

**PLANNING BOARD MEETING
TUESDAY, AUGUST 27, 2002
37 NORTH MAIN STREET**

Members Present: Hiram Watson, Norman Russell, Kelly Parlman, Troy Robidas, Brad Anderson, Marty Chagnon, Jim Horgan

Selectmen's Rep: John Fitch

Staff Present: Paul Charron & Fran Osborne

Public Present: Frank Palella, Chris Nute, Ed Mullen, John & Jane Wingate, Gary White, Margaret Russell (ZBA)

- Chairman Russell called the meeting to order at 7:00 p.m. Marty Chagnon was not seated. Brad Anderson seated for vacant seat. **Minutes of August 13, 2002 were reviewed. Jim Horgan made motion to approve minutes with correction of Marty's name, Hiram 2nd, motion carried. Brad and Kelly abstained.**

- Packages were given to each board member on items for review. Chairman asked Paul Charron about building permits on private roads. The PB must review these building permits for road requirements and then submit to the Selectmen for approval to build on a private road per newly enacted State RSA 674:4. Applicant must also sign a "Private Road Agreement and Release" that the town neither assumes responsibility for maintenance, including snow plowing, municipal services (police, fire & ambulance, transporting school children, etc.), and receipt of an approved plan by the PB. We need to develop road standards and review the process for issuing building permits for private and Class VI roads shown on the map. Jim Horgan asked about including this in the Site Review Regs. Class VI roads were clarified for Brad by CEO, Paul Charron. The same procedure is to be followed. Each permit must be reviewed individually. Paul Charron gave board members his Memo: Wetlands Buffers & Conservation Commission Recommendations. Kelly - a workshop might be in order. Chairman - review building permits for conformance with existing standards for some that are pending. Do workshop or subcommittee for development of standards for expedience of this process - perhaps a workshop. Presently received building permits will be based on current standards in place. Paul Charron - road standards need to be looked at. Road standards are in the Subdivision Regs. I think we can change the wording of the Zoning Ordinance in Section 3.10 Private Road Standards from Site Review Regulations to "Subdivision" Regulations. This was obviously an error. It was suggested we get a legal opinion on changing this wording. Paul Charron - leave that alone and do road standards. **Jim Horgan - I would move to schedule a workshop meeting to tend to pending building permits, Kelly 2nd, ask CEO to participate in an advisory capacity at these workshop meetings along with Clark Hackett. We will meet at 6:00 p.m. on September 10, 2002 to discuss this and applicants for consideration of building presently received permits - all in favor - motion carried.** John Fitch - I don't think this is for existing developments, just new. I think it is from this point on - clarify this with the town counsel. Discussion on existing properties. John - this is B.S. Jim Horgan - the road needs to be reflected on a plan and we would need to discuss this. Chris Nute asked to speak - he owns a piece of property (5.4 acres) on Dick Lane Ext. which is 50' wide with culverts, etc. He's been working with Paul Charron on trying to obtain a building permit. Chairman and Paul - we have 30 days to act on a building permit. I don't know if this is the same for Class VI and private roads. Discussion on procedure to follow (standards for private roads). John Fitch - if Chris Nute meets criteria, should we pass on it if he meets the criteria? Discussion. Norm and Kelly - look at applications for building permits at the September 10th meeting to expedite them based on present standards in place. Jim Horgan - ask CEO to find out about grand fathering private roads. Discussion. Chairman - I don't think there is any grand fathering. CEO - there is nothing existing not under this law. Chris Nute - building permits have been issued on Dick Dame Lane - I am going to have an economic loss if this doesn't go through as I have a possible sale of my property conditional on obtaining a building permit. Chairman - we will make a recommendation at the September 10th PB meeting to present to the Selectmen for their approval or denial. Discussion on public hearing noticing. Fran asked about public notice - why would this have to be a public

hearing noticing. Fran asked about public notice - why would this have to be a public hearing (maybe just public posting of it to be on the agenda)? CEO will check on this.

Public Hearing 7:45 p. m.

