

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, December 18, 2012  
356 Main Street, Farmington, NH**

**Board Members Present:** Paul Parker, Charles Doke, Joshua Carlsen, Cindy Snowdon, David Kestner, Matt Scruton

**Selectmen's Representative:** Charlie King

**Board Members Absent/Excused:** Glen Demers

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

**Public Present:** Neil Johnson

**At 6:36 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.**

**BUSINESS BEFORE THE BOARD:**

- **Pledge of Allegiance**

**Chairman Parker welcomed Matt Scruton as an alternate to the Planning Board and said he had previously served on the Board of Selectmen. The Chairman also said this was the last meeting of the Board for the year and on behalf of all the members he wished everyone a Merry Christmas and Happy New Year.**

- **Review and approve Meeting Minutes of December 4, 2012**

*Charlie King motioned to approve the minutes of December 4, 2012 as amended; 2<sup>nd</sup> Charlie Doke. Motion carried with 5 in favor and 2 abstaining.*

- **Review of final drafts of proposed zoning amendments, proposed warrant articles, and establish public hearing dates**

Chairman Parker read the proposed zoning amendments in their entirety and asked for any corrections, additions or discussion.

**Manufactured Housing**

Matt Scruton asked why five years had been chosen as the age on manufactured housing. The Planner explained that this went back to discussions during the last couple of meetings. She said that the age determination came from CEO Roseberry who had explained that if the unit is limited to five years old then it will conform more closely to the building code which changes every three years.

The Board discussed manufactured housing units being sited in a condominium development such as Ians Way. Planner Menici said that because they are classified as a single family unit if not prohibited in condominium developments then in essence a mobile home park could be created. The Board agreed this should be added and asked Planner Menici to check with Town Counsel as to whether it should be worded as condominium or condominium development.

***Charlie King motioned to amend the proposed Manufactured Housing Standards zoning amendment to include condominium developments and to have Planner Menici check with Town Counsel for correct language; 2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor.***

## **Signage**

Planner Menici said that Town Counsel pointed out that political signs cannot be identified separately from other temporary signs and currently the Town has separate language for temporary and for political signage. Chairman Parker said other communities have similar ordinances. The Planner agreed but said there apparently is case law and other communities have not caught up yet. She added that Farmington has the same Town Counsel as Durham and there was an issue in Durham on this matter and Durham amended their ordinance. She said she was not aware if the matter went to Court or if the amendment was prepared in anticipation of a court hearing.

The Planner said that according to Town Counsel Durham created "snipe" signs. Because she had never heard of this term, Planner Menici googled it and found it is a real term and can deal with signs that pertain to free speech or political signs. Planner Menici read the current Zoning Ordinance. She said that according to Town Counsel if the Town allows temporary signs then political signs should have the same standards.

The Board members discussed the language of the proposed amendment and Matt Scruton brought up RSA 664.17 which appears to make distinctions between temporary and political signs. It was felt that until the State makes changes the Town should not have to do so. Also considered were posting signs on public versus private property and dates for posting and removal. The Planner said she would print out the RSA for further discussion.

***At 7:07 pm Charlie King motioned for a 5 minute recess; 2<sup>nd</sup> Josh Carlsen. Motion carried with all in favor. Meeting reconvened at 7:21 pm.***

The Planner read from RSA 664.17. She said it is a little different from what the Board was considering. It does address that permission is needed on both public and private land and if posted without permission then authorized personnel may remove the signs.

Charlie King suggested that any reference to "political" be removed and just state that signage must conform to the RSA. The Planner said the Board can adopt a higher standard.

The Board discussed their concerns regarding the inconsistencies in the State RSA and the possible conflict between the RSA and Town ordinances. They were also concerned with protecting freedom of speech.

The Board considered the recommendation from Town Counsel based upon case law. Planner Menici said that a new section could be created to deal with political advertising instead of political signs. Charlie King was unsure how this would be different from leaving it within the signage ordinance. He also said that the Board is trying to make the ordinance less restrictive by allowing more time.

The decision after some further discussion was to ask Town Counsel for clarification and additional information. In the meantime, Planner Menici said the language the Board has so far agreed upon can be posted. At the first public hearing the discussion can continue and the Board can accept as written at which point the amendment will go to the Town Clerk in the form of a warrant article. If not accepted then there must be a second public hearing and if accepted as written at the second hearing it goes to Town Clerk as a warrant article. If not accepted then it is tabled.

Charlie King said he felt the Board did not have enough information to accept Town Counsel's recommendations so the only choice would be to post as written or amended from tonight and then pose questions to Town Counsel and she can indicate the case law. He questioned whether the Town needed to do anything yet if the state has not changed the RSA. Chairman Parker agreed. Cindy Snowdon suggested the language relating to removal of signs could be changed to be in agreement with the State. Mr. King said he was not opposed to that as the second

Friday after the election as specified by the State is close to what the Town has but it cannot be less restrictive than the State.

It was suggested that for removal of political signs the proposed amendment be changed to use the State terminology of the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary and point to RSA 664:17. Planner Menici suggested that in addition to the standards the Boards decides upon it should state that all political advertising shall comply with RSA 664:17.

Matt Scruton said his preference would be to strike all language regarding political signage and refer only to the RSA. The other members agreed.

***Charlie King motioned that the requirement for RSA verbiage be determined by staff; 2<sup>nd</sup> Josh Carlsen. Motion carried with five in favor and two against.***

Planner Menici suggested the Board discuss temporary signs in general.

The Chairman read paragraph (B)(2) of the proposed amendment:

***Temporary signs are permitted for no more than ninety (90) days per calendar year. One (1) temporary sign per approved entrance is allowed, not to exceed two (2) temporary signs at one time. A Temporary Sign Permit must be obtained prior to the installation of the temporary sign.***

Cindy Snowdon pointed out that changing the time limit from 30 days to 90 days will be less restrictive. It was also noted by other members that the number of signs is now defined and a permit requirement is being created.

The Planner said that because there is currently no requirement for a permit the CEO has no way to tell how long a sign has been in place and he recommends requiring one but not charging a fee. She said the Board has had numerous discussions on this but the Board of Selectmen has the final determination regarding a fee.

Chairman Parker said he agreed with requiring a temporary sign permit. Cindy Snowdon asked why the permit should be required. The Chairman answered it would provide the CEO with the date when the sign was installed.

Charlie King said that the Board had previously determined that a temporary rollout sign brought out every weekend would be close to 90 days per year.

Planner Menici explained briefly that the section on sign properties basically codifies the CEO's interpretation that has been upheld by the Court and also adds that illumination should not spill onto roadways which was not previously included.

The Board then turned to the discussion of directional signage and spent a significant amount of time on this topic. The Planner gave some background stating that the recommendation for this amendment came from David Kestner's concern about the importance of directional signage for agricultural enterprises on the west side of Town. She said the aim was to direct the general public to businesses that are off the beaten path. Her research resulted in the proposed section "Directional Signage".

Included in the discussion were the following issues:

Size: Three square feet was felt to be a better size than the proposed two square feet.

Number and location: Only one sign, except for change of direction signs, per two mile stretch seemed too long to Board members and also presented a difficult enforcement issue since it would have to be determined which sign was posted first. Charlie King suggested that section 3 could read: shall not impede the travel way or

visibility along the travel way as determined by the CEO. Since a permit would be obtained the CEO would have the opportunity to render his opinion. The number of signs is not limited at intersections but Charlie King pointed out that the proposed ordinance should clearly state this.

Planner Menici commented that having one sign with multiple businesses listed in the area is an opportunity to let not only the public know but also the business owners. She said that sometimes people involved in agriculture become so focused that they don't consider that if all pull together everyone will do better and that the businesses are not competitive but complementary.

David Kestner thanked the Planner for taking the initiative to address agriculture on the west side of Town. He said he felt the two mile length was too long because anyone unfamiliar with the roads might feel lost and preferred the language already suggested by Mr. King. At first Mr. Kestner said he would like to see the size changed to three square feet but later said he thought staying with two square feet would work. He also felt that a common post was a good idea but was not sure everyone would cooperate and suggested using "directional signs mounted on a common post where possible".

Permits: Planner Menici said the existing application is a single sheet and a sketch of the sign is attached. There is a fee of \$25.00 for commercial enterprises but that is not being suggested for agriculture. Neil Johnson that requiring a permit would keep people from thinking they could put up sign without permission.

Height: It was agreed that the height would have to be high enough for visibility when driving and above the height of a snow plow blade. A height of four or five feet was suggested.

Other types of business: Chairman Parker said this ordinance could be opening the door for businesses in this area that are not agricultural to ask why the Board is taking them out of the picture since they are also off the beaten track. The Planner responded that agricultural businesses were specifically brought up by David Kestner as a concern and that State statute specifically names agriculture as a specialized industry in the State. She said this was the first time other businesses were brought up.

It was pointed out that the Master Plan includes a goal of keeping the rural character of Farmington and that too many signs would not be in keeping with this goal. The Chairman said the Board should consider this before going too much further and he was not sure this was the correct direction. Josh Carlsen said that not everyone has a computer or a phone to look up a website and they rely on directional signage.

Charlie King did not feel it would be a problem to open to other types of businesses.

A large off site directional sign that has been in place since the 1970's was discussed. Planner Menici said that sign was grandfathered. She added that right now directional signs are not permitted and this is a good way to test the waters and see how or if it should be expanded to other businesses.

Changes suggested:

- One sign every one-half mile and add shall not impede the travel way or visibility along the travel way as determined by the CEO.
- Size should be two square feet.
- Common post at intersection where possible with a maximum height of six feet
- One line dealing with visibility and a separate one for the idea of a common post with a maximum height of 6 feet
- (F)(1) changed to say permitted upon the filing of a permit application so it becomes an administrative issue and up to the CEO to work with the Board of Selectmen.

Planner Menici read the proposed amendment with the suggested changes:

**(F) Directional Signage**

- (1) Directional signs relating to an agricultural enterprise within the Town of Farmington are permitted upon the filing of a permit application provided said signs for any one enterprise do not exceed one (1) sign in any one-half mile length of road, not including those to indicate a change of direction.**
- (2) Directional signage shall not exceed two (2) square feet in area and shall contain only information regarding the name of the enterprise, direction and distance.**
- (3) Directional signs shall not impede the travel way or visibility along the travel way as determined by the CEO.**
- (4) At intersections directional signs shall be mounted on a common post where possible with a maximum height of six feet**
- (5) Directional signs shall require written approval from the property owner to be submitted and maintained as part of the permit process.**

**Charlie King motioned to approve the changes to this section as outlined; 2<sup>nd</sup> Matt Scruton. Motion carried with all in favor.**

**Charlie King motioned to accept the entire proposed sign ordinance with amendments; 2<sup>nd</sup> Charles Doke.**

Discussion: Matt Scruton asked about a definition for agriculture but the Planner said it is defined in State Statute.

**Motion carried with six in favor and one against.**

**Section 2.05 Change in Village District**

Planner Menici explained that according to Town Counsel the changes being proposed can be addressed as either as a Zoning Amendment or in the Site Plan Review Regulations and Town Counsel recommends using Site Plan. Charlie King said he agreed with the changes and with addressing them in Site Plan so that changes could be made if necessary.

Chairman Parker asked how the change would impact the Site Plan Review Committee. Planner Menici said that is a public hearing process whereas this allows the CEO to look at the application and if allowed in downtown to approve the application.

The Board agreed to address the changes in the Site Plan Review Regulations.

Chairman Parker said that leaves two amendments to be presented to the public in March so the public hearing dates should be set now. Planner Menici said the first public hearing on the proposed Zoning Amendments would occur on January 8<sup>th</sup> and given the statutory requirements the second hearing would be on January 22<sup>nd</sup> or January 29<sup>th</sup>. She said the Board's schedule is subject to change and said there are two applications for the second meeting in January. The Board agreed to change the January 15<sup>th</sup> meeting to January 22<sup>nd</sup>.

**Charlie King motioned to change the January 15, 2013 meeting to January 22, 2013; 2<sup>nd</sup> David Kestner. Motion carried with all in favor.**

Planner Menici said she might have to rewrite the warrant article for signs depending on Town Counsel's opinion on language for political signage but manufactured housing is fine. She said depending upon discussion on January 8<sup>th</sup> there may be other changes but final language must be approved on January 22<sup>nd</sup> in order to move forward.

Paul Parker motioned to proceed to public hearings on January 8, 2013 and January 22, 2013 on the proposed zoning amendment to Section 3.09 Signs; 2<sup>nd</sup> Charles Doke. Motion carried with all in favor.

Paul Parker motioned to proceed to public hearings on January 8, 2013 and January 22, 2013 on the proposed zoning amendment to Section 3.13 Manufactured Housing Standards; 2<sup>nd</sup> Charles Doke. Motion carried with all in favor.

The warrant articles will be discussed at a future meeting.

- **Discuss and prioritize recommendations from Jeffrey H. Taylor & Associates**

Planner Menici said she will be attending a meeting on January 7<sup>th</sup> and needed ideas from the Board but not a formal motion. She said a summary of the ideas discussed with Steve Whitman were:

- initiatives to support revitalization of the downtown
- creation of a TIF district for downtown and development on Route 11
- expedited review process
- economic development along Route 11 going back to recommendations in the Master Plan on nodal development

She said the Board had previously decided that the intersection of Routes 153/11 would be an appropriate location to initially undertake nodal development and then go forward with the intersections of Tappan/Route 11 and Central/Route 11. The Planner said these would be appropriate for the February application and asked if her understanding was correct.

Chairman Parker said Low Impact Development had been discussed but the Planner felt the Board could include that but they were not as ready. She added that the grant provides the opportunity right now to address downtown, Route 11 and TIF. The Town could work with the Great Bay Estuaries project at UNH in developing LID and would not require grant funding.

Planner Menici said at the meeting on January 7<sup>th</sup> she will say these are the items being considered and ask in what direction the Town should go and which should be pursued first. The Board asked if all items could be included. The Planner said Steve Whitman did not think all could be accomplished within the \$30,000 limit. Charlie King said that this is the direction in which the Board wants to go and if Taylor & Associates cannot do all within the \$30,000 then the Board should speak to other organizations. Planner Menici said the Town would request bids for this phase just as it had for the first phase.

***Paul Parker motioned to extend the meeting to 9:15 pm; 2<sup>nd</sup> Cindy Snowdon. Motion carried with all in favor.***

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

Planner Menici said another construction report update revision on Richards Way had been received since the one that was included in the Board's packets. The issue outstanding is the installation of the fire cistern that was supposed to occur today and tomorrow however the manufacturer is behind in production and the installation will occur the week of January 7<sup>th</sup>. The Fire Chief has no concern and either he or the Deputy Chief will be on site for installation.

Mrs. Arcidy informed Planner Menici that she has had a miscommunication with Severino regarding a conversation the previous contractor had with an owner on Governors Road who wanted a second driveway on Richards Way. Mrs. Arcidy found out the prior contractor had committed to this and stopped him. It appears the property owner approached Severino saying the driveway was not finished and because Severino did not

understand what had previously taken place it was completed. The Planner said this would need an amended site plan review and asked the Board what they wanted to do.

The Board asked for more information before making a decision on this matter.

***At 9:07 pm Matt Scruton motioned to adjourn the meeting; 2<sup>nd</sup> Josh Carlsen. Motion carried with all in favor.***

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Chairman, Paul Parker