

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, June 18, 2013  
356 Main Street, Farmington, NH**

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

**At 6:04 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 Joshua Carlsen.

- **Low Impact Development presentation by Amanda Stone from UNH**

The Chairman welcomed Amanda Stone from UNH and Steve Miller from Great Bay. The Board members and staff were introduced and Steve Miller distributed a handbook.

Amanda Stone explained that the program being presented looks at low impact development as a means of managing stormwater. She said that Steve Miller would give the presentation and then discuss how the concept would apply in Farmington and how they might help the Board.

Amanda Stone briefly addressed the organizations that make up the Natural Resources Outreach Coalition.

Using a power point presentation Steve Miller spoke about using Low Impact Development to both cut costs and improve water quality. He said that by building resilience in the community it is more likely to recover faster from storms and flooding. By mimicking nature a community can direct development in a way that manages storm water so that it filters into the ground rather than directly to the surface water.

The presentation detailed that water quality is the number one problem in the nation as well as around the globe and was caused by the way we developed. Larger towns and cities that are substantially developed must find ways to correct what has already been done. Farmington has the opportunity to get ahead of the problem.

In 1990 Farmington's population was 5,774 with impervious cover of 3 percent and in 2010 the population grew to 6,786 but impervious cover grew to 6.1 percent. This indicates there has been a bigger growth in impervious cover than in population. Ms. Stone pointed out that based upon national data at 10 percent there can be real problems so although 6 percent may seem low it is not. It was pointed out that even a lawn can be impervious cover.

Planner Menici said the numbers indicate that impervious cover doubled during the 20 year period but population increased only about 17 or 18 percent.

Mr. Miller said it is much better off to be proactive than to try correcting overdevelopment. Studies have shown that low cover of around 4 percent shows that species diversity and richness of life is much better but each community must develop its own standard and there is no magic cutoff. Good buffers are important for water quality and a community needs to be smart about where cover is put and how water is treated.

Quality of life is sustained through a clean community that doesn't limit growth but helps to direct where and how to grow smartly. One example used was a large mall parking lot that can be designed for capacity on the busiest days but instead of all paved surface part of the lot is a grassy field with a plastic grate underneath for stability on which vehicles can park but water still filters down. Swales are also an important part of a design instead of piping water somewhere else.

Rain gardens were described as a depression in the ground that is planted with native species of vegetation that will tolerate being wet for a 24-hour period. The depression captures the rain and the plantings help the water to soak into the soil within approximately 24 hours.

The presentation showed a retro fit in a Portsmouth neighborhood designed with a rain garden and a drain for overflow thereby reducing what would have gone directly into a nearby stream.

David Kestner said that if the granite curbing were not there then it would have been an easier job and they could have gone with slopes instead of a closed drain system and they would not have had to retro fit. He also said that LID is a good idea and questioned why NH DOT is not using it. Mr. Miller responded that the first thing the engineers learn is to get the water away from the road and it takes time to change behavior.

Mr. Miller said that Portsmouth had created some of its own problems and has 38 percent impervious cover but was starting to make progress. He presented data to show that a developer would ultimately save money by using low impact development even with initial added costs in certain areas.

Mr. Miller spoke about Greenland Meadows a development off Route 33 in Greenland. The engineers worked with the developer in designing the site. There was a substantial amount of work on infiltration underneath the parking area; porous asphalt was used; and all water filters through a gravel wetland before reaching Great Bay. The techniques used saved nearly \$1,000,000 for the developer.

Climate data shows that the country is experiencing bigger storms and rainfall events. It is predicted that by the middle of the 21<sup>st</sup> Century a 100 year storm will be reclassified as a 25 year storm. Larger culverts will be needed and although upgrades cannot be done all at once, communities must be prepared by looking at what culverts need replacement. Replacement cost could be \$28,000 but a repair to that same culvert could run \$93,000.

Amanda Stone said the handouts recap the presentation and there is more detail on the website ([www.unh.edu/unhsc/forgingthelink](http://www.unh.edu/unhsc/forgingthelink)) broken out by chapter headings. Mr. Miller said there are other case studies there as well.

Charlie King asked what plants are typically used in a rain garden design and what differences there are in maintenance. Mr. Miller said plants are used that can tolerate their roots being covered in water for a day and offered to furnish lists of suggested plants. With regard to maintenance he said the rain garden at Great Bay is three years old and has been cleaned once, pruned and after checking the soil was loosened. He said that a proper design has very little maintenance. Mulch was used initially and the soil did not need much in the way of amendments because it is already sandy so that aspect would be site specific. Amanda Stone agreed that a rain garden requires well drained soils that are not high in clay and that they are basically low maintenance.

David Kestner said that it would be up to the Department of Public Works employees to maintain rain gardens on a municipal property. In his opinion most DPW employees won't have the ability to know what and what not to trim versus just cleaning the top of a drain cover.

One screen during the presentation showed standing water and Amanda Stone explained that is why infiltration is important because it improves water quality naturally. She said the goal is to see how we can mimic the way the natural system works and incorporate that so it takes care of both the amount of water runoff and the quality of the water.

She said these are just some ideas to consider when the Board is working with developers many of whom are open to low impact development. Ms. Stone said that a rain garden is not maintenance free but asked the Board to consider the costs to have all water go directly into surface water. This is a tool to help a community deal with water volume and quality so values are maintained.

It was suggested that local Garden Clubs could help with maintenance in some areas. David Kestner said he was not disagreeing but said that the average DPW employee doesn't know how to maintain these areas. He also said that private condominium associations would have the responsibility for maintenance but if one should go bankrupt then the Town must assume responsibility. Mr. Miller pointed out that this can happen with anything.

David Kestner said he didn't know if the Board was in a position to feel comfortable with this. Martin Laferte said before he retired he spent his working career dealing with this issue. He said when the water gets filtered out then pollutant matter is left above and must be gotten rid of. Steve Miller said that most pollutants are taken care of through the biological process. Mr. Laferte said that cigarettes, bottles and cans are an issue and that contamination from gas and oil at some point in time may affect the garden. Mr. Miller said that soils may need to be scooped out and replaced under certain circumstances but Ms. Stone said the rain gardens decrease pollution instead of sending the pollutants to drinking water sources.

The Board asked about lists of suitable plans and if there were instructions on the website to show a residential owner how to create a rain garden. Amanda Stone offered to send links to the Planner for sharing with the Board and Steve Miller added that UNH Extension has information on their website. He also suggested that a homeowner can use rain barrels to divert the run off.

Chairman Parker said some low impact development could be included in the subdivision regulations. He said this is a learning process for the Board. He asked what the pros and cons would be for minor subdivisions. Mr. Miller said the design costs would be about the same but would take a different direction; infrastructure costs might be less and there would be incentives from the municipality for low impact development such as more units. Ms. Stone said that if there were higher initial costs there would be savings on maintenance.

Planner Menici asked if Ms. Stone and Mr. Miller would be willing to come back for a more detailed discussion. Both agreed and said they could also bring other people in the field with them.

The Planner said her subdivision was built in 1987 before conservation or LID subdivisions and the development had 30 acres with less than 10 used for 12 houses. The remainder includes areas set aside for open space conservation and incorporates some of what had been discussed tonight. The subdivision also abuts Sewell Woods. She felt it was a good example for the Board members to look at.

Steve Miller said there are small grant programs available in the State to assist with LID.

Chairman Parker thanked both Amanda Stone and Steve Miller for coming and said the Board would like to invite them back for a "part 2 presentation". Both said they would look forward to that.

***At 7:01 pm David Kestner motioned for a five minutes recess; 2nd Martin Laferte. Motion carried with all in favor. Meeting reconvened at 7:08 pm.***

Chairman Parker suggested a motion to take the agenda out of order and bring forward the continued case next.

