

**TOWN OF FARMINGTON  
PLANNING BOARD  
Tuesday, September 6, 2011  
356 Main Street, Farmington, NH**

**Board Members Present:** David Kestner, Glen Demers, Charlie Doke

**Board Members Absent:** Paul Parker, Cindy Snowdon

**Selectmen's Representative:** Charlie King

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

**Public Present at Site Walk:** Marty Gilman, Dick Fraser, Ryan Crosbie, Jim Horgan, Randy Orvis, Dave Connelly and 2 unidentified residents

**Public Present at the Municipal Offices:** Neil Johnson

**At 6:00 pm Vice Chairman David Kestner called the meeting to order at the Pike Industries excavation site on Paulson Road - Tax Map R35 Lot7 and all parties present participated in a site walk.**

**At 6:55 pm the meeting was reconvened at the Municipal Offices and all present stood for the Pledge of Allegiance.**

**BUSINESS BEFORE THE BOARD:**

- **Review and approve Meeting Minutes of August 2, 2011 and August 16, 2011**

Due to a lack of quorum of the Board members in attendance at each of the above meetings, the following motion was made:

*Charlie King motioned to table approval of the August 2<sup>nd</sup> and August 16<sup>th</sup> minutes until the September 20<sup>th</sup> meeting, 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.*

- **Discussion regarding Housing Maintenance and Occupancy Code**

David Kestner turned the discussion over to Planner Menici.

A complaint filed regarding a downtown property was the first time that Town Counsel had dealt with the Housing Code however the CEO has frequently consulted with her about compliance issues. The CEO has expressed his concerns to the Planner about the HMOC and compliance.

The Planner explained that Town Counsel has recommended the HMOC be modified. As a Zoning Amendment, this modification can then be incorporated into the Zoning Ordinance under General Requirements.

She said that in this first draft code references and language have been updated and items not applicable due to changes in standards have been deleted. The CEO has had the heaviest hand with editing because he works with it and has had ongoing advice from Town Counsel. It was decided that when the Board has completed their recommendations, the draft will be sent to Town Counsel for review.

By incorporating the Code into the general requirements section of the Zoning Ordinance, enforcement would change from the Board to the CEO. This would allow enforcement actions to proceed more expediently and not get delayed due to the requirements for Planning Board public hearings. Complaints could be dealt with more quickly and cleanly.

The Planner also pointed out that Section XI established a Board of Housing Standards that does not appear to have been reappointed since the initial board in 1986.

Included in the discussion:

- Trash storage and disposal

On page 7 paragraphs 3, 4 and 5 had been deleted and the Board was concerned that responsibility be clearly defined as well as consideration for storage of recycles. Since the Town has no recourse against a tenant, responsibility must remain with the owner. It was suggested that if different types of properties had specific requirements that this be delineated in the Code.

Paragraphs 2 through 5 will be removed and paragraph 6 rewritten to define standards and responsibility and to clearly state the point at which trash accumulation becomes unacceptable.

- Unregistered vehicles

The Board discussed the number of unregistered motor vehicles allowed on a property and expressed their concerns that an unregistered plow truck or equipment such as tractors would be included in the definition. They did not want owners subjected to an unreasonable standard. Planner Menici said that State law allows only one unregistered vehicle and that vehicles must be stored in a garage or in a place not readily visible from a public way.

After discussion, the Board's suggestion was that paragraph 14 be tied to the State RSA (236:112 paragraph I(c)) and should state: The owner or occupant of a dwelling unit shall not store, place, abandon, or allow to accumulate more than one (1) unregistered motor vehicle of any classification or variety upon the premises. Said vehicle(s) shall be kept in an enclosed garage or in a place on the property not readily visible from a public or private way.

Planner Menici said it is important to remember that all property owners have rights, and it is the responsibility of the Board to find the middle ground, balancing the rights of each property owner.

- In Section II: add “rental” to paragraph 4 and strike paragraph 7.
- Section III was discussed at length with respect to what is already covered by the Building Code but taking into consideration older homes that do not have to comply with Code until renovation/remodeling work is done. There should also be clarification between standards for single family, duplex and multi family dwellings.

Planner Menici said she was looking for the old minutes to see what the original intent had been when this Housing Code was adopted. It was her feeling that at the time (1986) there were a lot of housing issues in Farmington such as deterioration and the number of rentals. The Code could have been an effort to improve the quality of the housing stock as well as bring them up to the current code.

There have been many changes since 1986 and much of the Housing Code is not needed and is unenforceable.

David Kestner suggested that this discussion be continued to October giving the Planner an opportunity to rework the areas already discussed as well as an opportunity for the absent members to comment. Planner Menici said that the goal is to not duplicate what is already set down in the Building Code and State Statute but to address what is not covered.

***Charlie King motioned to continue the discussion of the Housing Maintenance and Occupancy Code to the October 4<sup>th</sup> meeting; 2<sup>nd</sup> Glen Demers. David Kestner suggested the motion be modified to state: to continue the discussion of the Housing Maintenance and Occupancy Code to the October 4<sup>th</sup> meeting to allow for other comments and reworking of areas already discussed. Motion carried as amended with all in favor.***

Planner Menici asked if the Board felt it was worthwhile to rework the housing code. Charlie King said it was but it must be carefully done because if added to the Zoning Ordinance residents would have an avenue of appeal.

When all changes have been made to the housing code the draft together with the applicable minutes will be sent to Town Counsel for review.

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

*CAC International LLC – Richard’s Way*

At the August 16<sup>th</sup> meeting it was discussed that it was unlikely that Phase I would be completed by the September 1<sup>st</sup> deadline granted in February. There have been numerous weather related “no work days”. At the Board’s request, Town Counsel’s opinion was sought as to whether the Board needed to take formal action. Town Counsel did not feel formal action was required due to the amount and the consistency of work and she did not think it was the Board’s intention to either revoke the subdivision approval or take enforcement action. Town Counsel said a letter from the developer was required. This letter has been received and gives the history and due to the weather delays gives a new completion date for Phase I of September 21<sup>st</sup>. Since there has

already been a major weather event subsequent to the letter, that date will probably be an additional few days out. Additionally, Town Counsel requested a letter from FST and that letter was received today. It confirmed the weather related delays and also took into consideration the small size of the company. Planner Menici read the letter to the Board. FST stated they believed the September 21<sup>st</sup> date is a little optimistic and they will re-evaluate at the end of September.

David Kestner said no one has control over the weather and he was okay with the delay as long as the contractor continues moving forward. The Planner said the quality of work is also a factor.

Charlie King said that due to the Planning Board's February decision the Board should discuss and state for the record that in consideration of the weather delays, the progress made and the work being in accordance with FST and the Planner the completion date after September 1<sup>st</sup> is acceptable. By putting the reasons for not meeting the deadline on record, no other developer can state that they are automatically entitled to an extension.

***Charlie King motioned to continue the Richard's Way discussion to September 20<sup>th</sup> to formally address the extension and put it on record; 2<sup>nd</sup> Charlie Doke. Motion carried with all in favor.***

Planner Menici said this will be under "Other Board Business" and not require a public hearing because Town Counsel determined that no formal action by the Board was required.

*Stamatia Minimas – 498 Main Street*

The Planner informed the Board that the inconsistencies in using the commercial and residential codes on the plans discovered during a review of the final plans were being corrected and he expected to have the revised plans at the end of the week. If they are in compliance, he will issue a permit to continue with reconstruction. Currently the pizza shop on the first floor is open and the pedestrian protection is in place. The State health officer was called in by the CEO to verify that conditions at the pizza shop are acceptable and the State gave approval. The project is moving, just not as quickly as anticipated. The owner did meet the August 1<sup>st</sup> deadline to begin removal.

***At 8:02 pm Charlie King motioned to adjourn; Glen Demers 2<sup>nd</sup>. Motion carried with all in favor.***

Respectfully Submitted,  
Bette Anne Gallagher  
Department Secretary

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Vice Chairman, David Kestner