

**TOWN OF FARMINGTON
PLANNING BOARD MEETING
Tuesday, January 19, 2016
356 Main Street, Farmington, NH**

Board Members Present:

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

Board Members Absent:

Charlie Doke, Chairman-excused

Staff Present:

Liz Durfee, Interim Planner

Others Present:

Michael Sievert
Richard Sevigney III
Duane White
Joseph Coronati, Jones and Beach Engineering
Aaron Wiswell, Rockwell Homes

BUSINESS BEFORE THE BOARD:

Call to Order/Pledge of Allegiance:

Vice Chairman Kestner called the meeting to order at 6:08 p.m. All present stood for the Pledge of Allegiance.

Review of Minutes:

January 5, 2016- Jim Horgan motioned to approve the minutes as written; 2nd by Resta Detwiler. The motion passed 5-0-1 (Vittorioso abstained).

Discussion with Michael Sievert on Map R29, Lot 12-4:

Mike Sievert of MJS Engineering came before the board on behalf of Kathy Natale to discuss her site plan originally approved on April 17, 2012. He said since that time, a good portion of the site work has been completed and when she went to get a building permit she was told she had to meet with the Planning Board because the Site Plan approval had expired. Mr. Sievert said they take issue with that statement because all four conditions of approval were met and approx. 75%

of the site plan has been completed. He said the plan is a small site plan with access off of Ten Rod Road. The culvert, swale, septic system and leach field have been installed, the parking area has been graded, the pad for the foundation has been prepped and the only thing left to complete is the final grading and the pavement he said.

Mr. Sievert said there was one change to the site plan which involved moving the location of the culvert so he submitted a drainage revision to the Planner on May 3, 2012 and requested to be placed on the May 15 agenda to determine if this was a minor change to the approved plan. He said that the change was determined to be minor and could just be included in the as-built plan. Planner Durfee said there was a letter to the Code Enforcement Officer Dennis Roseberry dated March 11, 2012. Sievert said he sent the letter after the building permit was denied. He said he inspected the site again and took photos at the site and then wrote the letter stating the work completed meets RSA 674:39 with regard to substantial completion. He said he does not think Ms. Natale has to come back before the board for another site plan approval to get a building permit issued. He said he has a full set of building plans which he submitted to Ms. Natale but he does not know if those plans were submitted to the town as several builders have been involved in the project. He added he also does structural engineering so he did the foundation and structural design of the building. The plans were also stamped by an architect he said.

Mr. Kestner said when the presentation for the plan was given to the board there was no information regarding any architectural design for the proposed building. It was nothing more than a "block out" of a 672 sq. ft. building. Those architectural drawings would need to be submitted to the CEO Kestner said.

Ms. Durfee said the CEO did not receive proper commercial architectural plans prior to the expiration of the site plan approval and did not accept any plans submitted after the expiration. Her understanding is the CEO has received multiple submissions of a more residential site plan for the site. He hasn't looked at Mr. Sievert's plans yet she said.

Mr. Kestner said Mr. Sievert stated he abided by the substantial completion requirements of RSA 674 and asked if the applicant needs to submit the actual plans for what she is actually proposing to be placed there.

Ms. Durfee said the conditional approval expired in 2013. She said she discussed the condition stating "All applicable state and local regulations must be met" with Mr. Sievert and Ms. Natale. She said a building permit is a local regulation which had not been received so all of the conditions had not been met. She said the Planning Office also did not receive a report outlining what has been completed at the site when the new architectural plans were submitted and did not know what the status of the development was at that time. The CEO was under the impression

that not much had been completed as nothing had been verified she said.

Mr. Kestner asked what the next step is for the applicant. Ms. Durfee said it is up to the board to determine if they would grant an extension, allow the applicant to submit the drawings for the plan that has already been approved or submit the entire site plan application again.

Mr. Horgan asked for a clarification as to what the applicant needs to submit to the CEO. Ms. Durfee said he needs the approval from the planning board that this application can still be considered active and to determine if substantial development has occurred.

Mr. Kestner asked if it would be applicable for the applicant's agent to file for an extension. Ms. Durfee said the window to file for an extension has expired if active and substantial development has not occurred. She suggested the board must first determine if active and substantial development has occurred at the site before they can determine what the next step for the applicant will be.

Mr. Kestner asked Mr. Sievert if any applications for an extension had been submitted. Mr. Sievert said there had not been any extensions filed.

Anthony Vittorioso said the initial site plan review was approved in April 2012. Ms. Durfee then said there was an application for an extension submitted in January 2015 which was reviewed by the previous interim Planner. The determination was the applicant did not request the extension on time but she could not recall if a determination regarding active and substantial development had been made and would need to further review the file.

Mr. Sievert asked if board members could meet on site and determine if substantial development has occurred and if it is, the expiration issues are null and void and a building permit could be issued when satisfactory plans are submitted.

Mr. Kestner said that no inspections of the work have been conducted to insure the work has been completed correctly other than Mr. Sievert's own inspection of the site. There is no way for the CEO or the Public Works Director to confirm the sub-grade materials are of appropriate quality, if the culvert is installed properly, etc. If documentation was provided when those tasks were done that may help bolster the applicant's argument that substantial development has occurred he said.

Mr. Sievert said he did not think the town was required to perform any inspections at the site. Mr. Kestner said someone from the town would have been there to check on the progress of the work if they had known that progress was underway. He added that maybe that is where the breakdown has transpired as there isn't much notation regarding the request for the extension.

Ms. Durfee said she found an e-mail from the former interim Planner, dated Jan.29, stating the approval is invalid and recommended the applicant reapply as there was no active application to extend the approval timeframe and it would be subject to changes in zoning regulations. The Planner also stated the site was not in violation of any existing zoning regulations. She added there are a set of photos but it is not known who took them or when they were taken.

Mr. Horgan suggested a new application has to be submitted but the applicant does not have to come back before the board. He then suggested the board request the Building Inspector and Public Works Director review the progress at the site and provide the board with the results of the inspection which would then allow the board to make a decision on the application.

Ms. Durfee said if the applicant submits a new application it has to be reviewed and reapproved by the board but it could be the same application assuming nothing has changed to impact the approval.

Mr. Vittorioso then read a paragraph from the January 6, 2015 meeting minutes which recounted a discussion with the former Town Planner suggesting the board could request that the applicant reapply for site plan approval and to attend a public hearing to discuss the matter.

Mr. Horgan suggested the board request that FST/Santec inspect the site and provide a report to the board prior to scheduling a public hearing.

Mr. Kestner then advised Mr. Sievert that he needs to reapply for site plan approval. Mr. Horgan added he could resubmit the original application providing there are no significant changes to the plan.

Ms. Durfee said the site visit by the Town's engineer would be at the expense of the applicant. Mr. Kestner suggested Mr. Sievert should provide copies of the architectural plans to the CEO at the time of re-application.

Ms. Durfee said abutter notification will be needed for a public hearing and she will check to see if there are funds in escrow for the engineer and if any other documentation is needed from the applicant.

Public Hearing- 6:30 P.M.

New Case:

Request for Design Review By: Rockwell Homes and Brew Brothers, LLC, applicants (Tax Map R20, Lot 23-1) : To allow an Aroma Joe's Coffee Shop Drive-thru and a Self Storage building with related parking. Parcel is owned by Richard Sevigney III, et al and is located on Route 11 in the Commercial Industrial Business Overlay Zoning District.

Vice Chairman Kestner opened the Public Hearing at 6:35 p.m. Joe Coronati of Jones and Beach Engineering told the board that they requested a Design Review hearing to obtain input from the board and the abutters before moving ahead with the proposal. The property is located on Route 11 between the Wagon Wheel and the Farmer's Kitchen. The u-shaped lot surrounds the Wagon Wheel store, has frontage in two places on Route 11 and totals approx. 1.57 acres in size. In 1998 it was noted on the survey plan that there are access easements on both sides of the boundaries with the Wagon Wheel property. These easements were added following the installation of curbed islands to allow centralized access to both sides of property.

Mr. Coronati said they have provided a conceptual plan for two commercial uses at the site. Owners Aaron Wiswell and Rock Bisson operate several Aroma Joe's coffee shops and self storage units throughout NH and ME and are proposing to construct a drive-thru coffee shop and storage units at this site. The 790 sq. ft. Aroma Joe's will be constructed at the front of the property and the 12,000 sq. ft. (40 x 300 ft. long) self- storage building will be constructed at the rear of the property. There would be access from both sides of the storage building so there is paving going all the way around it and doors on all four sides of the building. The building would be fenced in with access from the right side of the property with a coded access gate. The management of the storage building will be off-site and there will be no office or attendant on site he said.

Coronati said the Aroma Joe's will be a drive-through coffee store/restaurant with no seating inside. There will be a menu board and orders will be given to an employee. The customer will then be directed to pick up their order at the next window so there won't be any loud speaker noise at the site. Customers will not need to park their cars so only five parking spaces planned. Customers would enter the site and drive completely around the coffee store to the front of the building to the order window which will create a longer stacking lane for vehicles for this use. Some pre-packaged food will be available that will be warmed up at the site but there will be no cooking or grilling there. A walk-up window is also planned. He then asked the board for their opinions about the layout of the site and the best use of the curb cuts. They have not discussed the plan with the DOT or any other state agencies he said.

Mr. Kestner said the curbed islands were installed as part of the reconfiguration of Route 11, Meetinghouse Hill Road and Route 153 which included the center island and access to the Irving Station across the road.

Mr. Horgan said the DOT will require clear definition of traffic flow and limited access points to address concerns about unsafe conditions caused by random entering and exiting. He added that the store will be located where the traffic lane reduces to one lane and it can sometimes be a tricky spot as some drivers try to get in front of the car in the other lane before the lane reduction. Mr. Coronati said there will be a sign in front of the building as well as signs to direct

traffic flow on site.

Martin Laferte asked what the dotted line at the left end of the coffee store signified. Coronati said it depicts a concrete pad with a knee wall that will be used for temporary storage of deliveries and trash. There is employee access to the area but it is not for customer use he said. Mr. Kestner asked how much vehicle stacking is anticipated at the site. Mr. Coronati said approx. 10-12 vehicles could fit around the building before any vehicle was off the property. Mr. Kestner stated that when the Wagon Wheel gets busy, many of their customers have been using the gravel area on the site for parking. Mr. Coronati said he did not know if the Wagon Wheel has rights to park in that area or if it is something just done by the customers.

Mr. Kestner also stated some concerns about the placement of the dumpster next to Mr. Cardinal's property line and the lack of fencing to block the lights from vehicle traffic into his windows. Mr. Coronati said the dumpster will be fenced in and he would be willing to install a fence along to the property line to help shade the lights. Mr. Kestner then suggested they move the dumpster to the gravel area on the other side of the lot which would also allow more room for the trash truck to empty the dumpster.

Mr. Horgan asked what the plan was for snow removal. Mr. Coronati said there is quite a bit space for snow removal and cited approx. 20 ft. of space between the employee parking and the pavement around the storage building, 10 ft. on either side of the fence around the building, all of the area in front and around the drive-thru and the area around the asphalt surrounding the building. Mr. Kestner said they will need to design some sort of water filtration system because the property is located in the aquifer protection area. Ms. Durfee said the lot exceeds 60% coverage with impervious surfaces and will need an engineering design and drainage calculations for storm water management even if it were not located in the aquifer area. Coronati said this will take place when they get further into the design development.

Ms. Durfee said the lot is located in the Commercial Industrial Business Node Overlay District. Drive-thru restaurants are permitted in the Commercial Business District and storage units are allowed in the Industrial Business District and there is nothing in the zoning regulations that prohibits both uses on the same lot in this district she said.

Planner Durfee suggested a sidewalk be included for safer pedestrian access and the parking rights of the adjacent owners should be clarified. A few of the abutter notices were returned to the town and she suggested the abutters list be checked for correct owner's names and addresses. Mr. Coronati asked if Ms. Durfee was suggesting installation of a sidewalk parallel to Route 11 or on the property out to Route 11. She said if there is going to be a walk up window there should be at least some form of striping to identify pedestrian areas for customers using the window and for employees crossing from the parking area. She asked if the plan includes any

sidewalks around the coffee store. He said it is not currently included in the plan.

Mr. Horgan said they should also be aware that there is a snowmobile trail adjacent to the property. Mr. Kestner said the trail is also used by hikers, bicyclists, ATV and horseback riders so they may see quite a bit of “pedestrian” activity to the site that may be shut off by the current placement of the fence.

Additional discussion included a traffic impact study for this location, demonstrating the maximum number of vehicles to be stacked up at the site, adding a “landing area” at the entrance, the location of the entrances, signs for the entrances, traffic flow, curb cuts, motorcycle parking and traffic islands.

Property owner Richard Sivigney said there is a grandfathered entrance point to the right of the midway point of the property. Mr. Horgan suggested the applicants may want to sit at the site one morning and watch how the vehicles maneuver in and out. Mr. Kestner suggested they also view it on a Saturday or Sunday and called it a “free for all”.

Mr. Horgan said the big items for consideration include the separation from Route 11, entrance locations, screening between the commercial lot and the abutting residence, adequate drainage for snow and storm water run-off, clearly define the pedestrian walk ways with striping, signage for the storage units and coffee store access, downturn the exterior lighting.

Mr. Coronati said they will return with a full application at some point in the near future.

Recess- Mr. Kestner motioned for a five minute recess; 2nd by Mr. Horgan. The motion passed unanimously at 7:33 p.m. The meeting reconvened at 7:45 p.m.

Any Other Business before the Board:

Richard’s Way- Ms. Durfee said she reviewed the file for the subdivision plan and spoke with Candid Arcidy about meeting with the board and that she agreed to return for another meeting. On June 18, 2013 the Planning Board approved the wear course for Richard’s Way be laid as soon as 50 % build out is attained but no later than June 2015. FST/Santec prepared the final report on Feb. 27, 2014 on the drainage and roadway construction for Phase II of the plan and conducted weekly site visits between Dec. 2011 and Sept. 2013. She provided the report, photos of the site and the e-mail from Ms. Arcidy for the board to review. The construction was not substantially completed until the road was paved in May 2013. FST/Santec monitored the drainage installation and stabilized the site with proper grading, erosion control and establishment of vegetation.

Mr. Kestner asked if the board should schedule a date to meet with Ms. Arcidy. He noted there have been no sales of the lots in the subdivision. Ms. Durfee said there is some interest in

purchasing a lot in the spring. He asked if the board wished to take any action or take it up again at their next meeting.

Mr. Horgan suggested she be contacted and asked to come before the board to find out if she can move forward with the plan. Ms. Durfee will put her on the agenda for a future meeting.

Preliminary Conceptual Subdivision Consultations- Ms. Durfee said Chairman Doke received inquiries regarding two potential subdivisions. One is considered a minor subdivision for an abnormal lot with a shared driveway and the second plan, which was originally approved in 2006, is being resubmitted for review. She briefly discussed what needs to be submitted with the applicants and will place them on the Feb. 2 agenda she said.

Public Hearing- Mr. Kestner reminded everyone that a hearing is scheduled for Jan. 26 at 6 p.m. to discuss proposed Zoning Amendments 2 and 3 that were previously improperly posted. This will be a Public Hearing only and will not be a regularly scheduled meeting he said. Resta Detwiler is unable to attend and her absence will be excused.

Agenda Request- Mr. Kestner requested that future agendas include the names of the property owner, applicant and agent as well as the addresses for cases coming before the board. Some members have files on certain cases and this would allow them the opportunity to review the past history of the case and be better prepared for the meeting he said.

Adjournment:

Martin Laferte motioned to adjourn the meeting; 2nd by Jim Horgan. The motion passed unanimously at 7:55 p.m.

Respectively submitted,

Kathleen Magoon, Recording Secretary

Charles Doke, Chairman