

**TOWN OF FARMINGTON
PLANNING BOARD
Tuesday, October 18, 2011
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, David Kestner, Charlie Doke, Glen Demers, 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: Christopher Berry, Steven Coppola, Robert Dieter, Dick Fraser, Daniel W. Crowley, Daniel K. Crowley, Marty Gilman, Ryan Crosbie, Neil Johnson

At 6:05 pm the meeting was called to order and all present stood for the Pledge of Allegiance.

BUSINESS BEFORE THE BOARD:

- **Review and approve Minutes of September 6, 2011 and October 4, 2011**

Charlie King motioned to approve the September 6, 2011 minutes as written; 2nd Glen Demers. Motion carried with 4 in favor and 2 abstaining.

Charlie King motioned to approve the October 4, 2011 minutes as written; 2nd Glen Demers. Motion carried with 4 in favor and 2 abstaining.

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

Letter from DOT

The Planner presented a letter from DOT that expanded the information received last month from Historic Resources regarding a future DOT project on Route 11 east of the Route 153 intersection. The DOT letter provides more detail as to location and contains nine questions for the Board to review and comment upon for the November 1st meeting. It appears from the map attached to the letter that the center turn lane will extend to the area of Farmington Family Care. The Planner was requested to follow up with the other department heads who also received the letter. Any comments or questions from them will be provided to both the Planning Board and the Board of Selectmen. David Kestner would like to know how DOT chose the stopping point.

Bradsher - Map R-14, Lots 12 & 13

Planner Menici said in April Mr. Bradsher was approved for a new 155-E permit for the above two lots that he purchased in December, 2010. At the time of the purchase, the seller – Aggregate Industries – was unable to produce a copy of the report required under RSA 155-E-2.I.d to show grandfathered status.

Subsequent to the approval Mr. Bradsher reviewed the materials provided by the seller and located a copy of the required report submitted to the Town on August 1, 1991 confirming the grandfathered status of the lots.

Planner Menici consulted Town Counsel and was advised the Board could address this by:

1. Issuing a letter to Mr. Bradsher acknowledging that the site is grandfathered based on the documentation provided and that as a result he may have greater rights than contained in his approval; or
2. With Mr. Bradsher's agreement, the Board could revoke the 155-E permit that was granted in accordance with RSA 676:4-a. Public and abutter notice would be required, but no public hearing would be necessary unless someone receiving notice requests one or the Board decides to require one.

Chairman Parker asked if Mr. Bradsher was asking for grandfathered status. The Planner responded that he was. In her discussion with Mr. Bradsher he indicated that he would accept a letter from the Board recognizing the grandfathered status, however, she will contact Mr. Bradsher for a definite decision and advise the Board of his preference at the November 1st meeting.

Discussion followed with the Planner confirming that she had verified the authenticity of the document by confirming that the individual who signed the document had been employed by the Town at that time. The document was on Town letterhead as well.

Wind Turbines

Chairman Parker asked if there was any follow up required to the OEP presentation on wind turbines. Planner Menici said this was a workshop item and the draft ordinance would be on the November 1st agenda for review.

Charlie King motioned for the Board to take a short recess and to reconvene at 6:30 pm; 2nd David Kestner. Motion carried with all in favor. At 6:32 pm the Board reconvened.

CONTINUED CASES:

Application for Excavation Permit by Pike Industries (Tax Map R35 Lot 7) for property located on Paulson Road. The parcel is located in the Suburban Residential (SR) Zoning District. Continued from September 20, 2011.

Dick Fraser reviewed for the Board that at the September 20th meeting there were some matters that needed clarification and Ryan Crosbie spoke with Scott Hazelton and Planner Menici in order to accomplish this. The information developed is included on the revised plans. He outlined the changes.

1. The interior road layout and turnaround with dimensions has been added.
2. Silt fence;
3. Repair of breach in berm is scheduled for October 19th;
4. Traffic flow in and out of site.
5. The special haul road is 15 feet wide with an 11 foot buffer from the edge to the wetlands and erosion control measures are in place. The northeast corner width is 77 feet allowing ample turnaround for the trucks.

Ryan Crosbie said line of sight and safety are the main concerns with traffic flow and his discussion with Public Works Director Scott Hazelton resulted in Director Hazelton's requirement that all traffic enter the site from Route 153 to Paulson and exit from Paulson to Route 11. Mr. Crosbie expressed his concern about how this will impact the residential area on Route 153.

Chairman Parker asked the Planner if she had any concerns. The Planner said she was comfortable with her review of the revised plans however she had discussed with Mr. Crosbie his concerns regarding Director Hazelton's route. She shared Mr. Hazelton's concerns for visibility and safety adding that her personal experience reinforces the lack of visibility.

Chairman Parker said he thought Route 11 was going to be used for both entering and exiting. Planner Menici said that was the original proposal from the applicant but after discussion this is what the Public Works Director required. The Chairman said he was concerned about the Route 153 access. Charlie Doke said the better solution is to enter and exit from Route 11 and he disagreed with Scott Hazelton's proposal.

Charlie King pointed out that this was the agreement between the Public Works Director and the applicant and it might change down the road. The Chairman said the applicant would probably like a decision tonight and Mr. King said this could be made a condition.

Cindy Snowdon said she had questions and was concerned because, although it was supposed to be available for tonight's meeting, Mr. Hazelton had not submitted his report to them. The Planner said the changes were to the exit/entrance routes and the possibility that paving might be required on the aprons as the project goes forward.

Mr. Crosbie said he had discussed standard gravel but not paving with Scott Hazelton. The Planner said that was acceptable for now but down the road that could change. David Kestner

said crushed stone or four inch aggregate is normally used for dust control. He said at the September 20th meeting Scott Hazelton's comments were to enter and leave from Route 11. The Chairman thought this was the first mention of using Route 153, but Charlie King remembered it being mentioned.

David Kestner suggested that widening the berm and allowing two-way traffic with the appropriate signage might be a workable compromise. He also asked if there was a traffic signage package for the Board to review. The Planner said that any signage would be submitted to Scott Hazelton for approval but Mr. Crosbie said signage had not been discussed with Mr. Hazelton. Mr. Kestner said the signage should include Enter, Exit, and J Brakes prohibition and would like the package presented to the Board. He said he recognized that visibility was poor, but was more comfortable with using Route 11 for both directions. Glen Demers commented that the Route 153 area was too tight for this type of truck traffic and Route 11 should be used.

The Chairman opened the public hearing. Marty Gilman spoke about his concerns with the lack of reclamation on Pike sites. However, that subject was not being discussed at this meeting and the Board resumed its deliberation.

The change in entrance and exit routes was further discussed and the Board decided that without a report from Director Hazelton explaining his change, they did not want to go against him and felt it was necessary and vital to making the correct decision that Director Hazelton be in attendance at the next meeting. This would allow the Board, the applicant and Mr. Hazelton to work out the most appropriate route.

All the members agreed that Scott Hazelton's attendance at the November 15th meeting was necessary and asked Planner Menici to arrange this. David Kestner said that the only communication they had from Mr. Hazelton was opposite to his proposal to Pike. Although the Board recognized that the applicant would like a conditional approval tonight, the Chairman said it was in everyone's best interests to continue this matter to November 15th so that Mr. Hazelton would be present for the discussion.

Additionally, the Board requested that Pike submit their signage package so there would be no further delays. The Town Engineer will be reviewing (at the applicant's expense) a detailed reclamation budget submitted by Pike to establish a dollar amount for the letter of surety and the Board would like that information prior to the next meeting.

The applicant had requested a six-year permit. Charlie King said he would like to see a three-year permit with partial reclamation in the first year on the fully excavated portions – 686 feet on the southern side and 200 feet on the rear side – and full reclamation completed in the fourth year. This would be in addition to the letter of credit. Chairman Parker said a four-year permit with full reclamation in the fifth year would be his recommendation.

Mr. Crosbie said this pit is similar to Huckins and Pike would like a permit not to exceed ten years with the ability to come back for a new permit if the excavation was not complete. He also stated they would not be opposed to reclamation starting in the spring. He said a deadline for the pit to be fully excavated was unreasonable given the uncertain economy.

Charlie King answered that the pits are not similar, that the Huckins site is backland and not adjacent to residential, town or cemetery association property.

Mr. Fraser said that the availability of gravel has become limited and if a deadline is given for this pit, the applicant will find another site. He felt it better to continue at an active site rather than shut it down and find a new site. Chairman Parker he agreed with Mr. King's position that this is a small site and an end date is reasonable.

Chairman Parker closed the public hearing and the following motion was made:

Charlie King motioned to continue the Pike application to November 15, 2011; 2nd Cindy Snowdon. Motion carried with all in favor.

Charlie King motioned for the Board to take a five minute recess and to reconvene at 7:35 pm; 2nd Charlie Doke. Motion carried with all in favor. At 7:35 pm the Board reconvened.

NEW CASES:

Application for Site Plan Review approval by: Crowley's Variety & Grill LLC, applicant, for property owned by H.A. Mapes (Tax Map U-06 Lot 89), located at 351 Main Street: To allow the installation and operation of a 500-gallon propane filling station. The parcel is located in the Village Center (VC) Zoning District.

Dan Crowley (senior) said he is proposing a propane filling station to fill propane tanks for gas grills or small heaters on the right side of the building as you face it and approximately 10 feet off pavement. Chairman Parker asked if setbacks would be met and how far off the road the installation would be. Mr. Crowley said it would be about 40 feet off the road and protected by either jersey barriers or bollards. Mr. Crowley had spoken with the Fire Chief who had submitted an email to the Board stating the Fire Department had no concerns with the installation and that the installation must be in compliance with NFPA Code 58. The Fire Chief will inspect and sign off on the installation prior to operation.

Discussion followed regarding the exact location of the property line and where the pad would be placed as well as the position of the tank on the pad. The Board said a condition of approval would be submission of a revised site plan showing the exact size and location of the concrete

pad including the location and number of bollards and set backs from the road and property lines for review by the CEO prior to start of construction. This was acceptable to the applicant.

Mr. Crowley said tanks will be filled, not replaced and will be both 20 pound and 100 pound. He said the tanks will be filled by employees as they are brought in and that Eastern provides training. He said they usually have from four to seven employees working in the store but if they are exceptionally busy, propane filling customers will wait and not leave a tank. Mr. Crowley also said all safety protocols will be in place and they are required by Eastern.

Charlie King motioned to accept the application as substantially complete; 2nd Glen Demers. Motion carried with all in favor.

Chairman Parker opened the discussion to the public.

The Board discussed the conditions they would like the applicant to meet including an accurate site plan with concrete pad, bollards, fencing, setbacks and dimensions.

Chairman Parker closed the public hearing and the following motion was made:

David Kestner motioned to approve the Site Plan Review conditional upon:

- 1. submission of a revised site plan showing the exact size and location of the concrete pad including the location and number of bollards and set backs from the road and property lines;***
- 2. approval of revised plan by the Planner and CEO;***
- 3. compliance with NFPA 58 Liquefied Petroleum Gas Code.***

Cindy Snowden 2nd. Motion carried with all in favor.

Application for Site Plan Review approval by: Coppola Physical Therapy, applicant, for property owned by Sands Brothers Construction Co. Inc. (Tax Map R-20 Lot 7), located at 395 NH Route 11: To allow a change of use from commercial office to a health services facility, including a 600-sq. ft. addition to an existing structure. The parcel is located in the Commercial Business Zoning District.

Chris Berry of Berry Surveying and Engineering made the presentation on behalf of his client, Coppola Physical Therapy. Mr. Berry said Dr. Coppola is purchasing the property from Sands Brothers and the use of the premises will be changing from retail to physical therapy and will have one doctor and one receptionist.

Mr. Berry then reviewed his letter to the Board which was included in the application packet. His points included that the property has an existing cape style structure to which they are

proposing a 20 foot by 30 foot addition which would fall within the 100 foot Class 1 buffer zone and the 100 foot limited development overlay district. There will be no encroachment into the flood zone. A handicap ramp will be added adjacent to the ADA accessible parking space. A new septic system has been proposed for the site and will be placed further away from the wetland areas than the location of the current leach field. The shorelands protection permit has been received.

No additional parking or pavement areas are proposed. However, the applicant is proposing to re-stripe the parking lot to create eight parking spaces which would be 9 feet by 18 feet except for the handicap space that would be 11 feet by 18 feet with a 5 foot no parking zone and a 21 foot aisle.

The applicant is seeking waivers for aisle width and parking space size; not to provide a full traffic study; not to provide a full drainage analysis; reduce the required buffers from the setback requirements for the proposed dumpster location.

Hours of operation for the office will be Monday to Friday from 7:00 am to 7:00 pm which is a change from the proposed hours of 8:00 am to 5:00 pm on the plan set. Saturday hours will be from 8:00 am to 5:00 pm.

No TRC was held on this application due to the size of the project but comments were solicited from both the Fire and Police Chiefs. The Police Chief had no comments, and the Fire Chief is requiring compliance with NFPA 101, The Life Safety Code Chapter 38, relating to New Business Occupancies. There is a hard-wired smoke alarm system in the building but no sprinkler system.

The Board considered the requested waivers.

1. Parking waiver

The Planner said seven spaces are required: five for each practitioner and one for each employee. The plan depicts eight spaces. Several members voiced concern over the reduced size of the proposed spaces because of the preponderance of vans and large pick up trucks driven in this area. Their concern was with the width of the spaces and it was ultimately decided that the seven spaces should be 10 feet by 18 feet with a gravel shoulder.

Charlie King motioned to grant the amended waiver request from Section 22 as follows:

- 1. Seven parking spaces at 10 feet by 18 feet;*
- 2. Handicap accessible parking space at 11 feet by 18 feet with a 5 foot aisle;*
- 3. Three foot gravel shoulder at edge of pavement nearest the road; and*

4. 21 foot two-way aisle.

2nd Cindy Snowdon. Motion carried with all in favor.

2. Full traffic analysis not required

Charlie King motioned to grant the waiver from Section 19 as requested; 2nd Cindy Snowdon. Motion carried with all in favor.

3. Full drainage analysis not required.

After discussion that the impact will be close to zero, the following motion was made:

Charlie King motioned to grant the waiver from Section 27 as requested; 2nd Cindy Snowdon. Motion carried with all in favor.

4. Reduce the required buffers from setback requirements for dumpster location.

Mr. Berry said he considers the dumpster a structure and because the location would be close to the boundary, he made a judgment call to ask for the waiver. After some discussion, the Board determined that the dumpster does not meet the definition of a structure because it is not fixed and therefore the waiver is unnecessary.

However, the Board did ask the applicant to provide landscaping as well as fencing and suggested the use of evergreens. Mr. Berry agreed to the request.

Charlie King motioned to accept the application as substantially complete – Planner Menici recommended that the site plan review application be accepted and then tabled until after the discussion on the special use permit request – 2nd Charlie Doke. Motion carried with all in favor.

Special Use Permit Request

Mr. Berry said the Special Use Permit is being requested because there is encroachment within the 100 foot setback to the Cocheco River and it is within the Limited Development Zone. He stated that construction is not prohibited but attention to best management practices is required. The proposal includes a new septic system that will return area to the buffer zone. The existing structure has one bathroom but no kitchen and the new system will be slightly larger than is required.

The special use permit requires review by the Conservation Commission as well as the public hearing by the Planning Board. The Board asked if the application could be approved contingent upon review by the Conservation Commission. Planner Menici said it could be done that way and if there were any issues, the approval could be revisited.

Due to some confusion with the application as submitted, the request for a special use permit was not discovered until after the statutory time frame for noticing the public hearing had expired. The Board discussed scheduling this as quickly as possible keeping in mind that the applicant is looking to close on the purchase of the property.

Mr. Berry requested a conditional approval for the site plan review and they would return for the hearing on the special use permit. However, Cindy Snowdon pointed out that the Board had no way of knowing how the Conservation Commission will act on the special permit and if the Planning Board approves conditionally the applicant could be moving forward with a false sense of security.

The Board agreed to act as quickly as possible in fairness to the applicant and suggested a special meeting on November 17th.

Paul Parker motioned to extend the meeting for one-half hour; 2nd David Kestner. Motion carried with all in favor.

David Kestner motioned for the Board to take a 5 minute recess at 9:00 pm; 2nd Glen Demers. Motion carried with all in favor. At 9:06 pm the Board reconvened.

After confirming the date of the next meeting for the Conservation Commission as November 16th, the Board set the special meeting for the applicant on November 17th at 6:00 pm. The dates chosen allow sufficient time for statutory requirements.

Mr. Berry was requested to make changes to the plans including screening the dumpster fence with vegetation; detail the outfall for roof runoff; details of the emergency exit including gravel pad/walkway; modifications to parking area per the waiver. Although the emergency exit will not be constructed at this time, by submitting the details now the applicant can avoid the necessity of an additional site plan review and request for a special use permit in the future. Mr. Berry agreed to the changes and stated he would deliver the revised plans to the Planner on Wednesday, October 19th so that they can be provided to the Conservation Commission within the required time frame.

The need for flood insurance was raised, but Mr. Berry said that would be determined by FEMA. Chairman Parker wondered whether a curbing barrier at the top of the parking area would be appropriate. The Board decided there was already shrubbery and nothing further would be

helpful. There will be a sign for the medical office within the allowable 50 square foot per side maximum.

Chairman Parker opened the public hearing and there being no comments, closed the public hearing.

Charlie King motioned to continue the Site Plan Review hearing to a special meeting of the Planning Board on November 17, 2011 at 6:00 pm and to refer the Request for a Special Use Permit to the Conservation Commission; 2nd Cindy Snowdon. Motion carried with all in favor.

At 9:32 pm Charlie Doke motioned to adjourn; 2nd Charlie King. Motion carried with all in favor.

Respectfully Submitted,
Bette Anne Gallagher
Department Secretary

Chairman, Paul Parker