

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, May 20, 2014  
356 Main Street, Farmington, NH**

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

**BUSINESS BEFORE THE BOARD:**

- **Pledge of Allegiance**

**At 6:02 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.**

- **Review and approve Meeting Minutes of May 6, 2014**

*Charlie King motioned to approve the minutes of May 6, 2014 as written; 2<sup>nd</sup> Charles Doke. Motion carried with 3 in favor and 2 abstaining.*

Discussion: Planner Menici questioned whether there was a quorum to approve the minutes because at the last meeting there were four members in attendance and only three of them were present tonight. The motion was amended by Charlie King and the amendment agreed to by Charles Doke. The Planner will check the law for the next meeting. Motion as amended:

*Charlie King motioned to approve the minutes of May 6, 2014 as written contingent upon authority to approve; 2<sup>nd</sup> Charles Doke. Motion carried with 3 in favor and 2 abstaining.*

- **Discussion on goals and objectives for 2014**

Chairman Parker said he would like to have an initial discussion about the work the Board wants to accomplish this year and then have the members think about the suggestions so a decision can be made at the June 3<sup>rd</sup> workshop meeting.

The Chairman said he would like to work on a review of the Site Plan Review Regulations and incorporate Low Impact Development (LID). He said the Board has discussed this in the past year or so and it is an exciting proposal for the Town.

Charlie King said he agreed with including LID and would like to see it as a requirement rather than as a desire. He said he was tired of seeing an excessive amount of land wasted on detention ponds as an example because that creates unusable land.

Planner Menici said that her research shows that communities have been adopting LID initially as part of site plan review rather than subdivision so this is a good time to look at incorporating it. She said that Somersworth has

had very good luck using LID. They originally made it a part of their site plan regulations and are now considering making LID part of their subdivision regulations.

Chairman Parker asked if it is part of the site plan review regulations could it be applied to a large subdivision. The Planner said if it not specifically included in the subdivision regulations it would only be a voluntary measure that could be negotiated with an applicant.

The members agreed after discussion that LID should be incorporated into the regulations with the ability for the applicant to seek a waiver based upon engineering recommendations for a particular parcel.

Planner Menici said that the Board is starting the process of extensive revisions to the Site Plan Review Regulations and including LID would be a good first step. She said that this would not be the time to look at more revisions to the Subdivision Regulations since major revisions were completed last year. Although the Chairman brought up including LID in the Subdivision Regulations, the Planner suggested starting with Site Plan Review and consider negotiating LID with a developer for a subdivision.

Martin Laferte said he thought it was better to include it and not have to negotiate. Chairman Parker said the Planner was correct and that the Board needs to learn how to work with LID by including it in the Site Plan Regulations and later adding it to the Subdivision Regulations. She reminded the Board that revisions to the regulations are at the Board's discretion.

Planner Menici said to keep in mind that technology is always changing and a developer can look at a subdivision and say if I follow the letter of the law this is what I get and this is what the community gets but I can include LID and then look at how we all benefit.

The Chairman said LID is a suggestion for this year and that if all agree this revision can be made definite at the next workshop meeting.

Charles Doke said he would like to see the Board work on TIF again. Planner Menici said that at this point TIF is out of the Board's hands. She said they did all the work and it is now in the hands of the Selectmen who can ask for more information to revisit it and then bring forward next year on the Town warrant or they can say they are not interested at this time. Mr. Doke said that he was bringing this up because one of the Board's goals is to encourage development along Route 11 and he would like to see the Selectmen look at TIF again. He said that a general sketch of where the utilities would go might be helpful. The Planner thought that had been done but the Selectmen might feel they need additional information in order to support a TIF. She added that there was an article in Foster's that Rochester is undertaking a TIF district on Route 11 and she had hoped Farmington would come out ahead of the curve.

Charlie King said as the Selectmen's representative to the Planning Board he would remind the Selectmen about TIF and ask if they need more information.

Mr. Doke said it might be possible to incorporate some of this in the future infrastructure improvements that Dale Sprague already has in the works for water and sewer. Planner Menici said that one the things that came out of Mr. Sprague's research in support of the TIF was that at least the first phase of the proposed TIF was contemplated when the sewer expansion was undertaken.

Although the Planner said TIF is now in the hands of the Selectmen, David Kestner said the voters also turned it down and even if the Selectmen include TIF on the Town warrant there is no guarantee the voters will approve it.

Planner Menici said the night of Town meeting there were a number of secret ballots on a lot of questions including TIF that extended the length of the meeting and people who had to work who may have voted in favor of it including some of the Planning Board members went home.

Mr. King added that because of weather the meeting had been rescheduled and there were maybe 100 residents to start many of whom left and the number came down to about 56. He said that was not a good representation of the will of the voters. He said that a presentation on TIF at Town meeting might have helped and that this was done with when the Waste Water improvements were on the warrant. He also said that there were things that could have been done differently, that TIF has merit for discussion and to be put before the voters again. He said hopefully the Board of Selectmen will agree to revisit the TIF district.

Planner Menici said the Board was very public about the NH Housing grant. There is an existing business on Route 11 that was hoping to expand significantly and relied on having Town sewer but now that is not possible and the business cannot expand. She said she also was contacted by two other businesses who have been watching Farmington. One wanted to relocate and the other is a new business but both needed Town sewer. Of these two one was looking at Sarah Greenfield and the other at Main and Cocheco but now both have fallen off the chart. She added that since Rochester is going to do a TIF district both of those businesses may end up there instead of Farmington. Chairman Parker commented that this is really sad for the Town.

David Kestner said he would like to look at LID in site plan and stay away from subdivision for now. He said that last year the Board discussed wetlands in the overlay district specifically the issue of class 3 wetlands. He said that there are continual violations but the topic was tabled because of other matters on the schedule last year and he would like to address it this year. Mr. Kestner said there is also the issue of buffer zones where folks are putting sheds and dumping debris.

*Paul Parker motioned to continue the discussion on goals for 2014 to June 3rd; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*

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

This item was tabled to the end of the meeting.

### **PUBLIC HEARING - 6:30 pm**

**Application for Minor Site Plan Review By: Louise Ferrari (Tax Map U01, Lot 007): To allow use of the premises for a home business for the breeding, sale and rescue of Sugar Gliders and retail sales of associated supplies. The parcel is located at 68 Central Street in the Village Center Zoning District.**

Louise Ferrari was asked to provide the Board with a description of what she would like to do.

Mrs. Ferrari said they are breeding sugar gliders in a room on the third floor and they have a retail candy shop in the front of the house. She said these areas are already in place so there would be no changes. She said she still has the candy business but there have not been any visitors for some time.

Mrs. Ferrari said the sugar gliders are small marsupials that look something like miniature flying squirrels and are considered an exotic pet. Martin Laferte asked to see a picture of the animals.

Planner Menici said she was not aware that they were changing over the front space and asked if they were moving the animals. Mrs. Ferrari said the breeding would stay upstairs and just some of the retail products would be moved into the front room.

The Planner said that was a little different from the conversation that she and CEO Roseberry had with Mrs. Ferrari and wanted to be clear about the use. Charlie King read the description from the application and said that Mrs. Ferrari was saying that sugar glider supplies would be sold in the front room but there would be no candy on display.

Mrs. Ferrari agreed and said she felt it would be a better use of the front room. The Planner asked if the front room would be used for breeding the animals. Mrs. Ferrari said it would not and that it was safer for the gliders to be upstairs without any visitors.

Planner Menici clarified that the front room that was formerly retail space for candy would now be used for pet supplies and the issue that had been in front of the ZBA was the breeding and that will not change. Mrs. Ferrari confirmed that. She said that both her kitchens are licensed by the State although only one is used for candy making and are both separate from the front room that is used for retail.

Chairman Parker asked what kind of supplies will be sold. Mrs. Ferrari said they are general small pet supplies that can be used not only for sugar gliders but also for ferrets and hedgehogs.

Planner Menici said the applicants have approval for retail sales and what they chose to sell is not an issue for the Board. She said the issue was the addition of the breeding and sale of the sugar gliders and they have a hardship variance that runs with the owner of the property. The applicant can sell whatever they choose in the retail space except for the animals. She said adding the breeding and sale of the sugar gliders to the approved retail sales is what brought the applicant into this process and that is what the variance is for.

The Planner said that as presented by the applicant business is primarily conducted online with the occasional buyer by appointment only. The State has clarified that breeding is not a problem.

Chairman Parker said there were concerns about the mixture of food and animals. Mrs. Ferrari said that is understandable but the areas are on opposite sides of the house with the retail area on the first floor and the breeding area on the third floor. She said the candy is sold mostly on line.

Martin Laferte asked if someone wanted to look at the sugar gliders would do so upstairs. Mrs. Ferrari said that was correct but the animal is brought downstairs for a customer to take home. She added that occasionally an animal is brought downstairs for a customer if that person is unable to go upstairs but she prefers not to do this. She confirmed that customers may only see the animals by appointment.

Charlie King asked about the breeding cycle for sugar gliders. Mrs. Ferrari said they can breed twice a year. She explained that there is a male and female per cage. The gestation period is 16 days and then the newborns live in the mother's pouch for ten weeks and then an additional 8 to 10 weeks outside the pouch. She said there are only one or two joeys in a litter and they are ready to go home 9 to 12 weeks after they leave the mother's pouch.

Mr. King said that is a total of about 24 weeks or one-half year approximately. He asked if they are able to survive outside. Mrs. Ferrari said it might be possible in Florida but not here even in the summer because there would be too many predators. They require a temperature of 68 to 80 degrees and if taken care of properly can live from 8 to 15 years.

Mrs. Ferrari said they weigh from 80 to 150 grams or about one-third pound as an adult. They have a tail as long as their body and are a little bigger than a mouse. In the wild the animals are omnivores eating insects as well as vegetation but in captivity they are fed a special powder plus fresh vegetables and fruits.

Mr. King confirmed that there is no issue about cross breeding with a native species and asked about their value. Mrs. Ferrari said if the animal is a rescue the fee is a flat \$100.00 and the others range from \$200.00 to \$800.00 for a rare color.

David Kestner said he noted the ZBA limited the number to 75 and asked how that works out with the litters. Mrs. Ferrari said they average a total of 60 animals with both adults and joeys.

Mr. Kestner asked if the USDA had seen the cages used in the attic room. Mrs. Ferrari said they have seen the setup twice and commented that the area is set up better than most that they see. She explained that the USDA

conducts an annual “spot check” inspection and since her renewal is in October she expects her inspection will be done soon. As part of the annual license renewal an additional inspection is done by a local Veterinarian.

The disposal of animal waste was questioned. Mrs. Ferrari said waste is minimal and goes in the trash. She said it collects in a tray under the cage and is cleaned every 6 to 8 weeks but there is very little. She also said that most of the cleaning required is for the bars and sleeping pouches. The cages are steam cleaned and the pouches are washed.

Mrs. Ferrari said the pouches are made of fleece and are used for sleeping. In the wild the animals would make nests in trees.

Chairman Parker opened the hearing to public discussion.

Edward Ferrari said that regarding the question on the intermixing of food with the sugar gliders the rules are clear that everything must be pristine with no pets or other animals in the food preparation area and that the kitchen must be separated by doors and they must be kept closed.

Mr. Ferrari added that the retail sale of candy has pretty much stopped and since last summer the shop has not been open and 98 percent of the sales are on line.

Chairman Parker asked about the parking area. Planner Menici said that one of the things she talked about with Mr. and Mrs. Ferrari was traffic and based upon discussion it does not appear that the traffic generated is going to exceed what is typically acceptable for a residential use. They are located in the Village Center District which allows a higher level of traffic and parking is street front. Additionally, there are no limits on parking for any business in the Village Center District as it is shared.

Mrs. Ferrari said they have 3 parking spaces in front on the street and they park their own vehicles in the driveway where there is room for 2 vehicles.

Mr. King said that Mrs. Ferrari had addressed the Board’s concerns and asked the other members if they would want to have conditions that they remain in good standing with their licenses. Mrs. Ferrari said they have an annual inspection and renewal from the USDA but that is not required by the State for the candy business because they have under \$10,000 in sales.

Mr. King suggested that a copy of any state or federal renewal licenses should be provided to the Code Enforcement Officer to show they are in good standing or this approval will lapse.

The Planner said that if there is no annual renewal required because the applicant is stepping back with her candy business CEO Roseberry can confirm that with the State.

She also suggested that the condition state on or before May 1st of 2015 the applicant must provide the Town with a copy of the licenses but recommended Mrs. Ferrari give the copy to the Town when the renewal is received.

Chairman Parker closed the public portion of the hearing.

***Charlie King motioned to approve the application to allow use of the premises for a home business for animal husbandry to breed, raise and sell sugar gliders and applicant to maintain both Federal and State licenses in good standing and submit a copy to the Town; 2nd Charles Doke.***

Discussion: Per conditions of the ZBA approval and to provide copies of the annual license renewals on or before May 1<sup>st</sup> of each year were added by Charlie King and accepted by Charles Doke.

Motion now read:

*Charlie King motioned to approve the application to allow animal husbandry to breed, raise and sell sugar gliders in accordance with the conditions of approval of the ZBA and applicant to maintain both Federal and State licenses in good standing and submit to Town on or before May 1st of each year; 2nd Charles Doke. Motion carried with all in favor.*

**Design Review for a proposed Condominium Conversion by: Gail Ellis through Berry Surveying & Engineering, Chris Berry as Agent (Tax Map R22 Lot 12-1): The applicant proposes conversion of ownership from single family to condominium for two existing manufactured housing units on a single parcel. The parcel is located at 114 Poor Farm Road in the Agricultural Zoning District.**

Chairman Parker said the second hearing on tonight's agenda has been withdrawn by the applicant at this time.

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

None.

*At 7:06 pm Martin Laferte motioned to adjourn the meeting; 2<sup>nd</sup> Charles Doke. Motion carried with all in favor.*

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Chairman, Paul Parker