*Charlie King motioned to bring forward the continued case; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.*

*Paul Parker motioned to table any other business until the end of the meeting; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*

**CONTINUED CASES:**

**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. (Continued from May 21, 2013)**

Chairman Parker said there had been some issues at the first public hearing and asked Planner Menici to bring the Board up to date.

The Planner said one concern was about the wetlands that had been incorrectly designated as Class 3. She spoke with both Mr. Vincent and the wetlands scientist and now the plan shows the wetlands as Class 2 with the appropriate buffers. There were also concerns about the driveway location for the new lot and the need for a special use permit. They have shifted boundaries for Lot 15 with the existing residence and accessory structures and now the driveway to the new building area has been moved to the boundary line near the Country Club. She said the plan as now presented is a good proposal, meets the Town's requirements, and there are no staff concerns.

Mr. Vincent said the revisions took into consideration the Board's concerns. He said with the 250 foot buffer depicted, the plan shows the developable area is outside of the Shoreland protection area. The reconfiguration of the lots and placing the driveway on the Country Club side improves the sight distances and NH DOT should have no issues with approving the driveway permit. The trees are shown on the property line.

Mr. Vincent said that the shaded Flood Hazard Zone X is at elevation 257 or a 500 year storm. He said what this means is that there is a .05 percent chance on a yearly basis for a storm to cause flooding. In comparison the probability of a 100 year storm occurring on a yearly basis is 1 percent. He explained that these flood designations really have nothing to do with years but with probability and FEMA is working on changes. Mr. Vincent said the elevation of Main Street is at 256.

Mr. Vincent reviewed the plan with the Board. Charlie King expressed concern that the buildable area requirement was not met. After discussion it was clarified that each lot had just over the required 30,000 square feet but the shape requirement that it be roughly square, rectangular or circular was not met and one of the waiver requests addressed this deficiency.

The Board considered the waiver requests.

**Section 4.08C – Buildings and Driveways within 200 feet**

Planner Menici said that directly across the street is a vacant town owned parcel. Chairman Parker said the parking area and maintenance shed on the Country Club parcel are not shown. He said this is information the Board may need and the driveways within 200 feet are of interest in this busy area.

Charlie King said that although that is information the Board would like to have seen, the request should have been voiced at the last meeting. He said however that since the structures on the Country Club parcel were directly adjacent to the driveway they should be shown on the plan. David Kestner said the plan should have at least the name and address of all the property owners. Planner Menici pointed out that all abutters were indicated on the first sheet.

***Martin Laferte motioned to grant the requested waiver from Section 4.08C; 2<sup>nd</sup> Charlie King for discussion.***

Discussion: Charlie King said he was on the fence about showing the maintenance sheds. David Kestner and Paul Parker thought they should be shown. David Vincent said the applicant would be willing to add the 2 structures to the plan.

***Martin Laferte and Charlie King accepted the friendly amendment to add the 2 structures within 200 feet. Motion carried with all in favor.***

Section 4.06.01 – Topography (For Lot 17)

Chairman Parker read the request: “It is our belief that the subdivision site plan has provided adequate information for the development of a single family home on the 23 acre lot.”

***Charlie King motioned to grant the requested waiver from Section 4.06.01 for the reason stated and because the rest of the lot is not readily buildable due to flood zone and wetlands; 2<sup>nd</sup> Martin Laferte.***

Discussion: Chairman Parker said that his concern is that when large pieces of land are 90 percent wetlands with minimum area for building, people think they have a lot of available acres and don’t realize that the land is unusable. He felt there should be something a little stronger than just saying “x” number of acres is wetlands.

Planner Menici cautioned the Board that they are starting to add requirements that are not in the regulations. Chairman Parker said he understood that but it would just be a small note. The Planner said she would like to see the building envelope clearly delineated on the plan in accordance with the regulations. This was discussed among the members and Mr. Vincent but it was ultimately decided to leave as is because when a building permit is applied for the applicant will have to submit the exact location and at that time the CEO would determine if it meets requirements according to the regulations. David Kestner noted that this waiver request had been granted in the past for many of the larger parcels.

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

Section 4.04.06 – Building Area Requirements Lot Configuration for 30,000 sf Zoning Districts

Chairman Parker said the request is for the geometry of the lots not the square footage of the buildable area.

The Board discussed that the lots met the square footage but not the shape required under the Town’s regulations but ultimately decided that the spirit of the requirement was met. David Kestner said this could be a nightmare for the CEO when a building permit is applied for.

***Charlie King motioned to grant the waiver request from Section 4.04.06; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

***Charlie King motioned to accept the application as substantially complete; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

Chairman Parker opened the discussion to public comment and said he would leave it open for a few minutes while the Board discusses the application.

Charlie King said he thought the changes were a big improvement and moving the driveway to the other side gave much better access without impact to the wetlands. Charles Doke thought it was laid out well. David Kestner said it eliminated the need for a special use permit and the sight line distances were greatly improved.

Chairman Parker closed the public comment portion of the hearing.

***Charlie King motioned to grant approval for the minor subdivision for Tax Map R32 Lot 15 creating two lots one with 23 acres and one with 1 acre that includes the existing residence and accessory structures with waivers and with the following conditions:***

- 1. Monumentation to be set on the plat and in the field prior to recording;***
- 2. All applicable local, state and federal permits to be obtained prior to recording and permit numbers to be added to the plat; and***
- 3. Storage structures on the Country Club parcel to be added to the plat;***

***2<sup>nd</sup> Charles Doke.***

Discussion: Chairman Parker said he had some concerns with the application but as others have clearly identified that the regulations have been satisfied he was okay with it.

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

- Review and approve Meeting Minutes of June 4, 2013**

***Charlie King motioned to approve the minutes of June 4, 2013 as written; 2nd Martin Laferte. Motion carried with all in favor.***

- Any other business to come before the Board**

Planner Menici asked the Board members for their lists of individuals or groups for the consultant to use in the outreach efforts. No one had any information to submit. The Planner asked that each member email or call her by tomorrow because she is meeting with the consultant at the end of the week.

The Planner reminded them that at the June 4th meeting Chairman Parker said he had language from other towns as suggestions to add to the rules of procedure and these are included in the members' packets for discussion on July 16<sup>th</sup>.

Planner Menici said Mrs. Arcidy, the developer for Richards Way, was looking for guidance on final paving because she was anxious to have the road accepted by the Town so as not to incur additional costs. The Planner said the Boards concern had been that the road be completed to a standard that would not result in costs to the Town over the longer term and had asked for FST's recommendations. The Planner referred the Board to the email from William Scarpati from FST.

The Chairman asked if there was a sufficient amount in escrow. Planner Menici explained that the bond guaranteed completion. She said the Board had two choices:

1. Can require that the subdivision be "x" percent built out before the wear course is laid; or
2. Can require that the wear course be laid within "x" number of years from binder course completion which was completed this month.

Charlie King asked if a two-inch binder was laid. Planner Menici said she would have to verify the depth but two inches was probably correct.

The Planner said that the other suggestions made by Mr. Scarpati could be considered by the Board for addition to the Road and Driveway Standards but they cannot be back loaded onto a subdivision now. The Board must deal only with current regulations.

The Board discussed how to structure the requirement for the wear course. There was general agreement that they had no control over build out only over time and that it made sense to use a combination of time and build out.

The Board reviewed some of FST's statements on the email but Planner Menici said the email addressed potential not current conditions. Planner Menici emphasized that site inspections do not say there is cracking and that this is a general statement. Charlie King added that based upon the approval the developer must make any improvements and/or repairs necessary.

Planner Menici asked if the Board of Selectmen would recommend acceptance of a road and take on its responsibility if there were not a certain number of houses on it. Charlie King said they would not recommend acceptance if the road was not complete. He also said that the BOS does not have the authority to accept on its own and the decision must be made by Town vote.

It was suggested that the BOS needed a policy for acceptance with regard to taking on the added expense of maintaining a road not built on. The Planner said she brought this up because she could see some gaps and it might be a policy for the Selectmen to consider.

***Charlie King motioned that the wear course for Richards Way be laid as soon as 50 percent build out is attained but no later than 2 years from binder course or June 2015; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

Planner Menici said the Board requested a copy of the resume for the new outreach person working with Mettee Consultants and it is included in their packets.

***At 8:15 pm Martin Laferte motioned for a 5 minute recess; 2<sup>nd</sup> Charlie King. Motion carried with all in favor. Meeting reconvened at 8:21 pm.***

### **A proposed revision of the Town of Farmington Subdivision Regulations**

Chairman Parker said the Board had made the final changes to the Subdivision Regulations and this is the first public hearing. He said the proposed document is much better than the current one. Both these regulations and the proposed change to the Site Plan Regulations are on the Town's website.

Planner Menici said her only comment is that in addition to the regulations there are appendices and they are not part of this public hearing due to outstanding issues on the Road and Driveway Standards. The Fire Ordinance will remain the same and was adopted separately and will be made a part of the regulations by separate public hearing.

Chairman Parker opened the hearing to public comment and noted that no one was here and that was unfortunate. Charlie King said members of the public may have reviewed them on line. The Chairman closed the hearing to public comment.

***Martin Laferte motioned to adopt the revised Subdivision Regulations as written; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.***

Planner Menici said now that the Regulations have been accepted staff will revise the application and checklist. Both will be available in draft form and will be presented to the Board for formal acceptance on July 16<sup>th</sup>.

**A proposed revision to the Town of Farmington Site Plan Review Regulations regarding a Change of Business Use in the Village Center (VC) District**

Chairman Parker said staff thought this change was important and brought it to the Board. He said it had been discussed for several months and is a reasonable change to be added to the Site Plan Regulations. He opened the hearing to public comment.

David Kestner said he had a note on Draft 2 from a previous discussion that reference to a 30-day appeal period after a decision by the CEO was to be included. He said there was also a discussion of a \$25.00 fee.

Planner Menici said that the fee is under the authority of the Selectmen and not part of this document. She said at the last discussion the Board agreed that this was the Draft to bring to the public hearing because the fee was not within the purview of the Planning Board and the appeal period was stated in State Statute and so it was not necessary to repeat it. However, she said this was the first public hearing and she can do a Draft 3 if the Board wants one. She said that this would not be a stand alone document but is part of the Site Plan Review Regulations and the appeal process is there. She read the applicable section.

Charles Doke said on May 7<sup>th</sup> the Board discussed both a fee and the 30-day appeal period but decided that was covered by the State Statute. There were some further comments and the general consensus was to move forward with Draft 2.

Chairman Parker closed the hearing to public comment.

Planner Menici suggested that in the last paragraph the final sentence can be taken out and instead say: Appeals of decisions by the CEO shall be made within 30 days to the Planning Board. She pointed out that the CEO's authority is limited to uses which are specifically permitted but not commercial uses not specified. Those applications would still come to the Planning Board. Chairman Parker agreed that if an abutter had information not available to the CEO this would provide an opportunity to come forward. He said he was fine with a second public hearing on July 16<sup>th</sup>.

***Charles Doke motioned to continue the Public Hearing to the July 16<sup>th</sup> meeting for a second Public Hearing; 2<sup>nd</sup> Martin Laferte.***

Discussion: David Kestner said he was just asking because of the note he had made.

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

Planner Menici explained to the Board that now that this has been posted and published and had the first Public Hearing any change of use in the Village District comes in under this change.

***At 8:43 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