

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, May 1, 2012
356 Main Street, Farmington, NH**

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

Selectmen's Representative: Charlie King

Board Members Absent: Cindy Snowdon, David Kestner

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

Public Present: Neil Johnson

At 6:20 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 April 17, 2012**

Chairman Parker made one change in language.

Charlie King motioned to approve the minutes of April 17, 2012 as amended; 2nd Charles Doke. Motion carried with all in favor.

- **Review of Subdivision Regulations Continued**

The Board took up the continued review on page 7 Section 7.

In paragraph A-2 it was agreed to reference both the subdivision and boundary line adjustment applications for clarity. The Board discussed Section 7 N dealing with parcels less than 10,000 square feet and decided to remove subsection "N".

Minor changes to language were made in some of the subsections. The Board then discussed the difference between a Conceptual Consultation and Design Review. As part of this discussion, Planner Menici explained that although the statements made by members during design review are non-binding, the language in 7-C-3 is an additional protection for the Board. She said that there have been circumstances in other towns where a planning board member opposed certain elements and subsequently there have been attempts by an applicant to have the member disqualified at the time of formal application. The proposed language also prevents a Court challenge.

Section 7-D-2 was modified to read:

“If an application is incomplete, the Board shall notify applicant of the deficiencies in the application in accordance with RSA 676:3 and shall advise applicant of a date certain to provide the necessary information. Failure of the applicant to provide the required information by said date will result in a finding that the application is incomplete. Upon that finding the applicant will need to resubmit under a new notification.”

A brief discussion was held on the meaning of quorum.

The Board then turned to the 65-day review period after an application is accepted; options if an applicant refuses to waive the 65-day review time period and what happens if the Board fails to act on an application.

Under Section G it was agreed that the plat should not be recorded until all conditions of approval are met.

Expedited review under Section H was discussed. In order to accept and approve at the same meeting, the public hearing must be noticed that way. It was agreed that a paragraph should be added to the abutters notice or an abutter could challenge a decision on the basis that no notification was given that the Board could accept and act on an application in the same meeting. The Board asked Planner Menici to check with Town Counsel as to whether this statement should be included on all abutter notices.

It was suggested that all definitions could be highlighted to aid the applicant. Planner Menici said that could be dealt with when the Board discusses formatting after content has been determined.

A redundancy in H-3 was corrected by removing paragraph 3. The Planner said there is just one subdivision checklist now but as part of this process there will be a separate checklist for each type of application.

Section K refers to reasonable fees and the Board questioned whether “reasonable” should be removed since it is hard to define. However, it was decided to continue the use of that term as it is also contained in State Statute. If an applicant challenges a fee, for instance a fee from the town engineer FST, the Board can ask for clarification of the fee. The Board has the right to deny an application if the applicant refuses to pay fees the Board has determined are reasonable.

In paragraph L – site inspections – the need to post the inspection and take minutes is outlined. Although the Board questioned the necessity for minutes, Planner Menici said that per RSA 91-A (Right to Know Law) minutes must be taken anytime there is a quorum of the Board. She reminded the Board that it is important to stay together on these inspections to facilitate the taking of minutes as required.

Planner Menici said the next 15 pages are taken from the subdivision regulations draft that was done in 2004. She explained that the current regulations are not this detailed but the checklist is. It was suggested that the regulations mirror the checklist.

The discussion turned to the requirement for colorized plans and where it would fit into the regulations. It was suggested that Section 9 paragraph A-4 – Copies – would be appropriate. After considering whether colorized copies should be required for all subdivisions or only major, it was decided to include both major and minor. At submission, the applicant will be required to submit:

- three (3) full size colorized plan sets; and
- up to seventeen (17) 11 by 17 inch reductions

The next item discussed was taken from the 2004 draft and concerned the requirement for a high intensity soil survey (HISS) of the entire site. Planner Menici explained that this is an extremely detailed study and needed only if the Planning Board is considering doing away with minimum lot size and using soil type. She said this is a very costly study and asked, if required, how the Board would use it? The Chairman said this had not been discussed back in 2004. Charlie King suggested it be removed and the Board agreed.

Charlie King read Section 9 paragraph A-16:

“The subdivision plan shall show any burial site or cemetery as a separate lot from the remainder of the subdivision by means of a fence or stone wall. This fence shall be placed not less than twenty-five (25) feet from any grave monument, or tomb and will be shown on subdivision plans accordingly.”

Mr. King asked how this would work – would minimum lot size have to be met; what if only part of the cemetery was on a parcel; and who would be responsible for maintenance. Glen Demers said this would not create a separate lot, just clearly delineate the burial plot from the remainder of the subdivision. It was suggested that other/additional language be used for clarity.

The Board discussed why a new fence or stone wall would be necessary if a cemetery already had stone walls or a fence although not 25 feet from a grave. Some ideas were to use concrete monuments; flagging such as used for wetlands, or a note on the plans. The Board generally felt requiring a new or additional fence or stone wall would be an unnecessary expense just to show setbacks.

At this point the Board decided to continue the subdivision regulation review.

Charlie King motioned to continue the review to the June 5th Workshop Meeting; 2nd Charles Doke. Motion carried with all in favor.

- **Work List for 2012**

Paul Parker motioned to continue the Work List for 2012 discussion to the June 5th Workshop Meeting; 2nd Charles Doke. Motion carried with all in favor.

- **Town Counsel’s recommendation on Abutter Notices**

Planner Menici said that Town Counsel has advised that while there is no clear statutory guidance, a good rule of thumb for the Board to use is that any time there is a change in a plan that results in a difference from what was stated in the abutter notice, a new abutter notice should be sent by certified mail at the applicant’s expense. The Planner said for instance if a site plan is noticed as a retail use and changes to a restaurant that change would trigger a new notification as would a change in the number of lots noticed for a subdivision.

The Planner said for site plan a change such as size, use, footprint, or square footage would require re-notification. In a subdivision a change in the number of lots would be the trigger.

Charlie King said Town Counsel advised that this requirement is not statutory and his opinion is that a reduction in the number of lots would not require re-notification. He also said an increase in the number of lots during review was unlikely unless there was a density bonus.

Planner Menici gave the example of a five lot subdivision with a remainder lot and as the public hearing progressed the applicant decided that since the acreage was available two additional lots would be created. Chairman Parker agreed that would require a new notice to abutters. Charlie King said a new notice would not be required for a decrease, but would be if the changes were substantially different.

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

Charlie King said the Planning Board is still looking for one regular member and three alternates. The ZBA is looking for one regular member and 2 alternates. He said all volunteers are welcome and the Town needs your help!

There was no other business to come before the Board.

At 8:45 pm Charles Doke motioned to adjourn; 2nd Glen Demers. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker