

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, January 22, 2013
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, Joshua Carlsen, David Kestner, Glen Demers, Cindy Snowdon, Matt Scruton

Selectmen's Representative:

Board Members Absent/Excused: Charles Doke, Charlie King

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

Public Present: Neil Johnson

At 6:07 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 January 8, 2013**

Glen Demers motioned to approve the minutes of January 8, 2012 as written; 2nd Josh Carlsen. Motion carried with 4 in favor and 1 abstaining.

- **Discussion on Richards Way regarding partial release of performance guaranty**

Planner Menici explained to the Board that the letter in their packet from FST is the result of a request by the developer, Candid Arcidy, for a partial release of the performance guaranty held by the Town. FST reviewed the work completed in 2012, proof of payments for work completed and the cost of work remaining. Based upon that review they estimate the remaining costs at \$113,000. The amount of the performance bond held by the Town in escrow of \$320,000 minus this figure is \$207,000 and FST has recommended releasing that amount to the developer.

The Planner said that a review of the escrow for construction inspections shows the account to be short for current invoices in the amount of \$1,059.07. January's bill has not been received yet and Kevin Gagne estimates it at \$2,500. At this point the Town would need \$3,600 from Mrs. Arcidy to cover the construction inspections. Planner Menici said she sent an email to Mrs. Arcidy explaining that this could be approached in one of two ways. Funds could be transferred from the performance surety to the construction escrow or a separate check could be provided for inspections. Mrs. Arcidy said she preferred to keep the amounts separate and said she would write a check for the additional construction escrow. The Planner recommended the amount of \$5,000 to cover the \$3,600 needed now with an additional \$1,400 to cover any additional inspections over the winter.

The Planner said installation of the fire cistern has been included in the \$3,600 and the \$1,400 is over and above what is immediately required. The Planner said that on a recent site visit she had seen that some of the silt fencing had collapsed and she will check next week to make sure it has been corrected. She added that this is not unusual but it is only January and FST may need to go out to the site during the winter.

Chairman Parker asked for staff's recommendation. The Planner said that since Mrs. Arcidy would like the release of the \$207,000 in its entirety her recommendation is that Mrs. Arcidy provide a check to the Town for

\$5,000 to replenish the construction escrow account and once the check has been received and has cleared the Town can release the \$207,000.

David Kestner said Planner Menici's idea is prudent and although he would have suggested releasing \$202,000 he is okay with Mrs. Arcidy's request to release the entire amount as long as the Town receives her check for \$5,000 and it clears prior to releasing the \$207,000. The other members agreed.

The Planner said although the Board may have to go back and revisit the amount in the construction inspection escrow over the course of the winter for the time being this amount is acceptable since there will be no more construction until May. The Chairman commended that Mrs. Arcidy has been more than receptive in providing what the Board has asked.

David Kestner motioned to have Candid Arcidy provide \$5,000 to replenish the construction inspection service escrow and once the funds have cleared then the Board authorizes the release of \$207,000 from the performance surety in accordance with the Town Engineer's recommendation; 2nd Glen Demers. Motion carried with all in favor.

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

There was nothing additional discussed.

At 6:25 pm Paul Parker motioned for a 5 minute recess to order to start the public hearing at 6:30 pm; 2nd David Kestner. Motion carried with all in favor. Meeting reconvened at 6:30 pm.

PUBLIC HEARING - 6:30 pm

Chairman Parker noted that this is the second public hearing on the proposed zoning amendments and read the first proposed amendment.

1. To amend Section 1.14 - Definitions to add a definition for Temporary Signs.

Temporary Sign: Temporary signs include but are not limited to banners, emblems, portable signs, inflatables, wind signs including balloons, pennants and streamers or any other sign that moves in the wind (excluding national or state flags), political signs or any other temporary advertising media intended to identify or direct attention to a product, service, place, activity, special event, or business.

At this time Planner Menici suggested that the Board follow the same process for each of the three proposals and open the hearing for public comment and then the Board can either make changes or move forward to the Town Warrant. She said this meeting is the last opportunity to make changes because at the February 4th meeting the Board will only be able to vote to either move the proposed amendment forward or to table it.

Chairman Parker opened the meeting to public comment. There were no comments from the public and no discussion among the Board members. The Chairman closed the public portion of the meeting.

Paul Parker motioned to move forward the definition of temporary signs to warrant article for legislative vote; 2nd David Kestner. Motion carried with all in favor.

- #### **2. To amend Section 3.09 - Signs to extend the time period during which political signs may be displayed, to clarify standards that apply to temporary signage and signs with messages or graphics that change electronically, and to add language permitting directional signage for agriculture enterprises and standards for said signs.**

3.09 SIGNS.

All Signs shall conform to the provisions of this section.

(A) **General Provisions.** All Signs shall be in conformance with this section, the International Building Code, and the NH RSA 236:69 –89.

(B) **Temporary Signs:**

- (1) Temporary signs are permitted for no more than ninety (90) days per calendar year.
- (2) One (1) temporary sign per approved entrance is allowed, not to exceed two (2) temporary signs at one time. Except as provided in Section 3.09(B), a Temporary Sign Permit must be obtained prior to the installation of the temporary sign. Permit applications are available in the Code Enforcement Office.
- (3) The maximum surface area shall not exceed thirty two (32) square feet in all areas. Attaching Signs and/or posters to property without permission shall be prohibited. Temporary signs shall be removed within fifteen (15) days of the special event or activity, where applicable.
- (4) Traffic control, road direction Sign and road identifying Signs, no trespassing Signs, Signs advertising yard sales, Signs advertising the sale or lease of the premises and political Signs do not require a permit prior to the installation of the Sign; however, such Temporary Signs are fully subject to the provisions of Section 3.09(B)(2).

(C) **Size.** All permanent Signs shall conform to the following size limits.

- (1) In the AR, SR, RR, UR, and VC, there shall be:
 - (a) No more than one (1) Sign mounted perpendicular to the building displaying the name of the commercial or institutional occupants with a maximum size of four (4) square feet of message area per side.
 - (b) In a building with multiple commercial/institutional occupants and on-site parking, no more than one (1) Sign displaying the name and address of the occupants with a maximum size of four (4) square feet of message area per occupant. Said signs shall be mounted on a common post, where practical.
 - (c) One identifying Sign mounted flush to the building for each business and/or organization in the building with a maximum of twenty four (24) square feet of message area.
- (2) In the (CB), (CIBO), and (IB), Signs shall be limited to those which aid identification, advertise goods, services, or products manufactured or offered for sale on the premises as follows:
 - (a) No more than one (1) free standing Sign with a maximum of fifty (50) square feet in area shall be allowed for each business or industrial establishment.
 - (b) Additionally, up to one wall mounted Sign not exceeding fifty (50) square feet may be exhibited on the outside of the principal Structure.
 - (c) Multiple building developments (industrial subdivisions) are allowed one Sign within the complex to serve as a directory. Up to 2 square feet per principal use may be used to display the business name or other pertinent information. The placement of said complex directory is subject to Site Plan Review.
 - (d) Non-illuminated Signs on the inside of a window not to exceed one- third (1/3) of the window size.

- (e) The number limitation Signs do not apply to traffic, directional or other utility Signs within residential, commercial or industrial subdivisions.

(D) Sign Properties.

- (1) Signs may neither move nor give the illusion of movement. When signs have the capability of changing messages, messages and message backgrounds may not scroll, flash or otherwise change appearance. Messages may not change more frequently than once every 60 seconds.
- (2) Signs shall not be lighted with flashing lights. Lighted Signs shall not obstruct motorists' visibility. Illumination shall not spill light onto adjacent roadways or property.
- (3) General advertisement in the form of a billboard shall be prohibited.

(E) Sign Location.

- (1) Signs are prohibited within the public way. High point of roof Signs shall not exceed ten (10) feet above roofline. No Sign shall be closer than ten (10) feet from side or rear property lines. Maximum Height shall not exceed thirty (30) feet. Projecting Signs shall not be closer than two (2) feet from the curb and must be a minimum of nine (9) feet above ground.
- (2) Off-premise Signs are prohibited.

(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.

The Board discussed a few changes for clarification and grammar. Planner Menici suggested that the changes be summarized and then the meeting opened to public comment.

The Chairman thought (B)(2) might be confusing but the Planner explained that a commercial property could have three or more entrances and this would limit the number of temporary signs to a maximum of two.

After brief discussion it was decided that Paragraph (B)(3) would be changed to read "...without permission from the owner or agent shall be prohibited."

Paragraph (C)(2)(c) was changed to say commercial/industrial subdivisions instead of just industrial subdivisions.

In (C)(2)(d) a grammatical correction was made and it would now read "... on signs does not..."

In (F)(3) CEO should be spelled out to read Code Enforcement Officer.

Cindy Snowdon asked for clarification on a discussion that was in the minutes from the last meeting. The planner explained that a sign on your own property that said for example "Save the Whales" was not included in the definition of a temporary sign so was not considered to be a temporary sign and impacted under this amendment.

Chairman Parker opened the meeting to public comment.

Neil Johnson asked for clarification on the word "not" used by the Chairman in one section but it was explained that was a mistake in reading only.

Harold Butt was uncertain about the discussion since he thought the hearing on Lois Munroe was to take place and Planner Menici said for his benefit that the Munroe Site Plan Review would be continued to the February 4, 2013 meeting.

There were no other comments from the public and no discussion among the Board members. The Chairman closed the public portion of the meeting.

Paul Parker motioned to continue discussion and public hearing on the proposed zoning amendment on signs to the public hearing on February 4, 2013 at 6:30 pm; 2nd Josh Carlsen. Motion carried with all in favor.

Planner Menici suggested that the Board amend the agenda order and continue discussion on the proposed zoning amendments to the end of the meeting to allow the public hearing for the Hussey minor subdivision to take place at this time.

Paul Parker motioned to take the Hussey subdivision out of order; 2nd Josh Carlsen. Motion carried with all in favor.

Application for Minor Subdivision By: Hattie G. Hussey, applicant/property owner through Geometres Blue Hills, LLC, as Agent (Tax Map R38 Lot 8) for property located at 797 Ten Rod Road. The applicant proposes to create three lots from the existing 54.26 acre parcel resulting in lots of 25.26 acres, 7.47 acres with an existing residence and 21.53 acres with an existing residence. The parcel is located in the Agricultural Residential Zoning District.

Chairman Parker asked if there were residences on two of the lots. Mr. Orvis said that was correct and one lot was vacant.

He said that this is a family subdivision and the first 30-acre lot was subdivided for a sister 18 years ago across the road then 30-acre lot abutting to the north was subdivided for a brother and now this lot will be for another brother. He added that the lots are all part of the family estate and he is also doing a lot line adjustment for one of the neighbors.

Mr. Orvis said he is asking for two waivers. Chairman Parker said that the first is for 4.06.01 and 4.08F to allow partial delineation of topography and natural features for 4.3 and 4.5 acres on lots R30-8 and R30-8-2 respectively.

At 7:05 pm Matt Scruton arrived and was seated in place of Charles Doke.

Chairman Parker asked for the road frontage on the two larger lots. Mr. Orvis said that frontage is approximately 550 feet on the 21-acre lot and over 900 feet for the 25-acre lot. The road frontage on the smallest lot will increase from 210 feet to 295 feet and the lot will now be conforming as to acreage and frontage.

Chairman Parker said the reason he asked is that the possibility of future subdivision exists and wondered if the limited topography provided would be enough for the Board. He said one lot shows significant wetlands. Mr. Orvis said there is a significant amount of Class 2 wetlands but if someone were to further subdivide in the future they would have to delineate them.

The Planner said this subdivision was brought in as a minor and current regulations specify that with a minor subdivision there can be no further subdivision of the parcels and that there should be a note on the plan regarding this restriction as well as making it a condition of approval. She said the option would be to bring this in as a major subdivision and provide full information.

Randy Orvis said the expense of a major subdivision would be beyond his client's financial ability and in his opinion a note stating no further subdivision would be unenforceable. The Planner said that the Board has been discussing a revision to the subdivision regulations that states no further subdivision can be done during a five year period after approval of a minor subdivision.

The Chairman said he wanted to make sure the Board had enough information to justify granting the waiver for partial delineation of topography and natural features.

After discussion the Board agreed that placing a five year moratorium on further subdivision was reasonable. They continued discussion on the requested waiver. David Kestner said that he was in favor of granting the waiver because the request was no different from other large parcels. The other members were in agreement.

David Kestner motioned to grant the waiver request from Section 4.06.01 and 4.08F to allow partial delineation of topography and natural features on each lot; 2nd Josh Carlsen. Motion carried with all in favor.

The Board discussed the second waiver request from Section 4.09 asking that only paper copies of the plat be required. Mr. Orvis said that the registry no longer accepts a mylar copy for recording. All members agreed this was acceptable.

David Kestner motioned to grant the waiver request from Section 4.09 to eliminate the requirement for a mylar copy of the plat and allow the submission of paper copies only; 2nd Matt Scruton. Motion carried with all in favor.

Chairman Parker asked the members if with the granting of the two waivers the Board considered the application complete.

Matt Scruton motioned to accept the application as complete; 2nd Glen Demers. Motion carried with all in favor.

Chairman Parker opened the hearing to public comments. There were none.

The Chairman said one condition of approval would be no further subdivision for five years. The Planner said approval should be subject to all the other requirements of a minor subdivision.

Chairman Parker asked Mr. Orvis why he had segregated large trees from the waiver request. The Planner said that gets into requirements for a major subdivision.

The Chairman closed the public portion of the hearing.

David Kestner motioned to approve the application for Minor Subdivision of Map R38 Lot 8 located at 797 Ten Rod Road to include the two previously granted waivers with the following conditions:

- 1. No further subdivision of any of these parcels during the next five (5) years;***

2. All local, state, and federal permits to be obtained prior to the issuance of a building permit.

2nd Glen Demers. Motion carried with all in favor.

At 7:29 pm David Kestner motioned for a five minute recess; 2nd Glen Demers. Motion carried with all in favor. Meeting reconvened at 7:36 pm.

3. To amend Section 3.13 - Manufactured Housing Standards to define manufactured housing, to clarify where manufactured housing units may be located, and to identify standards with which manufactured housing units must comply.

Cindy Snowdon said this proposal scares her a little bit because there are a lot of people in town that have a mobile home on a slab and the homes are perfectly fine but this change will be expensive. Chairman Parker pointed out that this is only for new homes not existing ones. Mrs. Snowdon said the change could be cost prohibitive for some.

Planner Menici said the intent is to create a balance in the housing stock that does not currently exist and has been discussed for many meetings over the last three months not just what was discussed at the January 8th meeting but goes back beyond that. Chairman Parker said that slab construction causes code issues when additions are added to an existing home. He also said that the new requirements would result in better value for the home owner as well as the community.

Mrs. Snowdon said she understood that it encourages other types of housing but for the individual who wants a mobile home the requirements although better could be cost prohibitive. Planner Menici said that costs would be greater, but CEO Roseberry deals with this issue frequently and has discussed it at length. If someone has a mobile home on a floating slab and wants to build an addition, the addition falls under the IBC and must be on a minimum four foot frost wall. The new portion is fixed and the original floating and this presents structural issues and is one of the reasons he brought this proposal forward. She said a number of issues on this subject have been discussed over three or four months but it is up to the Chairman if he wants to revisit the matter.

The Chairman said the subject has been discussed and that an added cost for example of \$13,000 may be cost prohibitive if paid upfront as a lump sum, but most people have a mortgage and spread over 25 or 30 years the monthly cost is small.

Cindy Snowdon said she wanted it on record that to the person trying to become a homeowner this change could make that unachievable. David Kestner said that he has had issues not just with the cost aspect but also with the assessed value. However, he pointed out that he had voted against it but he is just one vote (of 6 tonight). He added that as the Planner had stated this has been under discussion since last November and the Board is moving forward with it. He said that although he feels there are a lot more hidden costs than presented the Board is trying to improve the housing stock and it is ultimately up to voters in March.

Cindy Snowdon said she doesn't like it, that it is not fair and reaches too far. Mr. Kestner suggested she tell residents to vote against it. Chairman Parker said he was not in full agreement with the proposed sign ordinance and voted against it.

David Kestner said that some of the proposal is good. He said that although he has issues with the four foot frost wall, etc., an age of five years makes complete sense and is prudent because some of the older homes can be fire traps or health hazards.

Chairman Parker said the intent is mostly to achieve a balance and what the Board needs to do tonight is to read the draft and decide if it should be moved forward. He read the proposed zoning amendment.

Matt Scruton said he is in favor of the proposal and that when building a new stick built home numerous regulations apply that increase the cost but make the home better and he has no problem with that. He pointed out that the proposal does not apply to existing manufactured housing.

Planner Menici said Mr. Scruton had made a good point. She said that these standards for a four foot frost wall or full foundation do not apply to manufactured housing in an existing housing park but only to those on an individually owned private lot.

Josh Carlsen and Glen Demers said they were in favor of moving forward. David Kestner said he had concerns but was willing to move forward to get age of newly sited homes updated. Cindy Snowdon said she was not in favor.

The Chairman opened the hearing to public comments but there were none. Chairman Parker said the Board could accept the proposed amendment and move it forward as written to the warrant or if changes were made it could be continued to February 4th or it could be tabled.

The Chairman closed the public portion of the hearing.

David Kestner motioned to move the proposed zoning amendment on Manufactured Housing Standards as written forward to warrant article; 2nd Glen Demers. Motion carried with five in favor and one against.

Planner Menici said the proposed zoning amendments would be on the website by Thursday.

Application for Minor Site Plan Approval By: Lois Munroe, Applicant, Michael Paquette, Property Owner (Tax Map R30 Lot 4): To allow the operation of a Canine Training and Kennel Facility in an existing structure. Parcel is located at 302 Pound Road in the Agricultural Residential Zoning District.

Chairman Parker said this applicant ran into some difficulty and asked the Planner to explain. Planner Menici said there was an abutter notification error. She said this is a large parcel and the abutters were on multiple tax maps and the applicant had overlooked two when preparing the abutter list. Both have since been notified of the omission and are being noticed for the February 4, 2013 meeting.

The Chairman said that when Planner Menici told him of the oversight, he felt that since the error was unintentional it made sense to move to schedule it quickly instead of waiting an entire month and he felt the application could be handled on February 4th. Cindy Snowdon pointed out that the 4th was a Monday night. Chairman Parker said that due to state requirements for posting on proposed zoning amendments the Board had to schedule the final public hearing on Monday, February 4th and since there was no reason to have another meeting on Tuesday, February 5th the Board had voted to move the meeting to Monday.

David Kestner motioned to continue the application for Minor Site Plan Approval by Lois Munroe, Applicant (Tax Map R30 Lot 4) to allow the operation of a Canine Training and Kennel Facility to February 4, 2013 for public hearing; 2nd Josh Carlsen. Motion carried with all in favor.

At 7:58 pm Josh Carlsen motioned to adjourn the meeting; 2nd Glen Demers. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker