

**PLANNING BOARD MEETING
TUESDAY, MAY 28, 2002
37 NORTH MAIN STREET**

Members Present: Norman Russell, Marty Chagnon, Jim Horgan, Hiram Watson, Bill Tsiros, Kelly Parlman, Brad Anderson, (Troy Robidas called in absent)

Selectmen's Rep: (absent)

Staff Present: Paul Charron and Fran Osborne

Public Present: Joyce & Gary White, John McKenna, John & Jane Wingate, Ed Mullen, D. Hoage, Don Rhodes (Norway Plains Associates, Inc.), Jim Hicks & Darren Mochrie-RKG Associates, Inc., Margaret Russell (ZBA)

- Chairman Russell called the meeting to order at 7:00 p.m. Bill Tsiros is seated for Troy Robidas. Brad is also seated. Minutes of May 14, 2002 were reviewed. Brad asked amendments as follows:

Page 5 - Cluster Subdivision Review Packy Campbell - 3rd line

- from Elm St. and this may be a **moot** issue

- 4th line from bottom

- layout only 900' waiver & 2nd means of egress **per Planning Board poll** as being acceptable

Page 6 - 5th line

- Attorney and Engineer **are** representing Packy Campbell as he has left.

Norm asked amendment as follows:

Page 5 - Site Review continuation Craig Lancey 53 Glen St. - 3rd line after Site Review Application -

- **of 90 day extension. Craig Lancey stated he would agree to a 6-week extension in addition to the 90 days.**

Jim Horgan made motion to approve the minutes of May 14, 2002 as amended above, Kelly 2nd, all in agreement - motion carried.

- Chairman Russell asked Jim Hicks from RKG Associates, Inc. to brief the board on the Packy Campbell fiscal impact analysis contract for his proposed 60 dwelling unit residential development project. Jim introduced his associate Darren Mochrie who will be working with him. Per their contract they are here to meet with the PB and discuss specific needs the board may see in their evaluation of impacts associated with the proposed development - this is a big area. A sensitivity analysis will be done on comparisons of assessed value of existing property, building permit activity, and municipal property tax data to verify average property values associated with this type of development. We have done about 100 fiscal impact analysis studies. We base our study showing "if the entire development was to be dropped down right now, we show total impact on town (water sewer, schools, services, capital expenditures, etc.)." Our report will be in a draft form which we will bring to discuss with you before finalization which will give you a basis of revenues and expenditures over a 5-year period. Bonding issues will be included. Special education needs can't be predicted and costs for these children is different. Tax revenues as well as auto registrations and expenditure ratios after being put together will give you some analysis figures. We figure on the development coming on line all at once for value of homes - we will give you a breakdown you will understand as well as explain how figures are arrived at. Hiram asked who information would be obtained from - Jim Hicks said the Town Administrator, Police, Fire, Ambulance, Highway, Water & Sewer, Waste Disposal Dept. Heads as well as School Board Heads and Recreation Dept. Census figures on population and analysis of number of children per dwelling unit based on school age will be used using plus and minus's. Bill Tsiros mentioned the challenge with Budget Committee analysis figures. Real numbers are difficult - the school district shows a constant 3% increase. How do you establish figures? Jim Hicks said an analysis based on home sales vs. occupancy permits and new school placement. Bill Tsiros - you said this study cannot be used to establish impact fees, then what benefit is it? Jim Hicks said in the past the State has allowed negotiated impact fees - these studies have been used for this purpose. You can negotiate with the developer on site improvements (bus shelters, sidewalks, roads, etc. I would suggest you seek legal advice on impact fees development. Brad asked if they would use the 1990 census - the census shows the

