

**PLANNING BOARD MEETNIG
TUESDAY, SEPTEMBER 24 2002
37 North Main Street**

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

Selectmen's Rep: John Fitch

Staff Present: Paul Charron and Fran Osborne

Public Present: Janet Kalar, Gary & Joyce White, Margaret Russell & Paul Parker (ZBA), Cathy & Bob Place, Barry Elliott, Jane & John Wingate, Attorney Jim Shannon, Packy Campbell and Don Rhodes (Norway Plains Surveying)

- Chairman Russell called the meeting to order at 7:02 p. m. Marty Chagnon is seated for vacant seat. Minutes of the September 10, 2002 Workshop Meeting were reviewed. Hiram made motion to approve as presented, no discussion, Kelly and Troy abstained - motion carried. The Minutes of the regular PB meeting were reviewed. John made motion to approve as presented, Hiram 2nd, discussion - Norm Russell made one correction on page 2 - change Bill Mashburn to Bill **Vachon** - all in favor - motion carried.
- Chairman noted mail received. Fran made copies for all board members of an article on "Temporary Development Moratoria" from the State Planning News. A newsletter from SRPC was reviewed and items read by the Chairman to board members.
- Under new business - Chairman attended the Selectmen's Meeting on September 23, 2002 and requested on behalf of the PB a 90-day extension to RSA Development for Cluster Subdivision Review Application because we would be past the 65-day calendar for the next meeting. We have up to 90 days which the law allows.
Kelly - the vacant seat needs to be filled as she is going to be moving and vacating her seat. Hiram said Charlie King was interested in being on the PB. Kelly is also the Liaison from the ZBA to the PB. ZBA Chairman Paul Parker stated they will need to fill one regular and one alternate board vacancies. Discussion followed and members of the audience were asked if they might be interested in filling these vacancies. John Fitch asked how the PB could receive input on items the ZBA turns down or made aware of what is happening with relation to the two boards. Jim Horgan suggested mailing ZBA Minutes to the PB and vice versa. Discussion. Janet Kalar - you've done that before, right John. Jim made motion to recess at 7:25 p. m., Troy 2nd - meeting reconvened at 7:30 p. m.

Public Hearing 7:30 p. m.

- **Consider Adoption of Private Road Standards.** Chairman announced that the information needed to consider the private road standards had not been received from SEA Consultants. We need professional guidance in determining road standards. SEA Consultants will spell out what they are doing in a proposal - they will be taking the existing road standards, reviewing and presenting what is needed from there. The PB will see the proposal and it will be presented to the Selectmen for review and approval. Troy asked why this was needed. CEO Paul Charron explained the new state RSA law which took effect July 17, 2002 mandates this standard for private roads. John Fitch - standards are needed especially for access by emergency vehicles (fire, police, ambulance, etc.). **Jim Horgan made a motion to table "Adoption of Private Road Standards" pending information being made available for consideration of same, Kelly 2nd, motion carried.** Chairman Russell asked that this be as expeditiously as possible because of pending building permits. Barry Elliott asked what was driving the "private road standards." CEO Paul Charron stated the new RSA 674:41 which was passed must be followed. Troy asked what kind of costs for SEA Consultants are we talking? Chairman stated the 1st figure from SEA was \$9,000.00 and the newest figure of \$1,900.00 which still seems high. Hiram made suggestion SRPC (Strafford Regional Planning Commission) do this

study. CEO Paul Charron said he also talked with UNH ("T-Square" program) and SRPC but they are planners, not professional engineers.

- **Cluster Subdivision Review Application continuation by RSA Development, LLC**, for Elm St./Dick Dame Lane (Tax Map R34, Lot 1-8 and U9, Lots 18 & 19). Attorney Jim Shannon and P.E. Don Rhodes are present to represent RSA Development (Packy Campbell). Packy - we have a checklist of items to go over from the previous meeting.

***Response to RKG Fiscal Impact Study of 60-unit development** - Packy presented a "Response to Impact Statement - Analysis of Effect Upon Municipal Revenues and Expenditures" (attached). He said it is important for abutters and the PB to know this project is fiscally important. Chair asked for public response. Janet Kalar - has issue of kindergarten school children - there are about 80 kids a year, not 23 as the report states. Margaret Russell - where did the figure on the number of kids from 1997-2000 come from? Chairman - he took the building permits issued and used a formula (see attached report) to come up with the number of kids. Cathy Place - are we not considering apartment buildings in these numbers? Packy - if there were children, they were shown in the number of kids entering school. Attorney Shannon - explained the reasoning using the attached report. Janet Kalar - the number of building permits doesn't reflect the actual number of kids. Discussion. Jane Wingate asked Fran the number of building permits from 2001 and 2002 and breakdown of same. Fran said she did not know the actual breakdown just the totals (141 for 2001 and 123 to date for 2002). She did not have the actual new homes without having the figures here. Janet also questioned residential development paying its own way. Barry Elliott asked number of bedrooms in projected development. Paul Parker questioned 23 kids in 60 units. Attorney Shannon - asked if ZBA Chairman Paul Parker was here as a private citizen or as Chair of the ZBA. Mr. Parker said he was here as a member of the public. Chairman Russell closed public portion of this response to RKG Study. Board comments were entertained. Hiram asked about the 1st impact study - did Packy do it? Packy said Attorney Shannon and he did it with input from data provided by Norway Plains. John Fitch - questioned impact on fire, police, etc. What about this? We'll be lucky if we break even with the revenue coming in. Attorney Shannon responded that they did not touch the expenditures side of the RKG Study - we used the figures from RKG for the expenditure side of the analysis presented here tonight. Packy - we did include the fire, police, etc. in the study. Troy questioned Packy's rebuttal of the RKG Fiscal Impact Study. This may produce dollars for the Town in a positive effect. There are kids always coming in and out (graduating) from schools. Chairman - there are no definites. The applicant and the town benefited from the RKG study. Different ways of using data produce different results. New points of view presents potential to maximize our efforts. I'm satisfied with the RKG proposal. Packy - Farmington has 2,400 properties - a development coming all at once should cause a positive for the tax base.

*** Phasing** - Attorney Shannon asked Don Rhodes to show the Phasing Plan to board members which he explained in detail. Phase I will consist of 37 lots and will be completed over a period of 2 years. Phase II of the development will be 23 homes and will depend on the rate homes are being sold (the market) as far as completion. Drainage facilities would be completed as needed. Packy said this was an estimate. Bob Place - are these single-family homes? Margaret Russell - didn't we agree this was going to be done "bing bang"? Chairman - I think its good information he has presented for the board. Janet - who owns this property? Packy - I have a purchase & sales agreement with Mr. Phillips. Questions were raised by Janet Kalar about Back River Ventures involvement. She asked what kind of homes are being put in this development - modular or stick built. Attorney Shannon stated whatever is permitted in that zone to leave the developer the greatest amount of flexibility. Barry Elliott - asked if the developer would be opposed to more phasing. Packy - I wouldn't necessarily be. I went according to the entirety of the road. Public portion of this question closed. Board questions - Jim Horgan are you going to build houses as you develop the road? Don Rhodes - the road would be mostly built through (a pretty good portion to start with). The base course would be in before houses are sold. Packy - from experience, people like a paved road in place when they buy a home. Attorney Shannon - I would expect the road

would be paved before selling homes. John Fitch - are you going to have curbing? Don Rhodes - yes, on the upper section. Troy - will the road be completely developed to the end of the road? Packy - once I'm bonded, there will be protection for the Town to see that the road is completed. Where would 900' go to? Our plan in Phase I is that the paving will go to the crash gate. The PB can make this conditional of the applicant. Packy - it is our intention to build the road to the crash gate for Phase I. Phase I is from the crash gate to Elm St. Kelly - is it important to have a written plan of scheduling and bonding to make it easier for the PB to see what is to be followed? Attorney Shannon - the general experience is that he needs to have a meeting with the engineer or whoever it is to arrive at a cost figure for the road. The amount of the bond would then be determined taking into consideration the curbing and sidewalks. Chairman - Phase I includes the finish coat? Attorney Shannon - Phase I paving will be complete after work by heavy equipment/trucks is near completion - when 95% of homes are sold, then 2nd coat would be done. This is a line item in the bond. It will not be completed when Phase II is started, probably when the development is near completion. Chairman - provide engineering estimates of infrastructure costs. Don Rhodes stated they can include Section 4.12 Performance Bond and 4.13 Completion of Roads and Utilities of the Land Subdivision Regulations on pages 12 & 13. Packy asked when the bond would be required - at what point? Does it have to be in place to get a certificate of occupancy? Chairman - upon final plan approval, I believe. The final plan is not considered approved unless the infrastructure improvements are in place or the bond is in place. Packy - I would like to be able to start some work - I can't get financing approval. CEO Paul Charron read sections 4.12 & 4.13 of the Subdivision Regulations. Discussion. Chairman - need final plan approval. CEO Paul Charron - the PB needs to sign the plan and you need to record at Strafford Registry of Deeds. You can't sell lots until the plan is recorded. Attorney Shannon - each permit will include a time limit to tie into the bond issue. Kelly - if there's a written time table, certain things can be released as completed. Chairman - discuss infrastructure improvements being completed before approval of final plat. This led to issues with a previous development approved by the PB. Packy - I will write a formal waiver on this.

* **Sidewalks** - Packy - it is 1,800' from my development to Elm St./Main St. Packy presented pictures to highlight the drainage washout problems existing, steep banks, State right-of-way distance, etc. A sidewalk width would be most difficult to establish. There is also the Village Car Wash/Laundromat with 2 entrances where a sidewalk would impact this business. There are also apartment buildings and a vacant building which could be developed in this area. A lot of homeowners have encroached on the right-of-way. The very last page of the photos provided shows a drainage hole on Elm St. There is a home with a real estate sign - we would not touch the sign but probably would the gravel area. There are existing sidewalks at the top of Lone Star Ave. overgrown and smaller than should be and in disrepair. We don't have the budget to maintain a sidewalk. We would recommend a 4' gravel shoulder which the State would maintain. There is an existing problem which was here before my project was proposed. I can tie in my project sidewalk to the existing Lone Star Ave. sidewalk. There is existing foot traffic on Garfield St. and other small roads in this area with less traffic - they go down Lone Star and through narrower existing streets there now. To require sidewalks of me is excessive. It's unreasonable for the applicant to do off-site improvements. The Town needs to take care of the existing problems. Packy - I would go in front of Cameron's house and up the hill with the sidewalk. Karen Place - the proposal to the existing sidewalk on Lone Star Ave. is good. I think going to Main St. is not needed and is not the applicant's responsibility. Jane Wingate referred to the 8/10/02 ZBA denial of a Variance to Section 4.04 of the Zoning Ordinance. Chairman Russell stated this was not pertinent to tonight's agenda and should have been discussed under new business. Cathy Place - commented she disagrees with her daughter-in-law's opinion. None of us can direct the walking path. I don't think the small amount of sidewalk is a safety issue. Margaret - kids will still have to walk - where will they walk? Bob Place - the sidewalk should go down to Main St. If Mr. Campbell is not in this for the money, I don't see a problem. Margaret - is this sidewalk which is in disrepair, plowed? John - no. Karen Place - concerned about seeing kids coming down Lone Star Ave. hill to Elm St. - corner is dangerous and needs to be addressed. Joyce White - the store at the corner of Rte. 153 and Rte. 75 - a

lot of people will go to the store and turn right to go to the school - traffic concern. Chair asked for board comments. Hiram - feels it is a good idea for the sidewalk to Lone Star Ave. and 100' + or - up the hill. John Fitch - this year the Town has plans to extend sidewalks. The Town is putting away a number of dollars for this reason. I don't know if Elm St. is included. Troy - I agree with Hiram - Lone Star recommendation would be satisfactory and the shortest route for school kids. The corner is a blind spot though. Connect to the existing sidewalk. Kelly - I would hope the development would have sidewalks. Packy - yes, it's on the plan. Chairman - the whole public would also get use of this sidewalk as well. I wouldn't propose requiring the sidewalk on Elm St. as a conditional part of the approval from Packy. It is important that the public can get from the development into the sidewalk system. We have to look at the viable, logic thing, where it goes, and can it be plowed with sidewalk plow. This issue was discussed some time ago. The State may also have some input on this. I'm concerned about a sidewalk that can be maintained. CEO Paul Charron - what about a jogging path to the existing street system (Winter St.)? Chairman - what about Farmington Ridge MHP? Attorney Shannon - we have no discussion results yet, it is being hashed out. **Jim Horgan made motion to recess 5 minutes, Hiram 2nd - all in favor - motion carried. Meeting reconvened at 9:25 p.m.** Chairman Russell informed Attorney Shannon we would discuss this until 9:45 p.m. and continue this public hearing because we have another item on the agenda at 9:45 p.m. Attorney Shannon - was the sidewalk issue resolved before recess? Chair asked board members their input. Jim Horgan, Troy, John, Hiram and Kelly are favorable to doing the sidewalk from Lone Star Ave. and the extra 100' + or - to the right side, into the State right-of-way. John - I would like to see curbing at the corner. Attorney Shannon - this is up to the State and Town. Don Rhodes - we have the elevation data and will finish this up the hill. Chairman - I'm not sure how this sidewalk ties in. Packy - bring it around the corner to the 1st house on the right. Chairman - the sidewalk will be according to the DOT standard. Don Rhodes - we will need survey data but Lone Star Ave. will be at least 4' wide and curbed. Discussion on sidewalk and waiving the 5' requirement on Lone Star Ave. Don Rhodes - the sidewalk on the Elm St. side of development will have to be 5' wide as that is the DOT standard for a State road. **Jim Horgan - motion to accept the applicant's offer to construct a minimum 4' width sidewalk amended to include the portion of sidewalk from Elm St. to the beginning of the 1st driveway on the right on Lone Star Ave. which will be a minimum of 4' wide, John Fitch 2nd, (Norm opposed), motion carried.** Further discussion took place on the DOT and town standard of 5' for sidewalks.

***Engineering overseeing** - Attorney Shannon - CEO Paul Charron made a requirement that SEA Consultants or an outside engineering firm oversee roads, infrastructure. We would like to see the process include 3 bids in order to be a cost-effective solution. Chair asked for public comments - none were received. Board comments - Jim Horgan said he agreed they should be given the opportunity of this going out for bid. John Fitch said anything over \$1,000 goes out for bid. Jim, Hiram, John, Kelly, Troy and Norm all agree it should go out for bid.

***Deceleration Lane** - Attorney Shannon said no resolution was accomplished on this yet.

***School busing** - Attorney Shannon has not been able to talk with School Bus Coordinator yet - not addressed yet.

***Posting Bond** - Mr. Shannon would like to deal with CEO Paul Charron on what is required. Chairman - the deceleration lane on Elm St., State driveway access are issues with the final approval process. Don Rhodes - I have been in contact with the DOT District Engineer in Durham. A 4' shoulder will be paved on the development side per the engineer recommendation. My assumption is this will be favorable.

***Common Area (green space)** - Packy formally asked the board for legal counsel interpretation on this issue. I do not desire to have this end up as a condo subdivision. The option of having smaller lots does exist. Get a legal determination. Reference was made to E. Minimum Lot Dimensions in Cluster Development Regulations. The perimeter buffer would be 50' from the road. The Zoning Ordinance says you need 1/2 acre to build on. The cluster regulations are designed to give relief from this requirement. Attorney Shannon - we need an interpretation of this. John Fitch - give Packy a definition

of lot size. **Kelly made a motion to continue RSA Development Cluster Subdivision (60 Units) to October 8, 2002, Troy 2nd, no discussion, all in agreement - motion carried.**

- **Proposed Site Review Regulations amendments and fees.** Discussion on RSA 676:4 took place. Definitions were discussed and listing the RSA at the beginning of the regulation per Jim Horgan. Kelly suggested here and there throughout the regulation to list the RSA's that needed to be referenced. Jim made a motion to approve except for last sentence - failed for lack of 2nd. No public comments were received. **Kelly made motion to approve amendments as presented, Hiram 2nd, Jim Horgan opposed, motion carried.** Fran will type up new Site Review Regulations with amendments. With no further business to discuss, **John Fitch made motion to adjourn at 9:55 p. m., Jim 2nd, all in favor - motion carried.** Minutes recorded by Fran Osborne. Taped transcript available in Code Office.

APPROVED

Norman Russell, Chairman
Planning Board
Town of Farmington

Date