

PLANNING BOARD MEETING
TUESDAY, OCTOBER 8, 2002
37 N. Main Street

Members Present: Norman Russell, Hiram Watson, Jim Horgan, Kelly Parliman, Troy Robidas, Marty Chagnon, Bill Tsiros and Brad Anderson
Selectmen's Rep: John Fitch
Staff Present: Paul Charron (CEO), Fran Osborne
Public Present: Ray Hamel, Sue Hamel, Gary & Joyce White, Bob Moholland, Kyle Lefavour, Margaret Russell, Jane & John Wingate, Louise & Richard Hoage, Chet Bryant, Peter Craig, Attorney Jim Shannon (for RSA Development)

- The meeting was called to order by Chairman Russell at 7:00 p.m. Discussion on seating alternates. Bill Tsiros seated for vacant seat. Minutes of September 24, 2002 were reviewed. Troy made motion to approve minutes as presented, Jim Horgan 2nd, on page 2 - under Cluster Subdivision Review Application continuation by RSA Development, LLC - at end of paragraph, add **Marty Chagnon recused himself from the board for this hearing.** Discussion about sidewalk width from Elm St. to Lone Star Ave. - it was decided to leave the minutes as were but to keep in mind the 5' width on Lone Star Ave. All were in favor of approving minutes as above - motion carried. Bill Tsiros abstained.

- Chairman asked Hiram Watson for an update on the CIP. Hiram said he had received figures and capital improvements from Clark Hackett - Highway Dept. (new garage in 10-year plan at a cost of \$114,000), new loader for 2009 at a cost of \$190,000, new grader for 2021 at a cost of \$250,000, etc. Scott Roberge - Police Dept. requested new digital radios for each cruiser (\$2,800). John Fitch said this was discussed at the Selectmen's meeting and the possibility of leasing for 3 years and then purchasing radios for \$1.00 at end of 3 years. Right now they have 6 radios. Dale Sprague - Water Dept. - update treatment plant, close landfill. Code Enforcement - updating (sheets attached for explanation). Discussion about landfill closure by Bill Tsiros, reimbursements and dollars from testing wells. Unless things change on the landfill, it will either be a transfer station or recycling center. The radios were part of a grant. Hiram - they need more radios for each officer. Discussion on landfill. Hiram - there will be a Subcommittee Meeting Thursday night. The re-evaluation was also brought up and costs by year - \$86,000 this year, \$88,000 next year and the possibility of a regional evaluator. Brad - questioned capital improvement line items. Will the final plan show only capital improvements and not all items inclusive. Hiram has not received the school dept. figures yet - he's disappointed with them. We should have their input. Chairman - I thought they gave every indication they would help us as they are a major and large part of the CIP. Without their input we cannot enact impact fees. Could the PB make an appeal to the School Board. Should we write them a letter - right now its zero input. Barry Elliott was asked how we could get through to them to get the information requested. Jim Horgan - we've been trying to get them to voluntarily submit information for years. Bill Tsiros - it's state law that they are volunteers. They have to raise their own CIP funds. Norm will try to get in touch with them. Part of our problem is we're an SAU which includes Middleton, but we do benefit from Middleton being part of the SAU though. We would have to disassociate from the Town of Middleton. I would like to see if we can get them to cooperate. Bill Tsiros - there is a new school administration now and maybe they would work together with us as a community. Chairman Russell will put a letter together. Anything would be better than nothing. Chairman Russell at 8:00 p m. said we are late for the public hearing. Chairman - the budget for Planning/Zoning will include possible dollars for a planner. We are now late for public session. We will discuss this later after public hearing if time allows or it will be discussed at the next meeting and be put on the agenda.

Public Hearing 7:30 p. m.

• **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 is here to represent

Packy Campbell. He said engineer Don Rhodes of Norway Plains is ill and unable to attend and Packy Campbell cannot be here. Bill Tsiros is not seated for this hearing. Brad Anderson is seated in his place. The 1st issue is:

- Bonding - Attorney Shannon said there is a difference of opinion when the plat is final and when posting of the bond is needed. Completion of roads and utilities was questioned for bonding purposes. Attorney Shannon referenced RSA 674:44 Land Use Statute - Site Plan Review chapter which deals with bonding. Chairman - the plan would not be final with the bond regardless of completion. Final approval is signing by the PB Chairman and recording of the plan with Strafford Registry of Deeds. John Fitch - if Packy did 1/2 the job he'd only need 1/2 a bond - didn't Packy say that? What if he goes belly up, then the town is stuck with it. The bond should be in place before starting. Attorney Shannon - that's not what I understood. The Code Officer and Norm Russell did not come to a conclusion on this. Were we supposed to obtain 3rd party opinion. Jim Horgan - a bond should be in place before the project is started. Chairman - we could then approve the plan as completed. Attorney Shannon - I do think there is some ambiguity. He could do some of the work. A bond is 7.5% of the project cost - that's not insignificant. If he could get started on some of the improvements he could reduce his costs somewhat. I believe Mr. Charron was to get back to us. In the Zoning Ordinance, Section 4.13 might be contrary to RSA 674:44 Section IV (a) (b) most importantly (b) (attached). I just want everyone to be in agreement. I think this board shares Mr. Fitch's position. We will direct the CEO to address the bond issue. We will see if there is any flexibility. John Fitch - questioned if this is a cluster subdivision. You are required to have 1/2 acre lots for a cluster subdivision. Brad Anderson - questioned partial work on the infrastructure being partially completed or in total for bonding. They would like to partially complete this work.. Jim Shannon - what about a bond for Phase I, then Phase II, etc. Brad Anderson - questioned applicant coming back to the PB if changes take place. Jim Horgan - there are some portions of Phase I which overlap into Phase II. Chairman - asked for public input on the bonding issue. No input.
- Deceleration lane - Attorney Shannon said that's Mr. Rhodes area and he's not here to discuss that. I'm not prepared to discuss this. Jim Horgan - I thought this had been dealt with.
- Access - Attorney Shannon said that's Mr. Rhodes expertise also.
- Busing - Attorney Shannon said this has not been done.
- Green space - Mr. Shannon said this is an issue for tonight. It depends whether he does lots or condos. Attorney Shannon - its difficult for me without Mr. Rhodes - he usually does this.

A "lot size" narrative was received by the PB (attached). This is the only place in the Cluster Regs that deals with dimensions. The Cluster Regs allow more flexibility in the use of the land. This project has water and sewer, therefore 1/2 acre lots are allowed. The intention is to allow smaller lots in the downtown area. It would seem to be contrary to the purpose and intent not to allow this density in the SR zone. Is this a cluster or straight subdivision? If not, we may need a condo-type design. Discussion on deceleration lane. Don Rhodes does not have State approval yet. There is more than 400'. Chairman - CEO questioned lot sizes in the SR zone - 1/2 acre lot size allows 2 dwelling units per acre with town water and sewer availability. Brad raised the question if the Cluster Regulations were part of the Subdivision Regulations. Questions were raised on lot size as stated in the Zoning Ordinance. Chairman - the applicant believes the board has the flexibility to waive the size. Bob Place - disagrees with any flexibility for applicant. Barry Elliott - asked about allowance of units. Chairman - the 1-acre zone allows two one half acre units. They are proposing lots less than 1/2 acre. Bill Tsiros - the Cluster Regs do not address lots smaller than 1/2 acre. Where does this go from here? Chairman Russell - there may be a case for a different point of view. No public input on this. Hiram questioned lot size. Attorney Shannon - they are less than 1/2 acre. Troy -

questioned making lots smaller, flexibility may be possible on frontage. Discussion on Space & Bulk Standards. Chairman Russell - CEO and I have discussed this and we do have the flexibility to reduce setbacks and frontage. The Zoning Ordinance makes it part of the ordinance. Attorney Shannon asked to roll this to the next meeting - he said a letter was written by the CEO to Packy Campbell regarding this. Chairman - I believe there is a letter from the CEO, Paul Charron to Packy Campbell sometime in July 2002. Attorney Shannon - density calculations were discussed (attached). Attorney Shannon brought out that lots are in different zones. These density figures were provided by Don Rhodes of Norway Plains Surveying. Attorney Shannon stated the density has been dealt with in several different formats. We would add the 60 units (removing the wetlands), this allowed 65, but we would go with 60. Our understanding of the density requirement is the same as that of the Zoning Ordinance. Margaret - you are talking about three separate lots here - don't you have to combine them - "I am speaking as a citizen." Attorney Shannon - spoke regarding statements/comments made by a member of the ZBA present and that the applicant's position is he doesn't feel this is appropriate. John Wingate - corrected a number on the density calculations regarding placement of a "comma," change 22,6947.6 to **226,947.6**. Jane Wingate - how much is wetlands on this property? Attorney Shannon - Don Rhodes could explain this. The basis of 60 units took into consideration the wetlands. Brad - the Zoning Ordinance does not require this. Bob Place - I didn't hear an answer to Margaret's question. Chairman - I don't believe the applicant has to provide a plan showing 3 separate lots. He has presented his plan and that the lots would be merged. The questions arose as to what zone the lots would be in (the majority) and how does that affect the numbers. Margaret - questions on the UR and SR lots and which zone they are in and lot sizes. Bill Tsiros - we discussed only 1/2 acre requirement. Chairman Russell - the numbers say a portion is in the UR district which allows a different density calculation, so there is different criteria and he can develop it accordingly. Margaret - I thought if you combined lots you went by the largest portion in whatever district the greatest frontage portion lies (Zoning Ordinance, Section 1.14 on page 14). Discussion. Attorney Shannon - only the internal lot lines would change. Mr. Shannon addressed Jane Wingate regarding wetlands question - 13.34 acres are wetlands out of 46.7 acres. Barry Elliott - what portion of wetlands lies in the UR zone? Attorney Shannon - Don Rhodes would address this. The public portion of this question was closed by chairman. Brad Anderson - if we're being asked to accept this formula as correct, we need the correct interpretation of the Zoning Ordinance Section 1.14. Kelly - I see no reason to vote on any calculations. We have absolutely no responsibility for this as a calculation and we do not need to make any statements as such. Attorney Shannon - obviously Mr. Campbell wants to know if the board's interpretation is in agreement. He needs this for planning on the question of condos because of density requirements. Mr. Campbell's desire is for an agreement on what the formula is for calculating density, especially in a cluster design. Brad - questions the different zones and making a density calculation on the whole. Chairman - without a plan in front of me I would refer to the Zoning Ordinance space and bulk standards for each zone and what density is allowed. Discussion on Section 1.14 of the Zoning Ordinance and the largest amount of frontage. Brad - if this is a combined condo project, can you subdivide? Discussion on this. Attorney Shannon - the Zoning Ordinance Section 1.14 **LOTS SPLIT BY ZONING DISTRICT BOUNDARIES**. Where an existing lot of record falls into more than one zoning district, the following shall apply:

- (A) For lots that meet the subdivision criteria, the provisions of each district shall apply to each portion of the lot.

Attorney Shannon - this is a lot that can be subdivided. Chairman - if we are talking "what if's", obviously a lot with wetlands would go by space and bulk standards in the Zoning Ordinance. Is this understood on both sides of the table? Troy - there is a 5,000 s. f. requirement for each housing unit. Attorney Shannon - discussion on net residential density for condos. Kelly - maybe applicant needs to let us know his intentions. Attorney Shannon - the applicant is trying to take in feedback of stake holders in the project and deal with it as requested. Brad - at what point is an application changed materially? Chairman - if it's changed to condos, that may well be a substantial change. Attorney Shannon - the point about lot size was an issue at the last meeting. We have responded to uses in a pro-active response with what has been requested. Chairman - no

one said I'm right, but that's my stab at it. Attorney Shannon - lot size was an issue as well as density I have no further points to discuss. **Kelly made motion to continue this public hearing for RSA Development, LLC, for Elm St./Dick Dame Lane (Tax Map R34, Lot 1-8 and U9, Lots 18 & 19) to next meeting October 22, 2002, Jim Horgan, 2nd - all in favor, motion carried.**

- Kelly Parlman made a point of asking members of the public if they would consider being a PB alternate board member and to see Fran in the Code Enforcement Office for an application for same. **Jim Horgan made a motion to recess at 8:55, Kelly 2nd, meeting reconvened at 9:05 p. m.**

- **Preliminary Subdivision Review Application by David DeJager, d/b/a/ D. J. Trust for 6-lot subdivision on Garfield St.** David Mott from Crown Point Surveying & Engineering presented the proposed plan on this subdivision. It is actually a 6-lot subdivision if the main lot being subdivided is included. Discussion on notices to abutters stating this is a 5-lot subdivision. This is a 3 1/2 acre parcel with 25,758 s. f. of land in the UR (Urban Residential) District which requires a 1/2 acre minimum lot size where public water and sewer are supplied. There is a 75' frontage requirement, 25' front setback and 15' sides and rear setback requirement. The permitted uses include single-family homes, multi-family, 2-family and manufactured housing. Mr. Mott explained the existing barn will be on a lot separate as will the existing house which leaves 21,780 s. f. of lots with more or less 75' frontage. The existing lot to be subdivided is serviced by water & sewer lines on Garfield St. This is a pretty straightforward application. A Dept. Head Meeting October 1, 2002 was discussed (attendees were Clark Hackett, Dale Sprague, E. Creveling & Paul Charron CEO). Mr. Mott said a 2nd plan shows topography (contour lines). Fran faxed a corrected copy of the Dept. Head Meeting to surveyors and land owner. There is in the UR zone 1 dwelling unit per 1/2 acre where public water & sewer is available. The existing house has a septic system, the barn as well has a septic system (both old). There will be individual water & sewer tie-ins for the new lots. The right-of-way width was discussed with Clark Hackett (Highway Dept.) on September 17, 2002 (2 rod width from the centerline of the road). Drainage - no report is ready yet on this. There is a question of an existing driveway opposite Crowley St., an easement to obtain access to the house and barn will be created and will be kept as access to these lots only. We will use the existing driveway along the side of one lot for access to all lots. We feel we have a reasonably complete plan and would like the PB to accept the application. Chairman - the purpose of a preliminary plan is to see if it is complete. We can entertain public comments now, but before completion we need to hear from the public. What's the pleasure of the board? John Fitch & Jim Horgan - hear as many comments as possible from the public. **Kelly - made motion to extend the meeting to 10:15, Jim 2nd, John Fitch opposed, motion carried.** Chairman Russell asked for public input. Dave McGuigan - resides on Gray Ave., and is here as an abutter. I'd like to say I'm tired of the "Bronxification" of our town. I don't want to see a more populated, noisy, more traffic development. I want an area our family can enjoy - we enjoy it. I'm a little scared of the possibility of 5 lots (?6) created. It will take away what we've built and we will seriously consider moving. We don't want to live in the N. Y. Bronx. We need to get this under control as well as Elm St. We need to pressure as much as we can. I am concerned about the value of my home. My common sense says if apartments go in, our home will not be worth as much. We would like to maintain the neighborhood as it is. Chairman - you've made a number of points which will be addressed in our Zoning Ordinance. Dave McGuigan - are we looking for single residences, multi-family or mobile homes here? Dave Mott said we are not addressing what lots will be used for at this time, we are subdividing 6 lots which are controlled under the Zoning Ordinance. Brad - can Mr. McGuigan talk with the CEO. Chairman - he could. If he continues to attend meetings, his questions will be addressed. Dave McGuigan - this community could be looking at 30 units on this property. What about the road being restored? The applicant hasn't proposed what will be done, they have submitted a plan for maximum use. We will consider all options. If a single-family residence is proposed it would be required to be noted on the plan. After approval, could the applicant come and create apartment units? Chairman - applicant would have to come back for site review. The board will consider the worst case scenario. Heidi McGuigan - can I make an assumption that if the applicant meets the Zoning Ordinance

requirements, can the PB disapprove? Chairman - if they meet all present criteria, that is so, but we can request additional provisions. Brad - the ordinance allows certain provisions. If they meet the Zoning Ordinance criteria, we would likely approve the subdivision. Would driveways come off Garfield St.? Dave Mott - the existing frontage would be off Garfield St. It would be similar to other houses in the neighborhood. Bill Tsiros - would this not qualify as a major subdivision requiring sidewalks and if multi-family an increased driveway size, etc. We need to know what is being considered. Chairman - this is a major subdivision. Susanne Hamel - if the subdivision goes through, could they combine lots later for a large multi-dwelling? Chairman - to combine lots it would come before us. For multi-family it would come for Site Review. Cindy Paulin - agrees with Dave McGuigan. Elmer Crackenbacher - agrees with Cindy and Dave McGuigan. We moved here to be in a small neighborhood, not the city. We don't want to see multi-units. Public portion closed by chairman. Chairman entertained board comments. Kelly - in looking over the checklist, things need to be represented - a statement of suitability for the development. Given the nature of the land, (J.) is important. Item (N.) what about drainage calculations? Dave Mott - we are only looking for an application to be complete with modifications if necessary. The intent is to save as many trees as possible. Preliminary road profile question was raised, and a statement of work required (sidewalks, etc.). Chairman - the sidewalk issue will be addressed as we progress with the plan. John Fitch - when you bring in a plan, we want to see sidewalks, hydrants, utilities, deeding, etc. included in the plan. Visibility, types of homes is also needed. Where will homes be located (show on plan). We need to show something that will enhance the town. Hiram - these lots are ridiculous, you'd have to stand sideways to use these lots. Its crowded. I don't like the whole thing. Discussion of one dwelling unit per 5,000 s. f. of area. Some type of impact statement is needed. Hiram - I'd like to see more "square type" lots. Jim Horgan - I'd like to see more information on the plan. Brad - questioned where the sidewalk ends, the edge of the road and deeding to the town for a sidewalk. Chairman - where and how do you determine frontage in relation to abutter property lines or frontage lines? How did you determine abutter lines? Dave Mott explained we are surveying this lot only, not the entire neighborhood. Dave Mott explained the process he used, the abutting lot lines and right-of-way line. Chairman - show abutter lines better. Dave Mott - the town claims a two rod width from the centerline of the road or 33'. Brad - questioned whether the PB will accept the plan not showing the sidewalk extension. Given the concerns of abutters, there is a need to show reserve open space in the plan (up to 15% of the area), the PB can require this. This is in the Subdivision Regs. The abutters are concerned about aesthetics. We anticipate we will work with the board. My own personal preference is deeded open space. Kelly - my first question is why don't they use that existing access to access all the lots to be developed. Dave Mott - my intent tonight was to submit a plan to get the application accepted and then take it to its final stage. Abutters were notified. Chairman - this plan should address natural features that could be preserved - the hillside, trees, etc. Although we see topography, we don't see the hill as being taken into consideration. **Brad Anderson made a motion to continue this Preliminary Subdivision Review Application by David DeJager d/b/a/ D. J. Trust for 6-lot subdivision on Garfield St. to November 12, 2002, Jim Horgan 2nd, all in favor, motion carried.** There was a question of notifying applicants again because of notice stating (5) lots to be subdivided instead of (6). General consensus was that abutters were present and were given an explanation of the reasoning for 5 vs. 6 lots to be subdivided. Dave Mott asked if an opinion would be obtained from town counsel. Brad - point of order, we extended the meeting and didn't cover necessary items. Discussion on scheduling items on the agenda and who does it. We need to change our way of scheduling this. **Kelly - at 10:15 p.m. made motion to extend the meeting to 10:30, Hiram 2nd. Brad abstained. Bill Tsiros seated for John Fitch who has left.**

- **Paul Charron (CEO) has an application from First Choice Properties for Yonder Ridge Development, for a building permit on Flowing Brook Rd. (a private road) submitted by Peter Craig.** CEO stated the Road Liability Agreement for private roads has been done, Wetlands Permit completed, building permit has been filled out, septic plans for home are submitted. Will the PB allow issuance of a building permit. CEO - there are a number of homes on these roads and we approved previous building permits on these same roads. There is a Yonder Ridge Homeowners Association which maintains roads. Jim Horgan - the road

association is a problem. The agreement releases the town from any liability. You can hold the building permits. CEO has talked with the Homeowners Association which maintains the private roads and they are agreeable to meeting with the town. There are still about 24 lots available to develop at Yonder Ridge Development. Brad - notify landowners that we can't keep accepting these building permits. CEO - you can issue permits there per town counsel. Chairman - the fire, police, etc. will go to the extent of damaging town property to reach these homes if necessary in an emergency. We need to get road standards in place. Kelly - is this person waiting to move in? Peter Craig (applicant) is trying to obtain a building for a home - he bought this as a lot of record. He was not aware of any pending legislation. He has gone through the application process. Bill Tsiros - it is not appropriate to ask the applicant that. We need to make a decision at some point to have the Selectmen write a letter regarding private roads. Chairman - we need to deal with this application. **Jim Horgan made a motion to approve the application from First Choice Properties (Peter Craig) as submitted with recommendation to the Selectmen for approval, Hiram 2nd, all in agreement, motion carried.** Discussion on private road standards. **Brad made a motion to suspend processing on all building permit applications on private roads until road standards are established, effective immediately, Bill Tsiros 2nd. Vote - Hiram Watson, Troy Robidas and Jim Horgan opposed. Bill Tsiros, Norm Russell and Brad Anderson voted yes, Kelly abstained - motion failed for lack of majority vote.**

Discussion followed. Bill Tsiros said we the PB vote on it, but the Selectmen will ultimately make the final decision. Discussion. Chairman - we don't have enough time tonight to deal with what needs to be done.

- With no further business to discuss and the time running late, **Kelly made a motion to adjourn at 10:35 p. m., Bill Tsiros 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