

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, December 17, 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:

BUSINESS BEFORE THE BOARD:

- **Pledge of Allegiance**

At 6:05 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

- **Review and approve Meeting Minutes of December 3, 2013**

David Kestner motioned to approve the minutes of December 3, 2013 as written; 2nd Glen Demers. Motion carried with all in favor.

- **Voluntary Lot Merger by Thomas Schofield of Tax Map R20 Lots 028 and 028-1**

Planner Menici stated there were no concerns from staff and that both the Assessing Clerk and the Code Enforcement Officer had signed off on the merger. After brief discussion the Board formalized its approval.

Charlie King motioned to approve the Voluntary Lot Merger by Thomas Schofield for Tax Map R20 Lots 028 and 028-1; 2nd Glen Demers. Motion carried with all in favor.

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

Chairman Parker said that unfortunately Jack Mettee would not be available this evening but Mr. Mettee had a lengthy discussion with Planner Menici earlier in the day.

The Planner said that Draft 3 was included in the members' packets and if they would look at the comments in yellow those were the changes they requested at the last meeting.

Charlie King questioned the acronyms still in the Draft since the Board had requested that all be removed. The Planner suggested that BNOD be changed to "Business NOD" as this would be clearer to anyone reading the document. It was decided that all acronyms used will be highlighted throughout the document.

It was noted that on page 2 "small scale retail" had been added so it would read the same as the existing Table of Permitted Uses but that "large scale retail" should be added to the >2,500 sf & <7,500 sf as well.

In Table 1: Lot Standards the minimum lot size was now 2 acres as agreed and the minimum street frontage referenced Section 3.20 Access Management but it should read Section 3.20 of Town of Farmington Access Management.

A note on the bottom of page 3 had been added regarding smaller lot sizes in a Planned Business Development.

In Table 2: Building Siting Standards all reference to stories was removed and replaced by height.

On page 5 in paragraph B (CDP) should be removed. In paragraph C (Plan) should be removed.

In paragraph F PBD in the header should be spelled out.

In paragraph F Section XX will be Section 30 of the Site Plan Regulations - General Appearance Criteria - and there will be a paragraph added that talks about Planned Business Development and special site plan regulations that apply to that type of development. In paragraphs G and H Section XX will also be Section 30.

After discussion at the last meeting the Board had decided that paragraph H would read that the Code Enforcement Officer would make the determination about standards applicable to a zone.

In paragraph I “public or private” and “and that such spaces are not” should be removed.

Planner Menici said that at this point the Board is ready to accept the Draft as amended and set the date for public hearing. The only thing remaining will be to format the document to follow the formatting standards in the current Zoning Ordinances. There will be no content changes only formatting.

The Planner said that the Board had agreed to hold the first public hearing on January 14th. Chairman Parker asked if that could be done at the January 7th meeting. The Planner suggested the Board go through all the proposed amendments and then decide on the date.

Charlie King motioned to accept Draft 3 as amended; 2nd Glen Demers. Motion carried with all in favor.

The Chairman said the Board would come back to the actual scheduling of the first public hearing.

Mr. Kestner asked for the new number of the Planned Business Development Node. The Planner said it will be Section 4.06.

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

Planner Menici reviewed the proposed zoning amendments she had previously mentioned to the Board.

Section 3.14 Housing and Other Standards should be amended to read that the Housing Maintenance and Occupancy Code were incorporated into the Zoning Ordinances as Section 1.08 instead of being a separate, stand alone document.

4.02 Floodplain Protection Overlay District

The Planner said she noticed that this section states adopted September 1988 and amended in 1994 and 2001 but there were amendments subsequent to 2001. It will be cleaned up to state “All development within a flood plain shall conform to the Town of Farmington Flood Plain Development Ordinance (adopted September 1988, as amended).”

The Planner said her draft has Section 4.02 but that is a typo and should be 4.04.

Glen Demers asked if the floodplain ordinance refers to FEMA stressing the importance because of the changes recently adopted by FEMA under the Big Waters Act that goes into effect on January 1st. The Planner said it does refer to FEMA and this change incorporates the local ordinance as well.

The Board discussed the proposed changes to rear lot development to bring the Town into compliance with State Statute.

Chairman Parker commended Planner Menici on the suggested changes. The Planner said this section modifies the development of rear lots. She said the original intention was to allow a large parcel to subdivide a back lot for, as an example, family members but the current ordinance does not comply with State law that requires each lot to have frontage on a Class 5 road or better.

The Planner said the proposal would be a simple fix. Not many towns allow back lot development and the two she found use the term flag lot. There could be a 7-acre parcel in the AR district which requires 3 acres with 350 feet of frontage. Some towns have developed an ordinance for a flag lot which is a strip of land that gives access to the back lot. The difference is that each lot would have separate frontage with the back lot having a 30 to 50 foot wide strip of frontage.

Mr. Demers asked about shared access. The Planner said there would be shared access but instead of the rear lot having an easement the flag pole is part of the rear lot and the front lot would have the access easement.

The members discussed with the Planner the difficulty of an already subdivided lot that has the driveway access in the center. The proposed changes would bisect the front lot unless the driveway was moved. It was pointed out that the new driveway might be put in but the old center one might not be abandoned and now there would be two access points.

Planner Menici said the ordinance could be abandoned. Some were in favor of that although it was suggested that the flag lot proposal could be tried and then dropped if it did not work.

The Planner pointed out that this ordinance would create more privacy for the front lot so when an owner goes to sell the use of the driveway does not have to be explained. It would create more value for the front lot. However, she said she was not pushing the Board in either direction. They could either amend or abandon.

Mr. Kestner said he had always questioned the issue of a rear lot with a common access driveway. It was fine as long as the parties were willing to work together but over time the property may move out of the family to the secondary market. The new owners have to share maintenance, plowing, utilities and the potential for problems down the road could be overwhelming. He suggested abandoning the ordinance since it is not in compliance.

After some additional discussion the members felt the best solution was to abandon the ordinance and a potential subdivision would need the required road frontage or the applicant would have to build a subdivision road.

Planner Menici said her opinion was to abandon. She felt there were too many issues. She said the Board worked hard on the Subdivision Regulations and spent a lot of time working on the Road and Driveway Standards. They developed standards for a minimum local street that are very reasonable requiring 20 feet of width with 16 feet of surface and shoulders of 2 feet on each side. The Planner said that people can request a waiver from the paving requirement and the Board can also waive for the binder and wear courses so it can be just a gravel road serving the rear lot.

She pointed out that she had seen a rear lot in another town that was in a 2 acre minimum district and the pole was over an acre so the building lot was only three-quarters of an acre and that was not the intent of the ordinance.

The members agreed that the ordinance should be abandoned and to let the Subdivision Regulations and the Road and Driveway Standards take care of it.

Charlie King motioned to abandon Section 3.04 Development of Rear Lots in the Zoning Ordinances based upon non compliance with State Statute and show the Section as deleted; 2nd Glen Demers. Motion carried with all in favor.

Charlie King motioned to accept the changes to Sections 3.03, 3.14, and 4.04 as amended; 2nd Glen Demers. Motion carried with all in favor.

At 7:08 David Kestner motioned for a five minute recess; 2nd Charlie King. Motion carried with all in favor. Meeting reconvened at 7:11 pm.

Chairman Parker said the question is when to schedule the public hearings. Mr. King suggested they be posted for January 7th and 14th. Planner Menici said the first can be held on January 7th but the second will have to be on February 3rd to allow for the required public notice.

Charlie King motioned to hold the first public hearing on all zoning amendments as previously accepted on January 7, 2014; 2nd Glen Demers.

Discussion: Planner Menici said if there are no changes at that hearing there will be no need for a second hearing.
Motion carried with all in favor.

At 7:14 pm Glen Demers motioned to adjourn the meeting; 2nd Charles Doke. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker