

**TOWN OF FARMINGTON  
PLANNING BOARD  
Tuesday, August 2, 2011  
356 Main Street, Farmington, NH**

**Board Members Present:** Paul Parker, Charlie Doke, Cindy Snowdon and Glen Demers

**Board Members Absent:** David Kestner

**Selectmen's Representative:** Charlie King

**Town Staff Present:** Director of Planning and Community Development Kathy Menici and Department Secretary Bette Anne Gallagher

**Public Present:** Neil Johnson

**At 6:00pm, Chairman Paul Parker called the meeting to order and all present stood for the Pledge of Allegiance.**

**BUSINESS BEFORE THE BOARD:**

- **Review and Approve Meeting Minutes of July 19, 2011**

A date correction was discussed and agreed upon and the spelling of a name was corrected.

*Charlie Doke motioned to approve the minutes of July 19, 2011 as amended, 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*

- *Update re: CAC International LLC – Richards Way*

Construction has started on Richards Way although it was slower than expected due to delays in the transfer of the property from Governor's Road Realty Trust to CAC International LLC. The most recent extension granted by the Board required that Phase 1 road construction be completed by September 1<sup>st</sup>. This is unlikely due to the later than anticipated start; however, substantial and active development has occurred and weather permitting there will be significant progress by September 1<sup>st</sup>.

Video tapes of the foundation have been submitted and reviewed. The contractor has made the required escrow deposit for engineering services. The Planner said she is pleased with the communication from the contractor.

FST has done three engineering inspections to date with no issues of concern noted. Kevin Gagne of FST will be providing a verbal update to the Town Planner prior to the PB meeting on August 16<sup>th</sup> and a written report for the September 6<sup>th</sup> meeting.

Cindy Snowdon noted that it was great to hear positive feedback on the project from the Planner and credited Kathy with the smoothness of the process so far.

- ***Update re: Stamatia Minimas – 498 Main Street***

Demolition is moving quickly and both the Police Department and Code Enforcement have been working with the applicant to ensure safety.

Chairman Parker said that referring to this as demolition is a little misleading because the term demolition brings to mind an entire building coming down and this is part of the building only. He felt this was more of a “deconstruction”. The top 2 floors are being removed in their entirety. The pizza shop is temporarily closed while the removal work is in process.

It has taken some time, but with the cooperation of the Planning Board the owner is now able to proceed. The downtown area will also benefit from the reconstruction of this building.

Charlie King noted that the State lifted its moratorium on sewer connections in the Village District and the Board of Selectmen was able to do so as well. The State is comfortable with the Town overseeing connections in the Village District. However, restrictions remain in place in areas other than the Village District.

- ***Continued discussion re: proposed zoning amendment for Lancelot Shores***

The Planner said this is the second draft of the proposed zoning amendment. In order to ensure that any changes in lot configuration (such as through mergers) would be included, Town Counsel was consulted and proposed the language in this draft.

Paul Parker read the proposed zoning amendment:

- A. Purpose:** Lancelot Shores is a pre-existing subdivision comprised of parcels that are non-conforming under the requirements of the Agricultural Residential zoning district. The Planning Board recognizes the hardship this creates for property owners seeking to build or remodel homes on these parcels. The Planning Board’s intent in creating this overlay district is to relieve property owners of some of this hardship, specifically with regard to the front (street) setback.

The purpose of creating this overlay district is to allow a front (street) setback that is reasonable given the size and configuration of lots within the Lancelot Shores subdivision.

The Board had no comments on this section and the Chairman continued:

- B. Standards:** All buildings and structures shall be erected, structurally altered, enlarged, or moved, and all land within the Lancelot Shores Overlay District shall be used in accordance with Table 2.01 (B) – Space and Bulk Standards – Agricultural Residential District, with the exception of the Minimum Front Setback.

The Minimum Front Setback for parcels located in the Lancelot Shores Overlay District shall be 25 feet.

Cindy Snowdon questioned what point the 25 feet would be measured from reminding the other members that they had spent a considerable amount of time discussing this at the July 19<sup>th</sup> meeting to make sure that all parcels were treated consistently.

Planner Menici read the definition of setback from the zoning ordinances. After discussion the Board agreed that a note in parenthesis would be put in Table 2.01 Space and Bulk Standards to state – also see Section 4.05). The Table will also reference that the front setback is 50 feet except in Lancelot Shores.

There was no further discussion on “B” and the Chairman read paragraph “C”:

**C. Description and Location:** The Lancelot Shores Overlay District shall include the land within sections 1,2 and 3 of the Lancelot Shore subdivision as shown on the following plans recorded at the Strafford County Registry of Deeds:

1. Plan Section I, Land of Great Northern Land Corporation in Farmington, N.H. Dated August 1965 and recorded at Pocket #9, Folder #4, Plan #3.
2. Plan Section II, Lancelot Shores, Great Northern Land Corporation, Farmington, N.H. Dated June 1966 and recorded at Pocket #9, Folder #4, Plan #3A; and
3. Plan Section III, Lancelot Shores, Great Northern Land Corporation, Farmington, N.H. Dated September 15, 1966 and recorded at Pocket #9, Folder #4, Plan #3B.

The Board asked whether the amendment as proposed would prohibit further subdivision. This was discussed at the July 19<sup>th</sup> meeting. The Planner said Town Counsel was consulted on this and advised that all other requirements of the Agricultural District will apply and this amendment is specific only to setback.

There was no additional discussion and the following motion was made:

***Cindy Snowdon motioned to accept the language as read with the amendment to Table 2.01 Space and Bulk Standards and to schedule a date certain for the Public Hearing at the Planning Board’s October 4<sup>th</sup> meeting; 2<sup>nd</sup> Charlie Doke. Motion carried.***

- ***Discussion re: proposed zoning amendment – Small Wind Turbines***

In June Planner Menici had provided the following materials to the Board as background for this first discussion on a possible zoning amendment for small wind turbines:

- NH State Statute for small wind turbines
- Publication from the US Department of Energy on small wind turbines geared toward the consumer
- OEP handout on turbines with a model ordinance
- Copy of the small wind turbine ordinance adopted by Wakefield, NH
- Additional OEP information from website

The Planner said to start it is important to have a strong understanding of the NH statute and the regulatory powers of the Planning Board. It is also important to understand how a small wind turbine is defined. Additionally, the concerns of the Planning Board members must be addressed during this discussion.

The State statute is relatively basic. The model ordinance from OEP dates from the fall of 2008 and expands on the statute. In Planner Menici's opinion there are some areas that would be difficult to enforce in a small community and there are some restrictions that don't appear to have a real benefit. She said there is a significant cost to the property owner for these systems and it is important not to over regulate.

Wind turbines are mounted on monopoles or tripods and must be 30 feet above any obstruction or tree canopy to operate properly. The height requirement in Farmington for cell towers is 20 feet above the tree canopy and Planner Menici suggested the Board should consider an increase so both requirements are consistent.

The Board discussed a number of issues on this subject including:

- Calling the systems "small" is misleading considering the upper limits specified in the State statute and more information on types of systems including specifications is necessary to make an informed decision.
- As electronics improve the units are becoming smaller and it was suggested that requirements deal with size and not wattage.
- The Town can establish requirements for lower limits taking into account those property owners that are interested in a truly small system to power an outbuilding or even their house and an outbuilding. These systems would be in the range of 3 to 5 kilowatts.
- Limiting the impact of disturbances in sight and sound. Guidelines to protect the applicant and abutters are the responsibility of the Planning Board.
- How viable is Farmington with regard to sustained wind speed. Southeast NH rates on the low end of the range, but there are areas within the Town that have sustained wind of 9.8 to 12 mph and there are systems that operate with wind speed as low as 5 to 7 mph.
- System costs are relatively expensive and would directly impact the number of installations.
- Fall zones as required under the State statute range from 75 percent to 150 percent of tower height depending upon the size of the tower. The type of abutting property is taken into account as part of the determination.
- Prohibition on signage on the towers; unreasonable and cost prohibitive requirement for underground lines; no ladder access within 8 feet of ground.
- State statute requires that if a tower is out of service for 12 months it must be put back on line or taken down. Removal must be within 3 months at the property owner's expense.

Chairman Parker said this subject can be quite confusing and suggested asking an OEP representative to come to Farmington to make a presentation to include any update on the State's position and answer questions. He also suggested that neighboring communities be invited to participate as well as being open to the public.

The Board supported this idea wholeheartedly and Cindy Snowdon thanked the Chairman for his suggestion stating that wind turbine systems are part of the future in this country and the Board needs good, clear information in order to create a zoning amendment in everyone's best interests.

Neil Johnson spoke to this subject because he has a personal interest in erecting a small wind turbine to provide power to his barn. He also knows a number of other property owners who have expressed some interest. He was deeply concerned that the Town not over regulate the smaller installations. He stated that if the Town requirements are made so restrictive that a property owner must seek relief from the ZBA it will place a financial hardship on owners. He also felt that he should not be restricted as to signage and ladder access for a tower on his private land. He was reminded that the Planning Board cannot waive State requirements but can establish regulations on lower limits in keeping with the Town's needs.

Planner Menici stated that the Planning Board is trying to balance all concerns and does not want to impose large system requirements on small systems. She said the Board is doing its due diligence through research and now by bringing in an OEP representative to address the issues.

Charlie King said that the State created a mess because the statute does not address the bottom limit for the small system "hobbyist" who is not interested in selling power back to a utility.

The Board agreed to hold an informational workshop in late September or early October. The Planner will contact OEP for available dates and then poll surrounding communities for a mutually agreeable date which will be presented to the Board for final approval. The workshop will be shown live or recorded for airing at a subsequent date.

***Charlie Doke motioned to table any further discussion on this subject to after the OEP informative session; Cindy Snowdon 2<sup>nd</sup>. Motion carried with all in favor.***

- ***Any other business to come before the Board.***

There being no further business to discuss, the following motion was made:

***At 7:40 pm, Cindy Snowdon motioned to adjourn; Charlie King 2<sup>nd</sup>. Motion carried with all in favor.***

Respectfully Submitted,  
Bette Anne Gallagher  
Department Secretary

---

Chairman, Paul Parker