

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, April 2, 2013  
356 Main Street, Farmington, NH**

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

**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 Works Director Scott Hazelton

**Public Present:** Neil Johnson, Jeff Catlin, Colette Catlin

**At 6:06 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 informed the Board that Cindy Snowdon would unfortunately not be in attendance tonight due to some family issues and that Martin Laferte would be seated in her place.

- **Review and approve Meeting Minutes of March 5, 2013**

*Martin Laferte motioned to approve the minutes of March 5, 2013 as written; 2<sup>nd</sup> Charlie King. Motion carried with 5 in favor and 2 abstaining.*

- **Election of Officers**

*Glen Demers nominated Paul Parker to serve as Chairman; 2<sup>nd</sup> Charles Doke. Paul Parker accepted the nomination. Motion carried with all in favor.*

*Charlie King nominated David Kestner to serve as Vice Chairman; 2<sup>nd</sup> Glen Demers. David Kestner accepted the nomination. Motion carried with all in favor.*

*Charlie King nominated Charles Doke to serve as Secretary; 2<sup>nd</sup> Paul Parker. Charles Doke accepted the nomination. Motion carried with all in favor.*

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

Chairman Parker asked if the Planner had received any new information for the Board to consider. Planner Menici said that as she stated in her memo both the Fire Chief and Public Works Director expressed concern about the ability of emergency vehicles being able to access the driveway on Pound Road when needed. The Fire Chief recommended, and the Public Works Director concurred, that the applicant should sign a waiver/release acknowledging and accepting that depending upon road conditions the Town will not be liable if emergency services cannot be provided when needed.

Chairman Parker noted that the application for a waiver states that the Town encourages applicants to work with neighbors to maintain the road. Planner Menici said the reason for encouraging but not requiring this is if required then the Town would have the responsibility of enforcement.

The application submitted is for the property that has an existing home and for which the driveway to Pound Road has been used for about 18 years. The Planner said this is an after the fact application.

Charlie King said the applicant stated that he had never put in the driveway access to Ten Rod Road and had used what should have been the secondary access to Pound Road as the primary. This only came to light due to the site plan review application that came before the Board. Mr. King also pointed out that at times the Board has taken a much stronger position on a road maintenance agreement for a Class 6 road. It was pointed out that sometimes that is part of a subdivision approval.

David Kestner noted that the application was neither dated nor signed. However, Staff had made note of when the application was submitted and will take care of having the applicant come back in to sign and date. It appeared that the form did not have a signature page and the Board decided to refer this to the Board of Selectmen for updating.

It was briefly discussed whether to continue the discussion to next month after the signature is obtained, but the Planner explained that the Planning Board's role in this was advisory only and it was appropriate to forward the Board's recommendation to the Board of Selectmen.

Charlie King asked if the residents in attendance wanted to speak. Chairman Parker said this was not a public hearing item but the Board would entertain a brief statement.

Jeff Catlin said he did not hear the beginning of the discussion. Charlie King said the Board was discussing the application for use of the driveway on Pound Road. Chairman Parker said this should have been caught years ago and added that if both the building permit approval and subsequent violation had happened more recently then the Board's recommendations would be different but given the length of time discontinuing the use would serve no purpose.

Charlie King said the Board should urge Mr. Paquette to be a more active participant with his neighbors in maintaining the road and that he will also make this point at the Board of Selectmen's meeting.

Mr. Catlin asked how this impacts the recently approved subdivision. Planner Menici said the subdivision was approved subject to the applicant obtaining legal access to the remainder parcel and if the Board of Selectmen approved this application that would provide the legal access and the subdivision would stand. Mr. Catlin stated that the subdivision was approved without access to the Class 5 road and asked if approval of the driveway waiver would then create a rear lot with access only to the Class 6 road.

It was explained to him that if the Board of Selectmen granted the application then the parent parcel would be allowed to continue to use the Pound Road access. The new lot would have a driveway on Ten Rod Road. Planner Menici added that the parent parcel would still meet the frontage requirement with at least 282 feet on the Ten Rod Road side.

Charlie King said he agreed with Chairman Parker that if the time frame were shorter the recommendation would probably be different. He said that the Pound Road access was not approved for the commercial use.

Chairman Parker suggested that the Board advise the Board of Selectmen that they reluctantly agree to allow continued use of the Class 6 driveway access for residential use of this property. Glen Demers said he would prefer the Board say "recommend" not "agree".

Planner Menici said the Town had not adopted a policy that restricts a building permit on Class 6 roads to only residential use. She said there are a couple of schools of thought on Class 6 roads. Some town counsels say that the more requirements a town places on granting a building permit the more the town's liability is increased if it fails to enforce. Therefore, the less a town restricts the better. There are other town counsels that say the town should be clear and specific about the conditions under which the building permit is issued.

Charlie Doke suggested that the agreement on maintenance with neighbors be in the motion.

***Glen Demers motioned to forward a recommendation to the Board of Selectmen that Michael Paquette be able to use Pound Road as the primary driveway access for residential use and to update the building permit.***

David Kestner said to include updating the signature page and Mr. Paquette coming in to sign. Glen Demers accepted the amendment. Charlie King suggested the Board furnish a copy of the notice of decision for the Board of Selectmen's records so it is clear if referenced five years down the road. Glen Demers accepted the amendment.

**The motion now read:**

***Glen Demers motioned to forward a recommendation to the Board of Selectmen that Michael Paquette be able to use Pound Road as the primary driveway access for residential use and to update the building permit, request the applicant sign and date the application, and include with this recommendation a copy of the notice of decision from the subdivision and site plan review for the record. Additionally, it is recommended that the application form be reviewed by the Board of Selectmen to include a signature page; 2<sup>nd</sup> Josh Carlsen. Motion carried with six in favor and one against.***

- **Robidas subdivision - status of approval**

Planner Menici said that Mr. Robidas had submitted a written request for an extension that the Board was to discuss tonight but he called today and withdrew his request because he had sold the property as a single parcel. Both emails were read. The Planner said that no action would be required on the part of the Board and the emails would be placed in the file.

Chairman Parker said the applicant had not satisfied the conditions of approval. The Planner agreed stating that was the reason why the subdivision was void and the only thing Mr. Robidas was doing tonight was withdrawing his request for an extension. Charlie King suggested a motion to state the applicant had not met the conditions. David Kestner added that it should state the Board accepted the withdrawal of the request for an extension to the previously approved subdivision.

***Charlie King motioned that the applicant was not in compliance with the conditions of approval for the subdivision of Tax Map R16, Lot 2-1 located at 139 Governors Road and would honor the applicant's request for a withdrawal of his request for an extension; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

Charlie King stated that a buyer might not understand that the subdivision was null and void and this motion puts that on record.

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

Planner Menici said the draft copy tonight was a clean, up to date copy. She said that the Board could decide to move forward to a public hearing after review. She then directed the Board to page 23 because there had not been a clear decision as to whether to keep the highlighted section or to move it to Driveway Standards.

After a short discussion it was decided to keep the highlighted section in the regulations as guidance and also refer the applicant to the Road and Driveway Standards (Appendix A).

Planner Menici suggested that this would be a good time for Scott Hazelton, Public Works Director, to discuss his comments and suggestions on the Standards with the Board.

Mr. Hazelton suggested:

- For dead end streets/cul de sacs the maximum grade through a cul de sac should be 3 percent not the 5 percent specified now since that is very steep. The Board agreed that was reasonable and if an applicant could not meet that the Board could entertain a waiver.
- Changing the property line radius at intersections from no less than 20 feet which is too narrow for EMS vehicles to a minimum of 25 feet and point to AASHTO or the applicable standard. Planner Menici explained that this would affect a subdivision creating a road off a Class 5 or better road.
- That the language in paragraph F be clarified so it was clear that responsibility for complying with standards would belong to the applicant/developer and not to the Town. This was discussed and Charlie King noted that it should also point out that additional approvals may be required to connect infrastructure. Planner Menici suggested the section should read: including but not limited to road width, turning radius, drainage (open and closed), site distance and water and sewer systems where available. The cost of such improvements should be borne by the applicant. Director Hazelton suggested referencing where this is also addressed in the Site Plan Regulations and Martin Laferte asked that the last sentence should say borne “solely” by the applicant.
- For steep grades change to state not to exceed 2 percent. The Director said that 5 percent would be okay for a shoulder but when there is a hill with an associated vertical curve it should be 2 percent.
- Under super elevation add a requirement for guard rails at a speed that exceeds 35 mph and when there is a 6 foot drop off vertically at a 3 on 1 slope. It was decided to say required and not recommended and if appropriate the Board could entertain a waiver.
- In the section on sub grade, suitable fill materials should say granular fill to meet NH DOT or AASHTO standards. It should also state that the depth should not exceed 12 inches in depth compacted in accordance with the recommendations of the engineer. The sub grade fill or back fill shall be compacted in lifts in accordance with applicable NH DOT or AASHTO standards and in no instance shall lifts exceed 12 inches in depth. Director Hazelton said that the section currently calls for bank run or gravel but should state bank run, gravel or 1½ inch aggregate (such as crushed ledge). He added that it should be spread over the entire width of the proposed pavement and should read pavement, shoulders, and extended to all open drainage ditches to a depth of 12 inches or 6 inches of crushed gravel or three-quarter inch minus crushed ledge. It should also point to the NH DOT or AASHTO standards.
- Minimum pavement thickness has changed to 3½ to 4 inches and in municipalities it is 3 inches. The Director suggested breaking this out to state the 3 inches should consist of 2 inches base and 1 inch top coat. The Planner suggested referring to the standard and letting an applicant ask for a waiver if appropriate.
- Changing the minimum surface on a gravel road from 2 inches to the standard of 4 inches although 6 inches would be preferable because at the current 2 inches the first time a grader grooms the road it is down to the base. Some inconsistencies between the language and the tables/exhibits were discussed and it was suggested that specifications be taken out of the paragraph and the applicant referred to the tables and exhibits.
- In drainage use open and closed instead of longitudinal because that implies flat. Also, state that swale size should be in accordance with all applicable state and federal standards including NH DOT and NH DES.
- Where language says remove stormwater change to say convey stormwater since systems don't remove water.
- Change rain event to 25 year storm event to cover all natural disasters.
- For wetlands change to say - shall be permitted by DES and coordinated with the Conservation Commission.
- Instead of erosion control say sediment and erosion control.
- Change site specific permit to alteration of terrain permit.
- The section on utilities should say under the roadway and on the road side of the ditch line.
- In traffic control add pavement in front of markings.
- It was suggested that where language states land and resources it should say land and “other natural” resources. Planner Menici said resources could also include buildings, roadways and infrastructure and so should be left as land and resources.

- Construction supervision was discussed as it states under supervision of design engineer and with the approval of the BOS or designee. The approval comes from the Planning Board and they have the authority not the BOS. It was agreed that this should be changed to state the Planning Board. The approval for a Class 6 road which does fall under the Selectmen's authority was brought up. It was decided that Planner Menici would consult with Town Counsel on this question.
- Standards for driveways are 12 feet, local streets 18 feet, minor 22 feet, major 22 feet and collector 24 feet based upon both AASHTO and NH DOT except for driveways. The Board discussed this at length. The Director felt the added width increases the load bearing area and was better from a maintenance viewpoint. The Board was concerned with the potential for increased speed that comes with wider roads. It was suggested by David Kestner that this needs further discussion and to take the suggestions under advisement for now.
- The minimum length of vertical curves should be based upon the program used to calculate them and the horizontal curve radii should be based upon EMS vehicles. Director Hazelton mentioned WB 40 and WB 50 templates and the Board asked that he look up the radii and provide them to the Planner. He then asked if reverse should be changed to vertical. Glen Demers said that the reverse should be horizontal so you don't have tight curves one after another. He explained that the minimum tangent (straight line) when the curve ends is the straight line before the next curve begins. The language was correct as currently written.
- Director Hazelton will provide additional information on sight distance as dictated by AASHTO design standards. The Chairman asked that all corrected copy be in red.
- The maximum grade within 50 feet of an intersection should read within 50 feet of the center line of an intersection.
- The four references to 3 percent should be changed to 2 percent.
- Exhibit 1 shows a roadway box but does not show gravel extending into the ditches so the sub base drains. The standard shows that but the Exhibit needs to show it extended out to the ditch which should be 4 inches deeper.
- Exhibit 2 - add an option for a hammerhead turnaround or a cul de sac.
- Exhibit 3 shows a box but should be extended except if there is an under drain below the roadway.
- Exhibit 4 should show sidewalks as 3 inches thick. This is not a standard but a recommendation because the sidewalk tractor is 14,000 pounds and too heavy for a 2 inch sidewalk. The Board agreed to change this to 3 inches.

Chairman Parker suggested that the discussion on standards be continued but the Subdivision Regulations be scheduled for a public hearing. Charlie King said the Board should complete the discussion before scheduling a public hearing because the standards are an appendix.

Planner Menici said she researched the separate document on traffic impact analysis requirements that the Board brought up at the March 5<sup>th</sup> meeting. She said she did locate a document adopted in December of 2006 that is different from Section N on page 29 and it was never rescinded. She explained that the requirements in each are quite different. Charlie King asked if she had the date each set was adopted. The Planner said she did not but would undertake additional research. Charlie King said the conflict in the two documents must be resolved.

*At 8:33 pm Charlie King motioned for a five minute recess; 2<sup>nd</sup> Paul Parker. Motion carried with all in favor. Meeting reconvened at 8:41pm.*

*Charlie King motioned to table the discussion on the Subdivision Regulations and continue to the next workshop meeting on May 7, 2013; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.*

- **Discussion of process for change of business use**

Planner Menici said this topic would be a lengthy discussion and suggested it be continued to the April 16<sup>th</sup> meeting. Chairman Parker said that typically at this time of year after the election of officers the Board establishes a work list for the year and this would be one of the topics to consider. However, the Planner said she would like to see the Board address this in the very near future rather than putting it off because revisions to the Site Plan Review Regulations could take eight to eleven months and this particular topic shouldn't wait that long.

***Martin Laferte motioned to continue the discussion on the process for change of business use to the April 16, 2013 meeting; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.***

- **Presentation on Low Impact Development by UNH Cooperative Extension**

Amanda Stone from the Natural Resource Outreach Coalition will be giving a presentation on Low Impact Development. The Planner said that even though the Board started discussing the topic a little over a year ago and most of the members were familiar with the topic there are some new members and the presentation will be beneficial to all. The Planner said the presentation has been set up for May 7th and it will be the first item after Other Business and will take about 30 minutes for the presentation with 15 to 20 minutes for questions afterward.

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

### **Voluntary Lot Merger - Arvard and Caroline Worster Map U1 Lots 9, 9-1 and 9-2**

Planner Menici said two mergers were submitted and the first is by Worster at 54 Central Street. She said this was part of a prior subdivision. The applicants did not build the road that shows on the tax map and no lots were built upon. At this point the approval has expired and there have been some changes to the Zoning Ordinance and the Subdivision Regulations that would impact the owners and they have decided to merge the lots back into one.

***Charles Doke motioned to allow the voluntary merger to allow Lots 9, 9-1 and 9-2 to become lot 9; 2<sup>nd</sup> Paul Parker. Motion carried with all in favor.***

### **Voluntary Lot Merger - Steven Edwards Map R49 Lots 2 and 3**

Planner Menici said this application would merge two lots on Route 11 that have a total of five buildings including the Inn, Country Store, duplex, motel unit and barn/storage building. She said they basically function as a single lot and the applicant is seeking to merge them. Charlie King asked what would happen if based upon the merger they created a non-conforming usage limit. Planner Menici said there is no limit on a commercial property and that the property meets setbacks.

The Planner said that these are all commercial buildings including the duplex that is a rental. Mr. King said the duplex could be considered residential and asked if the ownership had been verified. The Planner said it had.

The Board discussed Route 11 access and any limits on the number of commercial buildings allowed. Planner Menici said all lots had frontage and access to Route 11 and that there was no limit on the number of buildings in the commercial business district. A question was raised about the increased number of driveway access points on one lot. Glen Demers said that would be under DOT's jurisdiction.

The Chairman felt they should have more time to review the application but that if the ownership were correct and there were no violations to the Zoning Ordinance then the Board would not have any basis to disapprove the application. The Planner said the multi family is a pre-existing, non-conforming use.

***At 8:55 Charlie King motioned to extend the meeting to 9:15 pm 2<sup>nd</sup> Josh Carlsen. Motion carried with six in favor and one opposed.***

The Board asked that the Assessing Clerk provide a memo stating there is a clear chain of title and the applicant has ownership of both parcels.

***Charlie King motioned to continue the application to the April 16, 2013 meeting; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

Chairman Parker noted that the OEP Spring Conference is on May 11<sup>th</sup> and encouraged anyone who had not attended one in the past to go.

***At 9:07 pm Paul Parker motioned to adjourn the meeting; 2nd Charlie King. Motion carried with all in favor.***

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Paul Parker, Chairman