

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, June 4, 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:** Dwain Perillo, Ted Johnson, Tony Triolo, Neil Johnson

**BUSINESS BEFORE THE BOARD:**

- **Pledge of Allegiance**

At 6:08 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance. Chairman Parker seated Martin Laferte in place of Cindy Snowdon.

- **Review and approve Meeting Minutes of May 21, 2013**

*Martin Laferte motioned to approve the minutes of May 21, 2013 as written; 2<sup>nd</sup> Glen Demers.*

Discussion: David Kestner suggested a grammatical change on page 5. Martin Laferte and Glen Demers accepted the change and the motion now stated:

*Martin Laferte motioned to approve the minutes of May 21, 2013 as amended; 2<sup>nd</sup> Glen Demers. Motion carried with 4 in favor and 1 abstaining.*

- **Preliminary Discussion for Tax Map R59 Lot 4**

Planner Menici said that Dwain Perillo has been operating his business, Perillo Marble Tile & Granite, at 265 NH Route 11 in the "Dana Collision parcel" and now has the opportunity to purchase the parcel across from the Strafford Inn that is owned by Steve Edwards. In 2007 Mr. Edwards was granted conditional approval of his site plan review for a contractor yard. Mr. Perillo is proposing a different but permitted use.

The Planner said that the issue on staff level is that following conditional approval no final plans were submitted that depicted all of the requirements such as landscaping and drainage. Additionally, there are no field inspection reports in file that would document that requirements had been met and it is therefore not possible to determine what, if any, of the required site improvements were completed. Chris Jacobs, the project engineer, is no longer a New Hampshire licensed engineer and his firm has been dissolved. She said that Mr. Perillo was here to find out what the Board will require for his site plan application.

Planner Menici said there is a foundation on the parcel but she did not know if that is new as a result of the approval or old from the structure that burned. Chairman Parker said he believed that it was as a result of the approval. The Chairman said that the Board had determined in the past that if the conditions of approval were not satisfied within the regulatory time frame then the approval was null and void.

The Planner said that Mr. Perillo is seeking the Board's opinion as to whether he must go through the huge expense of bringing in another engineer.

Charlie King asked for an explanation of the project. The Chairman asked whether the Board was required to do anything to confirm that the approval was null and void. Planner Menici said she did not think any action was required.

Planner Menici said that she understood from Mr. Perillo's conversations with both herself and CEO Roseberry that the existing foundation on site was adequate for his proposal. Mr. Perillo said the foundation is the new one shown on the site plan and is 40 feet by 80 feet with a frost wall. He added that Mr. Edwards' approval had a 24 foot by 24 foot covered structure adjacent to the foundation and he is proposing to alter the footprint by adding the 24x 24 area as a permanent attached addition to be used for office area, break room and as a place to meet clients. Mr. Perillo said he would like to find out what the Town will require for him to pick up and continue on from the original approval. He said if it is too expensive then he may have to reconsider.

Mr. Perillo said he has been in his present location for 11 years and has a thriving business with four employees. The Route 11 location had been owned by a Massachusetts resident but was recently purchased by the owner of Dana's. Mr. Perillo received notice that his lease won't be renewed as the owner's business has increased and he needs the additional space.

Planner Menici said Mr. Perillo has reviewed the file from the previous approval and she asked him what amendments he wanted to make. Mr. Perillo said the previous proposal was for a business that would have been open to the public with a lot of people going in and out. He said the approval had a lot of requirements such as handicap parking, lighting, etc. that he felt were unique to Mr. Edwards' business. He said that his business is by appointment only and that he produces stone countertops.

Chairman Parker said a new application will need to be submitted. Mr. Perillo can use what is in the file that suits him and make a presentation for his needs. He added that some of the drainage was unique to the prior proposal. David Kestner said Mr. Perillo would need to come back with a state approved engineering plan. He could adapt the original plan and adjust what was on the approval to show what has been done and what Mr. Perillo is looking to do. He said that the site might not have to be resurveyed but would need a licensed firm to modify the plans to show what exists and what changes the new proposal would require. He added that there were concerns during the original review about runoff that may not apply to this application but only a licensed engineer could address that. He recalled that there were concerns with regard to a fuel facility and above ground fuel storage.

Charlie King stated that the site plan had been designed for the site itself and the impact previously proposed. He said that this new proposal may be less of an impact. He suggested that Mr. Perillo revise the site plan and take it to TRC for review. Mr. King also suggested having the Town engineer, FST, review the revised plan and give an opinion as to how this use would impact what had previously been approved. Planner Menici reminded the Board that the previous approval had expired and it appeared that Mr. Perillo wanted to change the footprint. Mr. Perillo commented that the original plans show a 24 foot by 24 foot covered structure and that he was proposing an attached and more permanent structure of about the same size and in the same area.

Planner Menici said the suggestion to use FST for review is a good middle ground. She added that the suggestion to take what is existing and show on the plans what the new footprint including all impervious surfaces would be and provide a narrative describing the use of the property including customer visits, hours of operation, and any hazardous chemicals/substances that would be used or stored.

Ted Johnson from North Coast Construction said they would be adding to the building but having less parking lot area so the impervious surface could be reduced. Planner Menici said the requirements are based upon the size and use of the building. She said this use would be industrial and detailed the requirements stating that it appeared 12 spaces at most would be required. Chairman Parker said the applicant could request a waiver from this requirement.

Use of the original plans was discussed and Glen Demers explained that Mr. Perillo would need permission from both the original client and the professional because the plans belonged to the professional who had prepared them.

Mr. Perillo said he needed to know if what had been done under the original approval had value because otherwise costs could be excessive. Planner Menici said that the Board wanted to help him move forward and although what the applicant was hearing might sound a little confrontational the Board was trying to find a way to work with him and still comply with regulations.

Mr. Johnson asked if there was a list of the conditions of approval he could look at. Planner Menici said he could look at those at any time. Suggestions were made to the applicant regarding documentation and permissions he might want to obtain as part of his purchase and sales agreement. It was suggested that Mr. Perillo either use the original plans with changes and bring them to the Planner for submission to FST or obtain a set of new plans. Glen Demers suggested that the applicant either go through Mr. Edwards or go directly to Chris Jacobs because he would have the digital file that would be helpful to the applicant.

Planner Menici said if Mr. Edwards installed the drainage himself, he should be able to provide receipts for the materials that were purchased to install the subsurface components. Chairman Parker suggested the applicant and his agents attend TRC because it was helpful to have everything ready prior to the public hearing.

Mr. Johnson asked about the Town's feeling on paving the whole area. Both Charlie King and David Kestner felt that requirement could be revised depending upon what is presented to the Board. Planner Menici said that this might require a waiver request but the Board has in the past granted waivers to other applicants. Charlie King told the applicant that handicap parking cannot be waived.

Chairman Parker said that certain regulations need to be satisfied but beyond that the Board is trying to be helpful to businesses. Planner Menici offered as an example the Board had approved a staggered paving plan within the last year or so. The Planner reminded the members that this was not a new business but an established one moving to a new location.

Mr. Perillo said he is working within a short time frame. He was notified that he was to leave his current location by June 26<sup>th</sup> although the owner is willing to work with him somewhat. He asked how quickly he could obtain a building permit. Planner Menici said that was the final step after site plan approval from the Planning Board. She said the first meeting available meeting would be July 16<sup>th</sup> and the application would have to be submitted by June 17<sup>th</sup>. TRC would be scheduled for June 26<sup>th</sup>. The Planner offered times on Wednesday and Thursday when she would be able to meet with Mr. Perillo and/or Mr. Johnson.

***At 7:04 pm Charlie King motioned for a 5 minute recess; 2<sup>nd</sup> David Kestner. Motion carried with all in favor. Meeting reconvened at 7:15 pm.***

- **Continued discussion of Road and Driveway Standards**

Planner Menici said the last revision was April 11, 2013 and that at the last discussion several issues were brought up. The former DPW director met with the Board and made recommendations as to the language and the exhibits that are part of the regulations. The Planner said she could provide a draft of the language changes and the Board was going to discuss the tables and exhibits and decide where to go next.

Planner Menici reminded the Board that she recommended changing the minimum for a local street to state "up to 6 dwellings". Currently the standard says 3 to 6 but depending upon circumstances the Board might want a street and not a shared driveway for 2 dwelling units.

After discussion it was decided to say up to 6 dwelling units for minimum local street and that it was not necessary to specify class 5 or better because that is defined in the zoning ordinance and that can be noted.

Chairman Parker said he felt the surface widths are fine as written and Charlie King agreed stating he was not inclined to change them but applications could be taken on a case by case basis.

The Board discussed driveway width that is currently at 10 feet and if that should be widened to allow easier access for fire apparatus. They considered changing the standard to 12 feet up to 900 feet in length and 14 feet if the driveway was over 900 feet long. There would be no changes to commercial driveways.

For all other streets the former DPW Director had recommended adding 2 feet across the board except for minor local streets to which he added 4 feet based upon AASHTO standards.

***Martin Laferte motioned to increase to 12 feet the surface width for residential driveways and leave the rest as currently written; 2<sup>nd</sup> Charlie King.***

Discussion: Planner Menici thought she heard 4 Board members wanted to go with the former DPW Director's suggestions for width standards. Chairman Parker said there were only 2.

***Motion carried with 4 in favor and 2 against.***

The Board next discussed width recommendations for a minimum right of way. It was decided to change the width from 36 feet to 50 feet for a minimum local street and to leave all others as is. Design speeds were not changed.

No changes were made to minimum length of vertical curve. Charlie King said the recommendations for changes to the horizontal curve radii were based upon design templates – WB 40 and WB 50 – and he did not want to reference templates that the Board did not have. Glen Demers said he would obtain copies of the templates for the Board.

No changes were made to the minimum or maximum grades. The Board decided to change the reverse curve minimum tangent on a minor local street from 50 feet to 100 feet.

The sight distances at intersections were changed on a minimum local street from 150 feet to 250 feet; on a minor local street from 150 feet to 250 feet; on a major local street from 200 feet to 300 feet and on a collector street from 250 feet to 350 feet.

David Kestner suggested adding “from center line” to maximum grade within 50 feet of intersections. The members agreed to change the maximum grade percentages for minor local, major local, collector and arterial streets from 3 percent to 2 percent.

It was agreed to leave minimum distance between intersections blank for now and have a discussion about this at a later date.

The templates will remain as written until additional information is obtained. Planner Menici will ask FST for assistance. No changes were made to the angle of intersection. The maximum side slope grade was changed to minimum and remained at 3:1 for all.

The next discussion was on the sub base requirements. The suggestion had been made previously to increase the residential driveway width to 14 feet and the depth to 18 inches to accommodate emergency vehicles. This was considered excessive so it was left at 12/12. It was also suggested to change a commercial/industrial driveway surface width range to 24/32 feet and leave the sub base depth at 18 inches. All agreed that the numbers must be consistent with the sub base extending out beyond the paved surface and under the shoulder.

Charlie King said they needed to show the sub base going all the way out to the shoulders for support. The surface width plus the shoulder would provide the final figure. David Kestner recommended increasing the width of a commercial/industrial driveway an additional 2 feet so the final width range including the shoulder area would be from 26/34 feet.

Increasing the sub base on minimum, minor, major and collector streets from 18 to 24 inches was considered. Planner Menici said the current standards were substantial. All agreed to leave the depth at 18 inches but to correct a mistake under minimum local streets so gravel was at a consistent 12 inches.

Crushed gravel depth for a residential driveway was increased to 4 inches and all other remained at 6 inches. No changes were made to the wearing surface requirements.

Charlie King asked if he could get the information for the exhibits. Planer Menici said she was told they had been copied out of the AASHTO manual. Mr. King said he would work on reproducing them.

David Kestner reminded the Planner to add the hammerhead option to the cul de sac exhibit.

***Charlie King motioned to continue the discussion on Road and Driveway Standards to the next work session on July 16, 2013; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

- **Discussion of changes to Planning Board Rules of Procedure**

Chairman Parker said this would be a two part discussion. He stated that the first part involved RSA 673:13 and read the section. The Chairman asked for a discussion regarding one Board member who was frequently absent and ill prepared when present. He said he would like to ask the Board of Selectmen to remove the member due to poor attendance and added that there was an alternate member he would like to have the Selectmen change to a regular member. Charlie King asked if the Chairman was proposing a change of rules in order to deal with this situation. Chairman Parker said he would like to deal with the situation first and then make the requirements clear in the Rules going forward.

Planner Menici suggested adding a paragraph that would reference RSA 673:13 and define what the Board would consider to be neglect of duty. Charlie King suggested a maximum number of absences. The Chairman said there should be a process for removal and said members should be expected to notify the chair or staff as soon as possible prior to a meeting that he/she cannot attend. David Kestner said not everyone has the Chairman's number handy. Planner Menici said that the chair should be notified first and in turn he/she can notify staff but the chair needs to know first. She added that what staff is seeing is that a call is made to any staff person in the building except the planning department staff.

The Chairman said Riggins Rules say not to accept an appointment unless you can attend 99.99 percent of the meetings. Charlie King said that was not realistic. Mr. King suggested they go back to the first item of business and then discuss changing the rules.

***Charlie Doke motioned to write a letter to the Board of Selectmen asking to change the regular member to an alternate member and the alternate member to a regular member; 2<sup>nd</sup> Glen Demers.***

Discussion: Chairman Parker said this is unfortunate but the time has come. David Kestner asked if the Chairman had an opportunity to discuss the situation with the member. Chairman Parker said he had made many attempts but had been unsuccessful.

***Motion carried with five in favor and one abstention.***

Charlie King suggested the threshold should be 3 unexcused absences. David Kestner said another issue is to whom they should speak. The Planner suggested the language should read the Planning Board Chair or his designee. Charles Doke suggested it should be the chair or the planner.

Planner Menici recommended giving the changes some thought and said she can suggest language and send that out with the June 18<sup>th</sup> meeting packets. It was decided to talk about the exact language in July and have a public hearing on the changes in August.

***Paul Parker motioned to continue the discussion on the Rules of Procedure to July 16, 2013; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.***

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

Planner Menici said she had sent an email to the surveyor for the Merrill subdivision asking if his client had decided to proceed with an application for special use or by relocating the driveway. Mr. Vincent responded that his client had decided to relocate the driveway and put it in the area of the line of pine trees. The Planner said she did not know if they will cut down the trees but will have the new plans by Friday. The application will stay on the agenda for June 18<sup>th</sup>.

The Planner said she received an email today from FST regarding Richards Way. Mrs. Arcidy contacted them to ask if when the contractor does the wear course, the final course should also be laid or if it should wait until construction on Richards Way was substantially complete after a specific number of homes had been built. Planner Menici said the developer should be required post a letter of credit to guarantee the final course is laid.

Chairman Parker suggested at least 50 percent but the Planner thought it should be more. Charlie King said it should be a fixed time maybe one to two years because if too much time passes in order to achieve a particular percentage then the top course won't take. He suggested a combination of time and percentage. A suggestion of 75 percent or three years was made but Mr. King felt that it should be shorter or a condition of approval added that more work could be necessary. It was also suggested to consult FST for the time frame and for the amount of funds that should be kept by the Town.

The Board was satisfied that the requirement for active and substantial work was met. At the Planner's suggestion the Board decided to require the completion of the required bus shelter prior to the issuance of any certificate of occupancy.

Planner Menici said with regard to the Community Planning Grant the Board decided to award the contract to Mettee Planning Consultants. She said the contract she prepared had been reviewed by Town Counsel and was sent to Jack Mettee today. She said there is a short window to accomplish everything and recommended a preliminary meeting this month since the only July meeting was on the 16<sup>th</sup> and the discussion should not wait that long. The Planner said that left June 11<sup>th</sup> or June 25<sup>th</sup>, both dates when the consultant would be available, and suggested they meet on June 11<sup>th</sup> for an hour to discuss the scope of the project and how to proceed. The Board decided to meet on June 11<sup>th</sup> from 6:00 to 7:00 pm. Martin Laferte would not be able to attend but more members were unavailable on the 25<sup>th</sup>. Chairman Parker said if any member had suggestions for discussion to please let Planner Menici know well in advance of the meeting. Martin Laferte said he would not be in attendance due to his wife undergoing surgery that day.

***Charlie King motioned to have a special meeting with Mettee Planning Consultants on June 11, 2013 from 6:00 to 7:00 pm; 2<sup>nd</sup> David Kestner. Motion carried with all in favor.***

***At 8:36 pm Charlie King motioned to adjourn the meeting; 2<sup>nd</sup> Glen Demers. Motion carried with all in favor.***

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Chairman, Paul Parker