

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, March 17, 2015
356 Main Street, Farmington, NH**

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

Selectmen's Representative: Charlie King

Board Members Absent/Excused: None

Town Staff Present: Interim Planner Michael Garrepy

Public Present: Randy Orvis, Jane Longchamps, Jim Horgan, Hiram Watson

BUSINESS BEFORE THE BOARD:

- **Pledge of Allegiance**

At 6:10 pm Chairman Parker called the meeting to order and all present stood for the Pledge of Allegiance.

- **Review and approve Meeting Minutes of March 3, 2015**

Charlie King motioned to approve the minutes of March 3, 2015 as written; 2nd Martin Laferte. Motion passed unanimously.

- **Suggestions by Randy Orvis for paperwork reduction on applications**

Randy Orvis told the members that he has two applications before the Board tonight and completing the process for those applications ended up using three reams of paper which he called a bit excessive. He said the checklist is somewhat redundant and the application could be shortened to one page. The biggest use of paper is the number of copies of the documents provided to Board members. He questioned why each member needs a copy of the authorization, the fee schedule, the checklist and the deed. Mr. Orvis said he does not see a need for this. He added that he works with multiple towns and Farmington is the only one that requires this much paper. He said in other towns, the members get copies of the application, the narrative and the plan. The checklist and the application do not tell you anything that is not on the plan and the narrative he said. Individual copies of a deed or the owner's signature are not needed as they are file with the Town.

Chairman Parker replied that the information is part of their packets which each member reviews at home prior to the meeting. He said there have been instances where the information included on the checklist or application was helpful to the members. He agreed that sometimes it seems excessive, but there are times when members are reviewing the packets, and questions arise which may be answered in the information they received. He asked Mr. Orvis if he would rather the members answer their own questions during their review before the meeting or have the meeting "go on for three days" answering members questions. Mr. Orvis replied that he would rather have the members ask their questions at the meeting and get the correct answers instead of guessing the answers at home.

Martin Laferte said he received his packet of information at home on Saturday. He studied the materials in preparation for the meeting which he could not have done if he didn't receive the materials. He said he feels he is doing his job that way and it is up to Mr. Orvis to do his job. He added if the members need the documents, they need them and that is all there is to it.

Orvis said he understands the need for narrative and plan but the checklist is the same for every subdivision.

Selectman Charlie King said he agrees with some of Mr. Orvis' suggestions. He listed what he feels is necessary for Board members to have which includes the plan, the certified list of abutters which could flag that a Board member is an abutter to the property and any deeds, easements or covenants. He said he doesn't need the fee schedule, the checklist or the application signed by the applicant as these items are on file with the Town.

Mr. Orvis said he wonders what the job of the Town Planner is if members are reviewing all of the information at home. He asked if the Planner is reviewing the materials and making recommendations.

Chairman Parker said the Board conducted a subdivision regulation review at a public meeting but there was no input from the public or other Boards. He said it is an on-going process of reviewing subdivision and site plan regulations. He suggested that Mr. Orvis attend the meeting the next time a future Planning Board reviews the process and make his opinions known to the Board.

Mr. Orvis said that the authority that the Town gives the Planning Board to review site plans must be recorded at the Registry of Deeds. He said he discovered that the authority was given at Town Meeting in 1988 but was never recorded. The regulations were recorded, but the letter from the Town Clerk stating that the Town gave authority to the Board was never recorded. He added that authority for subdivision review was recorded in 1975.

Chairman Parker said he wondered why this has not been caught before now and said he would check on the matter the next day.

Mr. Orvis then reiterated that three reams of paper are excessive for two minor subdivision applications and suggested someone take a look at the number of copies required. He said it must be costing the Town a fair amount of money just to mail the packets out to Board members because we are spending over one dollar for each member instead of a 49 cent stamp due to all of the paperwork being sent out. This not only a savings in paper for him, but it is also a savings in postage for the Town he said.

This will be something for the Board to look at during the next review period Chairman Parker said. The Chairman then asked if there were any additional questions from the Board.

David Kestner suggested Mr. Orvis take the checklist and highlight the items that are "over exuberant", determine what is essential and give his suggestions to the Town Planner. Mr. Orvis also offered to submit a copy of the Town of Strafford's checklist which is one page long. They require one copy of the application, deed, checklist and abutters for the Town and multiple copies of the narrative and site plan for the Board members he said.

Glen Demers said he agreed with Selectman King and noted he didn't need to see the checklist for each application.

Martin Laferte said he does not have e-mail so everything is mailed to him at home. He said he needs to be able to study the materials and added that he thinks the Board needs to discuss the issue further at a future meeting.

- **Review of Boundary Survey for Map U5 Lot 56**

Chairman Parker said the survey was included in members' packets for informational purposes. Mr. Orvis said he provided the survey as State law requires when a boundary survey is done and a plan is recorded, a copy of the plan must be given to the Planning Board. Chairman Parker said he reviewed the map and the highlighted areas and asked the reason for the survey. Mr. Orvis said that he was asked to do the survey but there was no problem with boundaries.

Planner Mike Garrepy said he had the full size copy of the survey with the original signatures that he would give to the Planning Board Secretary to place on file.

Chairman Parker suggested members table any other business until later in the meeting.

Paul Parker motioned to table any other business until the end of the meeting; 2nd Charlie King. The motion passed unanimously.

Paul Parker motioned to recess until 6:30 pm; 2nd Charlie King. The motion passed unanimously at 6:25 pm. The meeting was reconvened at 6:30 pm.

Public Hearing 6:30 pm

Application for Minor Subdivision by: The James H. Watson and Nancy J. Watson Revocable Trust, applicants/property owners through Geometres Blue Hills, LLC, as Agent (Tax Map R25, Lot 1-2) for property located at 428 Meaderboro Road. The applicants propose to create two lots from the existing 15.02 acre parcel resulting in lots of 3.09+/- acres and 11.93+/- acres each with an existing residence. The parcel is located in the Agricultural Residential (AR) Zoning District.

Chairman Parker recused himself from the discussion and turned the hearing over to Vice Chairman Kestner.

Randy Orvis came forward on behalf of the applicants and told the Board that the Watsons own a parcel that is just over 15 acres on Meaderboro Road that has two existing homes on it. The proposal is to separate out one of the residences onto a three-acre lot and keep the remaining land and home that he currently lives in, making the property conform to current regulations. The property has the frontage necessary for the proposed separation he said. Mr. Orvis said he had just received the Planner's memorandum and had not had an opportunity to review it.

He said the Planner noted that there are monuments missing but noted that he does not set them until the plan is approved. He said the proposal also needs State approval as one of the lots proposed will be less than five acres. He said the test pit had not been conducted due to weather and equipment issues. He plans to perform the test when the weather is a little warmer and does not anticipate any issues with the testing. He said he is looking for a conditional approval from the Board while awaiting approval from the State. He also noted that there were some comments and questions he was not expecting as the current Town Planner does things differently from the previous Town Planner.

Mr. Orvis said they would like to request a waiver on the two-foot topography requirements as there is no new development of the site planned.

Charlie King asked if the access easement at the site is temporary. Mr. Orvis said the applicant plans to cut a new road along the existing woods road along the edge of the field down to the culvert to allow access to the remaining five acres located across the existing brook.

Selectman King then reviewed comments from the Town Planner's memorandum. Mr. Garrepy noted that the waterfront protection overlay district needs to be shown on the plan and that some of the property is located in the 100-year flood zone.

Mr. Orvis said the map shows that the flood zone is the brook located on the property which does not depict elevations and is undefined. The brook is the flood plain because it floods but it does not overflow its banks he said. The brook is in a defined channel and there are no other wetland areas other than the brook itself, Mr. Orvis said. Mr. Garrepy suggested the map line should be labeled as the edge of wetlands and a note including this information about the brook area should be included on the plan. Mr. Orvis said he would check to see if there is a waterfront protection overlay district there as he is not sure if the brook meets the requirement for a water body having flowing water 12 months out of the year. Mr. Garrepy said that if in his (Orvis's) professional opinion, the brook does not meet the definition of a water body as defined by the Town's regulations; the note should state that it does not meet the definition.

David Kestner said it would behoove the applicant to address the issues on the plan with Mr. Garrepy. Mr. King said he was looking for where there are deficiencies in the plan and suggested they be addressed at the meeting so the issues can be resolved in a timely manner.

Mr. Garrepy said none of the issues he addressed in the memorandum are insurmountable or considered as major issues. Mr. King then asked which issues need to be addressed to consider the application substantially complete and which items need to be addressed to grant approval of the plan. Mr. Garrepy said his comments at the end of the memorandum show that the application is generally complete and that he recommends acceptance.

Charlie King motioned to accept the application as substantially complete; 2nd Glen Demers. The motion passed unanimously.

Vice Chairman Kestner opened the hearing to public comment at 6:45 pm. Hearing no immediate comments or concerns, he left the comment portion of the hearing open should any questions arise.

Mr. Kestner then asked members to continue the discussion to address the deficiencies in the plan. Mr. Garrepy said there were a few things he would like to address and maybe some items that could be waived. Mr. Kestner said the applicant can verbally request waivers at the meeting, but would need to put those requests in writing to the Board.

Mr. Orvis requested a waiver to the requirement to show topography at two foot intervals. He said he would provide the request in writing following the meeting.

Mr. Garrepy noted the following concerns and recommendations:

Test Pit Location – Subdivision regulations, Section 6E, require that the plan depict the test pit location. He said that state subdivision approval and the location of the test pit noted on the plan should be included as part of a conditional approval for the plan. The Board could also require a letter of inspection stating that the existing septic system is operational and a suitable area exists for a new system should the existing system fail as part of the approval.

Monumentation – Some monuments near the brook are missing from the plan. Mr. Orvis said he will not know what type of monument will be used until they are actually set. Mr. Garrepy recommended the plan note that the missing monuments will be set and that the Board require them to be set to gain final approval of the plan.

Access Easement – The access easement should depict what the easement is for, such as heavy equipment, people, horses, etc. He suggested a draft deed be written to show its purpose and who it will benefit. Mr. Kestner agreed saying there should be some type of language indicating who/what will be allowed to pass over the access, what material the access will be comprised of such as dirt, gravel or asphalt, what activities will be allowed there and who will be responsible for maintenance of the easement.

Selectman King asked who would review the draft deed language. Mr. Garrepy suggested either he or the Town Attorney could review the easement proposal. Consensus of the Board showed they would request Mr. Garrepy to review the draft easement deed.

Change to Plat Plan – Mr. Garrepy said effluent disposal areas (Section 8G: 13) should be removed from sheet one of the survey plat plan which will be recorded and be placed on sheet two.

Waiver – All existing structures within 200 feet of the site are not listed. He suggested the applicants request a waiver from the requirement rather than to require them to list all of the structures in the area.

Define Blue Hatching – He requested a note be included on the legend showing that the blue hatching on the plan depicts a forested area.

Identify Structures – Mr. Garrepy asked that a note be included on the plan describing which structures will remain and which will be removed (if any). Mr. Kestner also noted that he could not tell what types of structures are depicted on the plan (house, barn, chicken coop etc.).

Mr. Orvis added that the existing house on proposed lot 1-2a is over the property line but it is a grandfathered situation. He said there is letter recorded at the Registry of Deeds regarding this issue. When the Huppes created the 15-acre lot in 1988, Selectmen discovered the home was in the Town right of way but did not require them to move it. They were advised the property may be subject to the effects of maintenance of the road and were allowed to remain there at their own risk.

Protected Well Radius – The protected well radius for lot 1-2a for the existing well shows it encroaches over the line and needs a well radius release. Mr. Orvis said that is why he showed an alternate location for the well as will be required by the State. He said the State will not require a release as long as there is an alternate location with a well radius completely on the lot shown on the plan. Mr. Garrepy suggested the owner obtain a release so that he never has to replace the well. It would provide protection from anything going into the well area in the future he said. At some point the ownership in the lots may change so it is better to do it right the first time he said.

Cemetery – The plan should show the building setbacks for cemetery as required by State statute.

Label lot and Lot Lines – The new lot and the proposed lot lines should be labeled as “proposed”. Mr. Orvis will also contact the Town assessor to obtain a tax map and lot number for the new lot.

Mr. Garrepy admitted that the memorandum was provided to members late, but added that this will not happen in the future. Members will receive his recommendations at least one week in advance for future applications. He said he reviews the regulations and points out what is not there as required by those regulations. He said that sometimes the regulations are burdensome for minor subdivisions, but there is no means for an expedited review. He suggested the Board consider some type of simplified process to ease the process for minor subdivisions and lot line adjustments.

Mr. Kestner said all of the information needs to be included because it may be pertinent to someone down the road.

Selectman King asked Mr. Garrepy what waivers should the applicant request and be considered by the Board. He recommended granting a waiver to Sections 9B-4 (depict topography at two foot intervals) and 9B-6 (list all structures within 200 feet) and to fix the rest of his recommendations with notes on the plan.

Mr. Orvis requested both waivers and noted that the lots are already developed and there will be no impact to the neighbors than what is there now.

Charlie King motioned to grant the two waivers requested contingent upon the waivers being submitted in writing to the Board; 2nd Martin Laferte. The motion passed unanimously.

Vice Chairman Kestner closed the public comment portion of the hearing at 7:05 pm.

Charlie King then reviewed the requirements for conditional approval of the plan. He suggested the conditions include:

1. State subdivision approval;
2. Easement deed language to be reviewed by the Town Planner; and
3. Notes to the plan as recommended by the Town Planner.

He suggested Mr. Orvis work with Mr. Garrepy on the minor laundry list of recommendations to include on the plan. Mr. Garrepy said he would be happy to work with Mr. Orvis if the Board grants conditional approval to the plan.

Mr. Garrepy then asked when the Board approves or denies a plan, who generates the Notice of Decision. Mr. King said the decision would be generated by the staff based upon the minutes of the meeting.

Mr. Garrepy asked if he would be responsible for writing a draft notice of decision for the Board's approval. Mr. Kestner said the list of conditions would need to be included in the notice to corroborate that the conditions were met. Mr. Garrepy said he would work with the Planning Board Secretary to determine what is needed.

Vice Chairman Kestner then said he would entertain a motion regarding approval of the plan.

Charlie King motioned to conditionally approve the subdivision application contingent upon

- 1. State subdivision approval***
- 2. Resolution of the minor details to be resolved with Mike Garrepy; and***
- 3. Review of the draft easement language in the deed***

2nd Martin Laferte. The motion passed unanimously.

Chairman Parker returned to his place on the Board.

Application for Minor Subdivision by: Russell L. and Jane H. Longchamps, applicants/property owners through Geometres Blue Hills, LLC, as Agent (Tax Map R61, Lot 51) for property located at 15 and 17 Silver Street. The applicants propose to create two lots from the existing 4.17 acre parcel resulting in lots of 2.73+/- acres with an existing residence and 1.44+/- acres. The parcel is located in the Rural Residential (RR) Zoning District.

Randy Orvis came before the Board representing the applicants. He said there are two existing lots that were part of a subdivision done by Charles Currier in 1973 before the Town had subdivision regulations. It did receive State subdivision approval which was all that was required at the time. He provided to the Board a copy of the State approval, the original subdivision plan and the boundary plan that was recorded in 1979. At some point the property got deeded as if it was all one parcel and there seems to be no record of how that was accomplished. The applicants received the property described as one whole property. The applicants propose to put the new lot line back where the original lot line was. So the proposal does not qualify for the separation of involuntary merged lots to be completed by January 2016 because the lot line is being moved to a different location. Both lots have recently approved septic systems. The applicants' present home had construction approval in 1998. The proposed lots have in excess of the minimum frontage required. The original lot line would have gone through between where the house and the septic system are presently located but the accuracy of the original plan is less than to be desired he said. The proposed lot line had to be moved over to include the house and septic system. The septic system may be within the boundary line setback but it is there and can't be moved. The system would meet the setback requirements if the new lot line is approved he said.

Chairman Parker asked if a waiver would be required because the leach field for the septic system is within the required setback from the boundary line. He explained that he is not sure of the exact location of the field as the original plan does not have an exact description of the location. Mr. Garrepy suggested the system be removed from the page that will be recorded. Mr. Orvis said the existing well is over the property line but is located in an area that is precluded from development. It is within the setbacks to wetland area so a septic system could not be constructed in that area.

Mr. Garrepy said he had some questions and concerns about the application.

Monuments – Some monuments to be set are missing from the plan.

Lot line labeling – The proposed lot lines need to be labeled as proposed.

Topography – Label the topography methods on the plan, change sheet names.

Well Release – He said he would recommend the applicant get a release for the well radius area unless the board is comfortable as the area can't be built on.

Shared Driveway – The plan should note which portion of the driveway will remain and which part will be abandoned. If it will not be abandoned, there needs to be an easement for its use.

Mrs. Longchamps said they will continue to share the driveway until one of the lots is sold. A new driveway can't be installed during the cold weather so that would be planned for some point in the future she said.

Chairman Parker said if the application is approved the applicants would have one year to install the new driveway. She asked if it would have to be done within one year even if they don't sell the lot. Mr. Garrepy suggested if they are not going to relocate the driveway, they could show it as an easement.

Mr. Kestner suggested note on the plan depicting that upon the sale of the property the driveway would be relocated. Mrs. Longchamps explained that they built a log home on the larger parcel 15 years ago. The smaller home is a mobile home where her husband previously lived and which is currently a rental property. When Mr. Longchamps retires in a few years, they plan to sell the log home and replace the existing mobile with a new smaller retirement home for themselves. Whomever they sell it to may not want a shared driveway she said. Consensus of the Board showed they favored requiring a note on the plan stating upon sale of the property the driveway will be relocated.

Charlie King motioned to accept the application as substantially complete 2nd Martin Laferte. The motion passed unanimously.

Chairman Parker opened the hearing to public comment at 7:30 pm.

Resident Jim Horgan noted that the Board used the term relocate when describing future plans for the existing shared driveway and suggested the new location be placed on the plan showing that it will happen upon sale of the property. Mr. Orvis said a note will be placed on the plan depicting the abandonment of the common use of the existing driveway and establishing the new driveway upon sale of the lot. The existing driveway will not be relocated he said.

Chairman Parker asked if the notation for cemetery easement is included in the plan. Mr. Orvis said the original subdivision plan shows an impractical easement. It shows some dashed lines in an impractical location but does not say it is an easement. He suggested the lot be sold with rights to pass for people who have rights to access the cemetery. If someone wants to visit the cemetery, they will come to the door and say they want to visit the site. He added that there are wetlands between the cemetery and the road.

Chairman Parker asked to have the information regarding the rights to the cemetery depicted on the plan to inform any future buyer that the cemetery exists. Mrs. Longchamps said her husband bought the property in 1983 and no one has ever visited the cemetery. Mr. Orvis said the occupants of the cemetery passed away in the 1800's.

Discussion also included if there is enough area to warrant placing a stipulation that no further subdivision of the property will be allowed. Mr. Garrepy said he would not recommend such a stipulation, but Chairman Parker said there are situations where Town regulations require that a determination be made. Members determined it was a moot point due to the wetlands and the location of the septic systems and the driveway. Mr. Orvis said he did not think there is 40,000 square feet of contiguous property to make another lot. He added that with soil types in the area, the State would require a lot to consist of a minimum of one and one-quarter acres.

Mr. Garrepy asked where the regulations state there will be no further subdivision in minor subdivision as he would like to review it. Chairman Parker said it could be found in the language that defines minor versus major subdivisions. Mr. Orvis said that in order to be considered a minor subdivision, it can't have potential for further subdivision. He said that in the past, some subdivisions have been limited to no further subdivision for five years. This lot doesn't have potential for further subdivision based on the original State subdivision approval. There would have been more lots created previously if there was enough land to gain approval by the state. There were no further questions or comments from the Board or the public.

Chairman Parker closed the public comment portion at 7:40 pm.

Selectman King asked if there are any other conditions of approval needed besides the notes to be included on the plan. Discussion included monuments, State and federal regulations and wording to prevent intrusion to the well radius from the abutting lot in subsequent years. Mr. Orvis said building a structure is allowed and the only thing not allowed in a well radius is a septic system. He offered to put a note on the plan showing the area is precluded from septic systems. Mr. Garrepy suggested the applicant develop a well radius easement as soil conditions and regulations may change in future years.

Charlie King motioned to approve the subdivision contingent upon changes to the plan as follows:

- 1. The shared driveway to be abandoned at time of sale with a note to be added to the plan and the area to be abandoned be correctly denoted;*
- 2. Monumentation to be added to the plan;*
- 3. Note to be added to the plan noting the protected well radius is in a precluded area; and*
- 4. Other minor changes to the title block as per Mike Garrepy's instructions.*

2nd Anthony Vittorioso. The motion passed unanimously.

Paul Parker motioned for a five minute recess; 2nd Charlie King. The motion passed unanimously at 7:50 pm. The meeting reconvened at 7:55 pm.

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

Nobis Engineering Reports – Chairman Parker reported receipt of the site activities summary for utility pole work for March 13, 2015.

Notification of OEP Spring Planning and Zoning conference – Chairman Parker said the conference is scheduled for May 2, 2015. He said he has attended past conferences and noted that they are very informative and well worth attending. He encouraged new and long time members to attend the conference as there is always something to be learned. He suggested members contact the Planning Board Secretary if there any further questions. Martin Laferte asked if the Town would pay the \$60.00 registration fee for the event. Chairman Parker said the Town would pay the registration fee and mileage to the event.

At 8:00 pm Martin Laferte motioned to adjourn the meeting; 2nd Glen Demers. The motion passed unanimously.

Respectfully submitted,

Kathleen Magoon
Recording Secretary

Chairman, Paul Parker