

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, June 5, 2012  
356 Main Street, Farmington, NH**

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

**Selectmen's Representative:** Charlie King

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

**Public Present:** Neil Johnson, Gary Strzepek, Chris Berry, Kevin G. Gagne, Jose Portuondo

**At 6:06 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 May 15, 2012**

*Charlie King motioned to approve the minutes of May 15, 2012 as written; 2<sup>nd</sup> David Kestner. Motion carried with all in favor.*

- **Kevin Gagne from FST with update regarding Richard's Way**

At the Chairman's request, Planner Menici summarized for the Board that the issue under review by FST was the elevation discrepancy between Phases 1 and 2 and how to correct it. She said that the elevation of culvert number 6 and specifically pipe coverage at this culvert was of concern because the applicant's engineer had not supplied information necessary to show coverage was of sufficient depth.

Kevin Gagne from FST picked up at this point stating that since Don Rhodes of Norway Plains provided in his email of May 29<sup>th</sup> the necessary information for the proposed culvert elevations he has been able to determine that they are sufficient to provide the proper three feet of pipe cover meeting minimum standards. Mr. Gagne recommended that the Board approve the change.

In his May 14<sup>th</sup> report, Mr. Gagne addressed the roadway changes which will require removal of existing pavement and regarding/repaving of approximately 50 feet of Phase 1 to match into Phase 2. The grade of Phase 2 will be increased from 1 percent to 1.45 percent on approximately 150 feet of the roadway.

Mr. Gagne said the common thread on each site visit throughout this entire project has been little to no progress so the field engineer looks at the drainage and FST makes recommendations. He said he understands that the contractor's equipment was vandalized at the end of April and it has taken weeks to get the equipment back. He said the crew is small and during site visits, it is common to see only one person working.

The need for the contractor to finish the permanent detention pond before he misses the season was discussed. The lack of progress despite the Board's generosity in granting extensions has become of increasing concern to both the Board and the Planner. Planner Menici asked if the Board members felt it was time to hold the developer to task. They agreed it was and also felt a site walk was also a good idea. Mr. Gagne commented that for him it is frustrating to only be able to document the lack of progress and ongoing issues in each report to the Town.

Charlie King commented that the Board is very willing to work with the applicant but agrees with Planner Menici that it is time to formally request an itemized list with a timetable of the dates of completion to ensure compliance. The Planner suggested that this should be a requirement and not a request. She also said she found Mrs. Arcidy's non-attendance tonight quite disappointing.

Chairman Parker said there were three areas to be addressed:

1. Is the bond previously posted by the applicant in the amount of \$300,000 sufficient;
2. Should the information provided on the tie in of Phases 1 and 2 be addressed as an amendment to the plan or are as-built plans sufficient; and
3. Requiring an itemized timetable from the applicant for completion of the project.

Following a discussion on item #2, the Board decided that the corrections to elevation and drainage were more in the nature of a minor construction change. All members agreed that as-built plans would be sufficient.

Mr. Gagne addressed item #1 on the amount of the surety bond. He said that with regard to the present urgency of stabilization, this is usually initial work and if a roadblock is reached with the developer not completing the permanent drainage, there could be additional cost to have another contractor complete it this season. Most jobs are bid out long before now and it could cost more to find a contractor able to schedule the job and complete it within the short time frame.

At the time the Board accepted the \$300,000 surety from Mrs. Arcidy it was with the provision that if after FST's review more money was determined to be necessary, Mrs. Arcidy agreed to furnish the additional sum to the Town.

It was emphasized that although the primary goal is to get the project finished, the Board had to also consider the history of delays.

***Charlie King motioned to increase the amount of the surety bond from \$300,000 to \$320,000; 2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor.***

***Charlie King motioned to accept as-built plans for the proposed culvert #6 elevation changes and the Phase 1 roadway grades; 2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor.***

The requirement for a reasonable timetable for completion from the developer was discussed. Some of the suggestions were that FST develop what needed to be completed and the applicant would provide the completion dates; that the applicant develop the list and timetable and FST review and finally that the applicant would be responsible for preparation and if necessary can call FST for assistance and pay for the Town engineer's time. The Board asked Planner Menici to impress upon the applicant that the timetable must provide details of what is to be done with milestones. The Board determined that Planner Menici must have the report by June 14<sup>th</sup> in order to provide copies to Board members for the June 19<sup>th</sup> meeting. That would mean the

applicant must submit the report to FST by June 11<sup>th</sup>. If the applicant does not submit in a timely fashion, the Board discussed setting a “drop dead” date for completion.

Mr. Gagne was consulted for the reasonableness of the two week time frame and he thought it was adequate. Keeping in mind that the goal is to have the project finished this season, both Mr. Gagne and Planner Menici expressed concerns about the contractor setting dates that are unreasonably long. Mr. Gagne gave the example of a task that should take one week being given a three week timeframe and asked how the Board wanted this handled by FST. It was suggested that a compromise be reached – in this example it could be one and one-half weeks.

*Charlie King motioned to require the applicant, CAC International LLC, to provide a detailed construction timeline for project completion to be approved by the Town Engineer, FST, prior to being submitted to the Town by June 14, 2012 and to be reviewed by the Board at the June 19, 2012 meeting; 2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor.*

*At 7:08 pm David Kestner motioned for a five minute recess; 2<sup>nd</sup> Charles Doke. Motion carried with all in favor. The Board reconvened at 7:14 pm.*

Remaining Board Business:

- **Review of Subdivision Regulations Continued**
- **Work list for possible Zoning amendments**
- **Any other business to come before the Board**

*Paul Parker motioned to continue the remaining three items under Board Business to the end of the meeting; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.*

**Application for Amended Site Plan Review by: Winnisquam Woodworking, for property owned by Stickney Granite LLC (Tax Map R32 Lot 22-6): To allow the construction of a second building with related utilities and a reduced parking requirement. The proposed structure will be 7.800 sq. ft. and will be utilized for full service countertop fabrication. Continued from the May 15, 2012, meeting.**

Chairman Parker asked the Planner to bring the Board up to date. She stated that at the May 15<sup>th</sup> meeting the applicant was granted conditional approval with the public hearing continued to tonight’s meeting for review of conditions and final approval. The condition of most concern was regarding the lot coverage ratio. The Board had conditioned for lot coverage not to exceed 45 percent with review by FST for compliance with Section 1.07 Paragraph 2: “engineering designs and drainage calculations provide for sufficient treatment and recharge to render the post-development condition of the site to be the same as, or better than, the existing conditions of the site.” She said there were other conditions, but this was the only one requiring review.

Mr. Gagne spoke to this condition. He said that the drainage plan provided for a low impact design rain garden. The use of a rain garden as opposed to a large detention pond provides a smaller area and helps to limit erosion. He said overall the movement is toward low impact devices instead of one large “hole in the ground”. His review included a site visit; calculations for ground water recharge volume, 100-year storm event, time of concentration travel path and the infiltration rate. His conclusion was that there would be a reduction in the peak runoff rates and improvement in water quality and that overall the applicant was more conservative than required.

The applicant has not yet received approval from DES on the subsurface system, but it is expected later this week. The building permit will not be issued without this approval.

There was discussion surrounding how snow storage/salt usage would potentially affect the wetlands and the rain garden. Mr. Gagne said salt is always of significant concern, but the drainage design for this project improves runoff into the wetlands. Spring cleanup will be necessary for the rain garden, mainly for the removal of sediment, just as it would be done for a home garden area exposed to salt buildup during the winter. Note 15 on the plan references this issue.

Chairman Parker opened the hearing to the public. There were no comments and the public portion was closed.

*Charlie King motioned to grant final approval; 2<sup>nd</sup> Cindy Snowdon. It was pointed out that there were conditions that should be included and both Charlie King and Cindy Snowdon accepted the friendly amendments:*

*Charlie King motioned to approve, with conditions, the Application for Amended Site Plan Approval by Winnisquam Woodworking for property owned by Stickney Granite LLC (Tax Map R32, Lot 22-6) for property located at 33 Sarah Greenfield Way in the Industrial Business Zoning District to allow the construction of a second building with related utilities and a reduced parking requirement. The proposed structure will be 7,800 sq. ft. and will be utilized for full service countertop fabrication with the following conditions:*

- 1. annual inspection by fire personnel;*
- 2. all conditions on the September 16, 2003 Notice of Decision are incorporated by reference into this Amended Site Plan Approval.*
- 3. all applicable local, state and federal regulations must be met.*

*2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor.*

*At 7:42pm David Kestner motioned for a 5 minute recess; 2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor. Meeting reconvened at 7:49 pm.*

#### **BUSINESS BEFORE THE BOARD CONTINUED:**

- **Review of Subdivision Regulations Continued**

Before proceeding with this item, Planner Menici informed the Board that there was a member of the public waiting to speak about the work list for 2012 and asked if the Board would discuss this agenda item first to which they agreed.

- **Work list for possible Zoning amendments**

Chairman Parker said the Board was already working on subdivision regulations and coordinating them with site plan review regulations and the zoning ordinances for possible 2013 proposed amendments. He suggested adding Section 4.0 on wetlands, waterfront and aquifers as well as the sign ordinance.

Charlie King agreed with those and also suggested minimum standards for mobile homes on individual lots of record. Some areas to include would be construction method, placement, permanent foundation, age and maybe

a requirement for double wide homes only. Planner Menici said minimum standards can be set but cannot differ from what is required for single family home standards such as square footage. The same standards can apply to homes in a park, with the exception of requiring a permanent foundation.

Charles Doke noted that the Master Plan was in the process of being taken care of through the grant application. David Kestner agreed with working on the sign ordinance and Section 4.0 adding that he would like to see buffer issues addressed. Cindy Snowdon suggested that presenting too much at once time can lead to confusion. Glen Demers said what had been suggested was sufficient.

Planner Menici said Mr. King had previously raised the issue about condo conversions of multi family dwellings. She added that Mr. Portuondo had another item for the list with regard to the development of rear lots.

Mr. Portuondo explained that he and his neighbor were trying to figure out a way to connect the rear and front lots and had discussed the issue with Planner Menici prior to tonight's meeting. The Planner added that there are a lot of situations similar to Mr. Portuondo's in Farmington. In order to avoid easement or right of way situations, she explained that other towns have addressed this by allowing one "flag" lot per parcel which is the rear lot plus a 50 foot wide strip to the road thus providing road frontage although not to minimum standards. This creates a cleaner, fee simple ownership with metes and bounds. Planner Menici said she would like to see this on the work list and Cindy Snowdon said it could be her item for the list.

The Chairman read the six item list:

1. Subdivision Regulations review and coordination with Site Plan Review Regulations and the Zoning Ordinances
2. Signage
3. Mobile Home Standards
4. Section 4.0 – Wetlands, waterfront and aquifers
5. Multi-family to condo conversions/density
6. Rear lots

Chairman Parker said he would like to add the Master Plan update to the list if the grant request is not approved. Planner Menici suggested the Master Plan be addressed as a separate and ongoing issue with a portion scheduled yearly instead of trying to update the entire document at once every five years. The last update was done in 2008.

It was briefly discussed that the Board is only half way through on the first draft of the subdivision regulations and this work list may be over zealous. The suggestion was made that maybe two items would be more appropriate. The Chairman said priorities can be set at the June 19<sup>th</sup> meeting.

- **Review of Subdivision Regulations Continued**

Discussion picked up on page 16 paragraph C. The Planner said this section is from the draft previously reviewed by the Board under Mike Garrapy without any changes. Planner Menici clarified that any portion of a subdivision dedicated for public use must be designated on the plan.

#### Paragraph D

The Board felt that sidewalks and bikeways were covered under driveway standards and this paragraph was duplication. The Planner said the level of detail was not there and read the driveway standards. It was suggested that these requirements should be put in the standards and reference made to them. Planner Menici said she recommended the road and driveway standards be moved out of the Zoning Ordinances to avoid the need to obtain a variance. (See page 18 of draft) The Board asked that she clarify with Town Counsel if a reference in the Zoning Ordinances would necessitate a variance.

The Planner suggested that paragraph E was also a subdivision/site plan issue not one that should be in the Zoning Ordinances. (See page 95 Section 3.21.) Town Counsel will be contacted for clarification.

Access management was dealt with as part of the Zoning Ordinance and adopted in 2008 or 2009.

#### Paragraphs G and H

Fire Protection Policy (as well as Road and Driveway Standards) will become an appendix.

Town Counsel will be asked to review the language of references and the Planner will report back to the Board on June 19<sup>th</sup>.

Discussion will resume on page 19 paragraph I at the June 19<sup>th</sup> meeting.

***At 8:55 pm Charles Doke motioned to adjourn; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.***

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Chairman, Paul Parker