

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, December 4, 2012
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, Charles Doke, Glen Demers, Joshua Carlsen, Cindy Snowdon

Selectmen's Representative: Charlie King

Board Members Absent/Excused: David Kestner

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

Public Present: Neil Johnson, Steve Whitman

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 and November 20, 2012**

Charlie King motioned to approve the minutes of November 13, 2012 as written; 2nd Glen Demers. Motion carried with 5 in favor and 1 abstaining.

Charlie King motioned to approve the minutes of November 20, 2012 as written; 2nd Glen Demers. Motion carried with 5 in favor and 1 abstaining.

- **Continued discussion of proposed Zoning Amendments**

Manufactured Housing

Chairman Parker reminded the Board that during their previous discussion of manufactured housing they had asked that the CEO provide clarification as to the need for frost walls and/or foundations. Charlie King read the email from CEO Roseberry:

“The reason I have recommended the Planning Board consider changing the requirements for manufactured housing to be set on a concrete slab to either a frost wall or full foundation was because the IRC Building Code here in this area of the country requires new construction to address the frost issues in our soils, and thus requires structures to utilize either the frost wall or full foundation form of construction for stability as with a stick built home or modular home.

The problem with the slab for the manufactured homes is that any new structures built after the home is installed, such as attached garages or additions, which, per Code, should be on frost walls at the least, are now allowed to be installed on slabs and are not Code compliant.”

Chairman Parker said that puts the CEO in a strange predicament because he must waive code requirements.

Planner Menici said that David Kestner had raised the question of added cost at the last meeting. CEO Roseberry checked with Mek Poured Foundations and they provided the following figures not including site work based upon a 14' x 60' home:

Slab - \$3,120
Frost Wall - \$8,640
Foundation - \$11,800

All members agreed that based upon this additional information they accepted CEO Roseberry's recommendations. They had previously agreed on the five year age recommendation.

Planner Menici said she would draft language in the form of a proposed warrant article for the Board to discuss at the next meeting and then the public hearing dates can be set.

Signage

Planner Menici said she could not take the sign photos she wanted to bring tonight because the signs are gone. There was one sign promoting a new business's other business in Rochester but that has already been taken down.

The Planner explained that David Kestner had brought up off site directional signs because he was concerned with agricultural businesses on the west side of town that are very far off the regular travel paths. She said that current zoning ordinances (3.09 E2) prohibit off site signage and allowing directional signage in the agricultural district may take care of this issue. She said she would prepare a definition with size standards.

Chairman Parker said that in his opinion signs are a little overrated and a well designed website is more helpful. However, Charlie King said if he was lost at an intersection he would rather follow a sign they try to navigate with his phone or GPS and there was general agreement with this. The Planner also said that State statute directs a planning board to do what is necessary to promote agriculture in town.

After discussion the Board decided that in order for an agricultural related business to benefit from directional signage the product has to be produced in Farmington. Charlie King said this should be covered in the vendors permit and if it is not, then it should be added.

Other areas discussed were whether to allow directional signage on Route 11. Planner Menici suggested that the Board might want to exclude signs except for directions to turn off Route 11 in order to control clutter along the road.

The Board discussed billboards which are State controlled and signage in the State ROW. Also discussed was signage by a group of businesses. The Planner said that this type of signage is somewhat easier to obtain now that the State has a form that must be submitted by March 31st and the signs are manufactured at the State prisons. She said she would be happy to help the Downtown Committee with this if there was any interest.

Planner Menici said she will draft language and consult with CEO Roseberry as to size, how close together signs may be, and how many at intersections.

Paul Parker motioned to continue the Signage discussion to the December 18th meeting 2nd Charlie King. Motion carried with all in favor.

- **Continued review of the Subdivision Regulations**

Planner Menici explained that the sheet provided tonight was an update on the references in both the Subdivision and Site Plan Regulations. The Planner had asked DPW Director Scott Hazelton to update them so that the

regulations reflect current standards. She reminded the Board that they had decided at the last meeting to table any further discussion until after the public hearings on the Zoning Amendments.

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

Chairman Parker said the Planner had provided the Board with pictures and information on Richards Way.

Planner Menici said a lot has been happening with the site almost completely winterized. They are going to install the cistern next week and then that area will be stabilized. FST will go out at the end of next week to allow the contractor time to button up the site. She directed the Board to the December 4th spreadsheet for additional information. Chairman Parker said he would like to go out to the site when FST is there and the Planner said they typically go on Monday.

Planner Menici said that assuming no dramatic weather events over the winter and hoping the ground will freeze the site should be okay until spring and after next week no construction will take place until then. FST will not be inspecting unless a weather event occurs and they are needed. She said that Severino has done a great job and it doesn't look like the same site. Severino has the experience, staff and equipment to get the job done in a timely manner.

The Planner said that if the Board looked at the revised end dates they would see the items to be done in the spring over about a two week period. Planner Menici said she no longer has concerns about completion, that the site is in very good shape and FST agrees. The Planner added that to the developer's credit she has kept her sense of humor throughout and says she will fix what needs to be done.

Charlie King said that the original contractor seriously underestimated the complexity and cost of the project and was unable to pull it together. He said that the scope of the project was underestimated by at least 50 percent.

Severino plans to start again at the beginning of May 2013 and finish by the end of that month. Planner Menici said she would like to revisit the striping because that indicates the wear course will be down which doesn't make sense because of the construction vehicles that will be in and out working on individual sites. Charlie King commented that the wear course cannot wait for all the homes to be built since that could go on for five years and the interval between courses should be shorter. Planner Menici said they can go in and rough up the binder course to provide adhesion. Chairman Parker suggested using both a date and a percentage of properties. There would still be a cash surety and FST could advise the Board on this issue.

Planner Menici said that Pike Industries continues to ignore the conditions of approval. They were supposed to provide a letter of credit and all they have done is to extend a previous bond. She said she travels on Paulson Road almost daily and the areas that the Board wanted to be reclaimed have been sloped appropriately but not loamed or seeded and it is too late to do that this year.

CEO Roseberry will be asked to review the conditions of approval, do an inspection and submit a detailed memo to the Board that can be forwarded to the Board of Selectmen.

Charlie King said if necessary a letter from the Board of Selectmen can be sent reminding Pike that their permits are coming up for renewal next April and pressure can be applied from the Planning Board, staff and the Board of Selectmen. There could be a recommendation that the permit not be renewed unless they come into compliance.

The Chairman thought Town Counsel should be consulted but the Planner said she prefers not to check with Town Counsel on everything and feels at this time the CEO can handle the matter in conjunction with the conditions of approval.

The Planner said following the Board's discussion on approvals that have lapsed and projects that didn't occur the Chairman came to the office to discuss Farmington Ridge Limited Partnership and asked the Planner to speak to Town Counsel. After reviewing the legal action, Town Counsel said there was an individual property owner who

claimed that the underlying fee interest belonged to him and others on Dick Dame Lane. The Court decided that he did not have a claim and the case was dismissed in 2006.

Planner Menici said the approval for Phase 2 of the Farmington Ridge Manufactured Housing Park for 70 mobile home units was granted on July 11, 2006. Town Counsel looked at the case and the Notice of Decision and her determination is that the applicant never complied with any of the precedent conditions of approval which has now lapsed. Since the Town no longer allows the creation or expansion of mobile home parks and the applicant would now have to obtain a variance.

Cindy Snowdon asked if the sewer moratorium impacted them. The Planner said it did not because they were grandfathered and they were supposed to complete precedent conditions prior to the moratorium.

Charlie King asked if this had been relayed to applicant. The Planner said it had not as she was waiting for direction from the Board and asked if they wanted her to prepare a letter.

Charlie King motioned to send a letter to Farmington Ridge; 2nd Charles Doke.

Discussion: Include that conditions have not been met, timetables have not been adhered to and include the decision from Town Counsel

Motion carried with all in favor.

Planner Menici said that Steve Whitman would arrive at 7:30 for the final meeting on the Community Planning Grant. She said that New Hampshire Housing and Finance Authority just announced the deadline for Round 2 and hoped that tonight would accomplish some priorities for potential application for Round 2 grant funds.

The Planner explained that Round 1 was very general in nature providing for a review of zoning ordinances and subdivision and site plan regulations in order to get recommendations on what changes could be made on all three to better support the goals and objectives of the master plan. She said that tonight she was hoping to get some recommendations for Round 2 to solicit a consultant to work with the Board and staff to make proposed regulatory changes for presentation to the voters. Some examples of areas in which a consultant can help are:

- where certain types of zoning amendments would support master plan goals;
- outreach for input and assistance from residents; and
- as much additional information as possible to educate the Board to help it prioritize.

The Planner said that Steve Whitman will provide some information and over the next couple of weeks (the new deadline is February 11th or 13th). There is a grant writing seminar on January 7th to assist in submitting the grant application that the Planner will attend and will highlight those areas the Board wants to consider in Round 2.

At 7:15 pm Charlie King motioned for a 10 minute recess; 2nd Glen Demers. Motion carried with all in favor. Meeting reconvened at 7:30 pm.

CONTINUED BUSINESS BEFORE THE BOARD:

- **Continued discussion regarding review of Master Plan, Zoning Ordinance, Subdivision and Site Plan Regulations with Jeffrey H. Taylor & Associates Inc.**

Steve Whitman said he would be presenting Draft 3 with supporting material and agreed with the Planner that since it was the last meeting they should talk about priorities. He said the information provided included nodal development on Route 11, downtown development and the connection between the two as well as information on Tax Increment Financing and the towns in New Hampshire that use TIF.

Mr. Whitman said the next round of funding had just been announced and they will be happy to review the Town's proposal.

Planner Menici said Draft 3 reflects the discussion that has occurred over the last few meetings and identifies what appear to be the priorities. She said a lot of input has been received from the general public and from Town committees. The Planner said she would like to talk about nodal development tonight because concern has been voiced repeatedly that residents do not want to see the rural appearance of Route 11 change and the way it is now zoned does not provide protection.

The Planner said every municipality has to look at where in town is the "cash cow" or in other words where can the town support development that will provide a reasonable tax base. In Farmington Route 11 is that area because it ties in with development in other communities. She said that the commercial development in Rochester is pretty significant and the Town will want to feed off of that but at the same time residents don't want to see the same intensity of development as has occurred in Rochester. She said that Farmington does not want frontage development such as occurred along Route 1 in Portsmouth that has taken what was at one time pristine and rural and turned it into commercial development.

The Chairman pointed out that at one time there was protection but since 2001 after the demise of Collins Aikman there was a push to find a way to encourage commercial development and in doing so the Town has lost sight regarding protecting the rural character. It is important to achieve a balance to satisfy the need for both development and rural character.

Charlie King said that Route 11 not as readily developable as people think because there are wetlands, the Ela River, and a lot that is already residential. He said that where the liquor store is the old railroad bed that bisects the land. There are also some steep slopes rising from 250 feet to upwards of 600 feet above sea level as well as ledge issues. He added that even though he agrees the Town should encourage nodal development it will be relatively slow due both to the economy and the characteristics of the land.

The Board asked if open space development was primarily for residential and if nodal development was for commercial. Mr. Whitman said that nodal does not provide for open space conservation but allows a higher density of development with possibly taller buildings. It does provide for space with no development between nodes so there isn't unbroken commercial development. He said that as pointed out there are already restraints from the land itself and it would make sense to encourage development in a more intense fashion at a couple of key areas. If the Board sees the intersection of Routes 11 and 153 as nodal then it could support more density, more urban design with retail and office space not just a "big box" store. There would also be room for businesses that would not fit into the downtown area. By clustering these businesses on Route 11 they would work off each others energy.

The Board discussed the pros and cons of mixed use and whether that would give rise to strip development. Concern was also expressed about landowner rights. Mr. Whitman said that he has spoken with land use attorneys as this has come up in other communities. He explained that land use ownership provides a bundle of rights that say what an owner can do. But today an owner could have 100 lots but if that owner does nothing with the land in the future that same parcel might only be allowed one lot. He said that developing the most efficient use of the land may not be the highest use in an owner's mind.

Planner Menici said it is important to envision a process and current regulations could result in fragmented/piecemeal development that will intensify in time. The Chairman said some residents will say that any development is good because there is so little but that is not in the best interests of the Town.

The Planner said that she has seen many times that someone builds a commercial space and someone comes in for a couple of years but because can't make a living that parcel gets a reputation that whatever comes in cannot succeed. It was commented that some on Route 11 already have that reputation.

Planner Menici said she hadn't really looked at nodal development until this discussion and it makes sense. She said she can see areas in Farmington where it will work because of areas of constraint such as wetlands, slopes

and rivers but the Routes 153/11 intersection is underutilized at this time. The Chairman said he thinks the economy plays the biggest part in the lack of development. Mr. Whitman said developers want assurance that nodal development is what a town wants before they make a proposal. They don't want sprawl around them.

Mr. Whitman said a challenge for Farmington is downtown. It was stated that part of the problem has been the attitude that any kind of business is okay and then taking in the development that no one else wants. Sarah Greenfield is a great example of this. People were supposed to build a structure of value and metal buildings were supposed to be prohibited but this was not enforced and what should have been a prime commercial development now has low value structures. There is an opportunity for a Phase 2 because there is additional land. Charlie King said that Sarah Greenfield was set up with covenants but with the bar set that high no one was coming into the park. It became a matter of not coming because it was cheaper to go somewhere else. He said that competing with other towns can be a disadvantage and although he agrees with wanting the highest quality development Farmington can't compete with Portsmouth or the Pease Tradeport.

Extensive discussion took place regarding possible locations for nodal development with consideration of Meetinghouse Hill Road and Sara Greenfield as potential sites. Planner Menici said this is an opportunity to link the intersection of Routes 11/153 together with downtown. She said that as part of Round 2 funding the Town could look at feasibility including environmental constraints and how much land is available for a reasonable cost of development. She suggested looking at development in Rochester for office parks where slope exceeds what is found on Meetinghouse Hill Road but where town water and sewer has been brought in.

The necessity of providing access to town water and sewer and the accompanying cost was a concern of the Board. This had been looked at as far back as 2007 and the need to offer incentives and use tax increment financing was recognized for the purpose of keeping downtown viable and lively. It was suggested that a CDBG grant could be used together with TIF for downtown investment including sidewalks, streetscape, and better parking. At the time this was initially considered the Board felt it lacked both education and resources.

Planner Menici said that Sarah Greenfield is already developed but can be expanded and provides a direct feed into downtown. Access could be from both the existing entrance and also from Route 11 on town owned land. There is currently a crushing operation there but it will become available for other use. The Planner said that it would be an opportunity to address more than one idea through a combination of approaches – nodal development on Route 11 to provide a higher level of development in specific areas with the intersection the core area. The Planner added that bringing in town water and sewer could be supported by a TIF district in conjunction with grant sources. She said that some time should be spent investigating this opportunity.

Steve Whitman said Round 2 financing would probably cover this type of work and recommended speaking with Ben Frost at NHHFA to confirm this.

Cindy Snowdon asked how putting in new water and sewer lines would not burden residents already on town utilities with increased rates. Charlie King said the Town invested 12.6 million dollars through a warrant article with some funding from grants. The new plant is complete and there is a sizable amount of capacity to extend lines. He said that if usage increased from 60 to 80 percent there would be no real cost increase and the concern is that the burden not be put on residents but on the developer. Any cost implications should be borne through future taxation or through grants and fall on all users. The point of trying to attract higher density development is to lower costs.

Charles Doke said he was concerned with the cost of installation. Planner Menici said the Town would not run sewer lines on speculation but would identify nodes and possible TIF districts so that when a developer comes in and requires town sewer the TIF district is in place and cost can be covered by grants, CDBG and bonds. She said that there is an excess capacity right now and there is typically a residential rate and a higher rate for commercial usage.

Charlie King asked what would happen if the TIF district is in place and a CDBG grant is obtained with the cost to the Town of one million dollars. However, a developer comes in with three businesses and the additional contribution would only add \$60,000 how would that be enough. The Planner said the additional revenue would be contributed by the developer. Mr. King questioned how the Town would come up with the rest of the funding if the additional revenue is not enough to offset the cost. Planner Menici said that is one area that must be investigated in Round 2.

Steve Whitman explained TIF: he said that the Town first identifies the district in which it will be used and then takes the new increment derived from the increase in value and uses a portion to pay down the bond for improvements instead of going into the general fund. When the bond is paid off then the full amount goes to the general fund. He said that the Town may not realize full value until the bond is finished but the net positive is to the Town. This concept enables a town to address several issues at once instead of over time and it encourages new business.

He added that if a small development is proposed in the node then the Board might have to say the numbers don't work and the developer needs to bring in more development. This happened in the Black Brook development in Keene. Chairman Parker asked if in this scenario the proposal would be turned down. Mr. Whitman said the developer could use onsite utilities instead.

Charlie King said that it would be simpler to use TIF downtown to encourage reinvestment. He said that TIF would work there because owners would see that their additional taxes are going directly back to the area in the form of streetscape improvements, traffic calming, etc. He said if the Town doesn't offer incentives we won't get redevelopment.

The problem with businesses opening and closing quickly was considered. Planner Menici said a lot of people feel they have a great idea and open a business in downtown but haven't done their homework as to capital needs and market share. She said that unfortunately New Hampshire is no longer a main street State anymore but the program was very successful and there is no reason why a committee cannot be developed to adopt main street issues.

The Board returned to the discussion of nodal areas. Mr. Whitman said two locations were identified in the Master Plan and the third would be downtown. The question would be how much can the Town bite off in the next round of funding.

Charlie King said the Tappan/Central area might actually be better than the intersection of Routes 11/153 because it is closer to a potential sewer connection and the area is a little larger.

Chairman Parker expressed concern because there is already heavy residential development there and asked if Mr. Whitman was aware there is a well pump in that area. Mr. Whitman said he was not, but a node does not have to be round and he could not see why potential commercial development would impact the pump any more than the current residential development. He said a node can be crafted by identifying what type of mixed use the Town would want to see and even providing for people walking to work.

Mr. Whitman said he would like to get a consensus about proceeding with the second round of funding and what the Board would like to pursue. The Planner asked if the town submitted a proposal to address the three areas would \$30,000 be sufficient to address everything thoroughly or is that spreading the funding too thin. Mr. Whitman said it would but TIF might not be covered. Planner Menici said that would have to be addressed. Mr. Whitman suggested speaking with Jack Dugan about addressing TIF together with the other areas and working up a budget to see what can be done.

Charlie King said if downtown is made the priority than the Board will have a foundation and can work on other areas. If a ten year TIF is adopted it can be redone if necessary and then that can be applied to the other nodes.

He said that maybe TIF and CDBG funding with a grant can be used but might need a 20 year TIF. He also said that the approach would be the same if the intersection of Routes 11/153 were used.

Charlie Doke wasn't sure which area would be the best and felt by looking at all areas the Board would have a chance to look at topography and make their decision. Mr. King commented that the area of Route 11 in front of Cameron's would be redeveloped by the State because of accidents and although it probably would not be in the next two or three years it would be in the best interests of the Town to have a plan in place when the time comes.

Mr. Whitman recommended the Board look at highlighting potential areas for development as well as what uses to encourage, traffic, and any guidelines in place.

Planner Menici said she will be going to the January 7th grant writing seminar and will rely on Taylor & Associates and Ben Frost of NHHFA to run ideas past and see how to fine tune the application and then will come back to the Board with recommendations. Mr. Whitman said the Board can rely on them to help get the Town to the next Round.

Planner Menici commented that the Town is on a cusp and decisions made now will impact Farmington for years to come and she wants to do what she can do to help the Board make the right decisions. She said this is a unique community with its blend of downtown and rural areas.

Chairman Parker said discussion of any conflicts in the ordinances and regulations were not addressed tonight because zoning issues were the priority. Mr. Whitman said the Board can tackle that at its own pace using the draft as a working document. The Chairman said the Board had been working to made major changes in the Subdivision Regulations and that had been put on hold pending finishing this grant round. He asked Mr. Whitman if he would suggest continuing on this path and complete. Mr. Whitman agreed and said he would look over the draft before public hearings are held.

The Board thanked Mr. Whitman for his work on the Town's behalf.

Planner Menici said the zoning amendments needed to be put in final form at the next meeting so the Board can set a date for the public hearing. She reminded the Board that the subdivision regulations have been tabled until the zoning amendments are done.

Chairman Parker thought the Board should set a date for the public hearing on the subdivision regulations. Planner Menici said she did not recommend that at this time.

At 9:00 pm Josh Carlsen motioned to adjourn the meeting; 2nd Charlie King. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker