agreement with the home planned but question the sewer tie-in. The water level and sustaining a building is also an issue. When it is real rainy you sink up to your calves or knees as its not really solid there. John Berry said the Zoning Ordinance does not address the flood plain. The board showed him the Flood Plain Ordinance adopted as part of the Zoning Ordinance last year. Regina Legere asked as an abutter about flags and if they were placed for wetlands. As a surveyor (talking to John Berry) you know how much land is needed to subdivide. These flags are right up to the drainage area. I was told the town owns so many feet up to the drainage channel. How can flags go into the brook? John Berry - flags were done according to the 1987 Army Corps of Engineers Standards using the three parameters required. The regulations in the one-acre zone don't specify how much upland or wetland is required. We have shown a 50' buffer which is required. They are allowed to subdivide as their deed reads with town

water and sewer. The flags have nothing to do with the boundary. Regina - the last time they tried to dredge, they could no longer dredge. I will no longer let them dredge on my property again as it is smelly. I lost 9 feet of land on the back and 3' on the front. I think this is a wetland. I dug down 3' and have a pool (on my property). Jerry Gullison - can you build on the easement? John Berry - no - there is 20' to the edge of the easement to meet building setback requirement. John explained to Mr. Gullison where the home would be located. It is still below the elevation of the roadway and meets the required square footage of ownership. Kris Hotchkiss - what if the town easement of 40' narrows? John Berry - its from the centerline of the brook or channel. Kris Hotchkiss - from what has gone on so far, it needs to be dredged every year. They don't just dredge the bottom, they dig the sides. John Berry - if the town creates less than a required situation, it becomes a town problem to talk over with the neighbor. Chairman MacVane said Mr. Berry has done what has been requested from our last meeting. John Titus - I don't think your points are right. John Berry explained to Mr. Titus the points of his property don't change. We did read your deed and Mr. Titus was told that he actually ends up with more frontage than the deed says. He doesn't agree and wanted a 2nd opinion - Chairman told him that was up to him not Mr. Berry. John Fitch again asked about the high-water mark. Chairman MacVane stated Mr. Berry has delineated the wetland area and Mr. Berry said we won't argue that it may flood. The US GIS maps don't show the drainage channel and FEMA may not. If this property is indeed in the floodplain, it may take extra development. John Fitch - the culvert has been washed out on Lone Star Avenue and the culvert is 2 1/2 feet above the drainage channel. Chairman MacVane - this property is buildable with special considerations. It is meeting the area required for upland. Hiram - have any test pits been done? John Berry - we don't do them where town water and sewer is available. If it were filled with wetland soil it would check out as wetlands. Jerry Gullison - the dredge fill was put on that property. Hiram - concerned about bedrock. The soil conditions do not key out as wetlands and John Berry explained this. The 1st 16" does not classify as wetland soils. Fill may also need to be brought in as part of special consideration for a home here. Jim Horgan - is there going to be anything that would make the situation worse? John Berry explained there is already a drainage basin there and a drainage swale. The water may speed up because of the impervious water runoff from the roof. Chairman stated Mr. Berry has done what he was required from us. John Fitch - this drainage canal doesn't move because it's almost dead level and there's no where for it to go. The Chairman said Mr. Berry's plan meets our criteria and the area is there to place a home (.44 acre). We are limited as a board and obligated to what our regulations say. It meets the standard. The buyer will see what they are dealing with. After discussion, Hiram Watson made motion to accept the plan as presented, Jim Horgan 2nd, John Fitch abstained - motion carried 4 to 1. The Chairman asked if the 40' easement was wide enough and John Berry said it allows an excavator and truck admittance.

- With no further business to discuss, John Fitch made motion to adjourn at 8:45 p.m., Hiram 2nd - motion carried. Minutes recorded by Fran Osborne. Taped transcript available in the Code Enforcement Office.

APPROVED

Don MacVane, Chairman
 Planning Board
 Town of Farmington

Date