

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, October 7, 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: Alden Beauchemin, Brett Kay, Liz Durfee

BUSINESS BEFORE THE BOARD:

- **Pledge of Allegiance**

At 6:04 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

- **Review and approve Meeting Minutes of September 16, 2014**

Martin Laferte motioned to approve the minutes of September 16, 2014 as written; 2nd Charlie King. Motion carried with all in favor.

Mr. Laferte complimented Mrs. Gallagher on the ongoing quality of the minutes adding that in his career he has reviewed thousands of minutes and these continue to be the best he has seen.

Chairman Parker said that brings up something that he wanted to address later in the meeting but would touch on briefly now. He said that the members should be careful, especially when making motions, that there are not multiple people talking at the same time. This makes it difficult for the recording secretary, as well as for the Board members, to accurately hear what is being said.

The Chairman said that over the weekend a request came from Strafford Regional Planning Commission to present an interesting proposal and he would like to adjust the agenda to have Liz Durfee from SRPC speak at this time.

Ms. Durfee said that SRPC would like to support Farmington in a review and update of its Aquifer Protection Overlay District that encompasses one of multiple well-head protection areas. This would be an opportunity to strengthen the Zoning Ordinance to better protect the Town's groundwater resources.

Ms. Durfee said that they are currently working with Rochester and would also like to work with Farmington. One of the areas being worked on with Rochester is a wellhead protection area that crosses over from Rochester into Farmington southwest of Route 11. She pointed it out on the map provided with the handout given to the members. She added that this would provide an opportunity to protect the entire wellhead protection area as opposed to the current protection area that is highlighted in red.

Ms. Durfee said she is looking for interest from the Board and Planner Menici and explained that Strafford Regional Planning Commission would be the applicant and would be looking for support from the Town in the

form of a letter that shows commitment to the project and the effort to implement the recommendations that are the outcome of the project. Chairman Parker asked what the process entailed.

Ms. Durfee said an advisory committee would be set up that would include members from the Planning Board, Conservation Committee and Public Works and a couple of public meetings would be held. She explained that Kyle Pimental from SRPC has been working with member of the Planning Board, Conservation Commission and DPW in Rochester since last July to make revisions to their Zoning Ordinance with the goal to strengthen protection for drinking water for the Town residents. This would also be the goal in Farmington.

Ms. Durfee asked the Board if there were any questions or if they needed additional information.

Charlie King said the Town currently has some test well sites for future Town wells that are scheduled to be tested this year and that the professionals doing the study might be included in this process. Ms. Durfee agreed they could provide great information. Mr. King said any that are found to be successful sites should be marked out to include into a protection area. Ms. Durfee said that the area on her handout is different from the Town maps because they only track active wells not proposed sites. Mr. King suggested she check with the Public Works Superintendent, Dale Sprague, because he can verify all the sites and will know where the test sites will be and when they will be tested.

Martin Laferte asked if the requirements for submission can be met by the deadline of November 3rd. Ms. Durfee said they can because SRPC is the applicant and all they need are letters of support from the Town.

Planner Menici said right now SRPC is trying to gauge interest from the Town and they can then move forward to apply for grant funds by the November 3rd deadline. The funds will not be awarded until the end of the year and will be available around April for the following year. Mr. Laferte confirmed with the Planner that she was saying that SRPC will submit the application for the grant.

Charlie King motioned to write a letter of support to apply for grant on behalf of the Town; 2nd Martin Laferte. Motion carried with all in favor.

Liz Durfee said she will follow up with Planner Menici and Chairman Parker to provide guidance for the letter of support. She will also provide information on the scope of the work so this can be shared with the Conservation Commission members.

Chairman Parker said the next item on the agenda is a discussion regarding Route 11/Route 153 Tax Increment Finance District and since there was insufficient time for this before the public hearing he recommended moving it to the end of the meeting and taking a five minute recess until 6:30 pm.

At 6:25 pm Paul Parker motioned for a 5 minute recess until 6:30 pm and reschedule later in the meeting; 2nd Charlie King. Motion carried with all in favor. Meeting reconvened at 6:31 pm.

PUBLIC HEARING - 6:30 pm

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. (Continued from September 16, 2014)

Chairman Parker stated that at the last meeting the Board requested several items of information and the applicant has provided the information. He asked the representatives from Nobis Engineering to address the Board.

Alden Beauchemin said Brett Kay, the project engineer, was joining him tonight. Since Mr. Kay put together the letter summarizing the questions and answers, he will take the lead in this discussion.

1. The pole heights will vary from 35 to 55 feet on the existing line and on the proposed line the poles will range in height from 40 to 75 feet. The reason for the increased height is to meet current National Electric Safety Code requirements. There are a number of different structures proposed throughout the project and the most common type from Chestnut Hill Road to NH Route 11 is a tangent structure. The most common from NH Route 11 to Central Street is a double circuited tangent structure. All the proposed poles are wood.

Planner Menici explained that on the map it is the last short run that will have tangents.

2. No voltage change – it will remain 34.5 kV.

3. A Fiber Optic line will be installed.

4. Performing the marsh work during frozen conditions was discussed but because there is a lot of moving water there is no guarantee that the marsh area will freeze and even if it does it will not be safe for vehicular travel. This was discussed at length with NH Fish and Game and resulted in the requirement to have a scientist present to look for and move listed species during the placement of mats or the construction of temporary crossings to access Poles 70 through 74. If the water is deep enough the barge will be used.

5. With regard to the areas of gravel the Town may want to remove near Poles 68 and 102, PSNH can install the poles deeper in these locations to allow removal of the gravel but the utility will need to know how much gravel will be removed prior to the start of work so that adequate poles are installed.

Charlie King said he thinks Pole 102 is on private land so the concern is Pole 68 and the information on depth can be obtained from Superintendent Dale Sprague. David Kestner said the pole would have to be set 20 feet below the existing grade to accommodate future removal. If a 45 foot pole is used there would be problems with both setting the pole and the height of the lines at the existing grade prior to any removal. Mr. Kay said another concern is the width of the easement.

Chairman Parker said the goal is to reduce costs for the community by using available material. Mr. King added that the need might not occur in the next five years but at some point the Town will want to use the materials for roads or the site may be developed. He suggested relocating the pole or a combination of depth and relocation to achieve the desired result.

Mr. Kay said it appeared that 14 feet might be needed to meet the existing grade at the time of removal. Mr. Kestner said with a 45 foot pole the wires would only be about 10 feet above the height of the existing top. He suggested doing some removal of the gravel now to facilitate setting the pole at the correct depth. Mr. King said it made sense to do some short term mining and Dale Sprague could answer how many feet to remove and transfer to the pit.

Mr. Kay said PSNH will work with the Town since they don't want to reset the pole in the future.

Martin Laferte said he would like to see a statement from PSNH that the Town of Farmington will not be charged for this work now or in the future. Mr. King said that can be made part of the decision.

6. The expiration date of the wetland's approval is good for one year from the date of posting on line.

7. The utility is exempt from Shoreland permitting as stated in ENV-Wq 1406.04(d)(7) – Activities that do not require a Shoreland Permit. "Replacing utility poles and guy wires using mechanized equipment, provided that appropriate siltation and erosion controls are used and all temporary impacts are restored".

8. The name of the professional that will be on site is John St. John from Nobis and he has done other utility projects in the State. Mr. St. John will be on site during the laying of mats. Chairman Parker asked if he will certify that the land has been returned to its prior state. Mr. Kay said that is done all during the project. Mr. Beauchemin added that Mr. St. John submits a report and a copy can be provided to the Town when it is completed.

Mr. King asked what species are of concern to Fish and Game. Mr. Beauchemin said there are three types of turtles and a shiner.

9. Mr. Kay said the Town had asked for copies of access agreements where applicable. However, PSNH said property owners won't sign anything in addition to the deeded easements that are in place. Prior to starting the project, PSNH contacts the owners using the list of abutters. If there is no response a representative goes to the residence and shows the owner how the work will be done. This is accomplished by PSNH directly or through their subcontractor and Nobis is not a part of that process.

Chairman Parker asked if the Board could have a copy of that list with notations as to the date and time of contact and if access was agreed to or refused. Planner Menici suggested that the Town might not want to get involved because to do so would place an enforcement issue on the Town. There are easements already in place and the Town does not want to create a situation where a property owner is unhappy and looks to the Town for relief. She suggested any resident's calls should be referred to PSNH.

David Kestner suggested that PSNH provide the name of the person to whom any questions can be referred. Charlie King noted that there were a couple of spots that would require abutter contact and he hoped the utility would do a good job in dealing with them to keep complaints down. Mr. Kay said if an abutter refuses access then they go to the next property and they try to minimize the impact.

David Kestner asked if it were possible to have wire pulled by putting the rolling dollies on the cross arm and using a small boat to pull it across thus avoiding using the mats. Mr. Beauchemin said the wire can be strung that way but the mats were used in the process of setting the poles. He also said that the areas may look vegetated but are actually flooded making it possible to use the barge.

Conditions of approval were briefly discussed.

Chairman Parker opened the hearing to public comment and immediately closed it because no one from the public was present.

Charlie King motioned to grant the Special Use Permit to PSNH for an existing 2.6 mile Utility Corridor located between Chestnut Hill Road and Spring Road with the following conditions:

- 1. Any wetlands areas damaged during the utility work shall be repaired by the applicant using best management practices;***
- 2. The Town will not bear any cost now or in the future for resetting Pole 68;***
- 3. The applicant will furnish reports to the Town regarding restoration of any disturbed areas; and***
- 4. The Town will receive the name of the contact person who will handle all complaints or questions.***

2nd David Kestner. Motion carried with all in favor

- Discussion regarding Route 11/Route 153 Tax Increment Finance District**

Planner Menici said that there has been discussion by the Economic Development Committee about approaching the Board of Selectmen regarding the reintroduction of the TIF District on the 2015 Warrant. She said after Town Meeting last March the Planning Board expressed the same interest and now is the time of year to discuss it.

The Planner said she took the flyer that was prepared by Jack Mettee, the Town's consultant, and made changes to it because the flyer as originally presented was a little confusing particularly with regard to the examples that were used. The question and answer set up was good but it fell apart because the example was too broad for a non-technical person or the average resident who has not had previous experience with a TIF district. Planner Menici felt it needed to be more focused so she put together two separate explanations that show how it would work on a parcel basis.

The Planner reviewed that once the TIF district is established any increase in tax revenue whether from improvements or from increasing property values goes into the TIF account for a finite duration. She added that if the approval is to bring sewer to a specific place once that has been accomplished and any debt associated with the project has been paid there is no way to roll the revenue over into something else. The Planner said she thought some residents may have been concerned about that happening.

Charlie King said he thought the examples were clear and liked the format. He said the second paragraph addresses proposed sewer expansion on Route 11 and states it will encourage new business but his question is "what" will encourage new business. Mr. King suggested saying "the added infrastructure". Planner Menici said that was a good change.

David Kestner agreed that the two examples could help explain to the average person what is happening with the tax dollars and the Planner's proposed language is far more detailed than what was previously given. Chairman Parker said the flyer as proposed is simple, clear and understandable.

Charlie King said he would encourage the Economic Development Committee to come before the Board of Selectmen and present their thoughts. He said the last time the TIF District was proposed not all the Selectmen were sold on the idea and this would provide an opportunity for the BOS and the EDC to discuss why it is a good idea for the Town. He said the new language will help to clarify the process and the Selectmen will also have had time to give the concept more thought.

Chairman Parker said he would also encourage the Planning Board members to attend. Planner Menici added that the Planning Board should speak in favor of the TIF District not by putting their support behind the EDC but by reaffirming their own support of TIF. Charlie King said it was the Planning Board's project and the need is there whether people perceive it or not and it could be the right time to put it out to the public again. He added that hopefully there would not be as much confusion at the time of the 2015 Town Meeting. He felt the Board owed it to the voters to provide them with another opportunity for an explanation of the TIF and to provide clearer presentation materials as the Planner has done. Chairman Parker said that now is the time for the Board to write the letter to the BOS as they had previously discussed.

The members reviewed the location of the district as proposed and time frames. Planner Menici said that some towns take on the debt, make the improvements and wait for someone to show up. However, her recommendation is that once the TIF is adopted the property taxes in the TIF district that are earmarked for the general fund are frozen at that point in time. That will allow revenue to start accruing into the TIF fund even before any development or expansion starts. She would not recommend any extension to the sewer line until there are funds from both accumulated revenue and grants that are sufficient to make payments. This could take several years.

Mr. King agreed stating that before putting any infrastructure in place the Town should know they can pay for the debt. The original proposal was for two phases so there would be two separate grant applications for \$500,000 each so there could potentially be \$1,000,000 from CDBG grant funds in addition to the revenue in the TIF fund. He said if the grants are not obtained then it would be unlikely the infrastructure would be put in because of insufficient funds. He added that maybe with a 20-year TIF the first phase could be done without grants.

Martin Laferte asked what would happen if a company said they wanted to develop a site but must have sewer or they would not come to Farmington. Mr. King said that proposal would have to be presented to the BOS and it would be up to them to decide if funding were available and what guarantees would be required from the

developer. He said the TIF would put a mechanism in place so the Town is ready for development otherwise a bond would be needed that would have to be paid through general taxes. The TIF is a tool that will not impact the tax base.

Planner Menici reminded the members that grant funding cannot be applied for without having a project in place. The Planner said she will be attending the EDC meeting in November but was not sure of the date. The Chairman asked her to notify the members when she was given the meeting date.

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

Chairman Parker said he had a housekeeping item. Planner Menici said she had not had a chance to watch the meeting in question and would like that opportunity before the Board discussed this. She said her notes from the meeting indicate that there should be an engineering review and construction inspections.

The Chairman said he would still make a basic presentation. He handed out the last two pages of the June 17th approved meeting minutes and asked the members to pay particular attention to item #6. He said he had reviewed the video of the meeting three times and that item was not part of it. Charlie King said he did not recall the particulars of his motion and he needed to know exactly what was said. Chairman Parker asked if he wanted to wait until the Planner reviewed the video. The Chairman said Planner Menici had suggested some conditions of approval but not #6. Mr. King said he remembered the discussion about that condition but the Chairman said although the intention had been to include it that did not happen.

Planner Menici said there was language in the Notice of Decision stating that in addition to the conditions the approval incorporates all representations made by the applicant and agent during the public hearing. She said the reason she wants the opportunity to watch the video of the meeting is to determine the correct language. Charlie King said he would like the Chairman and the Planner to review it and make a recommendation as to what, if any, changes are necessary. Mr. King said since it was his motion he would also review the video if necessary and would like to continue this discussion to allow Planner Menici time for the review.

Chairman Parker agreed to take the discussion up at another meeting.

At 7:35 pm Martin Laferte motioned to adjourn the meeting; 2nd Glen Demers. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Chairman, Paul Parker