

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday September 16, 2014  
356 Main Street, Farmington, NH**

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

**Selectmen's Representative:** Charlie King

**Board Members Absent/Excused:** Charles Doke

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

**Public Present:** Randy Tetreault, Kevin Hogan, Nancy Hogan, Don Colcord, Jill Tozier,  
Tina LaPointe, Alden Beauchemin

**BUSINESS BEFORE THE BOARD:**

- **Pledge of Allegiance**

At 6:06 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

- **Review and approve Meeting Minutes of September 2, 2014**

*Martin Laferte motioned to approve the minutes of September 2, 2014 as written; 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*

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

*At 6:09 pm Paul Parker motioned to recess until 6:30 pm; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor. Meeting reconvened at 6:29 pm.*

**PUBLIC HEARING - 6:30 pm**

**NEW CASES:**

**Application for Special Use Permit by: Kim Cardinal, Sr., Applicant and Property Owner (Tax Map R32 Lot 019): for property located at 78 Main Street.** The applicant proposes to replace the previously existing above-ground swimming pool and deck and install a 12 foot by 12 foot movable pergola that fall within the buffer of fifty (50) feet outward from the boundaries of a Class Two wetland. The parcel is located in the Industrial Business (IB) Zoning District.

Planner Menici said this application would be continued to the October 21<sup>st</sup> meeting because the applicant did not submit it to the Conservation Commission in time to have 30 days before tonight's meeting.

*Charlie King motioned to continue the application to October 21, 2014; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.*

**Application for Special Use Permit by: Eben Dorr, applicant/property owner through Norway Plains Associates, Inc., as Agent (Tax Map R38 Lot 2) for property located on Ten Rod Road.** The applicant proposes to upgrade an existing gravel logging road to a subdivision road within the Waterfront Protection Overlay District. The parcel is located in the Agricultural Residential (AR) Zoning District.

Randy Tetreault from Norway Plains Associates presented for the applicant. He said that the members were familiar with this application since it came before the Board a couple of months ago. He explained that when the applications were originally submitted only a Special Use Permit for the wetlands was included not for the waterfront. Mr. Tetreault said that eventually power lines will have to be run overhead and so the applicant is submitting this request for a waterfront Special Use Permit.

Mr. Tetreault gave a brief overview of the project stating that it involves an already existing road to a hammerhead that as previously approved will be improved with guardrails and upgraded to gravel road standards.

He said this new application has gone to the Conservation Commission for their formal review process and received approval.

Mr. Tetreault said that there are outstanding conditions from the June 20<sup>th</sup> Notice of Decision including Town Counsel's review of language for the maintenance agreement and deed which are being prepared by Attorney Hoover and the applicant's agreement with the Town Engineer for review and construction inspections. Mr. Tetreault said he will submit the final plan for signature when all conditions have been met.

The members clarified that there is no adjustment to the originally approved plan and that this is basically a house keeping issue.

Chairman Parker opened the hearing to public comment but there was no one present and he closed the public portion.

*Martin Laferte motioned to approve the application for a Special Use Permit to upgrade an existing gravel logging road to a subdivision road within the Waterfront Protection Overlay District with all prior conditions from the June 17, 2014 approval to be applicable; 2<sup>nd</sup> David Kestner. Motion carried with all in favor.*

**Application for Special Use Permit by: Public Service of New Hampshire, applicant, through Nobis Engineering, Inc., as Agent, for an existing 2.6 mile Utility Corridor located between Chestnut Hill Road and Spring Road. The applicant proposes removal and replacement of existing utility poles and overhead lines within PSNH's existing right of way through wetlands.**

Alden Beauchemin from Nobis Engineering presented for the applicant. He said that this is an existing ROW and PSNH is proposing to replace approximately 2.6 miles of existing lines and poles from Chestnut Hill Road to Spring Street. Mr. Beauchemin said there were 12 anticipated wetlands crossing with a temporary impact of 31,540 square feet and the applicant has approval from the Conservation Commission stating they had no concerns provided Best Management Practices are in place and utilized and the recommendations made by NH Fish and Game are incorporated into the project plans.

Mr. Beauchemin said Fish and Game had concerns over endangered species and an expert will monitor and remove the species if necessary. Planner Menici asked him to provide the name of the expert to which he agreed.

Because the ROW will be accessed through private property, Chairman Parker asked if the owners had been contacted. Mr. Beauchemin said those impacted had been contacted and written permission obtained. He explained that a cherry picker type vehicle on tracks would be used and they would put down swamp mats to protect the wetlands and as an area is finished the mats are loaded onto equipment and moved out of the area. He said there is a large wetlands system west of Main Street that is open water where the work will be done from a barge.

Mr. Beauchemin said any disturbed wetlands are restored. Planner Menici said that Mr. Beauchemin had been referring to some of the wetlands crossings as small but she wanted to point out that a 4,000 square foot

impact area is not a small crossing. She said an area less than 1,000 square feet would be considered small so the applicant was talking about fairly significant areas.

The Planner said she was addressing this for the Board to clarify that any area where damage occurs will be repaired. Mr. Beauchemin said that is standard practice but the Planner said there was nothing in the application that addressed the issue. Mr. Beauchemin recommended that it should be included as a condition of approval.

Charlie King expressed his concern about Crossing #153 on Town property. He said that the pole currently is sited on top of a gravel deposit and if kept in the same location might prevent the Town from mining that deposit in the future to bring it to the same grade as the Day Care parking lot. Mr. Beauchemin said the utility can only work with what is there now however when the time comes to do that the Town can talk to PSNH and it would be a matter of lowering the pole. Mr. King asked if the pole should be lowered now and if not how can the Town be certain they will not be billed. Mr. Beauchemin suggested it be made a condition of approval subject to PSNH working with the Town at no cost to replace the pole.

David Kestner asked some specific technical questions about pole height and wire diameter. Mr. Beauchemin said he was not knowledgeable in that area but he could make a call to obtain the information. Planner Menici suggested getting all the questions together before any calls are made.

Mr. Kestner pointed out the recommendation from DES that the work be done in winter to protect the endangered species and asked if PSNH had a reason to not work in winter. Mr. Beauchemin replied that it was talked about but not practical because they wanted to use the barge. This was briefly discussed and Mr. Beauchemin said that the barge has been used in that area for years. Planner Menici said that regulations have changed significantly and she shares Mr. Kestner's concern and agrees that doing the work under frozen conditions would be a better alternative. Mr. Beauchemin said now that winter is so close it may not be an issue.

Mr. Kestner pointed out that the Wetlands Permit expires in January 2015 and has to be renewed. Mr. Beauchemin thought it had been but since it was not included with the application he was requested to check the status and supply a copy of the permit renewal to the Planner.

Since the application does not mention running fiber optic on this line it was requested that be verified since doing it now with the other work made more sense than disturbing the wetlands again.

Martin Laferte asked about any potential impact to the closed compost facility on Route 11. Mr. Beauchemin said there is an existing access road there now. Charlie King said there was a lot of access through private property and asked if permissions had been obtained. He was assured that is done prior to the start of work. Mr. Kestner asked that copies of the written permissions be supplied to the Town and the Chairman suggested that as a condition of approval.

Chairman Parker opened the hearing to public comment.

Kevin Hogan said he was glad PSNH was being proactive about upgrading the poles and lines.

There were no other comments and the Chairman said he would leave the discussion open for a short time.

Charlie King asked if the application should be continued to the next meeting. Planner Menici recommended doing so because there were a number of issues to resolve.

In answer as to how long the project will take, Mr. Beauchemin said it would be a couple of months.

The members asked if PSNH takes extra precautions because of the requirements of the Shoreland Protection Act. The applicant said they do but he believed there were some exemptions for utilities. The Planner agreed and Mr. Beauchemin was asked to confirm the exemptions.

Ownership of several poles and parcels was discussed. It was decided to continue the application to the October 7<sup>th</sup> meeting to allow time for the applicant to provide the following information:

- *Is pole height 45 feet or 60 feet*
- *What is the voltage now and what will it be*
- *Will fiber optic be added*
- *Will PSNH agree to work in the winter*
- *Will location of Pole #68 on C5 on Town property be moved now or later to allow future mining*
- *Determine ownership of Poles 62, 76, and 77 – Planner Menici said she would do this*
- *Verify the expiration date on the DES permit*
- *Provide copies of access agreements from the property owners*
- *Determine if there is an exemption for the utility from the Shoreland Protection Act*
- *Determine ownership of Pole 102*

Planner Menici said she and the applicant will touch base to go over everything.

Chairman Parker closed the hearing to public comment.

*Charlie King motioned to continue the application to October 7th; 2<sup>nd</sup> Martin Laferte. Motion carried with all in favor.*

*At 7:29 pm David Kestner motioned for a five minute recess; 2<sup>nd</sup> Charlie King. Motion carried with all in favor. Meeting reconvened at 7:38 pm.*

**Application for Special Use Permit by: Public Service of New Hampshire, applicant, through Nobis Engineering, Inc., as Agent, for an existing 1 mile Utility Corridor located between the Milton Town Line and Chestnut Hill Road. The applicant proposes installation of a new Fiber Optic Line on existing utility poles within PSNH's existing right of way through wetlands.**

Mr. Beauchemin said this application is for the 386 section line from Chestnut Hill Road to the Milton Town line and is basically one mile of improvements. He said the temporary wetlands impact is approximately 5,775 square feet and that portion was updated a couple of years ago but fiber optic was not done at that time. He added that fortunately the impacts are not as great as the first application.

Mr. Beauchemin said that the section from Chestnut Hill up to the power line is reached by an access path and in the small impact area they will use swamp mats and then other access roads. He said that Branson Road turns into a woods road and the utility has gained access that way in the past. Chairman Parker clarified that the access is from private property at the end of Branson Road. Mr. Beauchemin said there is good access from there to Milton where it eventually goes into a Town road.

Mr. Beauchemin said they have tried to minimize the impact to the wetlands with crossings placed at the narrowest parts utilizing swamp mats. There are no cautions from Fish and Game. Mr. King pointed out that the total impact is less than one crossing on the prior application.

Chairman Parker asked for confirmation that best management practices will be addressed and he was assured that any areas disturbed will be reclaimed and repaired and that the utility did not have to wait for winter for this portion.

David Kestner asked for a copy of the private property permission from what appeared to be the one property owner impacted.

The one abutter present was actually from Milton and it was explained to her that the applicant had included more abutters than was required for the Farmington portion of the project. It was also explained that Farmington's

regulations require a Special Use Permit but Milton does not have this extra level of permitting. They only meet the State requirements.

Chairman Parker opened the public portion of the hearing.

Tina LaPointe of Milton said she did not have any questions but appreciated the notification even though she was not impacted by the Farmington side of the project.

The Chairman closed the public portion of the hearing.

Planner Menici reviewed the three conditions of approval: copies of access agreements from owners, repair and restoration of wetlands, and best management practices.

***Charlie King motioned to approve a Special Use Permit through an existing 1 mile Utility Corridor located between the Milton Town Line and Chestnut Hill Road for the installation of a new Fiber Optic Line on existing utility poles within PSNH's existing right of way through wetlands with the following conditions:***

- *copies of access agreements from the owners of any private property crossed;*
- *repair and restoration of any wetlands impacted; and*
- *the exercise of best management practices*

***2<sup>nd</sup> David Kestner***

Discussion: Mr. Beauchemin clarified that the agreements were only for private property and Mr. Kestner agreed stating that this way if the Town received a complaint the information would be available.

***Motion carried with all in favor.***

***At 7:57 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