

**TOWN OF FARMINGTON
PLANNING BOARD
Tuesday, June 21, 2011
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, Dave Kestner, Charlie Doke and Glen Demers

Board Members Absent: Cindy Snowdon

Selectmen's Representative: Charlie King (arrived at 6:15pm)

Town Staff Present: Director of Planning and Community Development Kathy Menici

Public Present: Randy Orvis, Tom Huckins, David Haycock, Norman Russell and Paul Gordon

At 6:06pm, Chairman Paul Parker opened the meeting.

BUSINESS BEFORE THE BOARD:

- **Review and Approve Meeting Minutes of June 7, 2011**

Dave Kestner motioned to approve the minutes of June 7, 2011 as amended, 2nd Charlie Doke. Motion carried with all in favor.

- **Any Other Business to Come Before the Board**

There was no other business to come before the Board except that Glen and Charlie Doke attended the OEP workshop and Charlie will forward the information he got to Kathy so she can distribute it to the other members.

Dave Kestner motioned to recess to 6:30pm, 2nd Charlie Doke. Motion carried with all in favor.

Paul called the meeting back to order at 6:30pm.

PUBLIC HEARING AT 6:30PM

CONTINUED CASES:

- There were no continued cases to be heard

NEW CASES:

- **Application for Major Subdivision By: Thomas E. and Michelle P. Huckins (Tax Map R15, Lot 7) for property located at 262 Chestnut Hill Road. The applicant proposes to subdivide the existing 50.70 acre parcel to create a 2.55-acre parcel and a 48.16 acre remainder parcel. The parcel is located in the Rural Residential (RR) Zoning District.**

Randy Orvis of Geometres Blue Hills explained the applicant has submitted an application to subdivide an existing 50.7 acre parcel into a 2.55 acre parcel and a 48.16 acre remainder parcel. The 2.55 acre parcel includes an existing single family residence; the area of the remainder parcel is in current use and will remain in current use upon approval of the subdivision. The applicant has submitted as a major subdivision to preserve the future development potential of the remainder parcel. The State Subdivision approval has been received for the application.

Kathy informed the Board that the Technical Review Committee had no concerns for the application. Paul asked if the woods road that provides access to the rear of the lot is of adequate width and Randy replied that the narrowest part is 75ft. wide.

The applicant is requesting a waiver from Section 4.08 (F) to allow partial land data (soils, topography, streams, wetlands, etc.) for just a portion of the remainder parcel. Randy stated there is a total area of uplands equal to 5.7 acres on the remainder parcel that he provided the topography for. Charlie K. asked what the parcel is that is titled "found parcel" on the plans. Randy explained that in a previous application this "found parcel" was located and added to the current use parcel Mr. Huckins owned to make it a 50 acre parcel (R15, Lot 7). Mr. Huckins stated there is no further contention on the "found parcel."

The applicant requested waivers from the following Sections; 3.01 (Initial Phase/ all subsections), 4.06 (Initial Phase/ all subsections), 4.08 (Preliminary Layout/ all subsections), 4.09 (Final Plat I and K), 7.00 (Submission Requirements for Preliminary Layout) and 8.0 (Submission Requirements for Final Plat, 10.B and C).

Charlie King motioned to grant the waivers from Sections 3.01, 4.06, and 4.08, 2nd Glen Demers. Motion carried with all in favor.

Charlie King motioned to grant the waivers from Sections 4.09, 7.00 and 8.0 as requested, 2nd Glen Demers. Motion carried with all in favor.

Dave Kestner motioned to accept the major subdivision application by Tom and Michelle Huckins (Tax Map R15, Lot 7) as substantially complete, 2nd Glen Demers. Motion carried with all in favor.

Paul opened the discussion to the public. There were no comments. Charlie King asked where it is noted that this is a rear lot subdivision and Randy replied that it is not but he can include it under the general notes. The note will read “ The purpose of this plan is to create a rear lot subdivision in accordance to the Town Of Farmington Zoning Regulation 3.04 (amended 3/2011). No further rear lot subdivisions will be allowed on either parcel.”

Kathy stated that Bonnie, from the Assessing Office, suggested that the lot that includes the existing house be numbered lot 7-1 and Randy replied there is already a lot 7-1. Kathy stated it should be Lot 7-2 then and Randy agreed that would be fine and he will reverse the numbering. Dave said that a note needs to be added to include that the utility access should be created because the pole line goes to the existing home and the potential exists that a future development might have their utilities come from pole 2 and therefore “common access to the utilities” should be included. Randy will add this to the plans and Mr. Huckins agreed this would be acceptable. Paul closed the public hearing.

Charlie King motioned to approve the major subdivision application by Thomas E. and Michelle P. Huckins (tax map R15, Lot 7) with the following conditions; 1. Monumentation to be set on the plat and in the field prior to recording, 2. Note to be added to the plan, or separate letter to be provided, certifying that the monumentation has been set, 3. The lot numbers are reversed to maintain the existing lot number on the house lot, 4. General note added to reflect this is a rear lot subdivision to be approved by the Town Planner and 5. Modification of note and easement to include joint access to the utility pole(s) along the existing utility pole line. 2nd Dave Kestner. Motion carried with all in favor.

At 7:14pm, Paul Parker motioned for a short recess, 2nd Dave Kestner. Motion carried with all in favor.

At 7:24pm the Board reconvened.

- **Application for Major Site Plan Approval By: David J. Haycock (Tax Map R-47, Lot 5) for property located at 96 Bunker Street to allow the operation of a logging company as a home business. The proposal includes storage trailers on the property, construction of a pole barn, and on-site equipment and vehicle storage. The parcel is located in the Urban Residential (UR) Zoning District.**

Randy Orvis of Geometres Blue Hills reviewed the history of the site as it was part of Mobile Home Park. Mr. Haycock would like to have a home logging business on the site with no wood processing on site. The only business on site would be the occasional parking of vehicles and

their maintenance. In the future the applicant might want to construct a pole barn in which they can do the vehicle maintenance under.

Kathy explained that the issues at hand are the lack of permits for the work that has been done thus far in the wetlands and the Code Enforcement Officer's interpretation of the wetlands and the wetlands classification on the plans. Mr. Orvis believes the wetlands are not included in the National Wetlands Inventory and they are not Class II wetlands. The Code Enforcement Officer maintains that the National Wetlands Inventory is not the only criteria used to determine Class II wetlands and that the applicant must also follow the procedure outlined in Section 4.02 (E)(3) of the Town of Farmington Zoning Ordinance. Randy stated that he believes the wetlands are Class III and the Code Enforcement Officer believes they are contiguous to the Class II wetlands by the Dames Brook, but this is not possible because there is a culvert in between and therefore they wetlands can't be contiguous. Charlie K. stated that it is his opinion that the wetlands are contiguous and the culvert was installed without the appropriate permits. Randy replied that the culvert was replaced without the proper wetland permits but the original culvert was installed before permits were required. Dave stated that he would like a third party to review the wetland classification because at the minimum the topography of the site will send the drainage to the Dane Brook.

Kathy stated that there are two issues that the Code Enforcement Officer has; 1. The contiguous wetlands and 2. The application of Section 4.02 (E)(3) in its entirety. Randy stated they are applying to the Zoning Board Adjustment regarding the Code Enforcement Officer's determination of the Zoning Ordinance with regard to the wetlands classification.

Kathy stated that work was done on the woods road and Mr. Haycock replied that no fill was brought in but it was grubbed without an application and they will be applying for an after the fact wetlands permit. Kathy also stated that if culverts were installed without the appropriate permits then they will not be grandfathered. Randy stated that when he has a complete understanding of what wetland applications he will need, he will apply for them all at the same time.

Charlie K. stated that there is adequate access to the parking without further disturbing the wetlands and he does not see the need for further wetland disturbance. Randy stated they are trying to provide a circular traffic pattern for safety reasons.

Kathy explained that the applicant was granted a Special Exception from the Zoning Board of Adjustment on February 4, 2010 to operate a logging/tree service business to be operated at 96

Bunker Street with the following conditions; 1. No operation of commercial vehicles to or from the site between 7:15pm and 8am and 2:30pm and 3:30pm following school dismissal. The intent is not to limit the Planning Board to only these hours during the site plan review. The Planning Board can expand on these hours if appropriate, but may not lessen the requirement, 2. Hours of operation of said business is Monday through Saturday only. 3. There is no wood processing or storage on site. Further Scott Hazelton, Public Works Director, stated at the Technical Review Committee Meeting on June 7, 2011, that additional road signage will be required because of the increased truck traffic. He also noted geotechnical concerns regarding the impact to the roads from the truck traffic and requested traffic and loads information from the applicant. Charlie K. reminded Randy that Scott Hazelton would like a list of all vehicles and their weight and loaded weight and what they are proposing to drive on the roads.

Paul opened the application to the public. Norman Russell stated he owns property on Bunker Street and that his renters moved out after Mr. Haycock's business began in the area because of the disturbance to the neighborhood. Mr. Russell made a formal complaint to the Code Enforcement Officer because of the noise and traffic the business created. He had requested to be notified of the ZBA hearing and was told he would be but was not, so he was unable to express his concerns. Since the ZBA hearing the business has become more tolerable, as the trucks have slowed down on the road. Mr. Russell is concerned about how disruptive this business will be to the Bunker Street neighborhood. He suggested the Board question the frequency of the traffic the business will create as to width, weight and number of vehicles.

Paul read a letter from an abutter, Marshall Gibbs, that is upset with trucks and skidders going up and down Bunker Street every day of the week including Sundays. Charlie K. asked Mr. Haycock what the width and weight of his skidders are and Mr. Haycock replied that his two skidders are under the width and weight (about 9K).

Kathy asked how the proposed pole barn will be used and Randy replied it would be used for maintenance. Kathy commented that it is being proposed with a gravel area underneath instead of a concrete slab and Mr. Haycock replied that he would install a concrete slab. Mr. Haycock then stated he will also eliminate the drive through access (circular driveway) and Randy will update the plans.

Dave asked if there is proposed fuel storage on the site and Mr. Haycock replied he has a 55 gallon drum for diesel storage and four 5 gallon jugs for diesel that stay on his trucks. He currently has four trucks and his pick-up for his business. Paul asked what street Mr. Haycock is currently using and he replied it depends what directions they are heading; they either go out

Blaine Street or down Bunker Street. Paul suggested they try using the shortest route out of Bunker Street which would be Bunker to Glen to Mount Vernon. Paul noted he was made aware of an after-school program in which children are walking home from around 5pm and Mr. Haycock agreed to limit his traffic to and from his business outside of the 4:45pm – 5:45pm time frame, as he already does with the normal to and from school limits. Dave asked how many employees work for him and Mr. Haycock replied that he has four employees plus himself.

Kathy asked if the Board wants third party review on a revised drainage report. Charlie K. stated he feels the review should be done after the Board has time to review the changes the Randy will be doing.

At 9:00pm, Charlie King motioned for a 15 minute extension, 2nd Dave Kestner. Motion carried with all in favor.

Charlie K. asked Randy if he is proposing an easement to the Town to swing through the area for winter maintenance and Randy replied yes, he will prepare such an easement. Paul stated that snow storage areas should also be depicted on the plan. The Board made the decision to wait on the third party review until after the plans have been edited and the ZBA has made their ruling on the appeal.

Charlie King motioned to continue this application to August 16, 2011, 2nd Dave Kestner. Motion carried with all in favor.

At 9:05pm, Glen Demers motioned to adjourn, 2nd Charlie Doke. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger

Recording Secretary

Chairman, Paul Parker