

**TOWN OF FARMINGTON
PLANNING BOARD
Tuesday, November 15, 2011
356 Main Street, Farmington, NH**

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

Board Members Absent: David Kestner

Selectmen's Representative: Charlie King

Town Staff Present: Director of Planning and Community Development Kathy Menici, Director of Public Works Scott Hazelton and Department Secretary Bette Anne Gallagher

Public Present: Dick Fraser, Ryan Crosbie, Robert Dietel, Tom Spellman, Randy Orvis, Ray Thibodeau, Candid Arcidy

At 6:06 pm 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 November 1, 2011**

Charlie King motioned to approve the minutes as written; 2nd Glen Demers. Motion carried with three in favor and two abstaining.

- **Richard's Way Update for completion of Phase 1 – Map R01 Lots 1 and 1-1**

Planner Menici said the most recent report from FST again stated that progress is slow but continuous with ongoing weather related delays and there were no problems noted. Ray Thibodeau said there are two more days of gravel scheduled, that SW Cole will be on site on Monday, November 21st to check compaction and level and the binder course will be done on Tuesday, November 22nd.

Chairman Parker said he had stopped by the site and noted the progress that had taken place. Planner Menici said communication from the contractor with FST and herself continues to be good.

Charlie King asked if the project will be buttoned up before the winter and if erosion control would be done on the side of the road. Ray Thibodeau said the October 15th deadline for hydro seeding had been met and he is using jute matting as well. Charlie King asked about bonding and the Planner responded that she would speak to FST regarding bonding next week and would also ask about winter stabilization.

- **Update on 498 Main Street – Map U05 Lot 182**

CEO Roseberry had provided an email update on this project. Most of the work is inside the basement at this time. Planner Menici said a couple of issues had come up in the last 24 hours and the CEO is working on these. He will prepare another report for the Board as soon as he has additional information. Charlie King asked if the shell would be up prior to the arrival of winter weather. The Planner said in order for the business to stay over the winter the roof must be in place.

- **Any other business before the Board**

Planner Menici said staff had prepared a proposed 2012 meeting schedule for the Board and asked if they would like to discuss it on November 17th following the public hearing at 6:00 pm. She explained that any applications submitted for the January meeting would have a December deadline and it was important to post the new schedule. The Board agreed to add this to the November 17th agenda.

At 6:25 pm Charlie King motioned for a five minute recess; 2nd Cindy Snowdon. Motion carried with all in favor. At 6:32 the Board reconvened.

PUBLIC HEARING

CONTINUED CASES:

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 locating 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. Continued from September 20, 2011.

Randy Orvis was present to represent the applicant. Paul Parker asked if the modified engineering estimate of \$940.16 was acceptable to his client. Mr. Orvis said he had not seen it, but would present it to his client for approval.

Planner Menici confirmed that the estimate addresses the Board's requests.

Charlie King motioned to accept the latest estimate from FST in the amount of \$940.16 and request the applicant to place that sum in escrow with the Town; 2nd Charlie Doke. Motion carried with all in favor.

The Planner recommended setting a time limit for the money to be escrowed because a decision on the application was dragging out and Town Counsel had continued the Court case currently pending against the applicant regarding compliance issues. To allow sufficient time for scheduling with FST, the Planner suggested December 2nd.

Charlie King motioned that David Haycock provide funding in the amount of \$940.16 no later than December 2, 2011; 2nd Cindy Snowdon. Motion carried with all in favor.

Confirmation of funding will be an agenda item on December 6th.

Randy Orvis stated to the Board that changes to the plan were minor and that he had missed changing the plan designation from Conceptual to Site Plan Review. The pole barn will have a concrete floor as agreed and there is a note on the plan regarding placement of fuel containers on the pad. Until the barn is built, the containers will be stored outside. Scott Hazelton said secondary containment is required because the concrete pad does not meet the requirements. Mr. Orvis said the applicant will comply with EPA containment procedures.

The hours limiting heavy truck operation as set by the ZBA were added to the plan: No heavy trucks shall enter or exit between the hours of 7:15 am to 8:00 am and 2:30 pm to 3:00 pm.

Extensive discussion took place regarding turning radii. Mr. Orvis said based upon his measurements and the turning radii templates he obtained it appears that there is no problem with vehicles staying on the pavement. Charlie King pointed out that the information submitted is for vehicles with an approximately 29-foot wheel base and that this is shorter than the 35 to 40 foot vehicles that will be used. Mr. Orvis said what he used was all that was available to him. Scott Hazelton said specifications can be obtained from the vehicle manufacturers and he requested that wheel base length, width and total length for all vehicles be provided along with the turning radii specific to that vehicle.

Mr. Hazelton stated that of major concern is the weight of the vehicles as the sub base of the roads is not designed to handle the gross weights proposed on a regular basis. Charlie King pointed out that tandem vehicles and/or vehicles in tow may also be used and Scott Hazelton requested that information as well.

Charlie King said he had recently heard that the applicant has not been in compliance with the hours of operation and asked Mr. Orvis to remind his client that he must comply with the special exception for hours from the ZBA. Planner Menici said the ZBA decision was basic and the Planning Board can further restrict the vehicles and the hours of operation as they feel necessary.

The Board felt the issues of size, number and types of vehicles as well as frequency have been under discussion at numerous meetings and before they can issue a final decision, the applicant must provide complete information. In addition, Mr. Hazelton has requested a pre-construction video survey be provided to both the Board and himself. Still photos will also be taken.

The hearing was opened to the public for comment.

Mr. Hazelton asked Mr. Orvis to provide all turning radii in feet and inches not in metric measurements.

All requested information must be received no later than December 6th. Mr. Orvis agreed to the deadline.

There were no public comments and Chairman Parker closed the public hearing. He asked the Board for any further remarks. Charlie King said this application should be closed out at the December 20th meeting.

Charlie King motioned to continue the Haycock Major Site Plan application to December 20, 2011; 2nd Cindy Snowdon. Motion carried with all in favor.

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 October 18, 2011.

Chairman Parker told the Board that Planner Menici, PW Director Scott Hazelton and Ryan Crosbie from Pike met on Monday, November 14th, and asked Mr. Hazelton to summarize the meeting.

Mr. Hazelton said they discussed closing the upper entrance and using the lower entrance to enter and exit the site from NH Route 11 and stabilizing the construction entrance. He said there is significant spider cracking and suggested that Pike contact the DOT District 6 engineer and advise the number of trips anticipated so DOT can advise of any concerns they may have.

Mr. Crosbie asked for a definition of maintenance. He was advised that this would include any damage to the roadway from the conditions existing when they start as well as clean up of the debris resulting from use of the pit. Mr. Hazelton said the Town will document the existing condition of the road way and share the information with Pike and that Pike will do the same. This was acceptable to Mr. Crosbie.

Signage will be submitted to both the Town and DOT for approval. Cindy Snowdon said which way to turn must be clear.

Mr. Crosbie asked if there were no significant damage to the roadway would an overlay be necessary. Mr. Hazelton said that would be based upon observation and should be monitored by the Town and Pike and reviewed for changes and damage on a yearly basis. The portion of roadway in question was paved by Pike in 2004.

Residential vehicular use was discussed, and determined to be minimal. The requirement for the overlay will be tied to damages caused as a result of commercial vehicle use and must be attributable to Pike's actual usage. The use of a trip counter was discussed. Charlie King commented that any excessive damage to the roadway to and from the site will be apparent.

The term of the permit and reclamation were discussed.

The Board agreed that a five year permit was adequate stating that this is a small pit in a residential area that has been in operation since 2004. With the new five year permit the pit will be operating for a total of 12 years.

The immediate start of reclamation along the southwest boundary of the pit was discussed as appropriate. Mr. Crosbie questioned how reclamation would be affected if either the pit was

depleted before permit expiration or if Pike decided to apply for a new permit at the end of five years. Planner Menici said State Statute provided for reclamation within 12 months of depletion or two years of non-use. It was decided that incremental reclamation along 250 feet of the rear boundary line of the southwest portion would begin immediately and be completed in one year.

Planner Menici said the area to be reclaimed should be depicted on the revised plan. Chairman Parker asked what the amount of the bond should be. Based upon figures supplied by Pike and the area of 6.7 acres it was determined that \$25,000 would be appropriate.

Chairman Parker opened the discussion to the public.

The hours of operation previously were 6:30 to 4:30 Monday through Friday and it was acceptable to the Board for the hours to remain the same.

The public hearing was closed. After discussion the following motion was made:

Charlie King motioned to approve the Excavation Permit for Pike Industries for Tax Map R35 Lot 7 for property located on Paulson Road with the following conditions:

- 1. Reclamation surety bond in the amount of \$25,000.00 drawn on a bank doing business in New Hampshire to be submitted by Pike Industries to the Planning Department for approval;***
- 2. Pike Industries will be responsible for any additional damage from current condition of Paulson Road to and from the site up to and including shim and overlay;***
- 3. Length of Permit is five years;***
- 4. Incremental reclamation along 250 feet of the rear boundary line of the southwest portion to be completed in one year from this date;***
- 5. Reclamation surety bond may be reduced based upon submission of documentation by Pike Industries that incremental reclamation has been completed;***
- 6. Full reclamation to be completed within twelve months of the expiration of this permit or within 12 months of depletion whichever comes first;***
- 7. Close the upper entrance and use the lower entrance to enter and exit the site from NH Route 11 and construction entrance to be stabilized;***
- 8. Clear vegetation on Paulson Road to improve sightline;***
- 9. Pike Industries to provide a video survey of Paulson Road from the entrance to the pit to NH Route 11;***
- 10. Submit sign package for review and approval of the Public Works Director and NH DOT if required;***
- 11. Hours of operation will be Monday through Friday from 6:30 am to 4:30 pm;***
- 12. Pike Industries to advise NH DOT of their intent to exit onto NH Route 11, obtain input and address concerns of NH DOT, if any;***

2nd Cindy Snowdon.

Cindy Snowdon asked if road condition would be reviewed during the five years of the permit. Scott Hazelton suggested adding the following condition:

Approved by the Planning Board on December 6, 2011.

13. ***On an annual basis at the end of the excavation season at the pit, Pike Industries will contact the Public Works Director and jointly review the road condition.***

Charlie King and Cindy Snowdon accepted the friendly amendment.

Motion carried with all in favor.

At 8:23 pm Charlie Doke motioned to adjourn; 2nd Glen Demers. Motion carried with all in favor.

Respectfully Submitted,
Bette Anne Gallagher
Department Secretary

Chairman, Paul Parker