

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, September 2, 2014  
356 Main Street, Farmington, NH**

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

**Selectmen's Representative:** Charlie King

**Board Members Absent/Excused:**

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

**Public Present:** Clyde Holland, Steve Holland

**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 August 19, 2014**

*Martin Laferte motioned to approve the minutes of August 19, 2014 as written; 2<sup>nd</sup> Charles Doke. Motion carried with 4 in favor and 2 abstaining.*

Chairman Parker suggested that the Agenda be taken out of order so that the preliminary discussion under Other Business could take place before the discussion on the Site Plan Review Regulations.

*Charlie King motioned to take the Agenda out of order; 2<sup>nd</sup> David Kestner. Motion carried with all in favor.*

Planner Menici said that Mr. Holland and Bill Trainor from ARM out of Hershey, Pennsylvania approached CEO Roseberry and herself about a proposed reuse of Earth Tenders at the intersection of Paulson and Route 11 to create a solar generation facility. The Planner said that when she and the CEO initially met with both men they felt the proposal was a good reuse of the property. She added that there are some environmental issues with regard to erosion and probably more issues that neither she nor the CEO possesses the technical ability to determine.

Chairman Parker reminded everyone that a preliminary discussion such as this is non binding on either party including anything said in favor or against the proposal. Planner Menici said it is an opportunity for the applicant to have the same overview with the full Board as he had with Staff.

Mr. Holland said he is trying to work with everyone and views this as a joint venture for himself and the community. He said that there is erosion down toward Route 11 and he would like to move some of the on-site compost to the road to help stop the erosion and add other material as well.

Chairman Parker asked what the current condition of the property is with respect to residual compost material. Mr. Holland said he spoke to Waste Management and they did not have any use for it and that is why he wants to use some of it for erosion control but he had not had a plan drawn up yet.

Chairman Parker asked if he had consulted a wetlands scientist or engineer yet stating that one concern will be impact on the extensive abutting wetlands. Charlie King said that it was clear that based upon what Mr. Holland

wants to do he will need a New Hampshire licensed site engineer when he comes back to the Planning Board. He will need to present in detail what he is proposing including the kind of solar panels and other structures or site improvements.

Mr. Holland said the first step would be to level the site which contains some rubbish as well as compost. He said his proposed use will be less hazardous than what is there now adding that when it rains there is residue leaching out. He said he will be proposing a containment pond. Martin Laferte asked if the compost was comprised of domestic or commercial materials. Mr. Holland said he believed it to be mostly domestic but could only go by what he sees and what he has been told. Planner Menici said the applicant clearly cannot know who has been bringing what type of materials. David Kestner said once a soil scientist has tested the soil the applicant will know what type of drainage system will be required and decisions can be made based upon the test results.

Mr. Kestner said he had looked at the site and asked if the panels are tracking or fixed in a solid formation to catch the morning sun. Mr. Holland said they are not tracking but he is not the engineer and does not remember all the details. Mr. Kestner said that if the panels are tracking the glare onto Route 11 could be significant and would require an extensive buffer zone. Mr. Holland said the solar panels are non glare and are the same ones approved for airports. They are the ones to be used on a recently approved project at Pease.

Planner Menici said the discussion was getting into the merits of the proposal and reminded everyone that this was an opportunity for Mr. Holland to give an overview of the project and for the Board to tell the applicant what he needs to provide with the application.

Chairman Parker said the applicant must detail the drainage and how he will handle all the compost on site. He asked if Mr. Holland had anything further to add to his overview. Mr. Holland said he would like to get started before winter and that the project will be done in three phases. The Chairman said the applicant should cover each phase in his application.

The Chairman asked if a certain number of panels would provide solar power for the community. Planner Menici explained that a commercial customer in Rochester will purchase the power but as the host community Farmington will be offered power at a reduced rate for the municipal buildings. She added that this discussion was outside the scope of the preliminary discussion and asked the Board to tell the applicant what should be included in his application.

Charlie King asked if the applicant's partner in this endeavor has done other business in New Hampshire. The applicant said they are involved in the project at Pease and have done projects in Massachusetts. Mr. King emphasized the need for New Hampshire licensed professionals stating that they will ferret out most of the concerns of the Board. He agreed that this proposal is a good use of the site but there is basic ground work that must be done. He said the professionals will review the regulations and the site and propose the appropriate steps.

Planner Menici said the New Hampshire licensed professionals will include an engineer, a soil scientist because of the present use and the proposed repurpose and regrading and also a wetlands scientist who will work with the soil scientist for mitigation of the steep slope. She added that they will make sure if there is existing contamination that it is documented and they will recommend what to do to prevent further contamination of the site. The Planner said it was unfortunate that the applicant's engineer was not in attendance tonight and that if she had known in advance this discussion could have been rescheduled. She pointed out to Mr. Holland that he had referred to what the Code Enforcement Officer had said and clarified that the Board decides site issues and the Code Enforcement Officer decides anything to do with structures.

The Board detailed the concerns that would need to be addressed in the application:

- Drainage
- Impacts to Route 11 such as glare from panels
- Type of panels – tracking or stationery

- Buffer/setback between highway and structures
- Use of remainder of lot

The members agreed that this proposal was a good reuse for the property but there is a lot of work ahead. The Planner told Mr. Holland that NH DOT will review the access permit since this was a change of use. Mr. King said the DOT will also review the possibility of glare.

Chairman Parker said that the applicant should provide as much information as possible since that will make it easier for the Board to make a decision.

Planner Menici said the proposed reuse is one of the best for this property. She said the parcel is challenging because of the level of excavation that has been done and there may be environmental issues that need to be corrected. She emphasized that a lot more information is needed.

Mr. Holland asked if there will be something provided to him in writing. Planner Menici said he will be sent a copy of the draft minutes.

*At 6:45 pm David Kestner motioned for a 5 minute recess; 2<sup>nd</sup> Charlie King. Motion carried with all in favor. Meeting reconvened at 6:52 pm.*

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

Chairman Parker asked the Planner to bring the Board up to date.

Planner Menici said the Board has had a couple of discussions. She reviewed that basically what has been proposed is to have two levels of minor site plan review. She said the existing Zoning Ordinance gives authority for a Minor Site Plan Review Committee to consist of the Code Enforcement Officer and the Director of Planning. The Planner feels that there is a need to change the membership of the committee so there are three members rather than two. However, she has not had a chance to speak to CEO Roseberry either about the additional member or who it should be. Her suggestion would be the Fire Chief because he performs inspections. Examples of businesses that fell within the Committee's purview are Farmington Fitness and Farmer's Kitchen.

The Planner said she was giving the Planning Board a heads up pending discussion with Mr. Roseberry and the Fire Chief. Martin Laferte asked if the Board can make the change. Planner Menici said it would require a Zoning Amendment.

Chairman Parker asked who might be included on the Committee if not the Fire Chief. Planner Menici said she did not know and it was necessary to speak to both the CEO and the Fire Chief first. Charlie King said if someone else was brought in it would be important to make clear the difference between a requirement and a request. Planner Menici said it should be kept in mind that through the Zoning Amendment that was already adopted the Planning Board delegated authority to the Committee. In the event an applicant disagrees with the Committee's decision than that applicant can appeal to the full Planning Board.

The Planner said that there recently was a situation where she was unable to commit to a date for Minor Site Plan Review because of jury duty and with only two members when one is missing there is no quorum. This causes applications to be held up. Planner Menici said this is why she thinks there should be a three person Committee.

Charles Doke said the Board must have confidence in the staff and it is better to have a third person whether it is the Fire Chief or someone else.

Planner Menici informed the Board that in other communities all of the Technical Review Committee members are part of Minor Site Plan Review Committee.

The Planner said it should be three minimum or the Board could choose to go with the TRC members. The Board discussed the merits of adding a third person or including all TRC members. They agreed an odd number was important. It was pointed out that the Fire Chief could delegate to someone else in case of an emergency call. Planner Menici said she did not want to burden working department heads but the more eyes looking at an application the better the result.

Charlie King said as a Selectman he was opposed to the entire TRC being made part of the Committee. He said they already have the opportunity to review and comment and the time spent in attending a hearing would mean their department's work is not getting done. The Planner said the TRC could be part of the Minor Site Plan Review but if someone cannot make a hearing than he/she could submit written comments.

Charlie King said he was 100 percent opposed especially with the combining of responsibilities for Water/Waste Water and Highways under one department head. Mr. King's opinion was that appointing the Fire Chief to bring the Committee to three was the best idea.

Planner Menici said that she and CEO Roseberry will discuss the additional member and speak to the Fire Chief and then come back to the Board as time gets closer to budget season. The Planner said it would be proposed as the Fire Chief or his designee if that is the direction taken. Charlie King recommended informing the Town Administrator since he is the Fire Chief's direct supervisor. The Planner said she would do that.

Planner Menici said she has been working on cleaning up the language for changes to minor site plan review so there is nothing inconsistent or in conflict with other regulations. She said the next step was to move on to the requirements for submission for major site plan review. She explained that the items given to Board members tonight were the current submission requirements for a major review and the recommended requirements for major site plan submission based upon the Nashua model regulations.

The Planner said that what the regulations currently require is very basic and does not provide the Board with enough information. As a result the Board has to ask applicants for additional items in order to come to a decision.

Chairman Parker said in many cases the applicants are not listening to staff recommendations and are coming in unprepared. Planner Menici said that she can tell the applicant that not enough is being submitted but she is told that the checklist details the information for which the Board is asking her hands are tied in those instances. She would rather give a more complete list at the beginning and have the applicant ask if a waiver can be requested for some items. She can then offer guidance based upon other applications with similar circumstances.

Chairman Parker said the checklist was created in the past to keep the application process from becoming overwhelming by requesting too much information. The Planner said that some applicants provide the absolute basic and then it takes several meetings for the Board to obtain all that they need to come to a decision. She said it is better to give the applicant an extensive list covering all the things we want to see as part of an application and if the applicant and their professionals think waivers are needed, they can be requested. The applicant can make a determination of what is applicable for the project, ask for waivers for what is not applicable, and streamline the Board's decision making process.

Chairman Parker pointed out that each application is unique. Planner Menici agreed and said that no checklist can cover everything but what the Board is working with now is only a bare minimum. Charlie King agreed that there is need for revision so the checklist is in accordance with current regulations.

Planner Menici said the applicants who hire an experienced engineer as agent are coming into the process with more information than what is currently required but those less experienced are meeting only the basic checklist requirements. The Planner said it all comes back to the regulations. She reminded the members that they went through this with the subdivision regulations and when talking about complete or not, the Board is spending more time than it should and the applicant is paying for the professional's additional time. If a complete list is provided

the Board is able to look at the project and consider any waivers presented without waiting for additional information. The Planner added that it is unfair to have people come in thinking that they have given everything requested of them and be told they have to provide more because we publish a checklist that is too basic.

Charles Doke said he agreed with making the checklist more specific but also felt the professional engineer should know what is required. Planner Menici said the Board was not asking for what it needs and other towns do ask. She said it makes sense to ask and let the applicant state why he/she did not need to provide the information.

Planner Menici said the model presented to the Board is from Nashua which is a very urbanized area but also includes surrounding communities that are similar or smaller in size than Farmington. She recommended going through the model and choosing what is applicable.

David Kestner said the current checklist could be expanded but said what the applicant considers relevant and what the Board thinks is relevant are two separate items and that no matter how many times the checklist is tweaked no one will be completely satisfied. Chairman Parker said a more extensive checklist could mean the applicant with a smaller project would be forced to hire a professional.

David Kestner suggested that after the members review the material presented tonight the current checklist could be expanded to provide clarification. He said if an item can be left open to interpretation, the Board should clarify it and help move the process to a quicker conclusion.

Glen Demers said he has had both professionals and non-professionals ask him what the Board really wants because they follow the checklist and when the hearing takes place the Board says they want something else. He agreed it is a good idea to go through the checklist and expand it. In his opinion this will allow the applicant who does not want to hire a professional a better idea of what information to provide.

***Paul Parker motioned to continue the discussion on revisions to the Site Plan Review Regulations to October 7, 2014. 2<sup>nd</sup> Charlie King. Motion carried with all in favor.***

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

Chairman Parker asked the outcome of the two minor site plan applications that had been referred back to the Committee. Planner Menici said that both were approved.

***At 7:35 pm Martin Laferte motioned to adjourn the meeting; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.***

Respectfully submitted,  
Bette Anne Gallagher, Department Secretary

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Chairman, Paul Parker