

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, March 5, 2013
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, Glen Demers, Matt Scruton, Cindy Snowdon, Charles Doke, Martin Laferte

Selectmen's Representative: Charlie King

Board Members Absent/Excused: Joshua Carlsen, David Kestner

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

Public Present: Neil Johnson, Colette Catlin, Jeff Catlin

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**
- **New Member**

Chairman Parker welcomed Martin Laferte as a new alternate member and introduced him to the other Board members. Mr. Laferte said he would do his very best to assure that he has a positive impact on the workings of the Planning Board.

- **Seating of Alternates**

Chairman Parker seated Martin Laferte in place of David Kestner and Matt Scruton in place of Josh Carlsen.

- **Review and approve Meeting Minutes of February 19, 2013**

Charlie King motioned to approve the minutes of February 19, 2013 as written; 2nd Glen Demers. Motion carried with 4 in favor and 2 abstaining.

Chairman Parker thanked Mrs. Gallagher for a job well done.

- **Review of application for a building permit on a Class VI road**

The Board had asked for comments from the Police Chief, Fire Chief and Public Works Director but this was not able to be accomplished. Planner Menici explained that the Fire Chief had been on vacation and the Public Works Director had been dealing with unexpected road issues due to the alternating freeze and thaw conditions and all the snowstorms and recommended that this discussion be continued to the March 19th meeting.

Chairman Parker said storms with two feet of snow and then thawing would certainly slow response down and recommended the discussion be continued to March 19th. He took the opportunity to compliment Public Works on the job they have done this winter.

Glen Demers motioned to continue the review of the application for a building permit on a Class VI road to March 19, 2013; 2nd Charles Doke.

Discussion: Chairman Parker apologized to the residents in attendance but said the Board could not make a decision without information.

Motion passed with all in favor.

- **Robidas subdivision - status of approval**

Planner Menici said she was looking to the Board for guidance in this matter. She reviewed that a letter was sent to Mr. and Mrs. Robidas on November 20, 2012 advising that there was a six month time period to satisfy the conditions of approval and that in order to keep the approval active they must either provide proof that all conditions had been met or submit a written request for an extension. The Planner said that the following week Mr. Robidas came into the office and told her that all requirements of the conditions of approval had been met and he would stop in the following week to provide the documentation.

Charlie King asked what conditions were outstanding. Planner Menici said the monumentation had to be set in the field and the surveyor had to provide a written statement attesting to that; an amendment was to be made to Note 9 to address the easement required to protect the well radius on the abutting lot; and a new note added to the plan requiring that the existing well be disconnected from the existing house and a new well installed at the time of transfer.

Chairman Parker asked the Planner what the Board's options would be. The Planner said the Subdivision Regulations are clear that the applicant would need to submit a letter requesting an extension because a conditional approval expires within six months. All conditions have clearly not been satisfied and if Mr. Robidas wants to keep the subdivision active then the Board can send a letter setting a date certain. The Chairman asked what the next step would be if the date is not met. Planner Menici said that technically the approval had already expired but the Board would still have the option given the nature of the conditions to extend the approval.

Planner Menici said the biggest of the outstanding conditions is the monumentation and that Mr. Robidas said that had been done but he did not know if he wanted the plan recorded. The Planner said that was fine but if had documentation he needed to provide it to the Board in order to keep the approval valid.

Chairman Parker said the Board could send a letter asking for the conditions to be met within two weeks otherwise the approval will be considered expired. Planner Menici said that is a generous approach. The Board could send a letter stating that because he had not provided the information necessary to demonstrate the conditions had been met and therefore the approval was null and void.

Charlie King said he agreed with sending a letter with a date certain to satisfy the conditions or to ask for an extension. Otherwise the Board would take formal action regarding the application. He said this was the procedure followed in the past and added that the Board should by motion state the approval was no longer valid. Chairman Parker suggested the date should be the next meeting on March 19th.

Martin Laferte asked the Planner if there had been any further contact from Mr. Robidas after he said he would return with documentation. Planner Menici said there had not.

Both Cindy Snowdon and Charles Doke felt a letter with a date certain was the right direction. Glen Demers said the letter should be strongly written because three months with no word from Mr. Robidas was a slap in the face to the Board. Matt Scruton said that since it had been three months without any contact he was in favor of voting tonight and declaring the subdivision approval expired without waiting another two weeks. Martin Laferte said the applicant had already had a large amount of time and a vote would be appropriate tonight.

Charlie King said he did not necessarily disagree but acting tonight would be inconsistent with actions in the past. Matt Scruton asked if the other applicants had been actively pursuing their conditions. Mr. King said not necessarily and many times there were issues with not providing information and the Board has to “nudge” the applicant. He added that if the approval in this case is voided then the applicant will come back in with an application and there would be the same result.

Charlie King motioned to send Troy Robidas a letter to furnish a written request for an extension to meet conditions or proof that conditions had been satisfied with a date certain of on or before March 19, 2013 or the Board would take formal action at that meeting; 2nd Cindy Snowdon. Motion carried with five in favor and two against.

- **Continued discussion of revisions to Subdivision Regulations**

Planner Menici said the draft the Board has tonight is the final formatted copy and the sections and paragraph numbers are what will be in final document. She said the document represents a lot of discussions that started in April 2012 and ended on January 9th this year. The document is at the point where the Board needs to read through page by page and decide if everything is correct as presented or if there are further amendments to be made to the language.

The Planner said she had asked Scott Hazelton, Public Works Director, to review the Subdivision Regulations with reference to specific transportation manuals and DOT manuals to be certain that the references are to the current documents. In the process Director Hazelton also reviewed the Road and Driveway Standards to make sure they were in compliance with the Subdivision Regulations. He recommended some changes to the Road and Driveway Standards but wrote his suggestions by hand. They are difficult to read and he had not been able to discuss them with the Planner but had promised he would do so before the March 19th meeting. Charlie King asked if Director Hazelton had committed to the review prior to the March 19th meeting and the Planner said he had.

Planner Menici said she gave the Board a lot of credit for their work during this long process and that what was being proposed would work well for the benefit of both the Town and future applicants. She said that instead of an applicant coming in, going through the process and finding out at the time of public hearing that the Board needed additional information now all requirements would be part of the Regulations. An applicant would know in advance what was required and this would streamline the process for everyone.

Chairman Parker said he would read Section 1 in its entirety and then read the titles of all the other sections and if anyone had an item to discuss he or she should bring it up at the appropriate time.

In Section 9 on page 20 number 15 the Planner said at the February 19th meeting the Board decided to strike the final sentence because it was already allowed by State Statute. It was decided to add a reference to RSA 289:14.

Referencing Section N - Traffic Impact and Mitigation on page 29 Charlie King said the Board had developed a requirement for analysis when a specific threshold was met. He asked if the Regulations are using that requirement. Planner Menici said it was incorporated into the regulations on the top of page 30.

The members said that it was a separate document that was adopted maybe four or five years ago. The Planner said it should be included in the regulations and she was not familiar with a separate document such as they are referring to. Chairman Parker said he would do some research and get back to her by the end of the week. Charlie King said the Board should make it obsolete.

Charlie King asked if the section on performance and maintenance on page 34 reflects what the Board has recently been discussing. Planner Menici said it did. She explained that in the past the Board had allowed the applicant to submit a performance bond as surety but there could be collection issues because the bond could expire and then there was no protection for the Town. The proposal was that the applicant provided a certified

check, cash (this should be added) or bank check that the Town holds in escrow. In the alternative, the applicant could provide an irrevocable letter of credit with self calling features. On the anniversary date if the town did not tell the bank it was okay to release the funds then the bank would automatically roll it over. The Planner said it should be drawn on a bank licensed to do business in New Hampshire.

Planner Menici said she would like to remove the word subdivider and replace with applicant throughout the document. The Board agreed with this suggestion.

Section 12 paragraph B on page 37 was changed to read “The Board shall require that all subdivision proposals include base flood elevation data” removing reference to 50 acres or 5 lots. This information is readily available and the members agreed it should be provided.

Planner Menici said there would be two appendices – one for Road and Driveway Standards and the second for the Fire Protection Policy. There would be no changes to the Fire Protection Policy but Scott Hazelton had some recommendations for the Road and Driveway Standards.

Charlie King requested that the Board have Director Hazelton’s recommendations with the meeting packets and before the March 19th meeting.

The Planner explained that once the Board adopts the document in its entirety a public hearing would be scheduled on the Subdivision Regulations including the Appendices.

The next meeting would give the Board an opportunity to discuss Director Hazelton’s changes which the Board should review to make sure they are what the Board wants.

Planner Menici said she would incorporate tonight’s changes into the regulations and hard copy would be sent to all the members by the end of the week. The changes from Director Hazelton would go out by email and hard copy by March 14th.

Chairman Parker asked each member for their opinion.

Martin Laferte said he had spent all afternoon reading the document and he could not see anything that was a problem. He added it was a fine job.

Matt Scruton said the Board deserved a lot of credit for their hard work and for presenting a good product to the voters. Charlie King clarified that this document would be adopted by the Board after a public hearing. If this were made part of the Zoning Ordinance an applicant would need a variance from the ZBA but the Planning Board would be able to grant a waiver from the Regulations.

Glen Demers said a good job was done on the document. The Chairman said he was very happy with the result. Charles Doke said the Board had worked on this for a long time and had made changes, gotten opinions and the final product was good. Charlie King said any other changes needed would become apparent going forward as applications are submitted. Cindy Snowdon said this was a nice, clean document and cleaned up a lot of conflicts.

Chairman Parker said there are several other suggested proposals such as Low Impact Development that could be added and other innovative land use tools. He said the document is good and can only get better.

Planner Menici said she received a flyer from the UNH Cooperative Extension Service listing all of the presentations and workshops offered to municipalities on different topics. One topic was the environmental and economic impacts of adopting a Low Impact Development regulation. The Planner got in touch with Amanda Stone, the UNH contact person, to see if they would come to Farmington to make a presentation. This is a topic that the Board had discussed over the past year and she thought it would be especially beneficial to new members. The presentation is provided at no cost and would be about one-half hour and then there would be up to an hour

for a question and answer session. Planner Menici said it would be good for both old and new members and maybe Conservation Commission members would also be interested. Chairman Parker said sister communities could be invited. The Planner said UNH seems to like to keep the presentation focused on one community. She said although she had spoken with other planners whose communities have LID regulations, she was not an expert and could provide only generic information. UNH can provide a more well-rounded presentation. Amanda Stone would be one of the presenters along with someone from storm water management. The first Tuesday in either April or May will be discussed and Ms. Stone will let the Planner know the date before the March 19th meeting.

Chairman Parker said this is all part of the continuing growth of the Town and the next step would be to present the regulations at a public hearing. The Planner said the next step is the final discussion on March 19th and that discussion would include Scott Hazelton's recommendations. Planner Menici said Director Hazelton has offered to attend. At that meeting the Board would decide whether additional discussion is needed or the regulations were ready to go forward to public hearing. Chairman Parker suggested setting the public hearing date now but the Planner said the final language is needed before that can be done. Charlie King said otherwise a second public hearing would be necessary.

Charlie King motioned to continue discussion on the Subdivision Regulations to the March 19th meeting; 2nd Matt Scruton. Motion carried with all in favor.

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

Planner Menici said she was pleased to tell the Board with real excitement that the Town is a recipient of Round 2 planning grant funds in the amount of \$30,000. She said that using the funds a consultant would be hired to look at locations along Route 11 that are appropriate for high density development and the creation of a tax increment financing district to support the extension of town water and sewer services to those locations. In addition a revitalization tax relief incentive district together with a tax increment financing district will also be proposed. The consultant would also assist in drafting language for each of these initiatives that would go to the voters in 2014.

The Planner said the Board of Selectmen had received her memo and at their meeting on March 11th the grant is an agenda item to discuss and then establish a date for public hearing so the Board of Selectmen can decide whether or not to accept the unanticipated revenue. If accepted then she will publish the necessary Request for Qualification (RFQ) to identify a consultant or consultants as there are two distinct areas with different skill sets. The Planning Board would interview potential consultants and make a selection on who will receive the contract based on qualifications and proposed fees.

There was no other business.

At 7:19 pm Martin Laferte motioned to adjourn the meeting; 2nd Glen Demers. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker