

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, May 21, 2013  
356 Main Street, Farmington, NH**

**Board Members Present:** Paul Parker, David Kestner, Glen Demers, Martin Laferte  
**Selectmen's Representative:** Charlie King  
**Board Members Absent/Excused:** Cindy Snowdon, Joshua Carlsen, Charles Doke  
**Town Staff Present:** Director of Planning and Community Development Kathy Menici,  
Department Secretary Bette Anne Gallagher  
**Public Present:** Randy Orvis, David Vincent

**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**

Chairman Parker seated Martin Laferte for Cindy Snowdon and said that several members were not in attendance tonight due to health or family issues.

- **Review and approve Meeting Minutes of May 7, 2013 and May 14, 2013**

*Martin Laferte motioned to approve the minutes of May 7, 2013 as amended; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*

*Charlie King motioned to approve the minutes of May 14, 2013 as written; 2<sup>nd</sup> David Kestner. Motion carried with 4 in favor and 1 abstaining.*

- **Request from NH-DOT for comments on a driveway permit application**

Planner Menici said the driveway permit application is for the subdivision that the Board is reviewing tonight. There are currently two driveways within a 200-foot length of road and this driveway would be between those two. It would be five feet away from one and ninety feet away from the other. NH DOT has given the Board the opportunity to identify concerns or give comments before they issue a decision on the application. They need to have a response on or before June 6<sup>th</sup> which would be thirty days from the date of the letter. June 5th would be the last day for comments.

Chairman Parker said his concern is that the Board has not had the opportunity to fully review the application to which the driveway permit pertains. David Kestner suggested responding back to DOT asking them to suspend any decision until the subdivision application has been acted on by the Board. Planner Menici said if the DOT refuses then the Board would have to scramble to submit a response.

David Kestner suggested the Planner should advise DOT that since the lot has not been approved the driveway permit would not be valid and let them know the Board would be appreciative if they would suspend their decision until an approval or denial is issued by the Planning Board. Planner Menici said she would send that response.

Charlie King recommended that they wait until after the public hearing is held on the subdivision application by tabling this discussion to the end of the meeting. He added that the Planner feels that the application is nowhere near complete. David Kestner commented that the members shared her concerns and felt they were warranted.

***Charlie King motioned to table the discussion on the driveway permit to the end of the meeting; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

Planner Menici said the application from Powerhouse Machine had been withdrawn and Chairman Parker could read the withdrawal during the public portion of the meeting.

- **Continued discussion regarding consultants for Community Planning Grant**

On Tuesday, May 14<sup>th</sup>, the Board met to interview both consultants and make the decision tonight about who will be chosen for the grant. The Chairman said his opinion was that Mettee was better suited. Charlie King said the Mettee presentation weeded out who had the best experience and he was prepared to make a motion.

David Kestner said that based upon what he heard last Tuesday, Mettee Consultants were more in tune with what was needed. Martin Laferte said his concern was about public participation and he thought that the Mettee group was more involved in to that area than the other group.

Planner Menici said Mettee Consultant's proposal reflected the activities that the Board had identified in the grant application, addressed those activities and had no issues with the amount of funding available through the grant. She said Jeff Taylor basically presented the Board with one of two options or counter proposals one requiring that the activities be rewritten otherwise the Town would have to come up with additional funds in order to proceed with the activities identified.

The Planner said the Board instructed her to speak with Ben Frost and she reviewed with him the two discussions that took place. Mr. Frost said that they put together a committee with representatives from New Hampshire Community Development Finance Authority (NHCDFFA), the Office of Energy and Planning (OEP), the Department of Environmental Services (DES), New Hampshire Housing Finance Authority (NHHFA) and a couple of others and when the Town's application was reviewed no one on the review committee had any concerns about being able to fund the scope of activities. She explained that there was one town that the committee felt was being overly ambitious for the amount available and they worked with that town to restructure. Mr. Frost said as the project moves forward if issues take more time than anticipated then they can go back and talk about restructuring the grant activities.

***Charlie King motioned to award the project to Mettee Planning Consultants; 2<sup>nd</sup> Martin Laferte.***

Discussion: The kick off meeting with them should be set at a later date.

***Motion carried with all in favor.***

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

***At 6:25 pm Charlie King motioned to table any other business until the end of the meeting and to take a 5 minute recess; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor. Meeting reconvened at 6:31 pm.***

**PUBLIC HEARING - 6:30 pm**

**NEW CASES:**

**Application for Minor Subdivision by: Hattie G. Hussey, applicant/property owner through Geometres Blue Hills, LLC as Agent (Tax Map R38, Lot 9) for property located at 797 Ten Rod Road. The applicant proposes to create two lots from the existing 59.35 acre parcel resulting in lots of 22.31+/- acres and**

**36.97+/- acres with an existing residence. The parcel is located in the Agricultural Residential (AR) Zoning District.**

Charlie King recused himself because Randy Orvis was doing a septic design for him.

Randy Orvis, as agent, presented the application stating that this was a straightforward application. The existing farmhouse and barn will be on one lot and a 22 acre lot will be split off for future development.

Mr. Orvis said the Planner had sent him an email that the newly created lot should be renumbered; that the 40,000 square foot buildable area should be delineated on each lot; and that the existing structures should be labeled. He said the topography had been shown on 5.4 acres for the lot with the house and on 4.1 acres for the new lot.

Planner Menici said her concerns were very minor and amounted to just housekeeping. She said that in addition to the above items monumentation should be set in the field and shown on the plat prior to recording and that all federal, state and local permits should be obtained prior to the issuance of the building permit.

The Planner said the applicant requested waivers from Section 4.06.01 to allow mapping of existing features (topography and other natural features) for only the minimum buildable area required. Mr. Orvis delineated a 5.4 acre area on the existing lot and a 4.1 acre area on the new lot. She said the Board will have to decide if that is sufficient information. There is one other waiver requested from Section 4.09 that requires a Mylar copy for recording because the Registry now accepts paper copies for recording.

David Kestner commented that the Planner had detailed the items missing and Mr. Orvis was already making notes to address those items. He said the Board had in the past granted waivers for other big parcels and in this case areas of 5.4 and 4.1 acres were shown and there was more than adequate frontage and acreage. All the other Board members were satisfied with the delineation as shown.

***David Kestner motioned to approve the requested waiver from Sections 4.06.01 and 4.08F to waive showing the topography and other natural features on the entire parcel except as already delineated; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.***

***David Kestner motioned to approve the requested waiver from Section 4.09 requiring a Mylar copy of the final plat because the Strafford County Registry of Deeds now accepts a paper copy for recording; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.***

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

***David Kestner motioned to accept the application as complete; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.***

Chairman Parker read the suggested language for approval from the Planner's memo. Mr. Orvis said he had no concerns with any of the conditions.

***David Kestner motioned to approve the application for a minor subdivision of Tax Map R38, Lot 9 creating two lots from the existing 59.35 acre parcel of 22.31+/- acres and 36.97+/- acres with waivers and with the following conditions:***

- 1. The existing structures should be labeled as to type/use;***
- 2. The 40,000 sq. ft. buildable area for each parcel should be depicted on the plat;***
- 3. Notes should be added to each lot stating the actual square footage of each buildable area;***
- 4. The proposed lot 9-1 should be renumbered as lot 9-2 because lot 9-1 already exists on the plat;***
- 5. Monumentation to be set on the plat and in the field prior to recording;***
- 6. No further subdivision of any of these parcels during the next five (5) years; and***

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

2<sup>nd</sup> *Glen Demers.*

The Planner brought to the Chairman's attention that he had not opened the hearing to public comment.

David Kestner retracted the motion and Glen Demers retracted his seconding of the motion.

Chairman Parker opened the meeting to public comment and closed public comment when none was received.

David Kestner restated his motion:

*David Kestner motioned to approve the application for a minor subdivision of Tax Map R38, Lot 9 creating two lots from the existing 59.35 acre parcel of 22.31+/- acres and 36.97+/- acres with waivers and with the following conditions:*

1. *The existing structures should be labeled as to type/use;*
2. *The 40,000 sq. ft. buildable area for each parcel should be depicted on the plat;*
3. *Notes should be added to each lot stating the actual square footage of each buildable area;*
4. *The proposed lot 9-1 should be renumbered as lot 9-2 because lot 9-1 already exists on the plat;*
5. *Monumentation to be set on the plat and in the field prior to recording;*
6. *No further subdivision of any of these parcels during the next five (5) years; and*
7. *All applicable federal, state and local permits to be obtained prior to the issuance of a building permit.*

2<sup>nd</sup> *Glen Demers. Motion carried with all in favor.*

**Application for Major Site Plan Review by: Powerhouse Machine, LLC (Tax Map R03 Lot 17-1): To allow the construction of a lay down area, a 12,000 sq. ft. cold storage building with underground electric service, and related access way. The parcel is located at 23 Commerce Parkway in the Industrial Business (IB) Zoning District.**

Chairman Parker stated there was a letter from the applicant withdrawing the application.

Planner Menici said that staff had brought up concerns about compliance with the past approval and at the TRC meeting the Fire Chief had real concerns about the area around the building. The Chairman said he thought it would be a good idea for CEO Roseberry to conduct an inspection. The Planner said the CEO did an inspection in conjunction with the Conservation Commission and he came back with concerns that the outdoor storage exceeds what was approved by the Planning Board. His opinion was that they had a mechanical junkyard.

Charlie King suggested that the Board ask CEO Roseberry for a detailed letter to be presented to the applicant and ask when he intends to bring the site into compliance and give him an opportunity to address the issues and provide a copy of the letter to the Board. The other members agreed.

*Charlie King motioned to have CEO Roseberry compose a detailed list of all non-compliance items and request Powerhouse Machine to present a plan to come into compliance; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.*

Chairman Parker asked the Planner to find out if the Fire Chief would like to write a letter to the Board. Charlie King said that part of the approval was 360-degree access around the building and if that is not being provided then that it is a non compliance issue. Randy Orvis said that to move around the items currently on the ground would involve going into the conservation easement.

**Application for Minor Subdivision by: Jean G. Merrill, applicant/property owner (Tax Map R32, Lot 15) through David W. Vincent Land Surveying Services as Agent for property located at 149 Main Street. The applicant proposes to create two lots from the existing 24 acre parcel resulting in lots of 23 acres and 1 acre to include an existing residence and accessory structures. The parcel is located in the Suburban Residential (SR) Zoning District and the Rural Residential (RR) Zoning District.**

David Vincent, as agent, presented the application. He told the Planner that he had not read her email regarding submission for a special use permit in time and had not meant to ignore her.

Mr. Vincent said that the parcel is next to the Golf Course, the property is bounded by the Cocheco River on the north, there is an existing structure, and power lines run through the property. He said the parcel may look like a lot of acreage but consists mostly of wetlands. State subdivision approval had been obtained.

Mr. Vincent said the parcel is impacted by a flood hazard zone and distributed hand outs to the Board. He added that a portion of the wetlands was not shown on the plans as being adjacent to the Class 2 wetlands delineated on the National Wetlands Inventory and he will correct that. Mr. Vincent pointed out the buildable area and explained that there is a second dry uplands area of less than one acre but it cannot be readily accessed. Charlie King said the uplands area is in the flood zone as it is below the 256 elevation. Mr. Vincent said he had not verified that yet.

Planner Menici explained that there was not enough information to finalize staff review. She said the wetlands are labeled Class 3 but should be Class 2 and the 50-foot buffer was not depicted or included in the buildable area. She did a rough calculation and it was close to the required 30,000 square feet adding that the applicant may need a variance.

David Vincent said his calculation for the buildable area came to 31,440 square feet and is more than the requirement. Charlie King said the proposed access would require a DOT permit but would have to go through both the buffer and wetlands. Mr. Vincent said a special use would be required if access goes into the buffer. Mr. Vincent stated the soils are good for septic and the test pit information was shown on Sheet 2.

The Planner said that if a special use permit is required the application must be presented to the Conservation Commission 30 days prior to going to the Planning Board. She said the next Conservation Commission meeting is on June 19<sup>th</sup> and the application can then go to the Planning Board on July 16<sup>th</sup>. This application can be continued to July 16<sup>th</sup>.

Charlie King said by splitting off where the existing dwelling is located, the rest of the parcel will comprise the two upland areas with only one readily accessible. Mr. Vincent agreed stating that the second upland area is well back and would require a bridge because the access is very wet.

The buildable area configuration was discussed. Based upon Mr. Vincent's representations it appeared that the buildable area configuration may meet requirements but Charlie King said it might need a waiver and that must be addressed when the applicant comes back before the Board.

David Kestner said almost all of the proposed driveway would be in the flood plain and this area does in fact flood. Chairman Parker questioned whether the Shoreland Protection setback was met and it appeared it was. Charlie King directed that the 250 foot setback be delineated on the plans.

The flood plan elevation was discussed.

Moving the driveway access to the opposite side of the existing house was discussed but Mr. Vincent said although it was not shown on the plans there was a nice line of existing pines on that side and the location indicated had more sight distance. Planner Menici said the pines should be shown on the plan.

Chairman Parker asked about a shared driveway. Mr. Vincent said the topography drops off so it would be difficult and would mean driving through the back yard of the other building. David Kestner commented that the applicant thought it would be easier to encroach into the flood plain than to take out some gravel. Mr. Vincent said he would talk to his client.

Chairman Parker said at this point the application should be continued to the next meeting on June 18<sup>th</sup> and then, if necessary, the applicant could come back on July 16<sup>th</sup> with additional information and the special use application.

Mr. Vincent asked about the Board's response to the DOT letter and was informed that the Board would be asking DOT to extend the requested response time based upon the subdivision not having approval.

Mr. Vincent was asked if the property was still for sale. He said he did not think it was and Realtors had said no one wanted the older home with 23 acres and a new home would be better.

David Kestner said he would like to see on the special use permit what kind of best management practices they anticipate using to build the driveway as well as for the utilities. He said both could have a serious impact.

***Charlie King motioned to continue the application to July 16<sup>th</sup>.***

Mr. Vincent said he would like the continuance to June 18<sup>th</sup> if he doesn't need a special use permit.

***Charlie King amended his motion to continue the application to June 18<sup>th</sup> provided the applicant does not need a special use permit that requires the application to go before the Conservation Commission; 2<sup>nd</sup> Martin Laferte.***

Discussion: David Kestner asked Mr. Vincent if he received a copy of the staff memo. Planner Menici said he had been provided with one.

***Motion carried with all in favor.***

***David Kestner motioned to send a letter to NH DOT with regard to the driveway permit asking them to hold off any approvals and extend the response deadline until such time as the applicant has an approved subdivision at this location because at this time the applicant has not provided complete information; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.***

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

There was none.

***At 7:24 pm Martin Laferte motioned to adjourn the meeting; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.***

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Chairman, Paul Parker