- **Site Review Application by Craig Lancey for 53 Glen St. (Tax Map U10, Lot 114)**, to construct 2 buildings housing a (4) unit & (3) unit on existing open space on lot. Representative for Craig Lancey (Joey Nachez) is present. New plans presented were discussed. Chairman showed changes that were asked for that have taken place and noted on the plan. Discussion on significant changes. John Fitch - my opinion is that this should be a public hearing. He has submitted plans with requested changes. CEO - town counsel feels the request for overseer on this project is not written into our regulations and we should therefore not be asking for it. The best course is to not require it if not voluntary by the applicant. Chairman - an engineering check on infrastructure can be accomplished. Brad - there seems to be a difference of opinion between the CEO and town counsel. CEO - Paul Charron stated the 90-day extension has run out. Chairman - the applicant did ask for a 90-day extension to have time to discuss with the Conservation Commission, however, we still need to act on this. Chairman closed public portion of meeting (no public input). John Fitch - is this a Class II wetlands? Brad - yes. Hiram - I see problems, but he is going to have to live with it. Chairman - what problems do you see? Hiram - water. He's not hurting anyone or destroying anything. Discussion on plan being signed by an engineer. CEO Paul Charron read excerpts from letter and that the letter does not fit the plan received by Thomas Varney (engineer). Brad - there's no revisions on these plans - who drafted it? Were they even done by a surveyor or engineer or signed? Signature seems to be the same (no difference from last to present). There's no record of revisions. Also, this plan requires a variance according to the Zoning Ordinance, Section 3.03 A Driveway Limitations, paragraph (1). Driveway access was discussed and necessary footage for driveway accesses on Class V or better road. Not shown on plan - justification for encroaching on 25' setback in the UR zone. Brad referred to the uniform setback relationship of other buildings in the area - if closer it requires a variance (Section 2.04 Table B). Subdivision Regs require 10% for dedicated open space - is this in the wetlands or where - it is not clearly delineated. You cannot tell (Section 6.06 Physical Arrangements - C. of the Site Review Regs. Parking and paving areas - storage and utility areas - dumpster is right up against Blaine St., not side or rear of yard (Site Review Regs. Section 6.06 A. and Section 2.06 Interpretation - the standards contained in this regulation shall be interpreted as minimum requirements & compliance with said minimum requirements shall in no instance obligate the PB to approve any particular application solely on that basis. "Only after the PB is fully satisfied that a proposed application is in the best interest of the Town, will the application be approved.". After review and consideration this intent is too much in accordance with the National Wetlands Inventory. We are within our rights (use too intent on lot of this nature). Troy - nothing more. Jim Horgan - plan is incomplete. Kelly - concern of lack of dates on plans - not recorded to show changes as they have happened. Jim Horgan - I could vote but not favorably. Chairman - parking spaces 18' in depth on Blaine St. don't meet the requirement of Section 6.05 Designated Parking Bays of Site Review Regs (shows perhaps 15' on the plan). Width of access is a concern. Section 3.08 Off-Street Parking of the Zoning Ordinance discussed turning distance and 6.03 Utilities - Section C. of Site Review Regs. Discussion. Chairman - accepted practice is to flare the driveway access. Brad - if we vote to deny this plan, is there no opportunity to correct this, then we must be clear if and when he does reapply, that he knows what to come in with. The letter in the file does not reflect the drawing on the detention pond (discussion). Chairman - 3 - 1 slope is shown. Brad - need a Dredge & Fill Permit if he's 3' out. Chairman - I can't tell from this drawing. Looks like more than 3 - 1 slope - that's pretty clear - more like 6 - 1 slope. Brad - contours need to be shown clearly. Current plan shows wetland encroachment and is creating greater than 3 - 1 slope (Section 6.02 Drainage Requirements - C. of the Site Review Regs). Kelly - Site Review Regs. - Section 6.01 Site Development Standards B. 4. - if an abutter is changed it should be noted on the plan (Suzette Richards). **Brad - I make a motion to deny the application for reasons noted as follows, John Fitch 2nd, all in favor of denying application based on above points - motion carried.**

- (1) latest revisions - drainage analysis done
- (2) engineer - not clear on plan
- (3) contrary to 3.03A of the Zoning Ordinance on driveways
- (4) No justification for uniform setback requirements - 4 unit too close to Glen St. (refer to Zoning Ordinance Section 2.0 Table 2.04 (B)).
- (5) Parking Section 6.06 H - no delineated area for recreation.
- (6) Section 6.06C - parking within 10' of frontage
- (7) Section 6.06 A - dumpster location (not side or rear)
- (8) Section 2.06 - Interpretation clause - too intensive a use because large of the percentage of wetlands.
- (9) Section 6.03 C - access too narrow to parking areas.
- (10) Section 6.02 C - creates greater than 3 - 1 slope.
- (11) Current plan indicates wetlands encroachment in violation of state law.

- **Site Review Application continuation for 51 Bunker St. (Tax Map U10, Lot 3),** to add (7) residential housing units to existing (1) unit residence. Brad - do we need to act on this tonight? Chairman - yes we do. **Motion was made by Jim Horgan to recess 10 minutes, Kelly 2nd, all in favor - motion carried. Reconvened at 9:05 p. m.** Chairman - the PB Minutes of June 25, 2002 reflect a partial list of updates to reflect on the plan. He did this on one plan dated 7/2/02. Notations are done in red on this plan. Margaret asked about sidewalks on plan. Chairman - Craig made provision that it could be included in the future. Chairman closed public portion (no further input by public). All members reviewed the plan with changes. Discussion on size of building #1. CEO asked about accepting the plan with red pen changes. Discussion on Quonset hut. The building permit for this (garage) was reviewed along with his narrative describing intended use of the garage building which was built and approved by previous building inspector. Brad - is the Quonset hut a nonconforming structure as it sets there? What are implications for changing or expanding the structure? Chairman - the structure is not nonconforming. Brad - is he intending to use this building for off-site uses? Chairman read definition of "nonconforming use" - a use that is not permitted in the base zoning district or overlay district in which it is located. Discussion. Definition of "Accessory" - a structure or use subordinate and customarily incidental to a primary structure or use on the same lot. Discussion on use right now. Chairman - should be based on use now. Brad - if its nonconforming right now, its pertinent. A Site Review should have been conducted. Kelly - if its not in the "Table of Permitted Uses," its nonconforming. Chairman - definition of "Warehouse" - a structure or space used primarily for the storage of goods and materials. Jim Horgan - it was defined as a garage on the building permit which was issued in good faith. Craig listed on his building permit for the garage it would be general - related to care of current rental units - care & storage of equipment & materials. John Fitch - he hasn't got an approved plan. Discussion on tabling this public hearing. Chairman - is it a commercial use not specified? Jim - mobile construction equipment questioned - if I could afford a Bobcat I would have it too. Discussion on accessory use - for example, a home occupation. We are permitting him a "use" - page 8 & 9 of the Zoning Ordinance. How much do we want him to impact the neighborhood? CEO - Table of Permitted Uses - repair is allowed in the UR District. CEO - explained he filed for a building permit in December 2001 and then came for Site Review in February 2002. Part of your Site Plan Review - he is conducting a repair service at this property. It is on this plan and can be addressed at this Site Review. **This is a valid subject matter for you to review. Jim made motion to extend meeting time to attend to this application, Kelly 2nd - all in agreement.** Brad - my feeling is this structure is intended for construction vehicles and possible tenant storage - questions intent of Quonset hut. CEO - this Quonset hut is to be used only for whatever they approve. Discussion on fact that Craig owns building/property but is not living in the building. CEO - the Quonset hut must comply with uses in criteria for home occupation (criteria only). John Fitch - he needs a place to store his equipment for his apartments. Brad - disagrees on use. Jim - you are making assumptions. Chairman - is this in scale with what he's doing? Hiram - put stipulations on use. CEO - single family home, drainage calculation for barn, etc. are not part of the revisions presented. You

can't leave out part of it (what is on the property). Discussion. The house is a nonconforming structure - less than 8' from the property line - this cannot be made more nonconforming. CEO discussed drainage calculations on "entire property." Troy questioned the retaining pond. Chairman - application was voted as complete. Drainage calculations don't address the whole lot. Jim - need applicant here to answer questions on the existing, barn, etc. Jim - continue - get Mr. Lancey here to answer questions. Hiram - dedication of open space not correct. Brad - do we want to complete this list for the applicant? Brad - I would like us to do what the applicant wants, but he is not here to address this. Impose specific limits on use of the Quonset hut and accessory buildings.

- (1) need dimensions as well as use for existing buildings & setbacks - need proposed use as well & show on plans
- (2) drainage calculations should reflect entire lot.
- (3) Driveway limitations (Zoning Ordinance Section 3.03 (A) (1) & (B) (1) & (2)
- (4) Define recreation area - question dimensions on plan submitted (Site Review Regs 6.06 H. which states 10% of the gross land area shall be set aside for recreational use.)
- (5) accessory use - define on plan
- (6) location of building 1 - ? parking spaces
- (7) storage building - ? parking spaces
- (8) doesn't meet the Zoning Ordinance requirement of driveway accesses - needs variance by ZBA to have 3 accesses
- (9) landscaping around service areas
- (10) note on plan number of units (7) and number of people (21) as stated in narrative

Jim Horgan made motion to deny the application for reasons noted above and have applicant reapply after addressing these items, John Fitch 2nd, Brad and Troy voted no - motion carried.

- John Fitch made a motion to adjourn at 10:50 p. m., Kelly 2nd - motion carried. Minutes recorded by Fran Osborne. Taped transcript available in the Code Enforcement Office, 41 South Main St.

APPROVED

Norman Russell, Chairman
 Planning Board
 Town of Farmington

Date