number of people per household has dropped. They will use these figures and see what has been added per year since to those figures. The schools track by community, not by household. Brad asked about number of residents per household - do you use the maximum number possible? Jim Hicks - no, you want more of what is actual. In apartment buildings there are pre-school kids and parents move on to homes when they start school. More expensive homes have less school children, therefore less impact - they are more professional people with less kids. We tend to over-estimate rather than under estimate. Our study should be just a piece when you are making a decision on the impact of the project - if a development is scattered and premature - more costs may be a basis for denying a project. Brad asked when maximum build-out happens will the road being accepted by the town be an element? Jim said yes. (we can add in bonding for roads, maintenance, snow costs, etc.). Brad also asked if figures would be per household unit or just a total? Jim - we will use households but not on a household basis. We will do some sensitivity work. What if he builds 10 fewer houses - Jim said if this happens we can work through the numbers. Hiram asked if Jim went to the schools could he obtain the number of kids in a household. Jim said we could do that but it may not be reliable. A calculation based on size of house (number of bedrooms) is used. The difficulty is relating to each type of home. We will meet with the School Board. Norm asked about cost of sidewalk - work with the CEO on the sidewalk connecting to Main St. Jim explained they use standards available for this cost. Norm asked based on feedback do you know what we want? Jim said he did. We will get a draft to you (20-25 pages) to review before we meet with you and do a final piece after that. We collect information and get basic information - we have not started looking at the town yet - we need to talk with the Dept. Heads. July 5th is our contract due date but we will try and get it back to you by the end of June. Packy asked if they are done with their study analysis, there's a PB Meeting on July 9, 2002 and I would like to know that this is part of my application being received as complete. I will be looking for that July 9, 2002. I will have items a. - p. in the Cluster Subdivision Regulations dealt with and ready for this meeting. I would like the RKG study to reflect specific items listed in the Cluster Regulations as being covered as part of this study. When this study comes to the PB, I would like to know you have everything you need. Norm said this will be an aspect of concern to the town. Brad asked if when the impact study is filed, will his application be considered complete? Norm said if he has all the information required for a cluster subdivision. There was confusion because this is a small part of the Zoning Ordinance. Under the review process, I need the other components necessary. I will be limited but what I bring will meet the rules and regulations. Mr. Hicks said if you as a Planning Board want Packy to see the analysis study before the 9th, you should let him know. Norm said Paul Charron, CEO will be the contact with Packy and RKG.

Public Hearing 7:45 p. m.

- **Cluster Subdivision Review continuation by Packy Campbell/RSA Development** for Elm St./Dick Dame Lane (Tax Map R34, Lot 1-8 & U9, Lot 9), to create 60 lots on one lot. Chairman Russell stated he has an issue to discuss with the board. Two meetings ago we adjourned the meeting without setting a date for the next meeting with Packy. I reviewed the RSA Handbook 676:4 and I believe we should give them the time and place before the meeting ends. In order to get back on track we need to give abutters notice of when the meeting will be continued. I made a technical error not stating when this would be. We are obligated to re-notify abutters. We had done this before when Don MacVane was chairman and did not charge Packy. We will notify abutters at the Town's expense. Chairman Russell explained to Packy at this point we do not have a complete application so we should continue. Bill Tsiros made a motion to continue this hearing and re-notice abutters and not charge Packy Campbell, Jim 2nd, all in favor except Brad who abstained - motion carried. Fran said we needed 15 days final notification before ad is in the paper for public hearing. Packy said he was frustrated because this process has taken so long. Now I feel it is the CEO's job to interpret my application as it applies to the Zoning Ordinance. If I need a variance I will go and do that before the 7/9/02 PB Meeting. That is the CEO's job according to the State RSA's. Packy said in 5 to 6 weeks I hope to have a completed application. I have brought a copy of Paul's letter for the PB to read as a matter of record. A letter from Attorneys Donahue, Tucker & Ciandella dated May 23, 2002 is

also part of the record. I went by the cluster regulations and I don't know if the PB fully understands how it applies. My engineer will come in with what is needed and I will bring a complete application. You've taken votes on waivers and accepted my development as a cluster subdivision, now we are going ahead with a complete application. For the most part I either meet or don't meet the regulations. I have the State approval for the entrance. I still do not know if I need a variance and if not, I'd like my Special Use Permit. I also would like to know the definition of "confluence." Norm - since we've done several preliminary hearings on this, I feel you think you will have a completed application to bring to us 7/9/02. Don Rhodes, Norway Plains said if we leave the road where it is proposed above the Dames Brook, then we do need to get a variance. Paul Charron - depending what zone you are in depends whether you need a variance. Where the Dick Dame bridge crosses you need a variance because we felt it was only 45' and not the required amount of feet away. Don Rhodes - if the road stays where it is you need a variance. We will work this out with CEO, Paul Charron. Norm - if you cross the bridge and you are in a different zone, you may need to be 100'. Bill Tsiros - the options should be worked out with CEO, Paul Charron and Packy, his engineers and attorney for the 7/9/02 meeting. Norm - typically some PB members review what is in the CEO Office before the meeting. We should actually do this in our work sessions. Don Rhodes and Packy will have things in the CEO Office when needed. Packy said he was going to meet again with the Conservation Commission and also said there are other items needed to avoid further roadblocks. The density calculations were a roadblock and felt he had answered these questions. My attorney will write CEO, Paul Charron a letter. Norm said at the end of this discussion that this is an informal meeting.

- **Site Review Application by Lisa A. Sweet, Woodland Drive** (Tax Map R17, Lot 17), for proposed pet grooming business out of her existing home. Chairman Russell and the board reviewed Lisa's application and Kelly made a motion to accept the application as complete, Hiram 2nd, all in favor except Brad Anderson who abstained, motion carried. Chairman noted 2 waivers are requested (1) stamped by N. H. Surveyor and (2) Restaurants meet H&HS HEP2300. Lisa read her narrative stating she would like to start a pet grooming business from her home on Woodland Rd. The business would include bathing & clipping of pets. Hours of operation 7:00 to 5:00 Monday - Friday and estimated 6 animals per day. Parking would be her driveway which is 75' long x 20' wide with a turn into house 30'x28' wide. Customers would be staggered dropping & picking up pets. There would be no employees. Noise levels from animals should be minimum if heard at all due to the business being in the basement below ground level. No new buildings will be added for this business. After discussion Kelly made motion, Jim Horgan 2nd to waive the stamped by N. H. Surveyor - all in favor - motion carried. There is no change to the property. Bill Tsiros asked location - off Chestnut Hill Road just before Tall Pine Rd. The 2nd waiver was discussed and Lisa sent letter of waiver because it was part of the checklist even though there is no need for a pet grooming business relative to this requirement. Kelly made motion to accept the 2nd waiver, Jim 2nd. Bill Tsiros - if we waive this, we could run into problems. Change the application to state this N/A and withdraw the waiver as part of the record. The motion to waive 2nd request was also withdrawn. No comments from abutters or public. Jim asked about the driveway and Lisa explained it to him and Jim asked the CEO if he saw any problems and he didn't see any. There will be no employees and no boarding. The septic is designed for 3 bedrooms. Bill Tsiros made motion to accept the plans with the condition if you need to hire more than (1) employee not living in the home, that you come back to the Planning Board for further approval, Kelly 2nd, all in favor - motion carried.
- **Site Review Application continuation by Craig Lancey for 55 Bunker Street** (Tax Map U10, Lot 37), to add (9) housing units to existing (1) unit residence. Craig Lancey was not present. Chairman asked if we had heard from Craig and it was stated there might have been a misunderstanding of the date he was to return to the PB for this particular hearing. Chairman said we can continue but the 65-day clock is running out. Craig can request the Selectmen to come up with a decision within 40 days. Discussion followed. Jim Horgan made motion to continue this to June 11, 2002, Brad 2nd - all in favor - motion carried. Bill Tsiros

and Chairman asked CEO/Fran check with Craig and see if this was a misunderstanding because he was not present.

- **Multi-Committee Workshop May 30, 2002 7:00 p.m. at Town Hall** Chairman read from a "Summary of Functions of the Farmington Planning Board" he developed with board members. As a planning board it is important to make good decisions. We are the mirror of Farmington. He discussed page 242 of the RSA Handbook on developing an interim growth RSA 674:23 Growth Management; Interim Regulation which Kelly had mentioned at last meeting. Discussion followed and chairman said this is not a new idea. CEO, Paul Charron said Manny Krasner looked into it about 1 year ago. Norm said this is the form we need to follow - "Official Finding of Fact." We need to detail unusual circumstances. We are in the process of reviewing/amending the Master Plan and Zoning Ordinance. Hiram - would this go on an official ballot? Chairman - we would have to vote on it after posting (90 days). Brad said it must be done within 90 days of Town Meeting. If we post it now, we need to call a Special Meeting duly posted in order to carry to the March Town Meeting (180 days). Brad said you can't have a Special Meeting within 60 days of a Town Meeting. Bill Tsiros - how can we justify water & sewer capacity? We have to be very specific - the last time we ran into a problem with this because a report came back we were only at 50% capacity for water & sewer. Emergency services wouldn't stand up because we have volunteers. We did try to impose a 90-day moratorium 2 years ago and after review it did not go through. The finding of facts must be done in a very specific manner and must relate to what is problematic. We need to do some research into the whole situation before we proceed to make sure we can prove what we state. Paul Charron - a study on water & sewer is being done. The Dept. Heads need to come up with facts to the board. Norm - an interim ordinance sometimes allows you to establish a permanent growth ordinance. Bill said after 90 days you must have all your facts available. If you denied building permits you could be sued if you don't have all the information to back up the interim growth ordinance - get all our places covered. Paul Charron, CEO will talk to the attorney. He also suggested talking with all Dept. Heads. There are things out there which need to be reviewed. Bring this up at the Multi-Committee Meeting May 30, 2002. We are pursuing this and will do our homework. Norm feels we have unusual factors. Jim - we are working on our CIP and Master Plan and if these don't fall in line on where and how you want this town to go we are in trouble. Brad - isn't this what we're trying to do with an interim growth ordinance? Discussion followed on getting a legal opinion on what we have now. Jim - clearly define/revise the Master Plan and what we want in the CIP first or we will be in court. Develop facts and put together a package. What is our objective, you need to put what you've got in order because you will be held accountable. Brad said we need accountability and clarity. Bill Tsiros - before we stop issuing building permits, let's get our facts together and the attorney's opinion. Brad made motion to forward to the Town Attorney what we have at present on the "Interim Growth Ordinance" and find out what more is required in order to enact a supportable interim ordinance - all in favor except Jim Horgan who is opposed., motion carried.
- **William Cameron property, IWO Telecommunications Tower Site, off Rte.11** - CEO, Paul Charron asked the PB members about a problem with the gate requested by the PB at the July 10, 2001 meeting. Michael Crowley owns the front property of this access easement and keeps taking the gate down as he doesn't want it there. This is also the access easement to reach the Cameron property. Discussion followed on how to rectify this situation. Paul said we could send a letter to Mr. Crowley and all parties concerned. Mr. Crowley could assume liability and responsibility by not allowing the gate. The problem is there is nothing in the easement about a structure (gate). Bill Tsiros - if Michael Crowley accepts responsibility in writing (we can send him a certified mail letter) we can add this to the file. If he refuses, IWO should come back to the PB to adjust the decision with regard to the gate as a condition of approval last July. The problem seemed to arise when Michael Crowley decided to list his property for sale. Mr. Crowley was notified as an abutter when this came to the PB last July and he did not come to the meeting.

- **CIP Committee Schedule of Meetings** - Hiram Watson presented a schedule of the "Capital Improvement Program Committee." The first meeting will be Thursday, June 6, 2002 from 7:00 - 10:00 p.m. here at the Courthouse. Hiram said capital improvements will be in final form for this meeting. Currently there are 8 members. Jim mentioned making sure you take into consideration the Library, Recreation, Welfare, etc.. Norm mentioned you can put in capital expenditures up to 10 years instead of 6 years. Hiram said he would like to see an inventory of what department heads request.
- **Subcommittee to Review Master Plan & Zoning Ordinance** - Chairman said a subcommittee had been proposed for this purpose. Members will be Brad Anderson, Kelly Parlman, Paul Parker, Norm Russell, Ernie Creveling and Craig Lancey. Meetings will be public. Kelly motioned that we establish this subcommittee, Brad 2nd, all in favor - motion carried. Bill Tsiros said to be sure all aspects are represented and carried on by this subcommittee. I would encourage others to participate. I will make my presence known but not as a member of the committee. The goal is to provide ample notification to the public. We need to establish a meeting time and place. At the initial meeting we will see if there are members of the public who wish to participate on the subcommittee or as members of the public. It would be a good idea to work up a "press release" on this subcommittee being formed. Kelly suggested meeting the 1st & 3rd Tuesdays from 7:00 p.m. - 9:00 p.m. starting June 18th. Fran thought this might be a good time and will check with Lynn to make sure nothing else is scheduled at that time. The Subcommittee will choose a chairperson at the first meeting. Norm will chair the meeting until chairperson is elected by the subcommittee. He does not want to chair these meetings but will participate.
- With no further business to discuss, Bill Tsiros made motion to adjourn at 9:45 p.m., Hiram 2nd, all in favor - motion carried. Minutes recorded by Fran Osborne. Taped transcript available in Code Enforcement Office.

APPROVED

Norman Russell, Chairman
Planning Board
Town of Farmington

Date