

**TOWN OF FARMINGTON
PLANNING BOARD SPECIAL MEETING
Tuesday, January 17, 2012
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, David Kestner, Charles Doke, Glen Demers, Cindy Snowdon

Selectmen's Representative: Charlie King - absent

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

Public Present: Randy Tetreault and Eben Dorr

At 6:08 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 January 3, 2012**

David Kestner motioned to approve the minutes of January 3, 2012 as amended; 2nd Glen Demers. Motion carried with three in favor and one abstaining.

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

Planner Menici said that at the last meeting the Board discussed using posters on ballot day, Town meeting day and possibly in the fall on Election Day announcing that volunteers are needed to serve on various boards in Town. The Board had agreed that this might be a good project for the after school program. The Planner spoke to Rick Conway, Director of Parks and Recreation, and he told her there are 53 children in the program but there is no way to require participation. A project is presented and those who are interested take part. Mr. Conway explained that the participants would be grouped and prizes are usually provided for not only the winner but also for the winning group and for each child participating. Additionally a certificate should be given to each participant. Guidelines for judging would need to be created as well. The Planner said it didn't seem possible to pull all this together for March.

Chairman Parker commented that this was a great idea but sometimes a simple idea can be complicated and that now that the Board knows what is required they could allow more time next year.

Cindy Snowdon suggested that the schools or the library might be able to complete this type of project more quickly and she volunteered to look into it. The Board accepted her offer. Mrs. Snowdon said she would report to the Board at the next meeting.

Charles Doke motioned to recess until 6:30 pm; 2nd David Kestner. Motion carried with all in favor. Chairman Parker reconvened the meeting at 6:33 pm.

PUBLIC HEARINGS

2nd Public Hearing on Proposed Zoning Amendment for 2012 - To add a new Section 1.08 - Housing Maintenance and Occupancy Code to identify responsibilities for property maintenance as well as minimum standards for basic equipment and facilities, lighting, ventilation and thermal standards. The proposed code also identifies requirements regarding the safe and sanitary maintenance of parts of dwellings and dwelling units, and the powers and duties of the Code Enforcement Officer as they relate to this ordinance.

Chairman Parker reminded everyone that all zoning amendments were posted on the Town's website at www.farmington.nh.us.

The Chairman read the changes approved at the last meeting to Section I, paragraphs 4, 7, 8, 9 and 10 and Section VII. He asked the Board if they felt that the entire document should be reviewed again. The Board felt this was not necessary.

Planner Menici directed the Board's attention to Section V on page 11. She said when the CEO had worked on the document, he had deleted the bulleted list, but had left the introductory and closing paragraphs; however, the section does not make much sense as it now reads because it has no substance. She explained that Town Counsel had been consulted to ascertain if the remaining two paragraphs could be deleted as a scrivener's error or if a third public hearing would be required. Town Counsel felt it would be better to hold a third public hearing if the section is deleted. The other option would be to leave the section as it stands because there is nothing in it to affect enforcement and then it could be changed next year.

After discussion, the Board agreed to leave it as is except that in the second paragraph the word "morals" should be removed as approved by motion of the Board on January 3, 2012.

There were no further comments from the Board and the Chairman opened the discussion to the public. There were no public comments or questions and Chairman Parker closed the discussion to the public.

David Kestner motioned to move forward to Town Warrant the proposed amendment to create a new Section 1.08 - Housing Maintenance and Occupancy Code; 2nd Charles Doke. Motion carried with all in favor.

Conceptual Discussion – Eben Dorr, Ten Rod Road, Tax Map R38 Lot 2, and R29 Lot 14. Non-binding discussion relating to rule clarification and requirements for potential subdivision. Agent for the property owner: Randy Tetreault, Norway Plains Associates.

Chairman Parker reminded everyone that this was a non-binding discussion.

Randy Tetreault said this discussion was being brought to the Board tonight so that the owner, Eben Dorr, would have a better understanding of what he could or could not do with regard to subdivision of

his property and a possible lot line adjustment. Mr. Tetreault said he had spoken with both Planner Menici and CEO Roseberry for their input and was now bringing the matter to the Board for discussion.

He stated that Mr. Dorr owns two parcels on Ten Rod Road that were originally surveyed and created by subdivision in 1976. The discussion was centered on the 65 acre parcel shown as R38 Lot 2 and is in the agricultural zone. This parcel has approximately 669 feet of frontage on Ten Rod Road – 619 feet in one location and 50 feet in another location. The area with 50 feet of frontage crosses a wetland and the owner has a wetlands permit allowing a crossing of 15 feet on the 50-foot strip.

Mr. Tetreault spoke about the history of the lots and that the merger of some parcels created the current configuration. He said the owner would like to create three lots. One would have access from the 619 foot frontage and the other two would share access through a common driveway within the 50-foot wide strip. The boundary line adjustment would annex a portion of R38 Lot 2 to R29 Lot 14. He said his client would prefer not to upgrade the driveway to road standards and is seeking the Board's input on utilizing the driveway for both lots without meeting the frontage requirement.

Mr. Tetreault said his client does not want to build a "super highway" for the two lots. Additionally, if required to meet road standards a new wetlands permit would be required.

Chairman Parker asked the Planner to present her thoughts. Planner Menici said both she and the CEO had these issues: Section 3.04 is very specific that only one back lot can be created from the parent parcel; State Statute requires the building lot to have frontage; variances would be required.

One variance would be necessary for the access point and the second for the additional (more than one) back lot.

The Planner said if the road standards are met than this would not be a back lot subdivision.

David Kestner said that the 50-foot strip with the wetlands permit for a 15-foot crossing does not meet the requirements for three lots. Planner Menici added that she had spoken with David Price from DES and if the driveway is upgraded to a road then a new wetlands permit would be required. She said the 50 foot frontage does not meet the minimum in the zoning ordinances and a variance would be required.

After further discussion, the Chairman said the Board would support Staff's recommendations.

Mr. Dorr admitted he should have done more research before he purchased the land. He did state however that the research he has now done shows the road (50 foot strip) had been used back through the 1800's and he felt he should have the right to access his land.

Chairman Parker said the Board was not denying that, but Mr. Dorr had to take steps to be in compliance with the Town's regulations. Mr. Dorr said he would do whatever was required, but felt this was not the common sense solution. David Kestner replied that the zoning ordinances were written to cover the majority of situations but cannot meet 100 percent of them and that was the purpose of the ZBA.

Cindy Snowdon stated, as had other Board members, that they were doing the best they could with the limited information provided. Planner Menici said State law limited the amount of information provided for a conceptual hearing and Mr. Tetreault had provided all he could.

The discussion was brought to a close at this point.

At 7:35 pm David Kestner motioned to adjourn; 2nd Charles Doke. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher
Department Secretary

Chairman, Paul Parker