

**TOWN OF FARMINGTON  
PLANNING BOARD MEETING  
Tuesday, April 19, 2016**

**356 Main Street, Farmington, NH**

**Minutes**

**Board Members Present:**

David Kestner, Vice Chairman  
Martin Laferte  
Resta Detwiler  
Anthony Vittorioso  
Glen Demers

**Board Members Absent:**

Charlie Doke, Chairman- excused  
Jim Horgan, Selectmen's Rep. - excused

**Town Staff Present:**

Town Administrator Arthur Capello  
Interim Planner Liz Durfee  
Planning Dept. Secretary Diana Proulx

**Others Present:**

Charlie King  
Randy Tetreault, Norway Plains Associates  
Tiphonie Healey  
Duane White  
Scott Dougherty  
Kathy Lancey  
Craig Lancey  
Kaylee Rowell  
Richard Seigney, III  
Joe Coronati, Jones & Beach Engineers, Inc.

**Business before the Board:**

**Call to Order/Pledge of Allegiance:**

Vice Chairman Kestner called the meeting to order at 6:03 p.m. All present stood for the Pledge of Allegiance.

**Review of Minutes:**

April 5, 2016- Tabled to May 3.

**Motion:** Martin Laferte motioned to table the minutes; 2<sup>nd</sup> by Anthony Vittorioso. The motion passed 5-0.

**Ordinances and Regulations Update:**

Ms. Durfee told the board that the ordinances approved at Town Meeting have been added to the town's Zoning Ordinances. A technical edit was also made to the electronic version to allow the user to click on an item in the Table of Contents and go to that item. After the editing and proofreading have been completed copies will be distributed to members and uploaded to the town website she said.

*Aquifer Overlay District Update-* Ms. Durfee said the Strafford Regional Planning Commission received a grant from the Dept. of Environmental Services to update the overlay map. She has also been working with the Assessing Clerk to make it easier for property owners and board members to identify properties in the district. A fact sheet will be available online and at the Planning Office she said. Consensus of the board was to review the additions at their workshop session on May 3.

**New Case:**

**Application for Minor Boundary Line Adjustment by Charles W. & Kathleen King through Norway Plains Associates, Inc., as Agent (Tax Map R4, Lots 1, 1-1, and 2): The applicants propose to annex 4.75 acres from R4 Lot 1 to R4 Lot 1-1 and to annex 38.03 acres of R4 Lot 1 to R4 Lot 2. Proposed lot area for R4 Lot 1-1 is 7.59 acres. Proposed lot area for R4 Lot 2 is 65 acres. The parcels are located in the Agricultural Residential (AR) District at 135 Ten Rod Road and owned by Charles W. and Kathleen King.**

Mr. Tetreault told the board there are 3 existing lots with one landlocked piece behind the residence that is accessed by a right-of-way. The proposal is to keep the same configuration of the lots, eliminate R4, Lot 1 and to annex some of the lot to the residential lot and some to the landlocked piece resulting in two lots. There is an existing residence, barn, well and septic system. No waivers were requested.

Mr. King explained some reasons for combining the lots in this way include not to disturb existing stone walls and fruit trees and to leave space for future development. It will put the barn on the same lot as the residence and not on a separate lot which was allowed at one time but is not currently allowed. He said they have also applied to put 65 acres of the property into the current use classification.

Discussion included eliminating/combining lots is a lot merger not a boundary line adjustment, a boundary line adjustment is a subdivision, the proposed boundary line adjustment doesn't meet the 250' minimum road frontage requirement for the AR District, the proposal creates a non-conforming lot with approx. 100' of frontage, revising the lot line to satisfy the 250' requirement, the board can't approve an action to make a lot more non-conforming, some abutters are missing from the plan, a merger requires review by the Assessing Clerk and the Code Enforcement Officer.

Discussion also included use of Lot 1 to expand the road frontage to 250', set aside property from current use to allow for existing structures and possible future development.

Mr. Kestner said the board could not approve the application as submitted and suggested the applicants would have to submit a new plan/application and return to the board for review.

Mr. King said he was agreeable to increasing the road frontage to 250' and that lot line revisions could be made during this meeting.

Mr. Tetreault suggested the merger of the lots could be done by voluntary merger at a later date and that the abutter information for the third lot would not be needed as no activity/changes would take place there. The rest of the application would remain the same he said.

Mr. King added that he should not have to submit two applications, two abutters' lists, appear before the board twice and pay all of the associated costs.

Ms. Durfee said she felt there was no reason to continue the review to a second meeting if there is no significant difference between the original application and the proposed revision if the board intended to approve the revised application at the next meeting.

Mr. Kestner asked for comments by any abutters or the public. There were no abutters present. There were no public comments on the matter.

**Motion:** Martin Laferte motioned to conditionally approve the application for boundary line adjustment contingent on receipt of a revised plan showing 250 feet of road frontage, to annex 1.465 acres from R4, Lot 1 to R4, Lot 1-1 and removal of the back lot line abandonment for R4, Lot 2; 2<sup>nd</sup> by Glen Demers. The motion passed unanimously.

**Recess-** Martin Laferte motioned for a 5 minute recess; 2<sup>nd</sup> by Anthony Vittorioso. The motion passed unanimously at 6:45 p.m. The meeting reconvened at 6:55 p.m.

### **Public Hearing-6:30 p.m.**

#### **New Cases:**

**Application for Minor Subdivision by Farmington Realty, LLC through Norway Plains Associates, Inc. as Agent (Tax Map U10 Lot 37): The applicant proposes to create two lots from the existing 1.27 acre parcel resulting in lots of 0.35 and 0.93 acres each with an existing residence. The parcel is located at 77/71 Bunker Street in the Urban Residential (UR) District and is owned by Craig A.Lancey, RW Real Estate, LLC.**

Glen Demers recused himself from the board during this case due to a past history with the applicant. Mr. Tetreault told the board he met with the Technical Review Committee (TRC) and made some slight adjustments to the plan. The applicant proposes to create a two lot subdivision based on a directive through a variance from minimum lot size requirements. The property contains the existing single family home (71 Bunker Street) and a four unit apartment building (77 Bunker Street). The lots will become U10 Lot 37(71 Bunker St.-single family home) and U10 Lot 37-1(77 Bunker St.-apartment building) as per the

Assessing Clerk. Both lots have town sewer and water. No further development of the lots is planned so he requested waivers from the site features work he said.

Ms. Durfee said seven waiver requests were submitted on one form and are required to be submitted on separate forms with justification for each request so that each one can be voted on and filed individually.

Mr. Tetreault then provided a form for each waiver request with related photos.

He said the TRC noted there were several “housekeeping” issues needing correction on the plan which have been addressed including wrong note numbers, add the variance language to the plan, incorrect address, discrepancy between the square footage and acreage, and the lack of monument descriptions. He also displayed an aerial photo that depicted the natural vegetation on the ridge between the two structures that was used as a natural boundary line.

Ms. Durfee said the main issue at the TRC meeting was drainage and the status of the storm water drainage system due to the large parking lot on the property. She suggested the entire system may not have been installed raising concerns that water may flow onto an abutter’s property.

Mr. Tetreault said the drainage plan for site was previously approved by the town but Norway Plains did not provide the original engineering plan. Norway Plains has copies of the original approvals which state the drainage system is sufficient for the site. He noted the pitched parking lot was originally designed with a detention basin but was changed to an infiltration system where run off enters a dry well as required by the Code Enforcement Officer in 2006. He added that an engineer from Norway Plains recently visited the site to review the drainage system for the apartment building and provided a letter stating that any drainage would be contained to that site.

Mr. Kestner asked the board for questions/comments. There were no comments.

**Motion:** Martin Laferte motioned to accept the application as substantially complete; 2<sup>nd</sup> by Anthony Vittorioso. The motion passed 4-0.

Mr. Kestner then asked if there were any comments from the public at 7:10 p.m. Hearing none, he closed the public comment portion of the hearing at 7:12 p.m.

Mr. Kestner noted that an abutter complaint was received by Code Enforcement Officer Dennis Roseberry that stated there is some sort of system coming out of the house that is diverted toward the complainant’s house. Mr. Roseberry noted in the memo that 71/77 Bunker Street drops off toward her house.

Mr. Tetreault said that it was a sump pump hose outlet and a dry well was installed and the hose was rerouted to the dry well. A memo from Mr. Roseberry stated that the matter was resolved.

Mr. Kestner again asked for public comment. Hearing no comments he then asked the board to address the seven waiver requests.

**1. Motion:** Anthony Vittorioso motioned to waive Section 8, Submission Requirements (H) (18) Existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary,

Explanation of request- Both proposed and remaining lots are fully developed with existing structures and connections to municipal water and sewer;

2<sup>nd</sup> by David Kestner. The motion passed 4-0.

**2. Motion:** Anthony Vittorioso motioned to waive Section 8 Submission Requirements (H) (19) soil and wetland delineation,

Explanation of request - Both proposed and remaining lots are fully developed with existing structures with access to water and sewer with no future development proposed and no topographic or wetland issues exist therefore requiring a topographical survey of the property is unnecessary;

2<sup>nd</sup> by Martin Laferte. The motion passed 4-0.

**3. Motion:** Anthony Vittorioso motioned to waive Section 8 Submission Requirements (H) (20) Location of percolation tests and test results and outline of 4,000 square foot septic area with any applicable setback lines,

Explanation of request- Both proposed and remaining lots are fully developed with existing structures connected to municipal water and sewer therefore perc tests and septic systems are not necessary;

2<sup>nd</sup> by Resta Detwiler. The motion passed 4-0.

**4. Motion:** Anthony Vittorioso motioned to waive Section 9 Specific Plan Requirement (B) Specific Plan Information – Existing Site Conditions (4) Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%),

Explanation of request- Both proposed and remaining lots are fully developed with existing structures with connections to municipal water and sewer. No future development is proposed;

2<sup>nd</sup> by Martin Laferte. The motion passed 4-0.

**5. Motion:** Anthony Vittorioso motioned to waive Section 9 Specific Plan Requirement (B) Specific Plan Information – Existing Site Conditions (5) The location of existing drainage systems, structures and drainage easements if any,

Explanation of request- Both proposed and remaining lots are fully developed with existing structures with connections to municipal water and sewer. No future development is proposed;

2<sup>nd</sup> by Martin Laferte. The motion passed 4-0.

**6. Motion:** Anthony Vittorioso motioned to waive Section 9 Specific Plan Requirement (B) Specific Plan Information – Existing Site Conditions (7) Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Farmington Wetlands Ordinance, wetlands shall be identified by a NH certified soil scientist or NH certified wetland scientist,

Explanation of request- Both proposed and remaining lots are fully developed with existing structures and connections to municipal water and sewer. No wetland issues, rock outcrops, ledge, wooded areas exist and no future development is proposed;

2<sup>nd</sup> by Martin Laferte. The motion passed 4-0.

**7. Motion:** Anthony Vittorioso motioned to waive Section 9 Specific Plan Requirement (C) Proposed Site Conditions (1) Proposed grades and topographic contours at intervals not exceeding five (5) feet with elevations where the grade is less than five percent (5%),

Explanation of request- Both proposed and remaining lots are fully developed with existing structures and connections to municipal water and sewer and drainage systems are in place. Further, individual wells or septic systems are not required and no further development is proposed making the requirement for grades and topographical contours at five foot intervals unnecessary;

2<sup>nd</sup> by Martin Laferte. The motion passed 4-0.

Mr. Kestner asked if there was any other discussion on the proposal. There were no additional comments.

**Motion:** Martin Laferte motioned to approve the application for minor subdivision pending the condition that the monuments are to be set; 2<sup>nd</sup> by Resta Detwiler. The motion passed 4-0.

**Recess-** Martin Laferte motioned to take a five minute recess; 2<sup>nd</sup> by Anthony Vittorioso. The motion passed 4-0 at 7:22 p.m. The meeting reconvened at 7:30 p.m.

Mr. Demers rejoined the board.

**Application for Major Site Plan Review by Brew Brothers, LLC through Jones & Beach Engineers, Inc. as Agent (Tax Map R-20, Lot 23-1): The applicant proposes to construct an Aroma Joe's coffee shop and self storage facility. The parcel is located on NH Route 11 and is located in the Commercial Industrial Business (CIBO) District. Parcel is owned by Richard Sevigney, III.**

Joe Coronati returned to the board to continue the design review of the Aroma Joe's/storage facility proposal. He said the property has been surveyed and gave the board color copies of the revised plan. He noted the design/location of the coffee shop and storage facility (reduced to 40' x 280') is mostly unchanged. He pointed out changes/additions to the Aroma Joe's portion of the property include the curb

cut was moved away from the convenience store to allow for its own entrance, the dumpster was moved to the right rear of coffee shop with screening and a loading zone, a walk-up window was added to the rear of the shop, an advanced on-site septic system design will be installed, a well will be located mid-lot and there will be storm water infiltration detention in front and back of the shop.

He said the storage facility will have its own gated entrance between the convenience store and the Farmer's Kitchen, the island along the east property line has been cut back to facilitate access to the storage units and the abutting property, driving access will go around the building with doors/parking on both sides, the building will be completely fenced in for security, security lighting will be installed on the building, the access road will be curbed with catch basins and below ground storm water infiltration systems under the parking area, DOT has dictated there must be a curb as Route 11 is controlled access road but the permit has not been received, one sign will be located in front of coffee shop and one sign for the storage facility at its entrance, additional landscaping is planned for along the abutters' property lines to break up noise and lights and to better define property lines.

Ms. Durfee reported the Technical Review Committee had a long list of issues with the plan including a traffic impact study, landscaping, pending septic permit, lack of DOT permit for the curb cut, screening, lighting, storm water containment, connecting the sidewalks for safer employee/pedestrian access and requested a site plan review by Stantec engineers.

Member discussion included sufficient parking, lack of a traffic impact study, several clerical errors on the cover sheet and plan, handling excess snow/plowing, submit a tractor trailer turning/loading plan, limiting the size of delivery vehicles, minimizing site/vehicle lighting impact on abutters and landscaping. Mr. Kestner opened the hearing to public comment at 8:05 p.m.

Mr. King said he felt the plan contains sufficient parking spaces as typically only two vehicles are parked at a similar shop in Somersworth. He said there is town water available in that area and asked why the shop would not be connected to town water based on the distance from the road as per town policy. He added that it would be cheaper than putting a well too.

Ms. Durfee said she was not aware of the availability of town water there as it did not come up at the TRC meeting but said she will check into the matter.

Ms. Durfee reminded viewers that any abutters unable to attend the hearing may submit comments in writing to the Planning Dept. Office which will be read by the board at the following meeting.

Additional discussion included correct addresses of owners, applicants and abutters, the abutter's propane tank, utility pole and well are located on the applicant's property, number of cars "queing" at the coffee shop, hours of operation and the locations of catch basins.

The owner of the Farmer's Kitchen said he was concerned with the safety of drivers pulling in and out of the properties along that side of Route 11. He said he had 113,000 people exiting and entering last year at his site and suggested they look at something that would make it safer for all three businesses in that area. He added the proposed curb cut may pose some obstacles to his business.

Mr. Kestner said he did not know what the board could do other than asking the applicant to consider cutting the curb back another 5 feet.

Mr. Kestner asked Mr. Coronati to supply the footage from the island on Rt. 11 to proposed curb to determine how much space would be available for vehicles trying to maneuver around each other. Mr. Coronati said there would be 24'. He suggested his client may agree to create an opening in the back part of the curb along the property line to allow another entrance between the Farmer's Kitchen and the storage building.

Ms. Durfee then asked him to include an outline of the Farmer's Kitchen on the plan to clarify some of issues raised.

Vice Chairman Kestner then closed public hearing.

**Motion:** Martin Laferte moved to not accept the application as complete due to the following issues;

- 1). A review by Stantec Engineering has not been completed,
- 2). The lack of traffic analysis and impact study,
- 3). Abutter's concerns,
- 4). Snow storage,
- 5). Truck delivery issues,
- 6) Landscaping issues,
- 7). Clerical corrections;

2<sup>nd</sup> by Anthony Vittorioso. The motion passed unanimously.

**Motion:** Martin Laferte motioned to continue the site plan review to May 17; 2<sup>nd</sup> by Glen Demers. The motion passed unanimously.

**Any Other Business to come Before the Board:** None.

**Adjournment:**

**Motion:** Anthony Vittorioso motioned to adjourn the meeting; 2<sup>nd</sup> by Glen Demers. The motion passed unanimously at 8:50 p.m.

Respectively submitted,

Kathleen Magoon  
Recording Secretary

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Vice Chairman, David Kestner