

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, May 7, 2013
356 Main Street, Farmington, NH**

- Board Members Present:** Paul Parker, Charles Doke, David Kestner, Glen Demers, Martin Laferte
- Selectmen's Representative:** Charlie King
- Board Members Absent/Excused:** Cindy Snowdon, Joshua Carlsen
- Town Staff Present:** Director of Planning and Community Development Kathy Menici,
Department Secretary Bette Anne Gallagher
- Public Present:** Neil Johnson, Joan Funk, Jim Horgan, Barry Elliott

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 seated Martin Laferte in place of Cindy Snowdon.

- **Review and approve Meeting Minutes of April 16, 2013**

Martin Laferte motioned to approve the minutes of April 16, 2013 as written; 2nd Glen Demers. Motion carried with 5 in favor and 1 abstaining.

- **Discussion of Statements of Qualifications for Community Planning Grant - Round 2**

Chairman Parker said that although the Planner had invited both consultants, Jeffrey H. Taylor & Associates, Inc. and Mettee Planning Consultants, neither one was present. Planner Menici said each consultant wanted to provide the Board with an opportunity to review and discuss the qualifications without feeling pressured and that is why each chose not to attend.

Chairman Parker noted that the Board is very familiar with Jeff Taylor and that both Statements of Qualifications are substantial and complete. He said that he wished Mr. Taylor were here because he had some questions for him. The Chairman said that in the narrative Jeff Taylor was leaving it up to the Town to hire someone for the TIF portion but Jack Mettee had someone on staff. David Kestner commented that Mettee's Statement said they would work with Town staff and that both are using Neatline Associates for the GIS work. Planner Menici said that one difference in the submissions is that Jack Mettee will be using Michele Craig & Associates for community outreach. She added that both consultants have experience with TIF and 79E.

The Planner said that in Round 1 the Town did not have to deal with public outreach because it was a regulatory review and New Hampshire Housing did not require the amount of public outreach that the current proposal does. She said that Jeff Taylor has done a lot of public outreach and that Jack Mettee and Roger Hawk propose to bring in Michele L. Craig who is a former employee of UNH where she did outreach. The importance of this difference depends upon how much outreach the board thinks will be necessary.

Jim Horgan asked for a definition of outreach. Planner Menici said that it will identify the stake holders for TIF and 79E which is the community reinvestment and tax incentive program both of which are downtown. Public outreach will target the people who are going to benefit from what is being proposed. The Planner explained that

in previous positions she had done a lot of outreach but times have changed from the special surveys and targeted mailings that were used and now social media is a large part. She said this is an area in which she does not have experience and the support provided through the consultant is important.

Charlie King asked for the Planner's experience with Jack Mettee. Planner Menici said his resume details that he has worked with Farmington on four projects and Jim Horgan has experience working with him. She said she is familiar with both Jack Mettee and Roger Hawk. She and Roger Hawk were enrolled in the masters program at Boston University at the same time although he was one year ahead. The Planner said she worked with Jack Mettee in Portsmouth when he was with Appledore Engineering.

Jeff Taylor was the co-consultant on Farmington's Master Plan and because in Round 1 the Board decided that it made sense to take advantage of Mr. Taylor's experience and continue to work with him.

Planner Menici said because both submissions were so close she had asked the Town Administrator to review them for his opinion. Charlie King said the Town had worked with Jeff Taylor and he did not feel his firm had a lot of experience with TIF and 79-E and asked if they are more or less qualified. The Planner said they are equally qualified. She said Jack Mettee is an independent consultant and has put together a good team although she was not familiar with Michele Craig.

Charlie King said that his concern is that Jeff Taylor and Steve Whitman do not have as much experience with TIF and 79-E.

Planner Menici said it goes back to how she wrote the grant. The discussion at the end of Round 1 gave her the opportunity to formulate what the Town needs to do at this juncture. She reminded the Board that Jeff Taylor had said that unless there is a lot of staff involvement the Round 2 work cannot be done for \$30,000. The Planner said that she has some experience in this area and has done research on TIF and 79-E and with the correct support she can do a lot of the work herself. Charlie King said that solidifies his opinion. The last grant amount was \$10,000 and when he looked at what was done for that amount he was concerned that they would run out of money. What Jeff Taylor said exacerbates his concern.

Planner Menici said she hoped the Planning Board and the Board of Selectmen would recognize what she can do to offset costs and that she has already done a lot of preliminary work. The consultant chosen will review her work and make recommendations for what additional work she needs to do.

Planner Menici said that both consultants are bringing relatively equal skills but the difference was Michele L. Craig & Associates' involvement to focus in on the outreach component. This is a good plus for this phase. Charles Doke asked her to explain. The Planner said that 79-E allows a municipality to create a community reinvestment tax incentive district. A town looks at areas that have special significance such as historic structures to revitalize. In listening to all the discussions that have taken place, the one area that keeps coming up is downtown. So she proposed that the downtown Village Center district (parts of Main and Central) be offered as a 79-E tax incentive to property owners who want to make substantial improvements. This could be done as a dollar value or defined as specific kinds of improvements such as code compliant residences on the second floor of commercial buildings.

Charlie King asked if someone qualifies does it mean the tax assessment becomes tiered. Planner Menici explained that the owner would not pay taxes on the increase right away. She said that once 79-E is adopted the structures that are located within the district have fixed taxes for a specific period of time regardless of the increase in value from the improvements they have made. This period could be from 2 years to 7 years. She said that for example a property could be assessed at \$100,000 and after improvements the property is now worth \$150,000 but the tax assessment remains at the \$100,000 level for the specified period. At the end of the time period the assessment would increase to the new value and the property owner would know from the start how this works and can plan for the change. Charlie King commented that during the specified time frame the owner can reap the benefits of the improvements but will not pay the additional taxes.

Planner Menici said the increased revenue will go into improvements in that district such as beautification or sidewalk improvement. The money would be used to help with renovations in the district and would not go into the general fund but into a special fund.

Chairman Parker said the purpose is two fold serving both to encourage property owners to make improvements to their buildings and once made and the Town increases the tax base the funds are used to make infrastructure improvements to benefit the downtown area. Charlie King said that outreach will help identify what the owners would like to see and must be focused. David Kestner said that outreach is a lot more than a single hit or miss and once the TIF is established it is ongoing indefinitely and the funds must be set aside in a separate account to be reinvested in the area. He said that the property owners have direct input into the reinvestment.

The Planner said one of the outcomes of this process is that through the public outreach component the Board can develop a plan that is time specific. The 79-E will be in effect for 2 to 7 years and the TIF for 5 to 10 years after which the Town would want to let the funds accumulate in the account before starting improvements. She said the consultant can help establish a time frame.

The Board members made some additional comments. David Kestner said Jack Mettee is definitely experienced with the 79-E as well as the TIF and also with Farmington. He said that Jeff Taylor seemed to be relying an awful lot on Town staff. He added that he was leaning toward Jack Mettee and felt it could be an advantage to work with someone other than Jeff Taylor. Martin Laferte said that since someone needs to work on citizen involvement the participation of Michele Craig could be a positive impact. The Chairman said both consultants were qualified and Jeff Taylor had done a fair job but in this instance he thought Jack Mettee had a slight advantage.

Chairman Parker opened the discussion to public comment.

Jim Horgan said the Board would not be making a bad decision with either consultant. He said that Jack Mettee had experience with Farmington but recent experience might be the deciding factor for Jeff Taylor.

Chairman Parker asked Joan Funk for her thoughts with relation to the Business Committee. Mrs. Funk said the Town worked with Jack Mettee in the late 1990's and she found him efficient and very thorough and a different set of eyes can be good. She added that Jack Mettee has a lot of history with the Town, probably more than Jeff Taylor. Mrs. Funk said that downtown is vital to the survival of Farmington. The work made possible through this grant will be an important step to making the Town a viable community.

Barry Elliott said his feelings are similar. He said that prior to the 1990's Jack Mettee did a lot of excellent work and brought to the table a lot of other pieces such as the college students that did an analysis of lighting downtown. Mr. Elliott said it was exciting to have Jack Mettee involved and that this was not the first time TIF has come up and the Town has looked at the benefits. He added that the Town must get past the hurdle of the rest of the community looking at it as a benefit to only a few.

Planner Menici said the contribution to the general fund is not going to be reduced. Charlie King said the Town needs to incentivize to reap benefits to downtown by doing everything the law allows and at the end it will be a net plus because when it expires the money goes to the general fund. The Planner said that the properties concerned will continue to contribute at least at the current level.

Mrs. Funk added that if the Town does nothing the downtown will stay the same and then deteriorate with values that will eventually decrease.

Mr. Elliott said that in the late 1980's a lot of owners took advantage of CDGB money and made improvements saving some buildings that otherwise might have been torn down.

David Kestner said he was in favor of Jack Mettee for his specific experience and that as much as he has appreciated Jeff Taylor's work he felt Jack Mettee would take some of the burden off staff. He added that there are a lot of problems getting community involvement overall not just how to use social media as a tool.

Planner Menici advised that the Board did not have to make a decision tonight. Interviews could be set up with both consultants and this would give the Board an opportunity to meet with Jack Mettee. The Board had that opportunity with Jeff Taylor in Round 1. It would also provide the opportunity to meet Michele Craig and ask how she proposed to increase community involvement. Chairman Parker asked what time period the Board had to make a decision. The Planner said that the language should be ready in mid-December for Town meeting in mid-March. She said that waiting two weeks to make an informed decision would be time well spent.

The Chairman asked the exact amount of the grant and how much the Town is responsible for contributing. Planner Menici said the amount is \$30,000 with a matching cash contribution of \$1,875 that has already been budgeted. Chairman Parker said neither consultant's submission included a budget. The Planner said she had provided a draft budget on the RFQ that included a line item for staff time as part of the matching contribution so the exact amount is \$31,875. She added that both consultants are aware of the amount available.

The Board continued to discuss whether to decide tonight or bring the consultants in for interviews and when to do so.

Charlie King called the question.

Charlie King motioned to go with Mettee Planning Consultants; 2nd Martin Laferte.

Discussion: David Kestner said it behooved the Board to hold a special meeting to listen to both consultants on May 14th and make the decision on May 21st. He said it is a \$30,000 grant and he felt additional information was important. Charlie King said he agreed that more information would be helpful

Motion died with 3 in favor and 3 opposed.

David Kestner motioned to hold a special meeting on May 14th so the Board could make an educated vote on May 21st; 2nd Charlie King.

Discussion: Times of 6:00 to 6:30 and 6:30 to 7:00 were proposed and the Planner said it was important to limit the time. She said she would share tonight's discussion with both so they would be focused on the information the Board requires and asked the Board for a specific list of questions. Several members made suggestions and five areas were chosen:

1. Before and after tax valuations in TIF districts they have been involved in
2. Samples of documents they prepared to establish the 79-E and TIF districts
3. Demonstrate the success of their outreach efforts
4. The percentage of property owners who took advantage of the 79-E
5. What were the typical kinds of reinvestments in the TIF district resulting from the incremental tax increase in each community

Meeting was set for May 14th starting at 6:00 pm.

Motion carried with all in favor.

- **Continued review of Voluntary Lot Merger R 49 Lot 2 and R 49 Lot 3**

Chairman Parker said this was a follow up from April and the Board now had an updated application.

Planner Menici said the application included the checklist on the bottom of the form that the Board wanted to see but the upper portion had not changed. The issue with the original submission was that the property owner was actually one of the members of the corporation but he listed himself as the property owner. Farmington Strafford

Inc. is the owner and the corporation has two members - Steve Edwards and Linda Lecoq. The Planner said as the registered agent Ms. Lecoq must sign on behalf of the corporation. This voluntary merger involved merging two parcels and there were no code violations and the assessing official signed off on ownership.

Charlie King motioned to approve the Voluntary Lot Merger of R 49 Lot 2 and R 49 Lot 32; 2nd Martin Laferte. Motion carried with all in favor.

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

Planner Menici said the only change was the addition of number 9 - noise levels for businesses.

Chairman Parker said he would like to have added a process of appeal. The Planner read the applicable section and the Chairman said his concern was with providing a process for someone, other than the applicant, who has a legitimate concern to be able to appeal an approval. Planner Menici said she can add language to establish a 30 day appeal period by an affected party.

Planner Menici added that CEO Roseberry is very cautious and if someone were to throw up a red flag he would move an application on to the Planning Board. The Chairman agreed but said that at some point there is bound to be a change in staff.

The Planner said that one issue that is often raised in the downtown area is fees and that ultimately the Board of Selectmen has control over what the fees should be. She suggested a fee of \$25.00 and said that staff time is involved with Code's review of those uses that are permitted with review but there are some situations where the Town should provide a service for less than what it actually costs. A small fee falls in line with the Town's goals and objectives that are to support bringing new businesses into downtown.

Chairman Parker said that \$50.00 is not exorbitant. Charlie King said he is not opposed to a minimal fee as this is a small cost a business owner needs to bear to insure adherence to current life and health safety codes and that the goal is to offset some of the staff time. The Planner said the CEO's review would be limited to the specific items that are itemized here and there will be other issues related to the health and safety code that have additional fees associated with them. The Board discussed fees and the general consensus was \$25.00 and that the fee could be raised if necessary in the future.

The Planner said she would add language for a 30 day appeal following the State language for ZBA and PB appeals and add a separate fee to the Fee Schedule. It would be clear that any work started during the 30 day appeal period following an approval by the CEO is at the applicant's own risk because the Board could change the CEO's decision.

Chairman Parker asked for any public comments.

Jim Horgan said he supported the change and the Board should submit the revised Fee Schedule to the Board of Selectmen. Joan Funk and Barry Elliot added their support. Mr. Elliott said many communities do this and the CEO is beyond reproach but if someone else is in the CEO's position the process would be black and white. He said this is a great way to do things and most of the time when moving from one place to another there are other permits and \$25.00 is a token amount.

The Planner suggested the Board schedule the public hearing for June 4th and if there are no objections or changes at the end of that hearing the Board can adopt the change.

Chairman Parker closed the public portion.

Charlie King motioned to make changes as discussed and post for public hearing on June 4, 2013; 2nd Martin Laferte. Motion carried with all in favor.

At 7:40 pm Charlie King motioned for a 5 minutes recess; 2nd David Kestner. Motion carried with all in favor. Meeting reconvened at 7:51 pm.

- **Continued discussion of revisions to Subdivision Regulations and Road and Driveway Standards**

Chairman Parker asked the Planner if there were any changes in Draft 7.

Planner Menici the changes are in bold type.

- The highlighted areas on pages 7 and 8 have been amended to include language on fire protection and refer to Appendix B.
- Paragraphs N and O on pages 15 and 16 carry over language from the current regulations with regard to final and conditional approvals without change. Martin Laferte asked for a definition of substantial work. The Planner said it is defined on a per application basis and that that the Board defines it as part of the application review. She said an example is the Richards Way subdivision and that in both phases the Board defined what constituted substantial work. Martin Laferte said continual extensions on a project shouldn't be granted. The Planner said that has happened in the past and the Board should be a little more specific about substantial work in the conditions of approval. Examples would be State subdivision approval, driveway permits, binder course within a specific amount of time or final engineering plans. Planner Menici said it is important to define substantial work and that can be done clearly in the Notice of Decision. Charlie King agreed but said that sometimes the Board has to coax and drag people into compliance.
- Page 31 has a grammatical change.
- At the Planner's recommendation language has been changed on page 38 to require base flood elevation data for all subdivision proposals. Glen Demers commented that most decent surveyors are doing that now and agreed with the Planner that the information is readily available.
- Page 38 contains the addition of language for As-Built Plans.

Paul Parker motioned to accept Draft 7 with its changes; 2nd Martin Laferte. Motion carried with all in favor.

Martin Laferte motioned to schedule a public hearing on the revised Subdivision regulations for June 4, 2013; 2nd Charles Doke. Motion carried with all in favor.

Road and Driveway Standards:

Chairman Parker asked if there were any final comments from DPW Director Hazelton. The Planner said the draft presented was the result of the discussion with him. The Chairman said it did not include the Tables. Planner Menici said that the Director felt instead of Tables the document should refer to AASHTO and DOT standards. She said he also had concerns with Exhibit 1 showing the cross section of paved roads specifically that the sub base was not carried out to the ditch line. The Planner read from her email string with Director Hazelton and said she spoke with him after that and he said there were too many variables to cull down to 5 or 6 exhibits.

Chairman Parker said he was not opposed to having notations to use AASHTO designs but they should keep Tables 1 and 2. Charlie King said they should not ignore the AASHTO standards but the Tables show the intent of what the Board is looking for and he doesn't want to throw the whole thing out.

The Planner said the Director had been very concerned with the sketches. Planner Menici said the sketches came from model regulations prepared by Nashua and she would try to obtain them. Charlie King volunteered to do the update and said he could recreate them from the sketches and the information in the minutes.

Chairman Parker said he wanted to keep the Tables and had no issues with them. David Kestner said the Director said on Table 2 the grade at intersections needed to be decreased from 3 percent to 2 percent. Road widths would be kept the same.

Planner Menici said she would like to propose a change. She explained that the zoning ordinance contains a regulation allowing 1 rear lot with a shared driveway but some have tried to skirt that regulation to get 2 rear lots with a shared driveway from a parcel. She said that the requirements for a minimum local street say from 3 to 6 lots. But the argument is that a driveway with 10 feet of width and a 12 inch shoulder can be counted as street frontage to create 2 lots that do not have frontage on a Class 5 road. The Planner suggested removing the loophole by changing the language to say up to 6 lots. This way anyone trying to create 2 rear lots will clearly have to meet the standard.

Planner Menici said that the public hearing on June 4th would be for the revised Subdivision Regulations but Appendix A, Road and Driveway Standards, would be without revisions. A separate public hearing will be held on that portion. Once the Regulations are approved, the application and checklist can be revised in accordance with the changes.

Charlie King motioned to continue the discussion on Road and Driveway Standards to the June 4th meeting for discussion; 2nd Charlie Doke. Motion carried with all in favor.

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

Planner Menici informed the Board that Michael Paquette had withdrawn his subdivision proposal for Map R30 Lot 4 the parcel on Ten Rod Road and Pound Road. He has sold the entire parcel and the new owner does not want to subdivide.

Charlie King motioned to accept Michael Paquette's request for withdrawal of his minor subdivision for Tax Map R30 Lot 4; 2nd Martin Laferte. Motion carried with all in favor.

The Planner said the Presentation on Low Impact Development by UNH Cooperative Extension has been rescheduled for June 18th and suggested moving it up to be first on the Agenda and taking care of approval of the minutes and other Board business at the end of the meeting. She said the presentation will take about 40 minutes.

Planner Menici said that one of the three applications on the agenda for May 21st is a minor subdivision that may require a special use or a variance. She explained that at the TRC meeting last week the agent was advised that the plans showed the wetlands as Class 3 but they are actually Class 2. The agent disagreed with her but the ordinance is clear. The Planner said she offered him the opportunity to fax or email the additional application necessary before noon Wednesday because of the public notice requirements and then follow up with the original application and fee but she has had no response. Additionally, the wetlands scientist called yesterday to argue the classification but the zoning ordinance is clear that if the wetlands are on the National Wetlands Inventory then they are Class 2 and any adjacent are also Class 2. These wetlands are definitely connected.

At 8:35 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