

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, October 2, 2012
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, David Kestner, Glen Demers
Selectmen's Representative: Charlie King
Board Members Absent/Excused: Cindy Snowden, Charles Doke
Town Staff Present: Director of Planning and Community Development Kathy Menici,
Department Secretary Bette Anne Gallagher
Public Present: 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 September 18, 2012**

Charlie King motioned to approve the Minutes of September 18, 2012 as written; 2nd David Kestner. Motion carried with all in favor.

- **Update on Richards Way**

Planner Menici told the Board that their packets had been prepared on Thursday last week and on Friday there had been a flurry of activity while she was at an education program for the Community Planning grant and copies of an email from the developer and a letter from FST are provided for the Board members tonight. She said there had apparently been an issue with the original contractor who was no longer employed by the developer/owner. Mrs. Arcidy was supposed to be here at 6:00 pm tonight to speak to the Board. In the email dated September 28th Mrs. Arcidy is basically stating that she had placed her trust in Ray Thibodeau and did not see the lies and wrong doings. She said she is now relying on FST, the Town's review engineer, for plan review and construction inspections.

The Planner said Scott Hazelton, DPW Director, also inspected the site and was provided with a copy of Mrs. Arcidy's email. He was asked to provide the Board with his comments by email, but the Planner did not receive anything from him.

FST stated in their letter that it does not appear feasible to complete the road by the end of this construction season but recommended that the Board allow the developer to proceed with necessary erosion control measures and drainage installation in critical areas of the site and then allow construction of the road to be completed early next spring. The Planner said Mrs. Arcidy has copies of correspondence between FST and the Town and the Town also has copies of all of her correspondence. Planner Menici reminded the Board that Mrs. Arcidy was asked to post either a letter of credit or cash surety and she chose cash. The Town is currently holding \$320,000.00 as surety for the project.

At this time Candid Arcidy arrived and apologized for her late arrival. Planner Menici explained that the Board had been discussing her email of September 28th and Kevin Gagne's (FST) response.

Mrs. Arcidy said she met with two of the five contractors who will be giving quotes for finishing the road. In the meantime, because the erosion is so bad, after the last meeting she found two contractors who have been working together to repair the erosion issues in Phase 1 since September 17th. She said both DPW Director Scott Hazelton and Drew Brassard have both been on site and appear satisfied with the work being accomplished. The two contractors, Hussey Excavation Inc. and Butterfield Landscaping expect to be finished with the erosion controls and detention basin in Phase 1 shortly and will move on to Phase 2. They have taken care of slope erosion on both sides of the road and will work on correcting the detention pond in Phase 1. She said that Charlie from Norway Plains has committed to being on site at 8:00 am Wednesday to work with Brian Hussey to mark out the pond adding that Hussey is capable of fixing the detention pond which must get done.

Charlie King asked if Hussey will make the October 15th deadline. Mrs. Arcidy said that as long as Norway Plains is on site to work with Hussey tomorrow the contractor is aiming for that deadline. She said that they are working on how to best get loam down to that area.

Charlie King asked if based upon the new contractors Mrs. Arcidy feels confident that the roadside slopes can be stabilized to survive the winter. She said in the two weeks since seed was planted on the correct loam grass is already growing and the new contractors are working as fast as they can. Mr. King said he agreed with the priority of slope stabilization.

Mrs. Arcidy said she still has to address the ledge issue. She said it appeared that removal may still require blasting. She has spoken with several companies about that and the recommendation is to consider blasting instead of hammering because if hammering doesn't work there will be an added delay and expense and blasting will still be necessary. Butch Barron has been the most responsive contractor and if awarded the contract he will take care of the ledge. One of the issues is not only asking contractors to step into a partially completed project but also asking them to move quickly. They all have projects they are finishing and they will do the best they can to provide her with bids.

Rather than rushing to find a contractor and get the road work done, Planner Menici suggested that the best approach would be to get the site stabilized. She also suggested speaking to Drew Brassard from FST about what the key drainage structures are to prepare the site to survive the winter season and in spring do the balance of the work.

Charlie King said it is apparent that Mrs. Arcidy has taken measures to get back on track to stabilize the slopes and he hopes to see her come back with a new plan from a new contractor so the Board can discuss it and see if it is reasonable adding that until she replaces the contractor and has a solid plan it is difficult for the Board to respond. He said the Board must have this for the next meeting. Board members will also be able to visit the site prior to the next meeting.

David Kestner said it is evident that the Board is willing to work with Mrs. Arcidy and to allow her to continue moving forward. He agreed that the Board should revisit the issue in November at the end of the construction season when Mrs. Arcidy will have a decision on permanent or temporary measures to survive the winter. He suggested that she find out what materials are under the road done by Ray Thibodeau in Phase 1. He added that contractors other than the two already working on site probably won't be able to respond this season because all are under deadline for this construction season. Hussey and Butterfield will be the ones to make sure the site survives the winter. He said he had no problem with giving Mrs. Arcidy until spring to complete the project.

Mrs. Arcidy confirmed that the contractors bidding on the road are reluctant to commit to come in by November and she told them she would ask for an extension to spring. Charlie King said the Board does not want to kill the project but wants to see it completed. Chairman Parker said if the information received in November is acceptable the Board will look favorably on an extension. Mrs. Arcidy said she guarantees she will stay with the project and find a competent contractor for road completion. Both David Kestner and Glen Demers agreed that the project will probably go into 2013. Mrs. Arcidy said she would rather know she has time to get the road done correctly.

Mrs. Arcidy asked the Board for some advice on securing the road for safety because she recently found a mother and three little boys playing on Phase 2 despite the "Danger" sign. Some suggestions were to install a fence on both ends of the roads with a lock box for access and to post "No Trespassing" and "Construction Site" signs. However, the Board recommended Mrs. Arcidy speak with her insurance company as well as the contractor she hires to finish the road.

Charlie King motioned to continue the discussion on updated progress for Richards Way to November 13th; 2nd David Kestner. Motion carried with all in favor.

- **2013 Zoning Amendments**

Planner Menici recommended that the Board take the agenda out of order and proceed with their review of the subdivision regulations given that town has received the grant for regulatory review and the Board needs to get the final draft of changes to the consultant as soon as possible to meet the grant's deadlines.

Charlie King motioned to move the discussion on zoning amendments to after the subdivision regulations review; 2nd David Kestner. Motion carried with all in favor.

- **Continued Review of the Subdivision Regulations**

P – Traffic Impact and Mitigation Analysis

The Board discussed whether 10 lots is the appropriate number to trigger a traffic impact study. David Kestner pointed out that Section 3.20 paragraph E of the Zoning Ordinance states:

"A Traffic Impact Study may be required when deemed necessary by the Planning Board in its deliberation of the Site Plan application. For all developments over 20,000 sq. ft. in gross floor area, or ten (10) residential dwelling units; or which would involve more than 500 vehicle trips per day, a Traffic Impact Study shall be required."

Planner Menici said to keep this section consistent it should say in accordance with Section 3.20 paragraph E of the Town of Farmington Zoning Ordinance at the beginning and the rest of the section should remain as is. The Planner will check the references and update as necessary.

Q – Inspections

A. Charlie King asked if the procedure outlined (specifically A.3) is what is currently being followed. Planner Menici said the Town Engineer is spot checking. It was suggested that the Planner and FST should review all paragraph A for possible changes.

R – Performance and Maintenance Security

Under Paragraph A.1 and A.2 the Planner suggested changing the language to a letter of credit with self calling features or cash surety. She explained that excavations in Town had been posting performance bonds and the operator of the excavation controls the performance bond. She said that currently staff understands how these bonds work and keeps up with them but previously operators have let bonds expire and nobody caught it. She said it took a couple of years with the CEO and herself working with the site owners to bring all of them into compliance. It was agreed that performance bonds were not in the best interest of the Town and the Planner will work on language.

Planner Menici explained for the public that if the Town doesn't contact the issuer of the letter of credit to say it was no longer needed then the letter of credit would automatically call to the benefit of the Town. Because the

financial institution issuing the document works for the client the institution will call the Town to ask if the letter of credit is still needed. The regulations should clearly state this requirement.

S – Legal Documents

Paragraphs A and B will be combined into one paragraph and C will refer back to **R (Performance and Maintenance Security)**.

T – Streets and roads and U – Driveways will be combined into one Section

V - Protection of Natural and Historic Features and W – Off Site Improvements

No changes.

Section IX – Developments Having Regional Impact

Chairman Parker asked if there was a way to make the decision that a regional notice is required prior to the Board’s first meeting on the application. Planner Menici said staff can recommend but the Board must make the decision and that by State Statute the decision cannot be made prior to the first meeting on the application.

Section X – Previously Approved Subdivisions

The Board discussed the minimum number of years required before the subdivision of a parcel under a previous subdivision could be considered new.

As an example, Planner Menici explained that out of 20 acres a developer thinks he can create 18 lots and wants to avoid a traffic analysis. The outcome determines not 18 but 12 lots can be created due to traffic impact so the developer decides to create a 9 lot subdivision. Of those 9 lots there are 8 one acre lots and one is 10 acres with 2 acres for infrastructure. However, the developer has in mind that he will be coming back for development of the 10 acre parcel but still wants to avoid costs associated with a full subdivision plan for entire 20 acres. The question for the Board is how many years he must wait in order for the remaining 10 acres to be considered a new subdivision. The Board agreed with the Planner’s suggestion of a 5 year minimum.

Section XI – Special Flood Hazard Areas

The Board decided to incorporate the language from the Zoning Ordinance.

Section XII – Performance Guarantee

The Board felt this section should be combined with “**R**” and asked that the Planner look into the requirements under paragraph C.

Section XIII – Revocation of Planning Board Approval

Planner Menici will update for compliance with State Statute (RSA 674.39).

Section XIV, Section XV, Section XVI, Section XVII and Section XVIII

No changes.

Planner Menici will incorporate all changes from the September 18th meeting and tonight and will provide the final draft to the Board with the October 16th meeting packet. The Board agreed there would be some time to go through the draft at the October 16th meeting and then finalize it at the November 13th meeting.

Charlie King motioned to accept the amended draft of the Subdivision Regulations; 2nd David Kestner. Motion carried with all in favor.

Charlie King motioned to continue the discussion on the Subdivision Regulation revisions to October 16th; 2nd David Kestner. Motion carried with all in favor.

Planner Menici said she would like to provide the consultant, Steve Whitman, with the final draft since he would be attending the October 16th meeting. The Board agreed.

At 7:39 pm David Kestner motioned for a five minute recess; 2nd Charlie King. Motion carried with all in favor. The Board reconvened at 7:47 pm.

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

Meeting Schedule for 2013

Mrs. Gallagher explained that there are back to back meetings in January because New Years Day falls on the first Tuesday of the month. She asked if the Board wanted to meet on July 2nd as they typically have only one meeting in July. The Board agreed to have only one meeting on July 16th.

David Kestner motioned to remove the July 2nd workshop from the schedule; 2nd Charlie King. Motion carried with all in favor.

Charlie King motioned to accept the 2013 Meeting Schedule as amended; 2nd David Kestner. Motion carried with all in favor.

- **2013 Zoning Amendments**

Signage

The Board agreed after discussion that on a property there could be one permanent sign and one temporary sign per approved entrance but no more than two temporary signs. The Board also discussed how long the signs could be displayed and decided that the time frame would be no more than 90 days per year. A no fee permit (registration) will be required that will include both a start date and an end date on which the sign must be taken down. This will give the Code Enforcement Officer something that he is able to enforce.

It was discussed that lighted signs on a wheeled frame with flashing arrows were temporary signs as are banners. David Kestner asked if agriculture was under a different standard because multiple banners and tee pee frames are often used on and off site (Christmas tree farms were used as an example). Planner Menici said agriculture does not have different standards but the Town has been generous. However, agricultural uses are still subject to site plan review and compliance with all regulations. In response to a question, the Planner said that off site signage is completely prohibited in Farmington. Charlie King said in practice that it has not been enforced and is definitely a topic for another day.

Next under discussion was illusion of movement. All members agreed as presented the amendment solidifies Town policy.

It was agreed that political signs could be put out 60 days prior to an election and removed no longer than 15 days after. Flagrant violations will be enforced by the CEO. He can remove smaller signs and have the highway department pick up larger ones. The Board decided to leave the maximum size for political signs at 4 feet by 8 feet.

Wetlands

Planner Menici said she had structured the amendment to be soil based and asked the Board if they felt she was headed in the right direction. They agreed that she was but would like more time to review and comment. It was suggested that the buffer might be 50 feet and not 30 feet.

Paul Parker motioned to continue discussion on the 2013 work list to November 13th; 2nd Charlie King. Motion carried with all in favor.

At 8:22 pm Glen Demers motioned to adjourn the meeting; 2nd Charlie King. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker