

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, August 21, 2012
356 Main Street, Farmington, NH**

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

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, Scott Hazelton, William Lander, Connie Lander, Brian St. Onge, Randy Orvis, Samantha Allen, J. F. Horgan, Doug Tappan, Janet M. Kalar, E. Molly Stark and others not signed in

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 August 7, 2012**

Charlie King stepped out of the room so review and approval of the minutes was put on hold pending his return.

- **Review of RFQ's for Community Planning Grant Consultant**

Chairman Parker stated that four RFQ's had been received from Strafford Regional Planning, Mettee Planning Consultants, Garrepy Planning Consultants and Jeffrey H. Taylor & Associates. He said that each of the consultants had familiarity with Farmington having previously consulted with the Town and any one of them would be a good choice. The Board of Selectmen will be looking for a recommendation from the Board.

David Kestner commented that only one, Jeffrey Taylor, had included a price with his submission. Chairman Parker thought it might mean the others were working up to the grant amount of \$10,000.

Planner Menici said that the Town has the \$10,000 grant money to commit to the project but if the consultant bills over that the Town is responsible. The Chairman said they should be looking to keep the cost at the grant amount.

David Kestner said without pricing he wasn't sure what the Board was looking at. The Planner said the submissions could be interpreted to say that the consultant can accomplish what the Town has identified as required within the grant amount. Charlie King said he would like to see the other three present an estimate of times and rates. The Planner reminded the Board that there is a short window for this project and it is necessary for the Board to make a recommendation tonight based upon qualifications alone. It was pointed out that time spent working with the consultant chosen could be traded off to reduce the cost of any amount over the grant.

Planner Menici said she had worked with three of the four and could comment on those three only. Those three, Taylor, Garrepy and SRPC, are all qualified to do what the Town needs. She stated her only concern would be with the question of timeliness with Garrepy based upon feedback from others and her own experience.

It was pointed out that Jack Mettee had worked with WEDCO on Farmington projects. Jim Horgan said he was partial to SRPC because they had a vested interest in this area and their qualifications and time invested will aid the Town in future endeavors.

After discussion of the four submissions, the general opinion among the Board members was that both Taylor and SRPC share a clear understanding and vision for the Town but they were unsure about the other two. The Planner commented that Taylor is very qualified adding that she has worked with him in several communities over the years. She was torn between Taylor and SRPC.

At 6:35 pm the Board considered whether to table further discussion to the end of the public hearings however the members were ready to make a decision.

At that time Cindy Snowdon left the meeting.

Chairman Parker polled the members with the following result:

1. Jeffrey H. Taylor & Associates
2. SRPC
3. Garrepy Planning Consultants
4. Mettee Planning Consultants

Planner Menici will summarize the results for the Board of Selectmen

Paul Parker motioned to table the remaining items under Board Business to the end of the public hearings; 2nd Charlie King. Motion carried with all in favor.

- **Request for two members to join CIP Committee**
- **Poster Project**
- **Any other business to come before the Board**

PUBLIC HEARING - 6:30 pm

CONTINUED CASES:

In accordance with RSA 231:158, II, the Town of Farmington Public Works Department requests a public hearing with the Planning Board's consent to allow the removal of designated trees on Poor Farm and River Roads. The reason for removal of trees is to allow for the proper winter and summer roadway maintenance in the designated areas. Poor Farm and River roads are designated scenic roads by the town (Cont'd from August 7, 2012.)

DPW Director Scott Hazelton said all the green flags marking the trees for removal on Poor Farm Road had been taken down and he remarked all the trees on August 8, 2012. He stated that 12 trees on Poor Farm Road and 45 on River Road were flagged for removal. Chairman Parker commented that the number had increased from the original estimate and Director Hazelton said it had because even those under a 15-inch circumference had to be marked for bidding purposes.

Chairman Parker said he drove both roads and complimented the Director on the appearance River Road. However, the Chairman said that Mr. St. Onge made valid points about scenic roads at the August 7th meeting. He also stated that scenic roads are a headache to the DPW but residents feel it is important to keep the road looking as it did in the past. The Chairman said he understands that quite a few are dead and are a public safety issue but others are healthy and taking down defeats purpose of scenic road.

Charlie King asked the Chairman if there were specific trees on each road that he did not want removed. Chairman Parker said he did not get that specific stating that if the tree was dead then it should come down otherwise if alive but in the wrong place then the ditch line should be moved. However, he left the decision up to Director Hazelton's good judgment.

Charlie King noted that the Town needed to ensure that roadway can be maintained. The Chairman said the Town must respect the scenic designation for which residents had voted.

Charles Doke asked Director Hazelton if historical data about how wide the roads originally were and how wide they are now was available to help determine if natural erosion or the Town were responsible. The Director said that information was not available. Mr. Doke said road agent was making an effort to save what he could but sometimes live trees have to be removed and if someone could suggest a better plan, he or she should step forward.

David Kestner said he was not at the last meeting and drove out to both Poor Farm and River Roads. He saw 6 to 10 trees with half bark gone but the back was alive as well as some dead and dying trees that are not marked. On River Road he saw some trees that are leaning and could end up in the road but are not marked. He said maybe a case can be made for some individual trees but a case for safety of public can be made as well.

Glen Demers said he could not top Mr. Kestner's comments.

Chairman Parker opened the meeting to public comment.

Brian St. Onge said he didn't see markings on Poor Farm Road from the middle to the Ten Rod Road end. Director Hazelton said there were few to be removed on that end. Mr. St. Onge mentioned the two dead trees across from his driveway but the Director said he is very cautious about trees on a boundary line. Charles Doke said that someone is tearing down the marking tapes on Poor Farm but not on River Road.

Randy Orvis commented that trees with scars are not scenic and should go stating that he would have marked more and not just on the right of way so passers by could see into the woods. He said ditches are needed to keep the road clean and trees interfering need to go.

Jim Horgan of Meaderboro Road said he hated to see trees come down because River Road is well used and as much as it is possible it should be kept as is but trusts Director Hazelton and supports his recommendations for safety.

Chairman Parker closed public comment.

Charlie King said that travel ways come up for discussion frequently and the Town must maintain 16 to 18 feet to allow vehicles to pass. He cited a 3/4 ton pick up which is 8 feet wide. David Kestner agreed that more trees could be marked.

Charlie King motioned to approve the removal by DPW of designated trees on Poor Farm Road and River Road; 2nd David Kestner. Motion carried with four in favor and one opposed.

NEW CASES:

Application for Minor Site Plan Review By: Grace Community Church by Doug Tappan for property owned by Peter Alfe (Tax Map U06, Lot 010): To allow for use of the premises as a meeting and outreach center for members of the church and community. Proposed activities include: serving prepared meals on-site, pastoral counseling, Bible study, food pantry, after school programs and the like. The parcel is located at 445 Main Street in the Village Center District.

Planner Menici explained that this application is a minor site plan review and typically would be heard before the Minor Site Plan Review Committee however in this instance a special exception was necessary and if ZBA action is required than the application must come to Planning Board. The reason for the special exception is the change of use from a commercial restaurant to a church related activity. For the record, the Planner said both CEO Roseberry and herself have worked with the applicant and have no concerns nor did the Technical Review Committee.

The ZBA granted the Special Exception on July 12th and there were no conditions except Planning Board approval. Chairman Parker read the ZBA Notice of Decision to the Board. He said Planner Menici's memo summarizes all representations made by Doug Tappan during the ZBA hearing:

Proposed activities include: serving prepared meals on-site, pastoral counseling, Bible study, food pantry, after school programs, and the like. Hours of operation will vary, but the proposed activities will generally occur between the hours of 7:30 am and 10:30 pm. The proposed center will be staffed by volunteers or members of the church staff.

TRC had no concerns about the kitchen. The Police Department asked that an up to date key holder list be supplied to both Farmington PD and Strafford County Dispatch. The Fire Chief verified that there is already an assembly permit for the property but the Fire Department will do a final inspection to verify occupancy. As submitted the floor plan has not changed from previous occupant. Doug Tappan said he can provide the key holder list very quickly.

Charlie King asked what age groups will be attending and what type of after school programs will be provided. Mr. Tappan said the programs will be homework and games and will focus on middle and high school students. Charles Doke commented that it is good to see the church stepping up to fill a need when the Town cannot especially for those not covered by Recreation Department programs.

Chairman Parker opened the hearing to public comment.

Deb Scanlon expressed concern about parking for volunteers and patrons asking if it would be designated. Chairman Parker said there is on street parking and employees/volunteers can use the public parking lot by fire department. Deb Scanlon was also concerned about the phrase "and the like". Mr. Tappan said there will be other programs but nothing disruptive. He is just working out the programming.

Chairman Parker closed public comments.

The Chairman asked if the Health Officer is involved. Planner Menici said the State oversees the process but because this is a church different standards apply versus a commercial restaurant. The church files with the State but there is no approval process rather a registration process to identify clientele, the type of food to be served and the hours of food service. Doug Tappan will follow up with CEO Roseberry.

Chairman Parker asked if there will be periodic inspections by the CEO. Planner Menici said the CEO does not with others because Farmington is not self inspecting. If a complaint is filed with the CEO about cleanliness, etc., he advises the State and this will be the same.

The Chairman expressed concern that if no specific person is designated to oversee then things might not be done correctly. Mr. Tappan said the Chairman was correct that different people will be volunteering but he will establish standards for anyone preparing food.

Chairman Parker asked if it would be appropriate to have the CEO do bi-annual inspections. The Planner said it would not be inappropriate and could be a condition that proof of required State registration be provided to make

sure in compliance. Mr. Tappan said if the Board wanted periodic inspections on a 6 to 12 month schedule to ensure the food service aspect is in compliance with state standards he would be okay with that. The Chairman felt it was appropriate since there was no one designated to oversee. The center will be closed at night by the last volunteer on site. The center will be a non-smoking facility and the church will discourage smoking out front.

David Kestner motioned to approve the minor site plan to allow Grace Community Church to use the premises at 445 Main Street (U06 Lot 10) as a meeting and outreach center for members of the church and community and for activities such as serving prepared meals on-site, pastoral counseling, Bible study, food pantry, after school programs and the like with the following conditions:

- 1. Bi-annual food service area inspection the first year and annual thereafter;***
- 2. Parking on Main Street will be minimal with the municipal lot used for large groups and staff;***
- 3. Patron's outdoor smoking habits will be monitored;***

2nd Charles Doke. Motion carried with all in favor.

Application for Boundary Line Adjustment By: Ute M. Peaslee (Tax Map R51, Lot 10) and Carl E. Peaslee (Tax Map R51, Lot 10-1): To annex 29,740 sq. ft. (.68 acres) from R51-10 to R51-10-1. Proposed lot area for R51 Lot 10 is 23.01 acres and for R51 Lot 10-1 is 6.05 acres. The parcels are located in the Agricultural Residential (AR) District at 23 Willow Lane and 172 Hornetown Road.

Randy Orvis, as agent, presented the application. He explained that the purpose of the boundary line adjustment is to increase Carl Peaslee's lot to a little over six acres to provide sufficient acreage to have an apartment downstairs.

Planner Menici pointed out that there was an error on plan and Mr. Orvis needed to remove minor boundary line adjustment in the title block because a minor would be 10,000 square feet or less.

The Board discussed that this was a subdivision approved by the Planning Board in 2010 and this request is still within reason. It is before the Board because it is not a minor adjustment as the area involved is more than 10,000 square feet. The parcel cannot be re-subdivided because it has less than 500 feet of road frontage and would require a variance. There are no waivers required because a full subdivision had been done and nothing else is necessary however the recorded plan will have to be revised.

Charlie King motioned to accept the application as substantially complete; 2nd Glen Demers. Motion carried with all in favor.

The Chairman opened the hearing to public comment and hearing none closed public comment.

Charlie King motioned to approve the Boundary Line Adjustment to annex 29,740 sq. ft. (.68 acres) from R51-10 to R51-10-1 creating a lot area for R51 Lot 10 of 23.01 acres and for R51 Lot 10-1 of 6.05 acres with the following condition:

- 1. Revise the title block to state Boundary Line Adjustment***

2nd David Kestner. Motion carried with all in favor.

At 7:23 David Kestner motioned for a 5 minute recess; 2nd Charlie King. Motion carried with all in favor. Meeting was reconvened at 7:35

Application for Minor Subdivision By: NH Custodial Trust c/o Edward G. Moran (Tax Map R31, Lot 34 for property located at NH Route 11, Paulson Road and Pound Road: To subdivide 10 acres from the existing 106.36 acre parcel. The parcel is located in the Industrial Business (IB) Zoning District.

Randy Tetreault, surveyor, from Norway Plains presented the application as agent representing Ed Moran and the NH Custodial Trust.

He stated that this is the former Textron / Collins & Aikman site consisting of 106.36 acres and the proposal is to subdivide 10 acres surrounding the existing warehouse which will be accessed from the Paulson Road side and leaving approximately 96 acres in the parent parcel. He distributed colored aerials of the site to the Board.

If acceptable to the Board, Mr. Tetreault said he would like to proceed with the subdivision as far as lot size and then deal with environmental issues. Waivers are being requested for boundary survey, soil, wetland and topography requirements for the remaining property based upon availability of existing plan information. The narrative supplies information on road frontage, the existing building, water, septic and utilities. The application is for the subdivision only and not site review at this time.

Mr. Tetreault stated that Ed Moran, Trustee, is seeking the Board's approval for the subdivision. There is a signed Purchase and Sales Agreement to sell the warehouse and Mr. Moran hopes to conclude the transaction within a couple of months. The Trustee feels the sale will provide good benefits for both the Trust and Farmington.

Mr. Moran stated that 10,000 square feet are currently leased to Index Packaging and the cost to the Trust for taxes and utilities is \$22,000 per year and will be getting to a point in the next couple of years where major roof work will be necessary. The company is currently located in MA and is moving up here. The new owner will employ ten employees to start and maybe three to four times that in next few years.

Mr. Moran said that the sale will not only save money now spent on maintenance but will also put the estimated net proceeds of \$500,000 into the trust to continue remediation. The sale will also bring the site to life.

The remediation system that is now in the facility and walled off is operating efficiently and will continue to be in the facility as part of the Purchase and Sales Agreement. There will be a lease between the Trust and the Buyer to keep the water remediation operating. The system may in the future be moved outside but at this time the Trust has spent a lot of time and money to bring it up to speed and the purchaser does not have any objections to it remaining inside.

Mr. Moran said the subdivision is good for both the Town and the Trust and strongly recommends the Board consider the application favorably.

The Board considered the four waivers requested.

4.06.01 Site topography on remaining 96 acres

Charlie King motioned to grant the Waiver from Section 4.06.01 for topography on remaining 96 acres; 2nd Glen Demers. Motion carried with all in favor.

4.07 Soils test and/or soils data information details on remaining 96 acres

Planner Menici clarified that the existing building has existing sewage disposal systems and the waiver if for the balance of the 96 acres.

Charlie King motioned to grant the Waiver from Section 4.07 for soils test and/or soils data information details on remaining 96 acres; 2nd Glen Demers. Motion carried with all in favor.

4.08 (f) Site feature detail mapping including wetland delineation and location on remaining 96 acres

Charlie King asked about any proposed easements for access points for the remaining acres. Randy Tetreault replied that none are being proposed for access although it has been discussed and in reality would be just west of the building. In the future the Trust could approach the owner for looped access.

David Kestner asked about the connection between the warehouse and the old Davidson Rubber for the fire system. No easement has been proposed from the 96 acres for this and there has also been discussion about a back flow preventer. He stated that the fire suppression system comes from an old deeded easement and a note should be put on the plan. The buyer needs to know the system is in working order and that there is a maintenance easement.

Ed Moran said he had spent time today with Butch Barron and had also discussed the system with Dale Sprague. The old control system on the old plant was torn down and had consisted of a shed and pumps as well as a tank that were all taken out. The Trust is planning to provide the purchaser with a working fire suppression system and plans to take a water line from the Town tank on the hill and go across the remaining property. He said that 150 feet into the front of the property a vault will be sunk and a backflow installed and hooked up to three hydrants that control the fire suppression system. A company will be brought in to rework and test the system inside.

David Kestner expressed concern about installation of the water line within the contaminated area. Planner Menici said the Board can require as a condition of approval that the system be located within the 10 acres and the location be shown on the plan.

Mr. Moran said the details were only worked out today and the system will be put within the 10 acres so it will support only the part sold. The Chairman asked where the valve is currently located. Randy Tetreault said that would be a question for the Water Superintendent Dale Sprague and that a deeded easement is being worked on but is not shown on the plan because he does not know exactly where it will be located.

Because of the uncertainty of location, the Board felt that granting this waiver might be premature and that the members need to see the exact location on the plan and that the proper easements are in place.

Molly Stark was asked to provide clarification on the location of the plume. She said the ground water contamination is 20 feet plus below the surface. David Kestner asked when the concrete was ripped up how far down they dug to get to the footings. Ms. Stark was not familiar with that but Mr. Moran said there was no excavation as the system had been built on a slab and only what was above was cut, broken up and hauled away.

Charlie King brought the Board back to the waiver request. The consensus was that they needed solid information regarding location of the system and any easements required. Some areas of concern were the back flow connection, easement language for the shut off, and access easement for the right to pass and repass.

Ed Moran said the latest version of the Purchase and Sales Agreement does speak of an access easement from the property to the Davidson Drive entrance.

Philip Hastings, NH Custodial Trust Attorney, stated that the waiver request was to not show items on the remaining 96 acres and it was within the purview of the Board to grant the request conditional upon showing on the final plan. He said this is just the subdivision application and is subject to conditions being addressed later.

The Chairman suggested a waiver to accept the application as substantially complete until sufficient information is provided. Planner Menici said she was concerned because of all the discussion on the merits of the application

and suggested that the Board grant the waiver solely for the purpose of opening the public hearing to discuss the merits of the application. Chairman Parker said they could deny the waiver request, however the Planner said if they deny it, the application would not be complete and the process would stop.

Charlie King motioned to grant the Waiver from Section 4.08 (f) Site features on the remaining 96 acres provided that all rights of way and/or easements affecting the parcel will be required to be shown as part of any conditional approval including the right to pass and repass from Pound Road to the 96 acres for maintenance of the water line for the fire suppression system; 2nd Glen Demers. Motion carried with all in favor.

4.08 (b) Full boundary retracement survey of the remaining 96 acres

Charlie King motioned to grant the Waiver from Section 4.08 (b) full boundary survey; 2nd Glen Demers. Motioned carried with all in favor.

Charlie King motioned to accept the application as substantially complete but withdrew the motion because Glen Demers had further questions about the building setback and foliage lines. He said they were shown but there was no legend. Randy Tetreault said the building setback lines were not shown because the lines exist and the Board can waive for the purpose of acceptance. A statement of errors of closure also needed to be put on the plans.

Planner Menici suggested the Board waive these for the purpose of acceptance.

Charlie King motioned to grant a waiver for building setback and foliage lines for the purpose of application acceptance; 2nd David Kestner. Motion carried with all in favor.

Charlie King motioned to accept the application as substantially complete; 2nd Paul Parker. Motion carried with all in favor.

Chairman Parker opened the hearing to public comment and said the Board would hear from abutters and Farmington residents first. There were no comments from these groups and the Chairman recognized the prospective buyer, George Saco.

Mr. Saco thanked the Board for their work and consideration of his application tonight. He said his company was bursting at the seams and the move to Farmington was needed.

Janet Kalar, formerly a resident of Farmington and now of Middleton, said she has a long history with Textron and Collins-Aikman. Mrs. Kalar said her concerns are that there are no monitoring wells on the 10 acre parcel, no air testing has been done, and there are chemicals from the monitoring station. She said people need to be protected and if there is no problem then why has superfund status been requested. She said the map shows chemicals have been found and the river has been contaminated going across Route 11. She asked how the State can guarantee the waterline won't be contaminated. Mrs. Kalar said DES is selling the property to get money and has not taken a stand.

She said she is one of 130 people still involved in the Collins-Aikman bankruptcy case although her claim is not secured. Mrs. Kalar added that if the Planning Board approves this subdivision application she intends to file an injunction the next day adding she has done this before and will do it again.

She wants to see four seasons of testing because there have been no tests since 2006 except for pump tests in 2012. Mrs. Kalar stated her concern with Molly Stark's assurance to both the prospective buyer and Farmington that the 10 acres are not contaminated.

Ms. Stark explained where the chemicals were released and came to be located as well as pointing out the areas on the map. She showed the direction of the groundwater flow from the leach field where solvent had been released. No contamination was detected in samples taken in 2004 and 2006.

The leach field where some solvent was released was nearest the plant at the front and about 150 feet from the parcel to be subdivided. The line of contamination is to the north not to the south. Ms. Stark said the solvent released in the leach field area and being heavier than water stuck in cracks in the bedrock and hung up causing water running through to show low contamination levels in the soil. The chemical release occurred in the 1960's and 1970's and there is no significant soil contamination left.

The direction of the plume is across Route 11 to the northeast and Ms. Stark is of the opinion that there is enough information to show that the contamination won't spread to the warehouse area. The well on the 10 acre parcel is uphill from the plume. There is no testing of the remediation system itself however there is nothing in the discharge which is piped out into a recharge gallery at the edge of the parent property not on the 10 acre parcel.

Molly Stark said she interviewed people who worked in the warehouse. The warehouse was used for storage and repair and to create the vinyl skin used in molds. The solvent was used to clean the molds and no molds were used or cleaned in the warehouse.

The nearby river is not contaminated nor is the Pokamoonshine Brook but Ms. Stark said she could not say what had happened in the 1960's or 1970's.

Charlie King asked if and when the State puts the main plant site on the superfund list and if there is shown to be contamination on the 10 acres will the parcel be included in the superfund. He was told the Purchase and Sales Agreement allows access. Peter Roth, a senior assistant attorney general, said he helped negotiate the provision for state contracts and the EPA will have continued liberal access if there needs to be anything done on the property for superfund clean up including drilling in floor and clean up. Attorney Roth said there will be a lease to maintain the remediation system in the warehouse but thinks in the future there will be a desire to redesign the system and move out of the building so he did not want to go for easement. He believes that under superfund status the EPA will redesign and move the system elsewhere.

David Kestner commented that a site in Dover had been designated a superfund site and it took close to 20 years to start clean up. The lease will only be for 15 or 20 years.

Attorney Roth said if the trustee determines that the cost of the lease is not to the States advantage they can build a new treatment facility on the parent parcel and be out of Mr. Saco's hair. He said brown field program property like this is used all the time in NH for commercial purposes. Additionally, Mr. Saco has recourse through the environmental studies being done and paid for by State. Attorney Roth said he thinks this will be a good subdivision.

Planner Menici asked what the time frame for environmental review would be. Attorney Roth said Mr. Saco has 60 days and had just retained a consultant. Chairman Parker asked Molly Stark if contamination could occur on this parcel sometime in the future due to change. Ms. Stark responded that she feels the plume is in a steady state having occurred before 1978 and migrated as far as it is going to. In fact it has diminished since the first data was collected. When asked why there were no monitoring wells around the warehouse, Ms. Stark said the data did not indicate the necessity as there is no groundwater in this area. A bedrock supply well tested in December of 2011 indicated no contamination. She said at this point a yearly sample is recommended unless the water supply is switched to municipal water and then there is no risk and other than from water there is no way for workers to become contaminated. She added that the State would know if the plume changed by monitoring which will continue as long as funds are available.

Mrs. Kalar said a 2004 report indicates the river is contaminated and that this report is in the Town's office because Sue Willoughby left copies there. She said Joe Pitre has her copy. She also said that contaminants are being pulled into the 10 acres by the monitoring pumps and that the lagoons on the property are contaminated. She stated that each season would result in different test results and therefore monitoring should be done in all four seasons.

Mrs. Kalar said no one understands what fully goes on up there better than she does because she has been dealing with this issue for 13 years. Charlie King asked her where the lagoons she mentioned are located. Mrs. Kalar said she was told by DES that they are up in back of where the main plant was but she has never been up there. She said no testing has been done in them since 2006 so she does not understand how the State can say there is nothing there. The lagoons according to Mrs. Kalar were used for the disposal of waste water.

Chairman Parker closed the public comment portion of the hearing.

Charlie King motioned to continue the meeting until 9:30 pm; 2nd David Kestner. Motion carried with all in favor.

It was stated for the record that the environmental issues are as important to the State as to the buyer. The question is if the subdivision meets the Town's regulations. Nothing is going to affect remediation of the 96 acres.

Charlie King said the plan currently does not show the back flow, no lease or any easements for maintenance or access have been submitted.

Chairman Parker asked if this is being considered a minor subdivision. Planner Menici stated it was but that for the record the difference between a major and minor subdivision is in the submission requirements and both types were essentially satisfied. She added that a note could be put on the plans that no further subdivision would be allowed on the 10 acre parcel.

Charlie King said it is important that the Board have from both the EPA and DES a written statement that have no opposition to the subdivision and the approval will have no effect to the Town's pursuit of superfund status. Molly Stark said the State has no concern with the subdivision and did not think the EPA would have a problem with the request for written statement.

Ed Moran said for the last two years he has visited with EPA representatives in Boston and spoken of plans for the warehouse. Seeking superfund approval was also discussed and the EPA had no problem with that. To the extent of selling within superfund area it was agreed that any buyer would have to grant an easement. Mr. Moran said that his experience with the EPA is that a written statement could take months because their process is so involved. He suggested that DES represent their position in writing and state that they understand the EPA is not in opposition because he did not consider it possible to get a written statement from the EPA completed in reasonable time frame.

Charlie King said the EPA should say in writing they are not in opposition to the subdivision. He said the Board must look to the best interests of the Town and everyone must be accountable.

Planner Menici asked how significant is this site from an EPA prospective. They obviously recognize that it meets the criteria for superfund remediation. She asked what kind of competition the Town is in with other communities and that she was worried that if Farmington takes a hard line on this position it could jeopardize the Town's position to qualify. Molly Stark said she could not speak to that.

The Board agreed that they wanted written statements that the DES and EPA have no opposition to the subdivision and that approval will not affect qualifying for super fund status. They also agreed that the application is not ready tonight for further discussion. Any leases, agreements and/or easements need to be submitted to Town Counsel for review. Some items are for site plan review such as the new water line access and back flow preventer but the Board needs to know where they will go.

David Kestner said they should be part of the subdivision with further delineation in site plan review.

George Saco again thanked the Board for letting him come here tonight. He said his company needs this property and the sooner everything is squared away the better. He added there would be some relocations but there will be additional job opportunities and he wanted to advertise and get set up before the snow flies. Mr. Saco said he hopes he is welcome to relocate to Farmington and that he intended to bring good jobs to the community.

David Kestner said the Board is also looking out for his interests and that since there has been no monitoring on the site for six years his employees and his interests could be at risk adding that it was not good to relocate and then have health issues.

Mr. Saco observed that in a way every septic field is a waste dump and that is why there are professionals looking into this.

Charlie King said the issue of access could also affect him and needs to be on the plan so there are no problems with abutters in the future. The Board is trying to make sure this is done correctly the first time. He summarized the Board's requirements:

- proposed access easement for Davidson Drive in Purchase and Sales Agreement must be on plans
- a copy of the lease for space and maintenance for pump and treat facility
- underground plumbing must be shown on plans and if detailed in agreement shown on plans with language
- backflow preventer shown on plans
- firm up potential location of where the water line is coming into the parcel and in the Board's opinion the more it can stay off the 96 acre parcel the better
- letter from both DES and EPA that they have no issue with the subdivision and that it will not affect the Town's request for superfund status
- all items must be available for the next meeting
- building setbacks shown on plans
- foliage lines shown on plans
- statement of error of closure shown on plans

Randy Tetreault said he would refer the possibility of obtaining all the requirements for a continuance to September 18 to Ed Moran. Mr. Moran said the lease was not yet written. He said his discussions with the EPA predate the superfund discussions. Charles Doke said then the EPA should not mind writing that down.

The Planner said any documents requiring Town Counsel review must be submitted on or before September 7th so the Planning Board and Mr. Moran could be afforded any comments. Mr. Moran agreed and said he would do what he could for both the Town and Mr. Saco.

Charlie King motioned to continue the hearing on the minor subdivision by the NH Custodial Trust to September 18, 2012; 2nd David Kestner. Motion carried with all in favor.

At 9:28 David Kestner motioned for a short recess; 2nd Charlie King. Motion carried with all in favor.

The Board reconvened at 9:35.

BUSINESS BEFORE THE BOARD (Continued)

Charlie King motioned to approve the Minutes of August 7, 2012 as written; 2nd Charles Doke. Motion carried with 3in favor and 2 abstaining.

- **Request for two members to join CIP Committee**

Previous to this meeting Glen Demers, Charles Doke and Paul Parker had all expressed interest in participating on the CIP Committee. The Committee will be meeting this week on Wednesday at 5:00 pm and thereafter on the first Wednesday of each month at 5:00 pm.

Charlie King motioned to nominate Charles Doke as the alternate member and Paul Parker as the regular member to the CIP Committee; 2nd Glen Demers. Motion carried with all in favor.

- **Poster Project**

Charlie King motioned to continue the Poster Project discussion to September 4th; 2nd David Kestner. Motion carried with all in favor.

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

None

At 9:42 Charlie King motioned to adjourn the meeting; 2nd Charles Doke. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker