

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, December 3, 2013
356 Main Street, Farmington, NH**

Board Members Present: Paul Parker, Charles Doke, David Kestner, Glen Demers

Selectmen's Representative: Charlie King

Board Members Absent/Excused: Martin Laferte

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

Public Present: Randy Orvis, Barry Elliott, Jack Mettee

BUSINESS BEFORE THE BOARD:

- **Pledge of Allegiance**

At 6:10 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

- **Review and approve Meeting Minutes of November 19, 2013**

Charlie Doke motioned to approve the minutes of November 19, 2013 as written; 2nd Charlie King. Motion carried with all in favor.

- **Meeting Schedule for 2014**

Planner Menici explained that there is a schedule conflict between OEP and Municipal Association calendars. She said the Municipal Association showed that the first public hearing could be held on January 21st assuming that the town clerk's office would be open after the meeting to file but in Farmington the office closes at 5:00 pm. Because of this the first public hearing must be held earlier. January 20th is Civil Rights Day, a holiday, so the meeting could be held during the preceding week on January 14th, 15th or 16th.

The Planner mentioned that there was another zoning amendment that the Board needed to consider because there was a conflict between one of the Town's regulations and State statute.

After discussion it was decided that the meeting would be rescheduled to January 14th.

Charlie King motioned to change the second meeting in January to January 14, 2014; 2nd David Kestner. Motion carried with all in favor.

The Planner reminded the Board that the second public hearing was scheduled for February 3rd which is a Monday and asked if that was still okay. The Board agreed it was. Due to the change, if there is another Board using the Chambers, the Planning Board can move the meeting upstairs.

- **Continued discussion of High Density Development Node**

Paul Parker motioned to take the agenda out of order and continue the discussion of the High Density Development Node to the end of the meeting at about 7:00 pm; 2nd Charlie King. Motion carried with all in favor.

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

Chairman Parker asked the Planner to explain which zoning ordinance was potentially in conflict with State law.

The Planner explained that Section 3.04 Development of Rear Lots on page 46 of the Zoning Ordinances allows the development of a building lot that is not in compliance with state law. She said that currently there is someone who wants to come before the ZBA for this as well as the application to be heard tonight. She added that during conversations with both Town Counsel and the Municipal Association attorney it came to light that the Town is not in compliance with State RSA 674:41. The Planner read some of the RSA and stated that it is detailed and she would like everyone to read it over.

Planner Menici said that the RSA basically states that every building lot needs to have frontage on a Class 5 road or better so the Town's ordinances regarding the development of rear lots can exist with some modification. Using the 30 foot shared driveway as an example, the 30 feet would become the necessary frontage. In another Town that the Planner had worked with these lots were called flag lots and had a 50 foot requirement but 30 feet would work as well.

Charlie King said the intention of the current ordinance was to provide a common access point and that to designate the shared access as frontage could potentially bisect a lot. The Planner said the access should be on the edge of the parent lot. Mr. King pointed out that this could create two driveway cuts where only one was intended. Planner Menici said the road frontage might need to change for example from 250 feet to 280 feet. She will provide examples that meet the State criteria in the members' next meeting packet.

Chairman Parker said the Board will need to approve an amendment before the end of this month and the Planner said it could wait until next year although that would mean that the Board could not approve anything under the current ordinance. Mr. King suggested that it could be abandoned temporarily.

The Board will discuss this issue further at the December 17th meeting.

At 6:28 pm Paul Parker motioned for a five minute recess; 2nd Charlie King. Motion carried with all in favor. Meeting reconvened at 6:35 pm.

PUBLIC HEARING - 6:30 pm

Application for Minor Subdivision by: A. J. Camerons Sod Farm, Inc. through Geometres Blue Hills, LLC, Agent (Tax Map R50 Lot 45) for property located on River Road. The applicant proposes to subdivide the 15.75 acre existing parcel into two lots consisting of 3.58 acres and 12.17 acres. The parcel is located in the Agricultural Residential (AR) Zoning District. (Continued from November 19, 2013)

Chairman Parker asked Mr. Orvis to step forward and asked Planner Menici to explain what her research had turned up.

Planner Menici said there had been some question about the property boundaries and the Tax Map showed 15.75 acres and included a strip that was formerly the B&M Railroad track. In 1988 Barbara Lepene who owned what is now Map 46 Lot 2 and Map 50 Lot 45 which is the property in front of the Board did a subdivision and there was a lot line that was to be abandoned in order to convey a parcel to the Camerons. The Planner said that this plan was not available at the last meeting. The applicant had said the lots were never merged by them but done involuntarily by the Town. Staff and the assessing clerk were able to clarify that the December 1988 subdivision showed that the lot line had been abandoned as part of the subdivision and a single parcel was created.

The parcel has been a legal, conforming parcel on River Road meeting the 250 foot minimum road frontage in the AR district. In order to protect additional sections of the Mad River, which is what the Conservation Commission wants to accomplish, Camerons will acquire the portion of Flagstone Avenue that runs in front of their property in

exchange for the parcel with Mad River frontage and there has been a land swap approved by the Town to accomplish this. They will, however, need a variance for the remainder of Lot 45 to have 150 feet of frontage on Ridge Road.

Planner Menici said the applicant has submitted a land transfer plan but a subdivision plan is what is needed. Mr. Orvis added that the Planner had told him some of the things required to correct the plan including the title and the metes and bounds for the entire parcel. Planner Menici said the lot line had to be deleted and any approval would be subject to approval of the variance. Mr. Orvis noted that approval for discontinuance of the road at the March Town meeting would also be necessary.

Chairman Parker said that any issues requiring ZBA approval should be resolved prior to the Planning Board taking any action. Planner Menici pointed out that State law clearly states that a planning board cannot deny approval because other approvals are required and one of those is ZBA approval of special exceptions or anything else under the authority of the ZBA. The Chairman said the Board generally likes to see these issues taken care of prior to Planning Board approval. The Planner said the Board can grant conditional approval and continue to a date certain for final approval after the ZBA meeting.

The Board reviewed and discussed the waiver requests:

Chairman Parker said that there is a substantial list of waiver requirements and some of the waivers requested are in consideration of the land being designated as conservation land. The Planner said that applies only to the 3.58 acre parcel.

Due to the Mad River and Dick Dame Brook having a higher level of protection with a setback of 100 feet the Planner asked that the subdivision plan show the limited development zone delineated at 100 feet from the tributary. In addition, she requested that the plan show that there are permitted uses and some by special exception. This will make it clear that this area is more restrictive.

Chairman Parker asked that there be a note on the plan that the land is designated for conservation use. All members agreed.

The Planner agreed that the waivers were fairly extensive. However she had checked the national wetlands inventory map and did not see any that would be of concern and there are some slope issues in that area but was not sure how that would impact the remainder parcel. Perc tests are not necessary and there is no drainage issue because there are no buildings proposed. She suggested that there should be a condition of approval that addresses building permits so that if the applicant ever wants to develop the parcel to support the landscaping business or sod farm there needs to be some sort of mechanism that addresses the waivers before a building permit is issued.

Planner Menici said the waivers are acceptable for now because no building is being proposed. The subdivision and land transfer will allow Camerons to gain control of Flagstone Avenue which most people would not consider a Town road but an entrance to Camerons. She added that it appears the intent is to allow them a way to have gates so the property is not so accessible to the public after business hours. The other portion of Flagstone Avenue will not be affected.

Charlie King motioned to grant the following waivers as requested based upon the land going into permanent easement with the Town and with the condition that if there is additional building on Tax Map R50 Lot 45 this information will be supplied to the Code Enforcement Officer as deemed appropriate by staff:

H.18 – Topographic contours

H.19 – Soil and wetlands delineation

H.20 – Perc tests, etc.

H.21 – Existing and proposed wells

I.7 – Reports from Fire, Police and Conservation Commission

B.5 – Drainage

Discussion: Planner Menici suggested that the language be more specific and say within 50 feet of the building and added that any building proposed would require site plan review for a commercial structure and the building permit would reflect this.

The motion was amended to add: any future site plan requirements will apply and now read as follows:

Charlie King motioned to grant the following waivers as requested based upon the land going into permanent easement with the Town and with the condition that if there is additional building on Tax Map R50 Lot 45 this information will be supplied to the Code Enforcement Officer as deemed appropriate by staff and any future site plan requirements will apply:

H.18 – Topographic contours

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B.5 – Drainage

2nd David Kestner. Motion carried with all in favor.

Charlie King motioned to accept the application as substantially complete; 2nd David Kestner. Motion carried with all in favor.

Chairman Parker opened the hearing to public comment.

Randy Orvis said that speaking as a member of the Conservation Commission the whole idea is to add to the conservation lands. To the immediate east and west there are conservation lands and this parcel adds 600 to 700 feet of river frontage for additional protection.

Barry Elliott said he would like to put a statement on record about the conservation easement. He said that Fred Cameron and he both grew up here and spent time fishing and swimming in the Mad River and they are concerned with protecting the area for future generations. Achieving this as a conservation piece through the Town is the best way to do it.

Chairman Parker commended Camerons and stated that it is good to see businesses as concerned about conservation as the Town.

There were no further comments from Board members or the public. The Chairman closed the hearing to public comment.

It was emphasized that the subdivision is contingent upon obtaining a variance for reduced frontage that will be non-conforming. The Planner said this is not a concern for the Board just for the ZBA. The lot now has conforming frontage on River Road but in all practicality cannot access most of the lot from the conforming frontage.

Charlie King motioned to approve the Application for Minor Subdivision by A. J. Camerons Sod Farm, Inc. through Geometres Blue Hills, LLC, Agent (Tax Map R50 Lot 45) for property located on River Road to subdivide the 15.75 acre existing parcel into two lots consisting of 3.58 acres and 12.17 acres with the following conditions:

- ***Contingent upon ZBA approval of the non-conforming frontage;***
- ***Change the plan title to Subdivision;***

- *Show the metes and bounds for the entire parcel;*
- *Remove the abandoned lot line;*
- *Show the setbacks/boundaries of the limited development area;*
- *Add note to plan listing waivers; and*
- *Add note to all pages of plan that the conservation parcel is a non-buildable lot.*

2nd David Kestner. Motion carried with all in favor.

At 7:15 pm David Kestner motioned for a five minute recess; 2nd Charlie King. Motion carried with all in favor. Meeting reconvened at 7:19 pm.

- **Continued discussion of High Density Development Node**

Mr. Mettee said that some time has been spent on community outreach since his last meeting with the Board. They have still had no luck reaching anyone from the 500 Club because when the number provided is called the message says not to leave a message but to call back which he did several times. Planner Menici said she knows how to reach Randy Talon from that organization and will try to get some times when Ms. Iber can call him.

Mr. Mettee said there has been successful contact with the school. Theresa Cameron, guidance counselor, does a lot of outreach work and has spoken with Ms. Iber about the idea of getting a group of 11th and 12th grade honor students to talk about downtown Farmington.

As part of the business node project, Mr. Mettee looked at the area in terms of limitations and constraints as to properties that are there and Town owned property which could be sold or used for the purpose of the business node. Soils and slopes were taken into consideration and there are no particular problems except on the north side where there are a fair amount of wetlands. Slopes are not a problem except in the Collins-Aikman area.

Planner Menici thought they would see more slope constraints and the Town owned properties offer a really great opportunity for developing large areas not impacted by slope or wetlands. Mr. Mettee said he took a cursory look at the size of properties in the district and they fell into categories of 1 acre, 2 to 5 acres, 10 acres, and greater than 10 acres (only Town owned and Collins Aikman).

He felt the idea of having smaller business type lots was a good strategy instead of big industrial parcels because businesses like Collins Aikman don't come around very often. Sarah Greenfield with 1 to 3 acres would be attractive to this type of development and is sort of a blueprint.

Mr. Mettee addressed the changes he made in the Business Node Draft and the Site Plan Standards. He pointed out to the Board that where he deleted items there is a strikethrough while any additions or comments are in bold italics and yellow shading.

In Section 4 – Permitted Uses with Site Plan Review under Paragraph 5 t. i. add “small scale” in parenthesis next to < 2,500 sf.

Mr. Mettee asked if the Board wanted to make drive through a conditional use. All agreed to leave it as written for now and address any issues under site plan review.

Planner Menici asked what is different for the business node overlay district from what is currently permitted. Mr. Mettee said that not all uses are permitted in the overlay but a developer would be provided with incentives under standards.

Chairman Parker commented that he likes a 2-acre minimum because the additional standards in the Planned Business Development (PBD) would allow the developer to downsize to a 1 acre lot with the appropriate application and thinks this is an excellent idea. Both Charlie King and Charles Doke agreed with the Chairman.

Mr. Kestner said he is not against the PBD but in fact encourages it. However, based upon the results of Mr. Mettee's analysis presented earlier there are a substantial number of privately owned lots that are less than 2 acres. Planner Menici said those lots are pre-existing, non-conforming and are grandfathered. Mr. Kestner said that residents need to be aware of the reduction offered in a PBD so their 4 acres could be divided into 4 lots. The Chairman suggested there could be a note saying that 1 acre is available through PBD. Mr. Mettee said that could be done but added that to achieve this there does not have to be a subdivision. A developer could put four buildings, each on a minimum of one acre, on his lot without subdivision.

Mr. Mettee said he could say smaller lot sizes are allowed under PBD in Section 8.

Planner Menici said she was concerned about the minimum street frontage of 150 feet as this is not in compliance with the Access Management Ordinance requirements for specific driveway distances at specified speeds. However, she said that the PBD is particularly appealing and she would like to see that idea pushed in this district to create mini developments with a single point of access.

It was suggested that street frontage be left at 200 feet but also look at using the guidelines based on speed from the Access Management Ordinance. Planner Menici said frontage of 275 feet is currently required in the commercial and industrial business districts. She said she wondered if they were making this too complicated. She suggested that the underlying zoning address the components until PBD is covered in Section 8. She also suggested that the overlay district could just be the PBD because they want to encourage high density development that is back from the road instead of strip development.

Mr. Kestner agreed stating that the entire business node overlay standards could be removed up to the sections on PBD and Comprehensive Development and keep the frontages the same as the underlying district and not redo what is already out there.

Chairman Parker said a big box store such as Home Depot would not conform to the PBD. The Planner thought it could since the requirements are a minimum of 4 acres. The Chairman said he had in mind more of the smaller units for the PBD and then high density for a larger box store with accompanying stores.

Mr. Mettee said those were two different aims. The business node concentrates business in smaller areas instead of strip development so the Board is trying to provide incentives. If the Board wants to attract bigger box stores it is a different goal but this doesn't preclude that type of larger development.

Planner Menici said the Town does not need what is happening in Rochester with all of the businesses stringing out along the frontage of Route 11. That will make the developable areas in back of the businesses undevelopable. The concept of PBD helps to accomplish directing development away from the strip type that current zoning encourages. This concept allows for something similar to Sarah Greenfield along Route 11 which is a good example of what a PBD is trying to accomplish. It provides an opportunity for smaller businesses to develop and grow and then move to larger sites but does not preclude the larger type of enterprises about which the Chairman is thinking.

The Board discussed at length the suggested building heights.

Mr. Mettee read the current standards and said 55 feet would be a 5-story building and he didn't think that was what the Board was trying to achieve. Although each lot is different, a smaller lot with multi functions in smaller single purpose buildings will create a more New England atmosphere. He added that the current heights are too high to create development in the business node.

Mr. King brought up that the purpose for which a building is constructed can determine the height. As an example he said to unload a 14-foot box truck a 28-foot peak would be required but it would be one story. Also, the height of a building can depend on the roof pitch. He recommended that height and not stories be used to determine setback. The members were in favor of keeping the tiered setbacks and agreed to take out the number of stories in the table and use only height.

Mr. Mettee said he measured the setbacks of five businesses on Route 11 including Farmer's Kitchen, New England Furniture and Holy Rosary. The setbacks varied from approximately 35 feet to 60 feet.

He was recommending that without a maximum setback the building could be sited at the back of a lot and then parking and roadways would all be in front of the building. He said his understanding was that the Board was trying to encourage a New England look with smaller buildings together with walkways and open space. This is friendlier than a big box store in a sea of parking.

It was discussed that if a developer wanted to exceed the maximum setback he could seek a variance from the ZBA. Mr. Mettee suggested this could also be accomplished through a conditional use permit using a percentage by which the dimensions could vary.

The Planner said if the Board wants to encourage higher density development that they might consider reducing the setback. She said most businesses locating on Route 11 or Route 153 would want to be as close as possible to the road not set back 75 feet. Mr. Mettee said the setbacks of several businesses on Route 11 range from 37 ½ to 60 feet.

The members agreed to leave the setbacks as proposed.

In paragraph H of Section 8 the Chairman suggested Planning Board be changed to Planner or Code Enforcement Officer. Planner Menici said it could say Planning Board or designee and the Board can then designate to staff to determine who does not meet the PBD standards and must come in under the underlying or overlay district. It was pointed out that the interpreter of the Zoning Ordinances is the Code Enforcement Officer and everyone agreed that change should be made.

The Board asked that acronyms not be used so the document is clear and not confusing.

The next item discussed was whether limitations should be put on the footprint of a building. The members expressed their concern about limits that might discourage a larger business. Mr. Kestner said he did not think they wanted to limit square footage and discourage the potential of a nodal situation that might include a grocery store and a drug store.

Planner Menici clarified that the concern was not to limit development but to encourage it so that a development could have for example a 40,000 square foot supermarket and a 13,000 square foot drug store on the same parcel. She said that when talking about building footprints the idea is not limiting a 4-acre parcel to a single building but allowing smaller businesses provided all requirements are met. The standards are talking about a single structure not the total. She said that if the idea is to maintain the New England character it would more likely be achieved with a 40,000 square foot building and anything larger would require a special exception or a larger parcel.

Planner Menici asked the Board if they thought two standards would be needed.

The Chairman wondered what the danger would be if development was not limited. Mr. King said that on a 4-acre lot someone could build a 40,000 square foot building in the back and put three additional buildings up front and this would not be in keeping with rural character.

Mr. Mettee said the Site Plan Regulations will not necessarily help to govern the footprint because there won't be standards in there for size, appearance, landscaping and parking so some control is required.

In Section 8, paragraph I the Planner said the parking requirements were taken from existing regulations. She suggested separate ones as the requirements should be less stringent if the Board is trying to encourage high density development. She used the massive parking lots at the Lowe's shopping area in Rochester as an example of what the Board doesn't want to see in Farmington.

Mr. King said with parking requirements in the Site Plan Regulations the Board can grant waivers and did not see a reason to establish new requirements when the Board is willing to look favorably on a waiver for a PBD.

Everyone agreed there should be an incentive for parking and that a PBD would allow for common or shared parking. Based upon the plan presented parking requirements can be overlapped but the onus will be on the developer to show that parking will be sufficient.

A PBD with common parking and access can apply for reduction with an appropriate plan and studies and based upon peak times. Planner Menici said this is part of the Site Plan Regulations and can be discussed at a later date.

The Board returned to the discussion of footprint and agreed it should be open.

Paragraph I was modified by to say “.....such parking spaces may be provided on roads within that lot, subject only to the requirement that such parking spaces and loading spaces lie entirely within the PBD lot...”

The Board returned to the discussion of street frontage and a suggestion was made that it should be 185 feet minimum in the 40 mph area and 275 feet minimum in the 50 mph area. Ultimately it was decided to take out frontage requirements and say they must be “consistent with Access Management”.

At 8:50 Chairman Parker asked the members if they wanted to continue the discussion or wrap up for tonight. The Planner said the site plan changes could be taken up later and the focus had to be on the zoning amendments so deadlines could be met. Mr. Mettee said he would revise the draft for the meeting in two weeks. The December 17th meeting will be devoted to the zoning amendments.

Charlie King motioned to continue the discussion on the High Density Development Node to the December 17th meeting; 2nd Glen Demers. Motion carried with all in favor.

Chairman Parker informed that Board that Josh Carlsen had resigned and read the email he received. He said that Josh’s leaving was a loss for the Board. Charlie King thanked Josh for his time and hoped that in the future he would have time to volunteer again.

Charlie King motioned to accept Josh Carlsen’s resignation; 2nd Charlie Doke. Motion carried with all in favor.

At 8:53 pm Glen Demers motioned to adjourn the meeting; 2nd Charlie King. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker