

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, August 5, 2014
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: Glen Demers
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 July 15, 2014**

David Kestner motioned to approve the minutes of July 15, 2014 as written; 2nd Charles Doke. Motion carried with four in favor and one abstaining.

- **Technical Advisory Committee Representative for SMPO**

Chairman Parker brought up that this was briefly discussed at the last meeting. He read a portion of the letter from Strafford Regional Planning Commission that they are seeking a member from Farmington for the Strafford Metropolitan Planning Organization Technical Advisory Committee. Martin Laferte said he would volunteer to serve on the TAC. The Chairman said the TAC meets once a month, that he has sat on the Committee and it is a wonderful opportunity for learning and networking.

Paul Parker motioned to nominate Martin Laferte to serve on the SMPO Technical Advisory Committee; 2nd Charlie King. Motion carried with all in favor.

The Chairman asked if the Board of Selectmen had to approve the appointment. Charlie King said when the Planner arrived they would ask her.

- **Continued discussion of revisions to Site Plan Review Regulations**

Chairman Parker said that Planner Menici incorporated the suggestions from the last meeting into a new draft and asked if the members would like to make any initial comments pending the Planner's arrival.

Martin Laferte said he had read all the material at home and that the Planner is doing an excellent job of putting this together so would like to propose a five minute recess to allow her to arrive.

At 6:11 pm Martin Laferte motioned to take a 5 minute recess to allow Planner Menici to arrive; 2nd Charlie King. Motion carried with all in favor. Meeting reconvened at 6:27 pm.

Planner Menici said she is focusing on one section at a time instead of presenting the entire document for review. Tonight's draft is based on the agreement at the last meeting that minor subdivisions should be broken out into two levels and the changes are underlined and highlighted.

The Planner explained that Level 1 is currently authorized in the Zoning Ordinance for a committee comprised of the Code Enforcement Officer and the Planning Director and nothing has changed with regard to that authority. However, a second level has been created that falls within the purview of the Planning Board.

Planner Menici added that she is seeing, with the exception of the Irving project, some new, small businesses or existing, small businesses that want to expand and she finds that a portion of the business owners are overwhelmed by the requirements and many end up not applying. This indicates the need to simplify. Level 1 is unchanged and goes to the Minor Site Plan Review Committee. Level 2 establishes a new level of review in front of the Planning Board but with streamlined requirements. Major Site Plan Review will be essentially what we have now but for greater square footage.

Chairman Parker asked her to review the requirements for the public that may be watching at home.

Martin Laferte commented that there would probably not be a lot of Level 1 applications. The Planner said that was correct. The Zoning Ordinance currently states that the Site Plan Review Committee has the authority to review applications that are 1,000 square feet or 25 percent of the existing area and these will be designated as Level 1.

Planner Menici said the biggest piece of the proposed revisions is the addition of a mid level or Level 2 that will have fewer submission requirements than a major project and fall just under 10,000 square feet. The Planner said she recognized the need for this change based upon a review of the projects that have come to the Board during the last 4 ½ years. Based upon the minor nature of many of the applications, such as an increase to building space or changes to parking, and the history of waiver requests approved by the Board there needs to be a mid ground. Chairman Parker said the proposed language identifies clearly that the submission requirements for this type of project are less than in the past.

Planner Menici said in formulating the proposed changes she took into account what other professionals in the field are recommending whether the source is a municipal planner, a regional association or OEP. She said that a lot of what she used came from the Nashua Regional Planning Commission and although the area they serve is a more urbanized region than Farmington they also have some communities that are similar in size for which they do a lot of work and which have similar development concerns.

Chairman Parker read the proposed language for Level 1. The Planner said the language was taken directly from the Zoning Ordinance. The Chairman read the proposed language for Level 2.

David Kestner said he thought that the 1,000 square feet limit was going to be changed to 1,001. The Planner explained that she looked at the Zoning Ordinance and that is how the limit is stated. If it is changed it must be done as a zoning amendment at the next town meeting and if the Board can certainly do it that way. The members preferred not to make this a zoning amendment.

The Chairman then read Level 2 minor site plan review from the Draft.

Planner Menici was asked if under Level 1 the requirement for submission of a complete application at least 15 days prior to the date of acceptance for review would be sufficient. The Planner explained that it was and the date was mutually agreed upon by the applicant, the Code Enforcement Officer and herself. As an example, the Planner said there are two current Level 1 applications that would normally be heard by the Minor Site Plan Review Committee. However, she has been called to jury duty and does not know when she will be available so after consulting with the applicants, it was decided to send the applications to the full Board on August 19th so there is no delay.

Planner Menici said that paragraphs B and C under Minor Site Plan Review Procedures were reviewed by the Board at the last meeting and specific submission requirements were requested. They are in Section 18 of this draft.

In paragraph D all references to “Committee” will be changed to say “Planning Board”.

The Planner said that the submission requirements in paragraph G are still being worked on. She and the CEO will discuss these and then make a recommendation to the Board.

Chairman Parker asked if in G5 there should be a more detailed description of the type of plan that is required. The Planner said that is addressed under Section 18. She said on a Level 1 application the plan should show existing structures, location of the sign, parking, how trash will be handled and where snow will be put. Chairman Parker commented that the Board has seen plans that leave a lot to be desired. Planner Menici said that all plans should comply with the Town’s regulations and if the Board is granting waivers they really don’t want to then they should require compliance.

The Chairman read all of Section 18 outlining the plan requirements.

There was discussion about including additional language in paragraph d for clarity. It was decided to add utility easements.

In paragraph f the members discussed whether to change “may” to “will” and the decision was to leave it as proposed.

Planner Menici said one of the things that she and the CEO struggle with is that the Zoning Ordinance gives authorization but no specific guidance to the staff or to the applicant as to what must be submitted and there is often resistance from the applicant. She said these will be the general requirements but based upon the application she and the CEO should have flexibility to waive some of the requirements.

The Planner said that most of what the Committee sees are applications such as the ones coming before the Board on August 19th due to her being called to jury duty. One is an expansion of an existing day care and the other is a minor expansion of square footage and minor change of use.

Planner Menici gave another example of a Level 1 application: Cathy Natale on Ten Rod Road wanted to create a 700+ square foot retail store that would have fallen within the Level 1 limit but when staff got into drainage and impervious surface her application was bumped up to the full Board since the staff did not want that level of responsibility. However, when dealing with an application for an existing business with a 500 square foot addition with no new impervious surface and therefore no new drainage the staff feels they should have authority to waive some requirements if appropriate. The Planner said that she and the CEO work well together and are cautious. If they have any concerns an application would be moved up to the full Board.

Chairman Parker said that was the original intent and he would vote in favor and see how it works. If there are any problems the Board can make changes.

Charles Doke said that in the past a lot of time was wasted and the professional staff can take care of the minor applications. He added that he trusts that staff will turn applications over to the Board if they feel it is necessary and will not overstep their boundaries.

The Planner said by detailing the requirements for minor applications, both Level 1 and Level 2, everything necessary will be laid out for applicants and if they don’t want to provide the information, they can choose to submit a waiver request. She said that separate submission requirements for the different levels will be less stressful for everyone.

David Kestner said the purpose is to simplify and move the minor applications quickly through the approval process without full Board interaction. He added he was in favor of moving forward with these changes and Planner Menici has stated that if staff has any doubts about an application it will be moved to full Board review.

The Planner said that most of the applications that have come to the Board fall under what is now being defined as Level 2. She reminded the Board that they will still have the authority to request more information if they feel it is necessary. The Chairman asked if there is a statement that if the applicant doesn't fulfill the requirements the application can be kicked back. Planner Menici said that is already covered and the Board would not accept the application as complete.

Planner Menici said that State Statute gives the Board authority to develop a list of requirements that they feel are necessary before they act on an application. If all information is not provided and formal waiver requests are not submitted the Board can choose not to accept an application and send the applicant back to the drawing board. Chairman Parker said the Board has not been doing that and they should enforce the regulations.

The Chairman asked if this draft should be put up on the Town's website. Planner Menici said this was not a draft for public discussion and suggested waiting to post it until the Board has accepted language by formal vote.

The Planner said for the next draft she will make corrections, clean up awkward language and flesh out the document. David Kestner asked if Draft 3 will include a major checklist. Planner Menici said it will not at this point. She said the best way was to deal with one section at a time.

The Board discussed a date for continuance and chose September 2nd due to the items and hearings already scheduled for August 19th.

Charles Doke motioned to continue discussion of revisions to the Site Plan Regulations to September 2, 2014; 2nd Charlie King. Motion carried with all in favor.

Planner Menici said she will make the changes and also prepare definitions for major site plan review and the beginnings of the checklist.

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

Charlie King said the Economic Development Committee is looking for a representative from the Planning Board who would like to attend their meetings. The Committee meets on the second Tuesday of the month at 5:00 or 5:30 pm. Martin Laferte volunteered.

Charlie King nominated Martin Laferte as the representative to the Economic Development Committee; 2nd David Kestner. Motion carried with all in favor.

Planner Menici said that an estimate from FST on the Eben Dorr subdivision was just received today because Kevin Gagne had been on vacation. The two conditions of approval included are to determine if the culvert as proposed is adequate to support fire apparatus and constructions reviews. She said the total of \$1,777.66 is broken down into categories for each task. The estimate has not yet been presented to Norway Plains since it was received today.

The Board discussed the estimate briefly and felt it was reasonable. Charles Doke said the Board had expressed concern with the narrowing of the road and the bridge. David Kestner added that there seemed to have been miscommunication between the Fire Department and Norway Plains and this was the way to very quickly resolve whether there is both the strength and width necessary.

Martin Laferte motioned to approve the estimate as reasonable given the scope of work detailed; 2nd Charles Doke. Motion carried with all in favor.

Approved by the Planning Board on August 19, 2014.

Planner Menici said she would forward the estimate to Randy Tetreault at Norway Plains as the agent of record.

There was no further business before the Board.

At 7:48 pm Martin Laferte motioned to adjourn the meeting; 2nd Charles Doke. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker