

**TOWN OF FARMINGTON
PLANNING BOARD SPECIAL MEETING
Thursday, November 17, 2011
356 Main Street, Farmington, NH**

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

Board Members Absent: 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: Daniel O'Lone, Steven Coppola and Neil Johnson

At 6:06 pm Chairman Paul Parker called the meeting to order and all present stood for the Pledge of Allegiance.

Chairman Parker stated that this was a special meeting for one applicant and suggested that the Board begin with the new case for a Special Use Permit.

PUBLIC HEARING

NEW CASES:

Application for Special Use Permit 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 the construction of a 600-sq. ft. addition to an existing structure. The proposed addition is located in the Limited Development Zone of the Waterfront Protection Overlay District.

Chairman Parker said that Charlie King had some exposure with this case outside of the Board meetings and in keeping with procedures he asked if there would be a conflict. Mr. King said he did not believe so, but would recuse himself from the discussion if the Board felt he should. After a brief discussion, the Board decided recusal would not be necessary.

The Chairman asked Planner Menici to address the application. The Planner stated that confusion was created by the agent's narrative and application identifying the area as Class 1 wetlands. A discussion with a representative from the Conservation Commission clarified that the area is not Class 1 wetlands so no variance was required.

Planner Menici said the applicant requires a Special Use Permit to allow a portion of the proposed 600 sq. ft. addition to encroach into the Limited Development Zone (LDZ) of the Waterfront Protection Overlay District. The encroachment is at the northerly corner of the

proposed addition and the maximum area of encroachment is 10 feet. The Conservation Commission reviewed the application on November 16th and provided a memo to the Board which the Planner read:

“ At the November 16, 2011 monthly meeting of the Farmington Conservation Commission, we; the Commission; met with Chris Berry of Berry Surveying & Engineering concerning applicant Coppola Physical Therapy in regards to Tax Map R20-7 (395 Rt. 11).

Upon hearing a presentation from Mr. Berry and reviewing the provided plans forwarded to us by the Planning Department; the Commission has recommended to Mr. Berry that Best Management Practices are utilized and adhered to thru-out the project.

At this time the Commission has no concerns regarding this project.”

Review of the plans for position of the septic tank revealed that the plans provided to the Board for tonight’s meeting by the applicant’s agent were different from the plans brought to the meeting by the agent. In addition, the revision dates were incorrect on both versions showing September 15, 2011. Mr. O’Lone, the representative from Berry Engineering, said he had revised the plans within the last two weeks.

David Kestner pointed out that the detail construction sheet did not contain a diagram for the proposed outflow protection. It appeared that both sections E6 and E13 were crossed out on some sets.

Planner Menici said these inconsistencies have been a problem from the beginning and the Board must have both application and plan sets correct and consistent. The professional submitting the documentation to the Board must double check for correctness as it is not the responsibility of Town staff to review each copy presented for consistency.

Mr. Kestner said that the drain will extend further into the Limited Development Zone of the Waterfront Protection Overlay District than the addition does and equipment will be working well into the 100 foot buffer zone. Best Management Practices dictate that the impact must be minimized and he suggested a smaller piece of equipment should be used.

Charlie King asked Mr. O’Lone to explain the difference between E6 and E13. Mr. O’Lone explained that E6 is used with a larger culvert of 15 to 18 inches and spreads out over a larger (20 foot) area. For this project E13 is appropriate for the smaller discharge and smaller area.

The Board asked why the plan was presented with crossed off areas – that the plan set should be specific for this project only. Mr. O’Lone said the same template is used for every project and they cross off what is not applicable. Both sections were crossed off on the agent’s plan set but some of the Board’s plan sets had only one crossed out and some had both crossed out.

The Planner said the Board needed a plan set correct and applicable only to this project. When reviewing a submission she takes the top application for review and the presumption is that all copies are exactly the same. Planner Menici stated that if the Board wants each copy reviewed page by page for consistency and completeness, she will do that but it should be at the

applicant's expense. Chairman Parker said that is the responsibility of the professional or applicant, not the Town staff.

Planner Menici said that if the Board wants to review this application, they can specify what goes on the final plan set and asked if they are comfortable working with what they have. Charlie King said the Board's copies are different from what Mr. O'Lone brought. The applicant, Mr. Coppola, suggested that the Board go through what they have for the changes that are necessary so there will be no further delay at the next meeting.

Planner Menici said the Board thought that had been done at the last meeting and they expected the agent to review the required changes and present final plans tonight.

David Kestner said the foundation drain and outflow needed to be delineated correctly on the plans including size and how it was to be built. He questioned why it extended so far from the building. Mr. O'Lone said in order for the water to exit and drain with gravity, elevation was required. David Kestner said that is why the Board asked for rip rap in the drainage area. Mr. O'Lone reminded the Board that this was not a gutter but a foundation drain. Mr. Kestner said they understood that but water would also be coming from the roofline and in view of the two 100-year rain events in back to back years, water from the roof had to be considered. He said that three to four inches of rain will infiltrate and enter the foundation drain. Best Management Practices would indicate the importance of minimizing the impact of rainwater and he felt more details were necessary.

David Kestner stated that the Board should not sign off on the Special Use Permit until they could see exactly what would be done.

Daniel O'Lone listed the requirements from the Board:

1. depiction of the foundation drain with all details including size of equipment to be used;
2. correct position of the septic tank;
3. remove all crossed out sections making all construction details applicable to this application;
4. Correct revision date and number of the revision;
5. Best Management Practices as specified in the Conservation Commission's memo and at the Board's request.

Planner Menici suggested going back to the Zoning Ordinance (Purpose and Intent) and read this to the Board. She said the applicant can meet the criteria if they submit an accurate, complete and consistent application and set of plans.

The Board discussed this as well as the requirements and whether these should be conditions of approval.

Chairman Parker opened the public hearing but there were no comments.

Charlie King asked the other Board members if they should attempt to finish with this application tonight or ask for revisions before a decision is reached. David Kestner suggested

they allow the applicant to revise and present the revisions to them in two weeks. His opinion was that even a conditional approval was not possible without the missing information.

The Planner thanked Mr. Kestner for his remarks and stated that given the inconsistencies she was not comfortable with the Board granting a conditional approval.

David Kestner said that this is not an average application but one for a special use permit and must be carefully considered. He also stated that without the correct plans enforcement by the CEO was difficult. He felt the Board should continue the application for two weeks allowing the engineering firm to do their job.

The Board members agreed with continuing the application to December 6th and Charlie King suggested they go through the Site Plan Review application as well for anything that might need to be addressed.

Planner Menici said the corrected plans must be received by Tuesday, November 22, 2011.

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

David Kestner motioned to continue the Application for Special Use Permit approval by Coppola Physical Therapy for Tax Map R-20 Lot 7 to December 6, 2011 to allow the applicant to made the changes discussed; 2nd Glen Demers. Motion carried with all in favor.

CONTINUED CASES:

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. Continued from October 18, 2011.

Planner Menici read from her memo to the Board regarding the changes requested at the October 18th meeting:

“At the October 18, 2011, the Board granted waivers requested by the application to accept the application as substantially complete.

The site plan has been revised to depict a total of seven (7) parking spaces, including one handicapped space. The dimensions of those parking spaces are now 10' x 18' (and 11' x 18' for the handicapped space), as required by the Board. The travel way in the parking lot is now depicted as 21' wide.

A six (6) foot gravel pad is now depicted off the rear of the addition to control runoff from the roof. Landscaping has been provided to screen the proposed dumpster. All issues identified by the Board during the October 18th meeting have been addressed.”

The Board discussed the gravel pad and it was suggested that it be extended around the side of the building to the access door. Planner Menici recommended that the agent speak with CEO Roseberry regarding the requirements for the gravel pad, walk and height of the gravel to the door since these must be in compliance with the Building Codes. All details must then be included on the revised plan.

David Kestner motioned to continue the Application for Site Plan Review approval by Coppola Physical Therapy for Tax Map R-20 Lot 7 to December 6, 2011 to allow the applicant to made the changes discussed and submit the revised plans by November 22, 2011; 2nd Charlie King. Motion carried with all in favor.

BUSINESS BEFORE THE BOARD:

- **Review of proposed 2012 Planning Board Meeting Schedule**

Planner Menici said staff had prepared a proposed 2012 meeting schedule for the Board. She explained that any applications submitted for the January meeting would have a December deadline and it was important to post the new schedule.

In 2011 no July workshop meeting was held due to the proximity to the July 4th holiday and after discussion, David Kestner suggested doing away with that meeting again in 2012.

Charlie Doke motioned to accept the 2012 schedule with deletion of the July 3rd workshop meeting; 2nd Glen Demers. Motion carried with all in favor.

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

None

At 7:42 pm David Kestner motioned to adjourn; 2nd Glen Demers. Motion carried with all in favor.

Respectfully Submitted,
Bette Anne Gallagher
Department Secretary

Chairman, Paul Parker