

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, April 16, 2013
356 Main Street, Farmington, NH**

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

Selectmen's Representative:

Board Members Absent/Excused: Charlie King, Cindy Snowdon, Joshua Carlsen

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

Public Present: Neil Johnson, Jim Horgan, David Frenette, Ryan Corbett, Carol McCarthy

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**

Chairman Parker seated Martin Laferte for Cindy Snowdon.

- **Review and approve Meeting Minutes of April 2, 2013**

Martin Laferte motioned to approve the minutes of April 2, 2013 as written; 2nd Charles Doke.

Discussion: David Kestner had two suggestions to clarify language

Amendments accepted. Motion carried with all in favor.

- **Continued Review of Voluntary Lot Merger R49 Lot 2 and R49 Lot 3**

Chairman Parker said there had been a question about the validity of the signatures. Planner Menici said that was not exactly accurate. She explained that the Farmington Strafford is an LLC and Mr. Edwards is a member of the LLC and there is a second member, Linda LeCoq. He had submitted the Voluntary Merger in his personal name instead of the corporate name.

The Planner left a voice mail message for Mr. Edwards advising him that a new form would have to be completed and signed by both parties. When she did not receive a response she mailed a letter of explanation together with a copy of the application for completion. The Planner said that as of today she had heard nothing from Mr. Edwards. Therefore no further action was required by the Board until the correct paperwork was received.

David Kestner asked if a motion was necessary to make note that the merger is not valid at this time. The Planner said no motion was necessary as the discussion was reflected in the minutes.

- **Continued discussion of the process for change of business use in Village Center District**

Planner Menici explained that when the Board was discussing zoning amendments the Economic Development Committee was also discussing changes. As a result she did some research and put together language for the Board to discuss at the end of last year. The Planner had submitted the document to former town counsel for her review and comments and it was suggested that it could either be a zoning amendment or a revision to the Site Plan Review Regulations. The recommendation was to put it into the Site Plan Review Regulations so the Board could deal with it more expeditiously. She felt it was a positive move for the town. The Planner said that the Board is nearly finished the Subdivision Regulations review and Site Plan Review Regulations are pending but she felt this is a topic that should be addressed as soon as possible and not wait for full revision.

All Board members were in agreement with the Planner. Chairman Parker read the proposed document:

Section 2.05 – Village Center District (VC)

*(E) **Change of Business Use.** In support of the unique character of the Village Center district and in recognition of the limited opportunity for new development, the Town of Farmington Planning Board authorizes expedited review by the Code Enforcement Officer (CEO) to approve a change of business use in an existing business/commercial structure within this district, subject to the following requirements:*

- (1) The opportunity for expedited review in the Village Center District shall apply only to those Commercial & Industrial uses identified in the Table of Permitted Uses as PR (permitted with review) in the Village Center (VC) district.*
- (2) The proposed change of use does not include the construction of a new structure or the expansion of the footprint of an existing structure.*
- (3) The proposed change of use does not involve the use or sale of toxic, hazardous and/or flammable materials or liquids.*
- (4) The CEO determines that the proposed change of use is unlikely to diminish property values or result in other negative impacts within the district.*

The applicant shall submit to the CEO a completed Application for Change of Business Use in the Village Center District. That application shall include, at a minimum, the following information:

- (1) Name, address and contact phone number for the applicant;*
- (2) The number of years and other location(s) where the business is located (if applicable);*
- (3) A detailed description of the business activities. If a retail business is proposed, an overview of the types of goods to be sold shall be included;*
- (4) Hours of operation;*
- (5) Number of employees;*
- (6) Plan for exterior lighting, if any;*
- (7) Proposed signage;*
- (8) Trash removal plan; and*
- (9) Any other information the CEO determines necessary to assist him in his decision.*

Within five (5) business days of receipt of a complete Application for Change of Business Use in the Village Center District (an Application), the CEO shall notify the applicant if the application qualifies for the expedited review or if review by the Planning Board is required. If the CEO determines the proposed change of use qualifies for expedited review, s/he shall, within ten (10) business days of receipt of a complete Application, issue a written approval, including any conditions, or denial of the Application. The Certificate of Occupancy shall be issued upon satisfaction of requirements included in that approval and prior to opening for business.

The CEO shall have the right to request comments from other Town Department staff and professionals if deemed necessary by the CEO. If an Application is denied by the CEO, the applicant must then submit an application to the Planning Board for Site Plan Review.

Chairman Parker said he would like to see this part of the site plan review committee's responsibility but without a public hearing. Planner Menici said that cannot be done because the committee is required to notice any applications and hold a public hearing.

The Board discussed adding language for sound or noise level and extended hours of operation. Planner Menici will add both to paragraph 4.

The Planner reminded the Board that if the Code Enforcement Officer is not comfortable with a review he has the option of referring it to the Board instead and added that the Code Enforcement Officer is cautious. Jim Horgan said that CEO Roseberry had his complete confidence.

Board members comments included that they agreed wholeheartedly with the proposed section and appreciate that if denied an applicant can still proceed by applying to the Board. The Board agreed that it is foolish to require an applicant to come before the Board when for a change in business for a permitted use and agree wholeheartedly with the proposal. Glen Demers commented that the change is reasonable and prudent.

The Planner will add the new language so the Board can have the final form for the May 7th meeting and can then set the public hearing for May 21st.

Martin Laferte motioned to continue the discussion on the Village Center District to May 7th; 2nd Glen Demers. Motion carried with all in favor.

PUBLIC HEARING - 6:30 pm

Application for Minor Site Plan Review By: David Frenette for property owned by D & D Ricker LLC (Tax Map R14, Lot 4): To allow use of the premises for light auto repair and spray on bedliners. The parcel is located at 265 NH Route 11 in the Commercial Industrial Business Zoning District.

David Frenette came forward to present his application. Chairman Parker asked him to give a brief overview after which the Board would hear from the Planner, Board members would comment and then he would open the hearing to the public.

Mr. Frenette said he would be conducting his business exactly the same as he had been across the street at 350 NH Route 11 except he would be downsizing.

Planner Menici said the space had been used in the past initially as retail then storage. She said comments from the Fire Chief had been received on Monday. They are requiring a couple of carbon monoxide detectors and that the applicant moves some boxes away from an electrical outlet. She said that CEO Roseberry was in attendance at the inspection with the Deputy Fire Chief and that the CEO had no concerns other than getting some permits in place.

Chairman Parker questioned Mr. Frenette about providing a detail of chemical storage and the location of his MSDS sheets as had been required as part of the original approval. Mr. Frenette said that the MSDS sheets are located in the office and he only has one set of material in the shop at a time.

Chairman Parker then brought up the original requirement for semi-annual inspections by the Fire Department until they decided they were no longer needed. Mr. Frenette said the Fire Department did not conduct annual inspections at his previous location. Charles Doke said he is familiar with Mr. Frenette's business and he is just

changing one location for another and has met the requirements of the Town. Mr. Frenette said he was in the previous location for ten years.

Mr. Frenette was asked to provide the Fire Department with an update on the location of the MSDS sheets and fire extinguishers and detail on any material storage. Planner Menici said that the Fire Chief had not expressed any concern carrying over from the previous location.

Chairman Parker opened the hearing to public comment.

Jim Horgan said that Mr. Frenette's business was well established and hoped he would do as well in the new location.

Chairman Parker closed the hearing to public comment and asked the Board for additional comments, if any.

Charles Doke motioned to accept the application as complete; 2nd Martin Laferte. Motion carried with all in favor.

David Kestner motioned to approve the Minor Site Plan Review application to allow use of the premises at 265 NH Route 11 (Tax Map R14, Lot 4) owned by D & D Ricker LLC for light auto repair and spray on bedliners; 2nd Glen Demers.

Discussion: Chairman Parker said the approval should state as the original did that there would be no vehicles in disrepair on the premises. The Planner suggested that the approval be made subject to all applicable conditions of the previous 2004 approval. Chairman Parker added subject to all applicable local, state and federal requirements. David Kestner accepted the language as suggested.

The motion now read:

David Kestner motioned to approve the Minor Site Plan Review application to allow use of the premises at 265 NH Route 11 (Tax Map R14, Lot 4) owned by D & D Ricker LLC for light auto repair and spray on bedliners with the following conditions:

- 1. No vehicles in disrepair will be stored on the premises;***
- 2. Subject to all applicable conditions of the previous 2004 approval; and***
- 3. Subject to all applicable local, state and federal requirements.***

2nd Glen Demers. Motion carried with all in favor

Mr. Frenette asked what he had to do in order to open for business the following day. The Planner said that he needed to provide the Fire Department with a plan showing the location of the MSDS sheets and the location of any stored chemicals. She asked that Mr. Frenette have the Fire Chief email her that he had received the information. She told him that both she and CEO Roseberry would be available to speak with him after 9:00 am.

Application for Minor Site Plan Review By: Ryan Corbett (Tax Map R4, Lot 4): To allow use of the premises for a home business to be conducted primarily online involving the purchase and resale of firearms and related accessories. The parcel is located at 77 Ten Rod Road in the Agricultural Residential Zoning District.

Ryan Corbett came forward to present his application. Chairman Parker asked him to give a brief overview after which the Board would hear from the Planner, Board members would comment and then he would open the hearing to the public.

Mr. Corbett said that as he stated in his narrative, this business will be supplemental to his primary automotive business. He said he is not requesting any additional signage. There will be no changes to the building or property and he will be using his existing office and existing firearm storage. He explained that the ATF has inspected his location and approved his application with final approval pending this Board's decision. Additionally, he has spoken to his neighbors and they are supportive. Mr. Corbett said the business will primarily be conducted on line although occasionally someone will come by in person by appointment only. There will be no influx of traffic.

Chairman Parker asked what the application process through ATF consisted of. Mr. Corbett said he was fingerprinted, photographed and provided full disclosure of information. Security was discussed.

Mr. Corbett said the hours of operation will not change from those of his automotive business and there will be no signage. He said he is not creating a gun shop but engaging in the buying and selling of firearms and this requires a license. He said the conditions of his automotive business approval three years ago have been followed and there have been no complaints adding that he will in the same way follow whatever requirements the Board has for this approval.

Planner Menici said she had nothing more to add than what was in her memo and that was an overview. She said Mr. Corbett has satisfied all requirements of the ATF and they are waiting to issue the license as soon as the applicant can prove he is in compliance with all zoning requirements. The Fire Chief had no comments and the Police Chief asked about the inventory on the premises and what security system the applicant had to protect the property. She said Mr. Corbett had addressed that and asked him to restate the information.

Mr. Corbett said he is not looking to stock a store and the inventory would come in and go out. He said his maximum capacity would be 36 guns but as that would require a large monetary investment he anticipated having only a few at a time. He said he did not intend to store ammunition for resale on the property.

The Board discussed the specifics of the gun safe with Mr. Corbett and that it met ATF standards. Glen Demers said that if it is good enough for the ATF it should be good enough for the Planning Board. The Board had questions about the purchasing process, but Planner Menici said that should not be a concern of the Board and that they should be concentrating on whether the Zoning Ordinance and Site Plan Regulations are met.

Chairman Parker opened the hearing to public comment.

Jim Horgan said this would be a low impact operation and if the Board insisted on knowing security details that should be done in private. He said he knows several people that operate this type of business and if it complies with ATF requirements and the applicant had spoken with the Police Chief than there should be no problem.

Neil Johnson said the Board had already blown Mr. Corbett's security and suggested to the applicant that he get a copy of the public record to protect himself.

Chairman Parker stated that Mr. Corbett also dealt with antique weaponry. The applicant said he did and holds a Curio and Relics License for that purpose. Mr. Corbett said he does not have to sell to anyone he prefers not to do business with.

David Kestner said the applicant had done fine with his automobile business and based upon the testimony given will do fine in this enterprise as well. Glen Demers said the applicant had given away enough information.

David Kestner motioned to accept the application as complete; 2nd Charles Doke. Motion carried with all in favor.

Chairman Parker closed the hearing to public comment.

David Kestner motioned to approve the Minor Site Plan Review to allow use of the premises at 77 Ten Rod Road (Tax Map R4, Lot 4) for a home business to be conducted primarily online involving the purchase and resale of firearms and related accessories as presented with the following condition:

1. all applicable local, state and federal regulations must be met.

2nd Charles Doke. Motion carried with all in favor.

David Kestner commented that the applicant needed to address security but not on air and if the ATF was okay with the setup then he was okay with it.

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

Planner Menici said the application for the Class VI road was now complete with the signature page. She said staff not been able to figure out where the applicant got his original application but it was now corrected.

The Planner said the Board had a copy of a revised voluntary lot merger form that added an Assessing verification and a CEO verification for zoning violations. She said this form needed approval in order to use it instead of the current form. The Chairman said it was a good revision and David Kestner said it addressed the deficiencies and said kudos should go to both the Planner and Mrs. Gallagher. The Planner said the kudos should go just to Mrs. Gallagher since she had created it.

Glen Demers motioned to replace the existing Voluntary Lot Merger form with the new Voluntary Lot Merger form; 2nd David Kestner. Motion carried with all in favor.

Planner Menici said she had informational items for the Board that she was giving them now for the May 7th meeting that included:

- Conservation Commission report on their annual site walk at Energy Resources Group
- Final revisions to the Subdivision Regulations
- Revisions to the Road and Driveway Regulations as discussed with the Public Works Director
- Email from the Public Works Director that clarified the discussion

At 7:18 pm Martin Laferte motioned to adjourn the meeting; 2nd Charles Doke.

Chairman Parker said he just wanted to remind those signed up about the OEP Conference on May 11th and they can discuss how to get there.

Charles Doke said he wanted to make a statement that changing the approval time for businesses in the village district is excellent and a good move.

Motion carried with all in favor at 7:20 pm.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker