

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

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

Selectmen's Representative: Charlie King

Board Members Absent/Excused: Cindy Snowdon

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

Public Present: Richard Lundborn, George Saco, Peter Billipp

At 6:05 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 November 13, 2012**

Paul Parker motioned to table review and approval of the November 13, 2012 until December 4, 2012; 2nd Charles Doke. Motion carried with all in favor.

- **Continued discussion of proposed Zoning Amendments**

Planner Menici said her memo dated November 6th reviewed the progress made by the Board on proposed zoning amendments. Wetlands, mobile homes and signage had been discussed previously. The Planner read the proposed language for signage stating however that off site signage was still under discussion.

Current regulations ban off site signage and Chairman Parker suggested it be left that way. It was pointed out that there is a lot of this type of signage throughout the Town and without any change an increase in enforcement would be necessary. Requiring a permit was also suggested as well as standards for off site signage.

Planner Menici reminded the Board that they determine the requirements/standards and the Board of Selectmen decide on enforcement providing a system of checks and balances. She added that how much enforcement can be accomplished comes back to time restraints for the CEO. She said that the CEO is looking to the Board for some guidance since there have been times when he has tried to enforce the regulations and people buck his efforts. the next step will now be to post for public hearing - 2 hearings and if no changes then approve

David Kestner said off site signage could be considered temporary and the Planner said current regulations specifically prohibit off site. Mr. Kestner said he was referring to the off site signage for vegetable/fruit farms and Christmas tree farms and that some of the signage has been around for 30 years without enforcement.

Planner Menici said that public hearings on these subjects are noticed and people have an opportunity to come and speak on the issues while the Planning Board is crafting the regulations. She said with current regulations as they are what exists is an enforcement issue. Mr. Kestner said he would not want to see the agricultural community penalized.

The Planner said that staff is looking for guidance from the Planning Board and the Board of Selectmen because the current regulations are presenting a lot of enforcement issues on the staff level. She said it is not up to staff to make the decision on enforcement. Charlie King said he would poll the Board of Selectmen to find out if they want the CEO to enforce or if they don't want to pursue enforcement and ask for recommendations. He added that they should not have staff chasing what is not a priority or make code enforcement a two person job. He will schedule the discussion for the Selectmen on December 10th and bring the recommendations to the Planning Board meeting on December 18th.

The Planner said staff at this time is just looking for guidance. If the final discussion is on December 18th then the public hearing can be posted for January 8th.

Charlie King motioned to continue the discussion on signage to December 18th; 2nd David Kestner. Motion carried with all in favor.

Charlie King motioned to continue the discussion on Zoning Amendments, Subdivision Regulations and any other business to the end of the meeting; 2nd Joshua Carlsen. Motion carried with all in favor.

At 6:28 pm Charlie King motioned for a 5 minute recess; 2nd Glen Demers. Motion carried with all in favor. Meeting reconvened at 6:38 pm.

Application for Minor Site Plan Approval By: ACM Specialized Materials, LLC, Applicant, by Norway Plains Associates, Inc. as Agent, NH Custodial Trust, Property Owner (Tax map R31 Lot 34): To allow the operation of a metals and automotive parts recycling facility in an existing structure. Parcel is located at NH Route 11 and Paulson Road in the Industrial Business Zoning District.

Rick Lundborn, as agent, represented the applicant and said George Saco could answer questions about the site operations. Mr. Lundborn briefly reviewed that the site was a recent subdivision 10 acres in size and extended from Paulson Road to the east along Route 11. The warehouse houses the DES groundwater contamination monitoring system from further in on the Davidson parcel that both monitors and treats the water.

He said that George Saco is moving his business up here from Massachusetts. Index Packaging is leasing 10,000 square feet on the Paulson Road side of the building and will be separated from Mr. Saco's business by a partition wall. No earth work outside the building is contemplated at this time. The business will use the main entrance and the driveway will be plowed with a loader. Snow storage is not currently shown on the plan but can be and will be around the periphery of site until the parent parcel is developed.

On the exterior they propose adding an east end loading dock (Rochester end) closest to the old Collins-Aikman entrance. West of the overhead door there will be a small amount of pallet storage and a fabric covered area to store the loader. There will be 16 parking spots for employees with an additional 9 across the back with room for 7 more spaces parallel across the back. Mr. Lundborn said these can be shown on the plan if the Planning Board requires it. An additional 4 spaces can be added down near Paulson Road.

Mr. Lundborn explained that Mr. Saco operates a metal recycling business that takes in scrap, palletizes it and then ships the material.

Mr. Saco said metal wholesalers such as himself deal with companies that produce commodities and offered a list of the products his company handles. He said he addressed the concerns of Chief Willey explaining that he uses software that is compliant with the requirements of police departments on a national level. It captures fingerprints, photos and/or records material purchases. There are cameras over the scales that record motor vehicle information. The software records any holds that are necessary and can produce a police report when required. He said the Chief seemed to be satisfied.

Mr. Saco said the metal received is weighed, graded, put into computer and when they have enough it is marketed by auction utilizing a request for quote not an in person auction. He works with particular large companies that deal with a specific material.

The Board expressed their concerns regarding any potential contaminants that might be present in materials brought to the site and considerable time was spent in clarifying with Mr. Saco how material is handled when being graded and if any cleaning is done on site.

Mr. Saco said as an example automotive radiator come in already drained and any residual liquids are absorbed into the box in which they are received and subsequently shipped. He said if this is a concern for the Board he is willing to unpack, check for fluids and drain if necessary prior to shipping out. He said all engines are drained prior to his receipt. He said iron is taken in roll off containers directly from the customer to Portsmouth or Boston and shipped out.

The Board asked if he has provisions in place so that fluids don't leach into the ground from the 30 or 35 containers shown as being stored outside. Mr. Saco said that he has not had any issues up to this point but can put the containers on a paved area, or store inside. He explained that most containers outside are empty and that the material is stored inside pending shipment. The Planner said during TRC Mr. Lundborn had stated that the area was impervious, however, Mr. Lundborn replied that the vehicle storage and parking is paved but the rest is just gravel.

He said when the 6 to 7 forklifts owned by the company are serviced the oil is drained into 55 gallon drums and given to auto salvage yards and amounts to perhaps one drum every three months. He also said that if he increases manufacturing companies within his client base he can set up a concrete drop zone within the building.

Mr. Saco said he is very clear with his customers that waste fluids must be removed before he receives the material. He presented an environmental report done in 2005 showing he was in compliance with all best management practices. He had the report done at a time when he was seeking expansion of his yard in Massachusetts and wanted it in case any questions were raised.

Mr. Saco stated that he can tarp the containers that are outside if they are storing any materials pending shipment. He will also pave some additional area each year. He also agreed to hood the three catch basins. Mr. Lundborn said that a vacuum truck cleans the hood in the catch basin explaining that instead of exiting the pipe oil accumulates on top of the baffle and pressure pushes the water out but the oil cannot leave. They are generally cleaned every couple of years. Planner Menici said at TRC Superintendent Sprague said the site is a well head protection area and will be monitored for best management practices every three years and that the first inspection may be in 2013. Chairman Parker said the Board will go with the Superintendent's recommendation.

The Board asked for additional information on the off hours drop off. Mr. Saco explained that it is not really an off hours drop off, but meant for someone during the business day who cannot wait to unload but just wants to drop the load and get back to work. He is planning on putting a gate in front of the area with walls 8 feet high built of interlocking blocks to create a bin. The top could be fenced as well if necessary but could be problematic for the large dump trailers. Mr. Lundborn said they will rename the area.

The Chairman opened the hearing to the public.

Peter Billipp with the Kane Company, commercial realtors, said his company specializes in industrial leasing and sales and that George Saco has been the only viable buyer for this property. Mr. Billipp has been to the Haverhill site with representatives from the State including Molly Stark. Mr. Saco commented that the visit was to make sure his operation would not add to the contamination on this site. Mr. Billipp said this could be a "seed" business that entices other companies to come to Farmington.

Mr. Saco said he will be keeping the Haverhill location intact but will downsize to a satellite operation. He anticipates that his current customers will continue to do business with him and that he will develop new relationships here on the same level of quality as his current customers. He told the Board that even though his business deals with commodities and not waste products Molly Stark from DES is requiring that he take a waste stream course required by the State.

The discussion turned to the water supply. Planner Menici said that Superintendent Sprague told her that DES is requiring that the building be connected to the Town's water system for domestic water supply. Mr. Saco said that was being done now.

The Planner said maintenance of the water system was a concern. The Town currently deals with private water lines for delivery of domestic water supply through an agreement allowing the Town on the property to maintain. Flushing is done twice a year at the owner's expense and notification is given for any repairs that are necessary. These can be done by the Town and the owner billed appropriately.

Installation of the backflow device is in process as part of the installation of the new water lines. Superintendent Sprague has said that he will not turn on the water to the building until he has confirmation that the device has been installed and tested. Charlie King said that can be a condition of the certificate of occupancy.

Mr. Saco will provide the Board with a copy of Chief Willey's email regarding the software addressing his concerns. The Board felt that daily reports to the Police Department seemed excessive because Mr. Saco's software retains all the information that might be required and a report can be produced as needed. Mr. Saco added that he has 16 security cameras in Haverhill and will install them here as well as that they are a deterrent to dumping.

Placement of signage was briefly discussed.

The Board asked what equipment repairs are done on site and if any steam cleaning was used. Mr. Saco said they do simple repairs and have not had to use steam to clean anything but if they did the item being cleaned would be taken inside the building on the concrete.

Charlie King motioned to accept the application but withdrew the motion due to additional discussion.

The Planner reminded Mr. Lundborn to add the additional parking to the plan as well as the location of the loading dock for Index Packaging. Also, the square footage of the building in the narrative is 107,000 and the Town's assessing records show 60,000. Mr. Billipp said he has the square footage as 62,000. Planner Menici asked that this be clarified.

The Board wanted the snow storage area added to the plan and reminded Mr. Saco that he could not create a visual hazard with snow piled along Pound Road.

Chairman Parker closed the public portion of the discussion.

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

Chairman Parker asked if Mr. Saco would be dealing with individual members of the public and so need to provide restrooms. Planner Menici said that the regulations require that 5,000 square feet or more be open to the public for restrooms to be necessary. Since the business does not really deal with the public there is no requirement but there are two bathrooms on site.

Charlie King suggested that since this is a new business the Board should require quarterly inspections by the CEO until he determines that the business is operating according to best management practices and there are no contaminants. The CEO will make the determination as to when the quarterly inspections are no longer required.

Additional conditions of approval that were discussed:

Snow storage to be shown on plan;
If a waste stream is developed it is to be recorded and kept on file as required by the NH DES;
Tarp any outside containers that contain materials;
Backflow preventer to be installed and inspected before a Certificate of Occupancy is issued;
Catch basins to be hooded and approved by the Town's Department of Public Works and Water Department;
No junk vehicles may be taken in per application;
Quarterly inspections are to be conducted by CEO Roseberry until further notice;
Use best management practices for handling raw materials on site;
Show on the plan the location of the loading dock for Index Packaging; and
Note to be changed to say material drop off hours.

The Board felt that it appears that Mr. Saco will require a variance because the Route 11 location for a sign falls under off site signage. Once the variance is obtained the CEO will be able to approve a sign that meets Town standards.

Mr. Saco said he would like to start set up before Christmas and begin operations as quickly as possible.

Charlie King motioned to approve the application for Tax Map R31 Lot 34 to allow the operation of a metals and automotive parts recycling facility in an existing structure with the following conditions:

1. Snow storage to be shown on plan;
2. If a waste stream is developed it is to be recorded and kept on file as required by the NH DES;
3. Tarp any outside containers that contain materials;
4. Backflow preventer to be installed and inspected before a Certificate of Occupancy is issued;
5. Catch basins to be hooded and approved by the Town's Department of Public Works and Water Department;
6. No junk vehicles may be taken in per application;
7. Quarterly inspections are to be conducted by CEO Roseberry until further notice;
8. Use best management practices for handling raw materials on site;
9. Show on the plan the location of the loading dock for Index Packaging; and
10. Note to be changed to say material drop off hours.

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

At 8:24 pm Paul Parker motioned for a 5 minute recess; 2nd Charles Doke. Motion carried with all in favor. Meeting reconvened at 8:34 pm.

CONTINUED BUSINESS BEFORE THE BOARD:

Proposed Wetlands Zoning Amendment:

Planner Menici said she attended a Conservation Commission meeting to discuss staff level concerns regarding the classification of wetlands. As a result Randy Orvis offered to come in and review the National Wetlands Inventory Map that is the source for Class 2 wetlands and he showed her where to locate them on line as well as bringing in hard copies of the maps from OEP obtained some years back. Although OEP no longer maintains these maps, he has mylars and will print paper copies, mount on foam core and colorize the wetlands so the Town has a reference. Randy Orvis was one of the people involved in drafting the Town's current ordinance and he

went over the language. In view of his help, at this point the Planner does not feel the wetlands ordinance needs to be changed.

The Board's decision was to table the proposed ordinance in order to see how the maps work and if this resolves the CEO's and Planner's concerns than changing the ordinance will not be necessary.

Class 1 wetlands must be designated by the Conservation Commission and can be done one of two ways. They can authorize a study by a wetlands scientist for a designated area or Town wide which would verify that the area meets specific criteria as outlined in the New Hampshire method that looks at functions and values of wetlands. Class 1 would meet certain criteria. The other way is for an individual owner to tell the Conservation Commission that he/she has wetlands that are of high value and a wetlands scientist has looked at them and the property owner wants the area designated as Class 1.

Charlie King motioned to table the discussion on a proposed Wetlands Zoning Ordinance Amendment to a later date to be determined; 2nd David Kestner. Motion carried with all in favor.

Mobile Home Standards

Planner Menici said the Board had a preliminary discussion at the September 8th meeting and as a result asked CEO Roseberry to explain why he suggested prohibiting mobile homes older than 5 years. She read the memo provided by the CEO.

Planner Menici said this subject was brought up by a couple of different sources and the intent was to start to balance out the housing stock within the town because Farmington has a much higher percentage of manufactured housing than other communities and it is important to find a way to achieve more balance. The town has unfortunately gotten a reputation that an old mobile home can be brought in and dropped. This creates a greater tax burden on the remainder of property owners and makes it difficult to provide necessary services.

Charlie King suggested the Board leave the age at 5 years and it can be discussed further when the public hearing is held on zoning amendments.

The Board understood the reasons behind improving the quality of housing but discussed what would be the advantages of requiring a full foundation or a slab with four foot frost walls. It was felt that these new requirements could add between \$15,000 and \$30,000 for a property owner.

Planner Menici said the requirement would be for newly located homes and would apply only to homes on their own land not to those in a park. She added that the new standards would create a more permanent housing stock and the four foot frost wall provides more stability to the slab.

The Board decided they needed more definitive information from the CEO in order to make a decision.

Charlie King motioned to continue the discussion to December 4th and ask CEO Roseberry to provide supporting documentation on moving up to the next level of a four foot frost wall or full foundation; 2nd David Kestner.

Discussion: David Kestner suggested asking the assessing clerk the differences in value between the three choices.

Motion carried with all in favor.

- **Continued review of the Subdivision Regulations**

Charlie King motioned to continue the review on Subdivision Regulations to December 4th to allow time for Scott Hazelton answer outstanding questions; 2nd Charles Doke. Motion carried with all in favor.

Charles Doke motioned to extend the meeting to 9:15; 2nd Charlie King. Motion carried with all in favor.

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

Planner Menici said when the most recent construction schedule for Richards Way was discussed at the last meeting the decision as to whether the binder course would be laid had not been made. Today, FST said to hold off on all paving until spring would be the prudent choice. The Planner said she would forward that email to the Board tomorrow and gave hard copy to David Kestner since he does not have an email address.

The Planner said that last week she had distributed the calendar published by OEP showing the dates for posting and publishing for zoning amendments. All dates are Mondays so they will have to be moved up one week because the Board meets on Tuesdays. She will keep track of the dates.

Planner Menici said that after last week's discussion about previously approved subdivisions and site plan reviews she found that Farmington Ridge Limited Partnership was approved in 2006 with a number of conditions precedent none of which have been satisfied. She will make copies of the notice of decision December 4th so the Board has an opportunity to review and at the meeting can let her know how to proceed.

Charlie King said he was the chairman at that time and suggested the Planner pose the question to Town Counsel that based upon what was done and not done what the Board's options are.

Planner Menici said that the second page of the Notice of Decision has five precedent and seven subsequent conditions.

At 9:14 pm Charles Doke motioned to adjourn the meeting; 2nd Glen Demers. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker