

**PLANNING BOARD MEETING
TUESDAY, AUGUST 13, 2002
37 NORTH MAIN STREET**

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

Selectmens Rep: John Fitch

Staff Present: Paul Charron (CEO), Fran Osborne, Secretary

Public Present: Jane & John Wingate, Chris Jacobs (Crown Point Surveying & Eng.), Jim Langis, Gary & Joyce White, Randy & Jeannette Smith, Attorney Jim Shannon, Michael Currier, George Szirbik, Palma Cardinal, Packy Campbell, Don Rhodes (Norway Plains Surveying & Eng.), Margaret Russell (ZBA)

- Chairman Russell seated Bill Tsiros for Kelly Parlman and Marty Chagnon for vacant seat.
- Chairman asked board members if minutes of July 23, 2002 were reviewed. After discussion, Jim Horgan made motion to approve as presented, Hiram 2nd, Troy, Bill and Marty abstained – motion carried (Hiram, John, Jim & Norm – yes).
- Chairman asked board members if they had reviewed the latest 7/23/02 RKG “Fiscal Impact Analysis of a Proposed 60-Unit Residential Development in Farmington, NH. Norm went over calculated issues (1,800’ sidewalk from the development entrance to Elm St., the reworked analysis for number of school children, approximate cost of special ed students (page 13 & 14), approximately \$40,000. Chairman asked for differences from the July 9th review. Copies were given to board members and the public for review. Jim mentioned the variable housing costs and this was discussed (table on page 14 which showed increase vs. decreases in the average sales price of homes.) Bill Tsiros mentioned Table 4 on page 6 – school expenditures and that Farmington is a receiver town – page 11 Table 10 explains the tax paid to the state and revenues. No board comments. Chairman opened the study to the public for questions. The tax rate in the study was questioned – this is the rate if fully built right now. Troy explained Table 13 addressed this issue. Margaret Russell – discussion on municipal expenditures - revenues – Bill explained Table 12 addresses the revenues vs. expenditures. Bill Tsiros – any new residence in Farmington has a negative figure. Chairman – revisit this for discussion and action when applicant (Packy Campbell) comes forward. I don’t know what more we could expect. Jim – it’s not what we want to see but it’s acceptable.
- Chairman made suggestion to table new business until after the public hearing.
- **Site Review Application continuation by William “Pete” Harvey for proposed Retail Store (antiques, classic cars, guns & boats) on Rte. 11 (Map R64, Lot 9)** – Chris Jacobs of Crown Point Surveying & Engineering is representing Mr. Harvey. Chairman stated the application was previously accepted as complete. Chris said I am here to address issues, comments and suggestions made by the PB at the last meeting as follows:
 - (1) granite curbing at the entrance – 50’ each entrance to define this area with slope base granite curbing.
 - (2) Number of vehicles – (5).
 - (3) Show where parking spaces would be – shown by (D) on the plan.
 - (4) Landscaping – 23 plantings added to the site at the entrance, front of building and side (azaleas, rhododendrons, etc.)
 - (5) Parking on side – 12 spaces. Handicap access will stay close to the entrance.
 - (6) Show s. f. to meet 1200 s.f. requirement by DMV. The slab and garage space would accommodate this use.

Chris said these were the issues as he understood them. No abutters were present. No discussion by the public. Jim Horgan – there are 2 existing sign posts there. Paul Charron (CEO), explained signs are grandfathered and could be re-used. Lights would be directed to the sign only. Fluorescent fixtures are in place on signs now. Hiram asked if pavement will remain in the back – the front and side area will be redone. The “new” parking in front and side of building will be paved. Discussion on lighting of signs. Paul Charron suggested lights that shine down would be appropriate as long as it doesn’t shine into the traffic flow. Chris Jacobs – when they come to get an electrical permit, the CEO will check this out. John Fitch – suggested calling State DOT. Direction of lights is important – hang from top facing down. Paving – does it come from the street entrance – Chris said from the granite curbing into the site. Chris was asked to note paving on the plan. Troy – asked about both entrances being entrances as well as exits and Chris Jacobs said they were both the same – in and out. Chairman asked if the applicant would be willing to make both entrances with only one exit on South side. Traffic confusion is a concern. Jim – put arrows on both entrances. Bill Tsiros said they have the required 100’ + distance between entrances. **Chris said given the volume of traffic on Rte. 11, he would like to see both entrances remain as is. Bill made motion to approve the Site Plan with condition that CEO makes sure the sign has lights that face down - note on plan, paint arrows on both entrances – note on plan, delineate paved parking area on plan, Jim 2nd, motion carried.**

- Cluster Subdivision Review Application by RSA Development LLC for Elm St./Dick Dame Lane (Tax Map R34, Lot 1-8 & U9, Lots 18 & 19, to create 60 units on one lot.** Jim Shannon is representing Packy Campbell along with Don Rhodes. Application was accepted as complete previously. Questions on how to proceed by Attorney Shannon. He said they have been here 9 months now and the clock is ticking. There are technical issues and there is a request for a "Special Use Permit" - need to make a decision on processing this. Discussion followed on ZBA Variance and Packy said we have a 2nd variance request before the ZBA continued to 9/5/02. I'm here before the PB for a Special Use Permit. The CEO had a view the PB could take some action on this - the ZBA actually ruled the Special Use Permit was denied. The first variance was denied knowing I had a 2nd variance varying the dimensional requirement. This PB is charged with approving or denying my Special Use Permit. We meet the criteria per the 6 points. The ordinance says you "shall act" on this, not "you may." Chairman - we have several issues to discuss not related to the Special Use Permit. We can deal with it after the ZBA deals with the variance. My suggestion is to table the Special Use Permit. I think this is prudent action tonight. In the area of 100' of Dames Brook you cannot obtain a Special use Permit. Packy - I would suggest you read from the ordinance, not guess at it. Chairman - you are also not reading from the ordinance - you are out of order. John Fitch - give board members a copy of the Zoning Ordinance. Fran stated they all have the Zoning Ordinance in their handbooks. John Fitch suggested to table this until after the ZBA meeting on 9/5/02. Chairman asked Paul Charron (CEO), the PB can give a Special Use Permit on the Kicking Horse without a Variance. It cannot be given within 100' of Dames Brook. How you measure the 100' because of the confluence there is questionable. How the PB sees the Special Use permit is up to the board. Paul Charron - The PB needs to review the Special Use Permit according to the criteria in the Zoning Ordinance. A variance does not even enter into this decision, just the criteria for a Special Use Permit as listed in the Zoning Ordinance. Chairman - because this location is within 100' of Dames Brook - we abide by the Zoning Ordinance. Marty Chagnon - can we decide tonight or can we wait for ZBA decision? Chairman - this issue involves being closer than 100' to Dames Brook and its proximity to Kicking Horse Brook. John - is where he wants to cross within 100' of Kicking Horse Brook - it is within 40'. Bill Tsiros - where is the confluence? Chairman - the plans clearly indicate where they meet. **John Fitch - motion to table to September 10th regarding Special Use Permit until after the ZBA meeting, Jim 2nd, Mary re-cused himself - motion carried.** Chairman asked the board to resolve fiscal impact study presented by RKG. **Jim Horgan made motion to accept the RKG Fiscal Impact Study dated July 23, 2002, 2nd by Troy Robidas, motion carried.** Chairman asked for comments by the public - are sidewalk costs to be incurred by the town?

Chairman said it has not been determined at this time. Jim Horgan made motion to recess a 8:22 p.m., 2nd - all in favor. Meeting reconvened at 8:30 p.m. Discussion took place on the proposed cluster subdivision. Chairman opened meeting to the public for discussion and comments. Joyce White - the town loses \$822.00 a unit x 60 units - that's about \$49,000.00 - that seems like a lot of dollars. Chairman, yes, that does give us a picture what it does to the town. Margaret Russell - is the plan proposing to do sidewalks? Chairman - no. There is no proposal by the applicant at this time. How are kids going to get to school? Packy - we do show a sidewalk to Lone Star Ave. Chairman - it doesn't matter what it costs, it doesn't have anything to do with what we are discussing. Gary White - will Dick Dame emergency exit have a crash gate like the Winter St. one. Chairman - they did indicate some type of gate. Don Rhodes - yes, there is a gate. White's - kids use this area now. Karen Place - is it in the plan to turn this over to the town? John Fitch - any road has to meet standards and be voted on by the people at Town Meeting. Chairman - they do intend to build it to DOT standards which is better quality than town standards. There may be an issue of the town accepting this road. Jim Langis - these emergency accesses - will they be accepted for general traffic? Why not? John Fitch - Winter St. it is such a long way around, it could be knocked out. We are considering putting a metal gate back to replace the one there. The purpose is for emergency only. Jim - the emergency access is actually into the Farmington Ridge Mobile Home Park. Don Rhodes - explained where this is on the plan and that it is strictly for emergency use only. Discussion. The existing crossing is proposed to be taken out off Dick Dame Lane. The State is in favor of taking it out. Bob Place - what about the deceleration lane? Chairman - no permit issued yet - we are waiting for a town decision before going any further. Don Rhodes - needs final plan reflecting all of the work. We are waiting to see where we are with the town. This is a 30-mph speed zone because it's a built-up area there are different standards and it was determined a deceleration is not needed off Elm St. entrance by the State. Discussion. Joyce White - crash gate into Farmington Ridge dumps onto Dick Dame Lane. What can we do to make sure Dick Dame Lane is not a through way? Chairman - we need to see what is listed on the plan. It is stated on the plan that it is not a public access road. It's a reciprocating access. We want to be sure Dick Dame Lane will stay an emergency access. Karen Place - traffic study- does the town or State need to do this - I would like to see a new one done (Elm St. - hoses for study ? moved by individual she knew changed study results.) Don Rhodes - the study was done (2 weeks by State of N.H.) as well as counts Norway Plains did from 4 different sources. There are no inaccuracies that I can see. Karen Place - it's inaccurate - that's my opinion. Discussion. Bob Place - setback on corner? Don Rhodes - the site distance requirement is 400' - we are in excess of that. The state has looked at the location. Jim - site distance speed? State driveway guidelines say 400' with 40 mph speed limit. There are variables. Chair closed public portion. Board will deliberate. Jim Horgan - define crash gate, phases or progress (60 units), pedestrian traffic (reciprocating deal - the owner of the MHP has put in temporary road so I think this connection has been made). Chairman - concern about pedestrian traffic. Packy - I will leave a walkway, I'm not opposed to a locked gate. Jim Shannon - the principal of the trust owns the land. I can't imagine it would be an issue. We will see to it that a document (easement instrument) is taken into consideration - an agreement between the park owner and RSA. I would prefer pedestrian traffic here. The MHP is private property - questions private property rights. People who live there might have the right to walk through there. Jim Horgan - need memo of understanding on this issue. Discussion on Lone Star Avenue pedestrian traffic. Troy - we need to see a legal agreement. Packy - I have a verbal agreement on this with Mark Phillips (MHP). Jim Shannon - phasing? Mr. Campbell has not submitted anything on this - he intends to do his development in total. Norm - I believe initially he said he would complete this in 2 years. Discussion. Packy - I'm not adverse to phasing. Jim - I don't want to see a demolition area here. Packy - there are steps to go through. Discussion. Concern about project completion - maybe a bond can be put in place. Jim Shannon - as a general rule, once a bond is posted for infrastructure, then a developer can start selling properties. This entitles him to development of lots. Paul Charron - State law says if a bond is in place the building inspector is required to issue building permits, but it doesn't affect sale of lots. The bond is to complete the road to standards. Hiram - when roads are complete, will there be an agreement? Packy -

there would be a road agreement. Discussion on lot sizes, questioned the board defining area of lots. There would probably be a condo association (60 units on one lot). Bill Tsiros - utilities asked if utilities would be coming in from the emergency access side and Don Rhodes said it would, the power depends on the utility company - probably above ground utilities. Chairman - mentioned something was needed for sidewalk between the development entrance off Elm St. and Main St. There is potential for pedestrian traffic to Main St. Discussion on traffic. Chairman asked the board to have an engineering group oversee the infrastructure of this development. We are requiring it on other projects. Discussion. SEA Consulting is doing this at Cherub Estates. This is done at the applicant's expense. Discussed water connection - will connect the water main into Dick Dame Lane - up the emergency access and loop. Don Rhodes - we are connecting to the MHP. Chairman - the area of lots was discussed (60 units on 1 lot). Packy said he would sell units as condo units with defined property rights to limited common area with a condo association. I feel there is a problem with the Zoning Ordinance which has created a lot of problems. Chairman - there is a minimum frontage issue - 1 dwelling unit per acre. Packy - the Zoning Ordinance allows 1/2 acre lots with water and sewer, condos do not have lots. The PB has the ability to vary lot sizes, to vary minimum frontage and setbacks. We can vary lot size according to cluster regs. There has been a bias demonstrated by the town. I have asked Mr. Charron to get legal counsel on this issue. The density allows for 86 units but I'm not looking to change that. The plan shows the actual physical location for condos - I would be defining limited common area with certain defined property rights. Discussion on lot size (1/2 acre with water and sewer). Chairman - I have asked for legal opinion. Paul - we have requested it. The Zoning Ordinance says 1 dwelling unit per acre. We are still waiting a legal opinion. Paul - we've been closed 3 days and no contact has been made with Town Attorney. Packy - if the town wants to put a sidewalk in - certainly it should go on town warrant. I was interested in participating on this at first, but due to unfair costs, I do not feel like volunteering my money now. I need some decision or leniency from this board. I do not feel it my obligation to pay for a sidewalk on Elm St. Chairman - this is a necessity because of increase in pedestrian traffic. There is nothing planned for it. This is premature. Kids will likely walk to school from this development. Marty - it is not uncommon to see pedestrian traffic on Elm St. after 9:00 p.m. Discussion. We need to get an answer from legal counsel. Paul - we can continue to try. Selectmen may help. Jim suggested defining questions.

(1) Bill Tsiros asked under cluster regs, by adding water and sewer, does this change the density requirement? Norm feels it doesn't affect the density.

(2) Chairman - when a parcel (lot) is defined by metes & bounds (limited common area) it is indeed not a parcel or lot)? Chairman - there are no physical locations of homes on these lots - show them. Discussion. Packy asked for defined density areas.

Jim - list of things - do we need a consensus on sidewalk issue - development to Main St. - Jim - I don't think a sidewalk is a bad idea but not all the way down Main St. at applicant's expense. John Fitch - better Dick Dame Lane to Lone Star Ave. discussion. Troy - Elm St. to Main St. is a bit much to ask. Discussion. Hiram - Lone Star O. K. - Elm St. is a burden for developer to Main St. Around \$44,000 is needed for a sidewalk to Main St. Impact fees were discussed. Chairman - because of added pedestrian traffic, it is scattered and premature development because of sidewalk safety issue. Discussion. Bill Tsiros wait for legal counsel. Can we put this out for bid? Discussion on overseer. Packy - the road is across from Clark Hackett so it will be very visible to be done right. **Motion was made by Jim Horgan to continue this public hearing to September 10, 2002, John 2nd, motion carried.**

- **Preliminary Site Review, Palma Cardinal, Rte. 11 (Tax Map R14, Lot 11)**, a packet was presented to each board member by Palma Cardinal for review. Bill Tsiros - is this use for the applicant. Palma explained she has a purchase & sales agreement on the property. She will be removing some trees on the property and putting in a day lily farm. Hiram - asked about the driveway which is there now and parking area which is also there. Joh Fitch - it would look better than a junkyard and add beauty to the town. Jim Horgan - there is a letter designating Palma as her agent. Layout was discussed. **Jim Horgan made motion to accept the preliminary application as complete, Bill Tsiros 2nd - all in agreement.**

Chairman read from the Site Review Regs, Section 3.02. We could make a decision no further action is required because impact is minimal or refer to ZBA. **Bill Tsiros made motion to schedule a public hearing for September 10th, Jim 2nd - all in agreement. Marty suggested letting the applicant know what she needs to bring to the meeting. A narrative about pesticides, chemicals and traffic that will be generated. Bill Tsiros - the plan is O. K. as presented - no further plan is needed.**

- **George Szirbik, Initial Subdivision Review for possible Subdivision Review Application for land on Governors Road.** Troy Robidas and Norm Russell are abutters and are excused from the board. Discussion about how to handle this portion of meeting since Kelly is not present to serve as Vice Chair. John Fitch suggested to get advice from CEO. Jim Horgan - we can hear what he has to say, but no voting. Mr. Szirbik explained he would be creating 12 - 14 lots on existing frontage (2500') into 1-acre lots, 0 - 5% slopes, no wetlands involved, there is an old snowmobile trail which is no problem. He may do a boundary adjustment on the Cardinal side of the property (they will not be impacted). Material will be trucked out. I will probably need an "Intent to Excavate." Jim Horgan - plans, lot line adjustment, Earth Removal Regs are needed. **Mr. Szirbik should meet with Paul Charron, CEO and come back with required documents, continue to August 27, 2002 PB Meeting.**
- **Chairman Russell read letter addressed to the PB from Craig Lancey re: 53 Glen St. (Tax Map U10, Lot 114 - attached)** but did not read the one from the Selectmen. This was regarding engineering peer review of the Glen St. property. The CEO drafted a letter to Craig Lancey for PB Chairman. Mr. Lancey is taking issue with that. A proper course of action may be to ask the attorney for legal counsel. Plan was by a surveyor, not an engineer, author of the plan was not known or signed. **Motion was made by Jim Horgan to ask attorney to reply to Craig Lancey's letters, Troy 2nd, all in agreement - motion carried.**

APPROVED

Norman Russell, Chairman
 Planning Board

Date