

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, February 2, 2016
356 Main Street, Farmington, NH**

Planning Board Members Present:

Charlie Doke, Chairman
David Kestner, Vice Chairman
Martin Laferte
Glen Demers
Jim Horgan, Selectmen's Rep.
Resta Detwiler

Board Members Absent:

Anthony Vittorioso

Staff Present:

Liz Durfee, Interim Planner

Others Present:

Randy Orvis
Sharon and Malcolm Glidden
Cash Whittemore

BUSINESS BEFORE THE BOARD:

Call to Order/ Pledge of Allegiance:

Chairman Doke called the meeting to order at 6:12 p.m. All present stood for the Pledge of Allegiance. Chairman Doke then turned the meeting over to Vice Chairman Kestner.

Review Meeting Minutes:

January 19, 2016- Page 2, last paragraph, last sentence, change "was" to "what" had been completed; add "what" before status of development. Page 4, top of the page, third sentence, amend "sand" to "and".

Jim Horgan motioned to accept the minutes as amended; 2nd by Resta Detwiler. The motion passed 4-0-1 (Charlie Doke abstained).

January 26, 2016-

Charlie Doke motioned to accept the minutes as written; 2nd by Jim Horgan. The motion passed 4-0-1 (Resta Detwiler abstained).

Preliminary Conceptual Consultation, Minor Subdivision – Map R58, Lot 9:

Sharon and Malcolm Glidden came before the board to discuss plans to subdivide their lot located at 173 Hornetown Road. The existing lot is 10.4 acres and the Glidden's would like to subdivide the lot to create a three acre lot to enable their daughter to build her own home. The existing lot would then have 250 feet

of road frontage and the new lot would have only 190 feet of road frontage creating a non-conforming lot. Discussion included the plan would require a variance from the ZBA, the five conditions for variance approval and the definition of a hardship.

Surveyor Randy Orvis said he was attempting to help keep the Glidden's from having to go before the ZBA and suggested they might be able to achieve their plan by using the open space subdivision standards where a portion of the lot could be developed and a portion of the lot would be set aside as permanently protected open space. He added there was a second home on the lot 10-12 years ago and there is also potential for an easement there.

Mr. Kestner advised the applicants to read the open space requirements to determine if that would be beneficial or hurtful to their plans. He said they would not be able to rebuild a second home on the lot as they have gone beyond the timeframe to rebuild the previous second home. If they chose to create an easement they must chose a non-profit organization, a corporation or trust, the State of NH or the Conservation Commission to manage the easement he said.

Ms. Durfee said the open space subdivision standards are typically used for larger subdivisions where there is a cluster development and a portion of the land is set aside for permanent open space. She noted that the town regulations don't specifically prohibit two houses on the same lot and will research the issue.

Mr. Orvis also stated that ZBA currently only has three members of a five member board. The applicant has the right to receive approval of the full board and the case could be continued until there is a full board he said. Ms. Durfee said it is her understanding that there is a full ZBA board.

Ms. Durfee said the individual applying for a variance would have to show that there is something special about the property where there would be an unnecessary hardship by being unable to subdivide it.

Mr. Horgan suggested they could build the second home on their property but their daughter could not own it. Mr. Kestner said if they kept it as one lot they would apply for a building permit and can build a second house as the lot has the three acres needed per house. He noted the assessment of the lot would double as would their tax bill. Mr. Orvis added there could be some difficulty obtaining financing for the project as most finance companies like to see separate lots for homes.

Ms. Durfee suggested the most straight forward way to complete their plan is to go before the ZBA, get a variance and split the lot. She said a description of how their plan meets the conditions for a variance is needed and added if they filed for the variance by Feb. 12 they could get a hearing before the ZBA on March 3.

Mr. Horgan suggested if the applicants obtain state approval of the plan and the application package is completed and submitted the Planning Board could grant a conditional approval based on the state approval. Mr. and Mrs. Glidden thanked the board for their time.

David Kestner motioned for a five minute recess; 2nd by Martin Laferte. The motion passed unanimously at 6:55 p.m. The meeting reconvened at 7 p.m.

Preliminary Conceptual Consultation, Minor Subdivision – Map R57, Lot 13-1:

Randy Orvis came before the board on behalf of James Woodman owner of the property located at 1173 Ten Rod Road. The owner plans to subdivide the 17.5 acre lot into two lots of 8.5 acres each. The individual lots would not have enough road frontages so the applicant proposes to build a “hammerhead” shaped road between the lots to gain enough road frontages for the lots. There is no potential for further development as the back nine acres of the lots contain wetlands areas Orvis said.

Mr. Orvis said the road will be 36 feet wide and go 75 feet into the property. He said it is basically a double wide common driveway which will be built to town road specifications although the 36 foot width keeps it from becoming a town road.

Mr. Kestner asked if the 36 foot width is wide enough to address proper drainage. Orvis said the drainage issues have been addressed but there may be a need to obtain an easement to push the snow off the roadway. Mr. Kestner said that drainage and snow removal plans must be included in the plan.

Mr. Laferte asked if combining the two driveways affects the sight line up Ten Rod Road. Mr. Orvis said the road will have a “straight shot” line of sight up the road.

Mr. Kestner noted the plan appeared to depict a utility pole is in the driveway. He suggested the driveway be moved instead of paying to move the utility pole.

Mr. Orvis said the pole is in the right-of-way but is not in the planned paved area. Mr. Kestner advised him to move the driveway five feet to save a lot of trouble and expense. Mr. Orvis said he will look at moving the driveway. He thanked the board for their time.

Continued Discussion of Active and Substantial Development:

Ms. Durfee provided a draft copy of the RSA 674:39 Five Year Exemption Recommended Language for Site Plan Review and Subdivision Regulations. She said she made the recommended changes as per the board discussion on Jan. 13. The changes included adding two footnotes stating “The Planning Board may determine what constitutes active and substantial development on a project by project basis” on pages one and three and fixing the sequence of the lettering she said. She suggested the document go to legal review and then the board should determine where to place the language in the town regulations. Members reviewed the language and consensus was to forward the document to town counsel as presented.

Any Other Business to come before the Board:

Daycare Clarification- Cash Whittemore owner of the property located at 1145 Meaderboro Road (Map R56, Lot 007) came before the board to request a clarification on the number of children allowed to attend his home childcare. Mr. Whittemore said the plan received approval from the board for five children in October 2014. They received a state permit for six children but had to scale it back to the five children approved by the town. He said they intended to come back to get approval for 12 children but the definition of allowed/disallowed uses for home occupation/home business has been updated and caused a conflict with their plans. He added that in the meantime he has been turning away parents looking for childcare.

Discussion included daycare was deleted from home occupation/home business in 2015, daycare is permitted as an accessory use, daycare center or nursery schools with 12 or more children is permitted by review, the state regulates the number of children allowed per square feet, definition of child daycare, if he will have to apply for a variance, the need for an amended site plan and how to move up to the next size level of children.

Mr. Kestner advised Mr. Whittmore to apply for an amended home business site plan and to meet for a technical review with the Code Enforcement Officer and the Fire Chief. Ms. Durfee will send him the amendment and technical review requirements.

K. Natale Property (Ten Rod Road) Update - Ms. Durfee said she discussed the need for verification that the drainage has been properly installed at the site with Code Enforcement Officer Dennis Roseberry. Mr. Roseberry said for a small site like this one, the board can ask the engineer to sign off on the work done or could request the engineer to conduct a site inspection. After some discussion the board decided to ask DPW Director Dale Sprague and Engineer Mike Seivert to inspect the drainage installation and report back to the board.

Potential Workshop Topics- Ms. Durfee asked the board for suggestions for topics they would like to discuss in the coming year. She suggested members continue discussions about the 79-e and TIF Districts, updating the zoning map and then asked for other suggestions. Other possible topics include daycare, sign ordinances and possible zoning amendments for next year. Mr. Kestner asked the board to be thinking about items for the 2016 agenda.

Adjournment:

Martin Laferte motioned to adjourn the meeting; 2nd by Charlie Doke. The motion passed unanimously at 8 p.m.

Respectively submitted,

Kathleen Magoon
Recording Secretary


Charles Doke, Chairman