

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, March 20, 2012
356 Main Street, Farmington, NH**

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

Selectmen's Representative: Charlie King

Board Members Absent: Cindy Snowdon

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

Public Present: Philip Minschwaner, Troy Robidas, Roscoe Blaisdell, Neil
Johnson

At 6:10 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

BUSINESS BEFORE THE BOARD:

- **Pledge of Allegiance**
- **Review and approve Meeting Minutes of March 6, 2012**

David Kestner motioned to approve the minutes of March 6, 2012 as amended; 2nd Charlie Doke. Motion carried with all in favor.

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

Planner Menici explained that the reporting process on Richard's Way will be a little different for Phase 2. In the past, FST had sent periodic reports and then an overall report at the end. This time status reports will be sent regularly with a summary report at the end. This way if the Board has a concern with information on a report, it can be addressed by contacting the Planner and if necessary Kevin Gagne from FST can be asked to attend a meeting to discuss the issue.

There is a lot of work taking place at the site currently. Chairman Parker said he thought it would be beneficial if Mr. Gagne addressed the Board soon. David Kestner said there appeared to be issues with the silt fence and drainage. Planner Menici said Norway Plains, as the designer, was working with both FST and the contractor to resolve the grade heights between Phases 1 and 2. It appears that about 150 feet of the binder course on Phase 1 will be ripped out and the grade adjusted so both Phases meet up. The Chairman would like FST to attend a Board meeting when that correction has been completed.

Workshop: Eastern Lakes Region Housing Coalition is presenting a free seminar on Wednesday evening March 28th in Moultonborough titled "Solutions for Wells & Septic on multi-family housing in

Small Rural Towns”. Planner Menici said any interested members could contact herself or Bette to register.

Chairman Parker said he noticed that the Board’s November workshop meeting is scheduled on Election Day evening and asked if the members thought that should be changed. After discussion, the following motion was made:

Charlie King motioned to move the November workshop meeting to November 13th; 2nd Charles Doke. Motion carried with all in favor.

At 6:27 David Kestner motioned for a five minute recess; 2nd Charlie King. Motion carried with all in favor. At 6:33 the Board reconvened.

PUBLIC HEARING:

Application for Major Subdivision by: Troy and Betty Robidas Revocable Living Trust (Tax Map R16, Lot 2-1) for property located at 139 Governors Road. The applicant proposes to subdivide the existing 15.38 acre parcel into 5 lots from 1.14 acres to 9.48 acres – 4 new residential lots and 1 lot with an existing residence. The parcel is located in the Rural Residential (RR) Zoning District.

Chairman Parker asked Roscoe Blaisdell, as agent, to present a synopsis of the proposed subdivision. The Chairman said that would be followed by Planner Menici and then the Board would discuss the application.

Mr. Blaisdell stated he is proposing a five lot subdivision from a 15.38 acre parcel with three of the lots having a building area smaller than 30,000 square feet and unable to meet the shape requirements for building area. He pointed out how much contiguous area is on these lots and that each meets the required square footage that way but not as specified in the Town’s regulations. He pointed out that although lot 2-5 only has a buildable area of 9,500 square feet if laid out as a rectangle, there are no wetlands on that lot and he knows he can fit in a septic system. On the other two lots unable to meet Town regulations, Mr. Blaisdell indicated where the house and septic could be located.

Mr. Blaisdell said he did his best in laying out the lots, but three are not able to meet Town requirements and that is why waivers are requested.

In answer to the Chairman’s question about the size of the house used, Mr. Blaisdell said he used a footprint of 24 feet by 36 feet or 864 square feet. A two story structure would be 1728 square feet.

Planner Menici asked if Mr. Blaisdell had taken into consideration only the wetlands regulations or if he had considered state and local setbacks, steep slopes, etc. as contained in the Town’s definition of buildable lot. Mr. Blaisdell answered that the buildable area would be less if setbacks were considered.

The Planner said when she met with the applicant to allow staff to identify concerns she told him that three of the five lots did not comply with the subdivision regulations changed in 2011 specifically to

address the quality of the lots created in Town and to provide guidelines to creating a better overall quality of building lot. She emphasized to the applicant at that time why the regulations were adopted and how strongly the Board felt about this issue. Additionally, the Planner provided suggestions as to how the applicant could change the lots to conform. Mr. Robidas said he would proceed with the lots as proposed and request waivers from the Board.

Planner Menici said the applicant provided topography, wetlands and soils data only for the portion of the parent parcel where the proposed lots would be created. She said that usually when a portion of a large parcel is being subdivided, the Board requires an applicant to provide these elements for an area extending 100 feet beyond the proposed lots or in some instances the entire parcel. This gives the Board a better understanding of overall conditions.

Chairman Parker asked the Planner if there were significant issues beyond the lot lines. The Planner said she did not know but the application says the slope changes and it could be that the wetlands are in a ravine. Part of this parcel extends into Milton.

Mr. Blaisdell said the building sites are 400 feet from the wetlands. The percentage of wetlands was discussed (maybe 50 percent) and if a wetlands crossing permit was feasible. Mr. Blaisdell said he could not see the State granting a permit.

The Planner said there were minor issues with the plan:

- Block for revision dates and the date of revision;
- Existing subdivisions adjacent to the proposed subdivision; and
- The statement specified in Section 4.09 of the Farmington Subdivision Regulations;
- DPW Director requested more detailed information and feels he did not receive the additional detail as requested.

Charlie King suggested that the Board begin by looking at the waivers requested for building area on three lots. Chairman Parker read the waiver request:

“My clients Troy & Betty Robidas would like the following waiver for their subdivision on Tax Map R16 Lot 2-1:

4.04.06 On lots 2-1, 2-2 and 2-5 we are not able to meet the requirement of buildable areas of 30,000 square feet in the shapes required. I have shown possible house and septic locations on each lot and we feel that there is adequate area for development of the lots.” Roscoe Blaisdell, LLS, Owners Agent

Charlie King said that the 30,000 square foot requirement was recent and that prior to the change 40,000 square feet were required. The lots labeled 2-1 and 2-2 together do not meet the old or new regulations. Mr. King said the Board’s goal in changing the requirement was to reduce the square footage and at the same time create uniform lot shapes.

David Kestner stated that lot 2-1 was only 17,992 square feet and 2-5 wouldn't even meet the size requirement without the well radius.

Mr. Blaisdell stated that the well could be moved but Mr. Kestner thought the lot could be eliminated. Mr. King said even if the lines were moved he could not see lots 2-1 and 2-5 meeting the requirements.

David Kestner said the Board should have information on the nine acres of backlands so they can see where the water is coming from. Although the applicant tried to point out information on the plan, Mr. Kestner said that information needed to be in front of the Board so they could make an informed decision.

Charlie King said this application is the first test of the new requirements, but lot 2-5 doesn't even meet previous standards on contiguous uplands. Mr. Robidas said the total land area on that lot is over 40,000 square feet. However, Charlie King pointed out that the area of the well radius had to come out and the triangular lot tapered back to unusable land.

Chairman Parker said the Board would consider the waivers on what was being presented to them tonight. He also said the regulations were adopted to ensure better designed and more usable lots because there were too many issues in the past.

Mr. Robidas said the boundary lines were drawn perpendicular to the road to avoid odd shapes and double the required road frontage was also proposed. He said he feels the lots meet the requirements so he wanted to bring the proposed subdivision before the Board.

Charlie King said the Board would consider a reasonable waiver request, but a fifty percent waiver was being requested. He reiterated that the land must be usable and with a reasonable configuration. David Kestner agreed and said the Board spent many hours deliberating to come up with the current regulations. He said the Board needed to see more surveying on the plan before considering waivers. The applicant said he has that information on another plan, but Mr. Kestner said it must be on this plan.

The Board agreed that because of the size of the parcel they must look at the total build out potential and directed that the plan be revised to show surveying of the entire parcel.

Chairman Parker asked the Planner if she had further comments on the application. She said she can see potential to create four lots that would be reasonably conforming. Mr. Robidas asked for her feedback on how to configure the lots, but the Planner said she would be happy to meet with him outside of the Board meeting as this was not the proper venue to discuss that.

Charlie King motioned to deny the requested waivers for 4.04.06 on lots 2-1, 2-2 and 2-5; 2nd Glen Demers and David Kestner. Motion denied unanimously.

Chairman Parker said the application at this point was incomplete but Charlie King said the Board could consider a waiver for delineation. Planner Menici said no waiver had been submitted.

David Kestner read on page 10 of the subdivision regulations section 4.06.01 as well as 4.08 B and C. Charlie King said he was not inclined to waive delineation and Chairman Parker said there were just too many questions.

Mr. Robidas said if the well is removed then buildable area can be met, but the Board reminded him that the lot must be usable. Planner Menici explained to the Board the suggestions made at the TRC meeting. Mr. Blaisdell said the subdivision can be redesigned with four lots and will then meet regulations.

Mr. Robidas said he wants to get as many lots as he can. He will be selling the house and keeping the lots but although he must move, he may come back to Farmington at some point. He also said each lot that is lost from the subdivision costs him \$50,000 and he did not think the lots were improved by eliminating one.

Planner Menici said she had a procedural point: The Board had denied the waivers and were now in design review discussion and they should deny the application so the discussion could continue.

Charlie King thought they should stop design review and continue the public hearing. The Planner said that due to the changes to the subdivision it must be renoticed to the public and abutters. Mr. King then asked if the Board could accept the application. Planner Menici said it did not meet regulations and the waivers had been denied.

The Chairman said the application should be denied or continued. It had been submitted as a five lot subdivision and as there would now be a new submission, he felt the application should be denied and the applicant should reapply.

Mr. Robidas objected because he had paid for a five lot subdivision and did not want to pay additional money for new advertising and abutter notices. He felt the abutters had been notified and renoticing was unnecessary. He also felt that he should receive a refund for one lot if the subdivision is resubmitted as four lots. Planner Menici stated that it was within the Board's authority to waive fees if they chose to do so.

At this point the Board discussed how to proceed with the application. Planner Menici recommended that the application should be denied and a new application submitted. She explained that this was in accordance with State Statute and read RSA 676:3.

Charlie King motioned that the application be considered substantially incomplete; 2nd David Kestner.

The Planner also advised that in accordance with the RSA a notice of decision should be sent to the applicant.

Charlie King said he disagreed with handling it that way. Chairman Parker suggested that the application be continued to allow the applicant to submit revised plans.

Charlie King withdrew his motion and David Kestner withdrew his second.

Charlie King motioned to continue the application to April 17, 2012; 2nd David Kestner. Motion carried with all in favor.

The applicant was advised that the revised plans must be received no later than March 27th to allow time for the TRC to meet and review them.

The Planner said an abutter, Phil Minschwaner, was in attendance and his concern could effect the revisions to the plan as he feels the location of his driveway is incorrect on the plan submitted. The Chairman said that the application must be accepted as complete in order for there to be public comment; however, this application is incomplete. He suggested that Mr. Minschwaner submit a letter to the Planner.

Mr. Minschwaner asked if he would be able to comment on April 17th. The Chairman said if the Board accepts the application as complete then he would be able to comment and the Board expects the revisions to be made.

Planner Menici said the TRC meeting will be scheduled for April 3rd at 2:00 pm and the public can attend. Mr. Minschwaner asked if he could review the plans at the office and the Planner said they would be available after the close of business on March 27th. The applicant and his agent asked Mr. Minschwaner to speak with them after the meeting regarding his concerns.

The Board asked Planner Menici to clarify with Town Counsel whether choosing to continue after denying waivers is the correct way to proceed. The Planner said in this instance the Board was proceeding, but she would check with Town Counsel for future reference. She said the RSA does not give an option to continue after denying waivers and her advice was based upon the opinions of Town Counsel in other communities. However, Farmington's Town Counsel could have a different opinion. The Chairman said this issue would be discussed at the April 3rd workshop.

At 7:50 pm the discussion was ended.

BUSINESS BEFORE THE BOARD CONTINUED:

Chairman Parker said both the Planning Board and the Zoning Board are in need of members and although the idea of a poster at Town Meeting did not work out this year, he would like to proceed with having posters done by the children in the Parks and Recreation program. The Planner will speak to Director Rick Conway.

There was no other business to come before the Board.

At 7:56 pm Glen Demers motioned to adjourn; 2nd Charles Doke. Motion carried with all in favor.

Respectfully submitted,

Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker