

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, February 21, 2017

**Board Members Present:**

David Kestner  
Jim Horgan  
Bill Fisher  
Martin Laferte

**Board Members Absent:**

Charlie Doke, Chairman, excused

**Others Present:**

Liz Durfee, Interim Planner  
Att. Emmanuel Krasner  
Elsie Haig  
Bobbie Stormann  
Dana Joy  
Att. Chris Wyskiel  
Duane White  
D. Grondin  
Robert Riley  
Joseph Coronati

**BUSINESS BEFORE THE BOARD:**

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

Vice Chairman Kestner called the meeting to order at 6 p.m. All present stood for the Pledge of Allegiance. Mr. Kestner apologized to those applicants scheduled to appear before the board at the Feb. 7 meeting that was canceled due to inclement weather.

**Review Meeting Minutes:**

January 17, 2017- No errors or omissions found

Mr. Laferte motioned to accept the minutes as written; 2<sup>nd</sup> by Mr. Horgan  
The motion passed 4-0.

**Items Postponed from 2/7/17 Planning Board Meeting Agenda Due to Meeting**

**Cancelation:**

Voluntary Lot Merger Application submitted by Lounes Yacoub for Tax Map R-14 Lot 001, R14-Lot 002, and R-14 Lot 003. The new lot number will be R-14 Lot 001.

Ms. Durfee told the board that the voluntary merger application for 3 pre-existing lots located at 291 NH Route 11 has been signed off by the CEO/Building Inspector, Tax Collector and the Assessing Clerk.

Motion: Mr. Horgan motioned to accept the voluntary merger of Tax Map R14, Lots 001,002, and 003;  
2<sup>nd</sup> by Mr. Kestner. The motion passed 4-0.

Request for Statement of Lot Status of Tax Map R14, Lot 15-1 submitted by Emmanuel Krasner, Esq.

Mr. Krasner presented the request on behalf of D & D Grondin Builders with D. Grondin present at the meeting. He said they bought the properties located off Route 11 which consist of 2 parcels located on the east and west sides of the old state railroad right-of-way which is now state owned. He said the owners are attempting to sell the front property where the house is located to a third party and a title search raised a question as to whether the parcel is 1 or 2 lots

because of an existing plan showing the railroad tracks are located on an easement. The surveyor showed the land as 1 lot with a right-of-way over it because he did not realize the railroad owned that strip of land. The site plan then was used for a boundary line adjustment which was approved by a previous Planning Board. He said the title attorney doesn't want to certify the title until he has a written response from the current Planning Board stating that the parcel consists of 2 separate lots.

He added that Assessing Clerk Kelly Heon agrees that the Town recognizes the land as 2 separate lots and stated so in a memo to the board.

Attorney Krasner said Town Attorney Keriann Roman had questioned how the Town could be sure that the lots depicted on the railroad plan are the right lots now under consideration and requested a letter from a surveyor.

In a memo to Att. Krasner, Surveyor Randy Tetreault of Norway Plains Associates, Inc. outlined the history of the land and concluded that the parcel is 2 separate lots separated by the former railroad land now owned by NH DOT.

Mr. Krasner said the conclusions of the Assessing Clerk and the Surveyor agree with his own research and asked the board to provide a statement that the parcel is comprised of 2 separate lots.

Ms. Durfee said she had no issues with the request and said that Attorney Roman was satisfied with Mr. Tetreault's explanation in his memo.

Mr. Horgan asked for the size of the lots.

Mr. Krasner said the larger lot is just less than 5 acres and the smaller lot is approx. 40,000 sq. ft.

Ms. Durfee said the smaller lot is a non-conforming lot. In 2000, a lot line adjustment was approved by the Planning Board and the area for the septic system included the railroad right-of-way. There may be a future issue with the septic system depending on the intended use of the lot she said.

Mr. Krasner said the parcel was approved for a 3 bedroom septic system and is working but future discussions with the state may be necessary.

Mr. Horgan added the Zoning Board of Adjustment approved the variance for a single family home making the lot what it is today.

Ms. Durfee said there was some discussion whether the variance occurred on 1 or 2 lots. She said it appears that the variance goes with Lot 15-1 but not with Lot 15 itself.

Ms. Durfee asked Mr. Krasner if he wished to have a letter from the board or if the meeting minutes would be sufficient.

Mr. Krasner said he would prefer a letter from the board to present to the title attorney.

Mr. Horgan motioned to recognize Tax Map R14, Lot 15 and Tax Map R14, Lot 15-1 as 2 separate lots; 2<sup>nd</sup> by Mr. Laferte. The motion passed 4-0.

Ms. Durfee said she will draft the letter, provide it to board for review and approval and then forward it to Mr. Krasner.

#### **Other Business:**

Appointment to Strafford Regional Planning Commission (SRPC) - Ms. Durfee said the Commission is looking for 2 people from Farmington to fill vacancies on the Metropolitan Policy Planning Committee and the Board of Directors for Strafford Economic Development District.

She said the committee meets 4 times a year and does not require a significant amount of time to be a member of the committee. The Planning Board would nominate a potential member and forward their recommendation to the Board of Selectmen for appointment she said.

Motion: Mr. Horgan motioned to nominate John Law to represent Farmington as a Commissioner on the SRPC; 2<sup>nd</sup> by Mr. Fisher. The motion passed 4-0.

Mr. Laferte said he is available to fill the 2<sup>nd</sup> Commissioner opening if the board would like him to do so.

Motion: Mr. Horgan motioned to nominate Mr. Laferte to represent Farmington as a Commissioner and forward the nomination to the Board of Selectmen for approval; 2<sup>nd</sup> by Mr. Kestner.

The motion passed 4-0.

Economic Development Community Meeting- Resident Bobbie Stormann invited board members to attend a community meeting to discuss economic development with UNH Cooperative Extension Program Team Leader Charlie French scheduled for March 9 at 6:30 p.m. in the Town Hall.

Recess: Mr. Horgan motioned to take a recess until 6:30; 2<sup>nd</sup> by Mr. Laferte. The motion passed 4-0. The meeting reconvened at 6:33 p.m.

### **Public Hearing – 6:30 p.m.**

Application for Minor Site Plan Review by Joy's HVAC Services Inc. (Tax Map R03, Lot 10): The applicant proposes to locate their heating, air conditioning, refrigeration service and installation company at the site. The parcel is located at 6 NH Route 11 and in the Commercial Industrial Business (CIBO) District. The parcel is owned by Corwin Real Estate Investment.

Dana Joy, President of Joy's HVAC Services, Inc. told the board he intends to purchase the property at 6 NH Rte. 11 and move the business from its current 27 Main St. location to the Rte. 11 site. He said the business will operate as office with 4 office staff and 6 field staff. He said there will be no manufacturing at the site.

Ms. Durfee recommended the sketch of the parking lot include the location of parking for larger trucks using the lot.

Mr. Joy said the business is not a retail business as the service staff goes out to sell/service commercial and residential clients and take the vans home at night. He said there would be a maximum of 8 trucks/vans and 4 office staff vehicles plus 1 early morning daily delivery and 1-2 afternoon deliveries a week as needed. He added there is room for a small expansion to the lot if needed.

Ms. Durfee asked if Mr. Joy intended to have a sign at the site.

Mr. Joy said he planned to have a non-digital sign similar to the Barron Bros. sign after he becomes the property owner. He said for now he planned to reinstall the old Rainbow Vacuum sign which is wooden structure to be located off the road

Mr. Kestner said the plan does not depict any details for a sign at the site.

Mr. Joy said he didn't think about including a sign as it does not matter if he has or does not have a sign at the site.

Mr. Kestner said the scope of services estimate provided by Norway Plains Associates included a sketch which usually indicates some sort of a survey plan and suggested that if there is any

consideration of installing a sign that could be included now to save time and money by not having to reapply for approval of the sign at a later date.

Mr. Joy said the drawing submitted is from the current owner and the survey map came from Norway Plains from when the property was previously up for sale.

Ms. Durfee said the proposal qualifies for minor site plan review and that a survey plan is not required. She expressed concern about parking and visibility from the parking lot.

Mr. Joy said he will operate a private office and is not selling to anyone. He added that the site has enough clearance for fire and emergency vehicles to enter and exit the site and did not understand what her concern is.

Ms. Durfee said that usually the board needs to have information about everything that will go on at the site which includes if there is enough room for emergency vehicles.

Mr. Joy said there are no set parking lines or spaces in the lot.

Mr. Kestner said the board needs to know the square footage of the depth and width of the parking area to determine if there is enough room for the office staff vehicles and Fire Dept. apparatus. He said they need something for the Code Enforcement Officer to work with and supplying a little more information would make the application "fly through" more easily.

Mr. Joy said he came to the Town to find out the process and then talked to Ms. Durfee and found out what he was not told by the Town after he had already signed the lease on the property. He said he did not care about a sign but did care about continuing his business in the Commercial Business District. He said he had no problem going to a future meeting for a sign if needed and just wanted to know what he needs to be there legally.

Mr. Horgan noted Mr. Joy is currently renting the property and would have to return to the board if he purchases the property.

Mr. Fisher asked about the surface of the 30 foot space around the building.

Mr. Joy said the area has scrub brush and could be used for additional parking if needed.

Ms. Durfee said she has met with Mr. Joy previously and noted that the Town has been going "back and forth" about this matter since last summer.

Mr. Joy added that he met with the Code Enforcement Officer and then suggested a paper checklist of materials/information needed when submitting an application for site plan review as the ordinances are confusing.

Motion- Mr. Horgan motioned to accept the application as substantially complete contingent upon receipt of the total square footage of the front parking area from the building out to the street and to return to the board in 1 year with an update on the status of the lot if he becomes the new owner of the lot.

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

Ms. Durfee asked if Mr. Joy should provide a copy of the septic permit.

Mr. Joy said the system was built for a 2 bedroom home and has been pumped every 2 years. He said there 7 people there daily with no issues.

Ms. Durfee added the board would need the dimensions of any sign planned within the next 90 days.

Mr. Joy said he did not intend to submit any proposal for a sign.

Application for Amended 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 amend the Site

Plan for an Aroma Joe's coffee shop that was approved on July 19, 2016 to include a revised entrance from NH Route 11. The parcel is located on NH Route 11 and in the Commercial Industrial Business District. The parcel is owned by Aaron Wiswell and Rock Bisson, Brew Brothers, LLC.

Ms. Durfee told the board the property which is owned by 471 Route 11 LLC was conditionally approved at the last meeting.

Joseph Coronati Senior Project Manager, Jones & Beach Engineers, Inc. came forward as Agent for the applicants. He told the board that one of the conditions of approval was to obtain a DOT driveway permit which was more difficult to obtain than he thought it would be. He said the applicants proposed to use the access easement adjacent to the Wagon Wheel as an entrance to the coffee shop. DOT asked them to use the easement or close one of the entrances to the property. The applicants proposed they keep the entrance off Route 11 and close the entrance next to the Wagon Wheel he said.

Following several meetings with the DOT the applicant received concept approval for access to the property from Route 11 and they then modified the entrance to the Wagon Wheel. The applicant will seek a Special Exception from the Zoning Board of Adjustment and apply for a lot line adjustment with Farmer's Kitchen which abuts the property. The owner of the Farmer's Kitchen will purchase approx. 12,904 sq. ft. of land from the applicant in order to keep the portion of the parking area that encroaches on the applicant's property.

Mr. Coronati said the proposed site is designed with additional eco-pavers in parking, loading and sidewalk areas to keep the impervious area below the 15% threshold.

Ms. Durfee said if the amount of impervious area is more than 15% of the parcel then a Special Use Permit would be required. She added that the application for the Special Exception is scheduled to be heard by the ZBA on Thursday, March 2.

Mr. Horgan asked about the separation between the Wagon Wheel and Aroma Joe's and if asphalt curbing would be required between the entrances.

Mr. Coronati said plan calls for a raised island but does not require asphalt curbing. He added that the state requires curbing within their right-of-way.

Mr. Coronati said there is no change to the 5 parking spaces on the plan except for the addition of the eco-pavers.

Mr. Horgan asked if the lot line adjustment will negatively affect the Farmer's Kitchen.

Ms. Durfee said the main issue is the access in and out of the site which is not within the Town's control as it is a state road. She said the revised entrance concept seems to make more sense and should not affect the Farmer's Kitchen.

Mr. Coronati said the revisions also include an agreement with the Farmer's Kitchen to provide access to their property through a back portion of the applicant's u-shaped lot.

Ms. Durfee said the Technical Review Committee (TRC) suggested the plan include a 2 inch drainage pipe for future development instead of the 1 inch pipe depicted in the plan.

Mr. Kestner questioned the ability to supersede an easement granted in 1989 which exists in perpetuity for 2 accesses to the Wagon Wheel property. He said the applicant plans to do away with one of the accesses and that he did not see any agreement with the Wagon Wheel to supersede the easement among the materials submitted.

Mr. Coronati said the DOT met with both the applicant and the Wagon Wheel owner and they have documents showing they agree with the proposed new rectangular easement from Rte. 11

to their property.

Ms. Durfee said the changes to the easement should be reviewed by the Town's legal counsel.

Mr. Kestner said he would like to see a statement of what are the legal issues involved in subjugating an easement.

Ms. Durfee noted the property owners have agreed to the design change of the easement.

Mr. Coronati said the agreement requires an easement deed release where the owners would agree to release the east easement and grant a new easement.

Mr. Kestner said the easement to the right side of the Wagon Wheel lot will come into play for the Special Exception to change property line. He added that he was assuming the utility company probably has an easement for the poles on the property but acknowledged that some poles were installed without an easement back in the 1960's.

Mr. Kestner then opened the meeting to public input at 7:25 p.m.

Attorney Chris Wyskiel said the parties could co-sign an easement release and then accept modifications to the parcel.

Mr. Kestner said the warranty deed for the property affects both sides of the property.

Abutter Robert Riley asked if the Special Exception variance will affect the rear of the applicants' property or his property line.

Att. Wyskiel said the variance would not affect Mr. Riley's property line.

Ms. Durfee then reviewed the conditions of approval set at the July 16 board meeting. The conditions included receipt of the DOT driveway permit, copy of the easement agreement for review by Town counsel, update the drainage report, soil verification, edits to the plan, cross references, correct the rainfall analysis and remove the 2<sup>nd</sup> page.

Mr. Coronati said the site soil confirmations have not been completed as he is not sure what is being requested in the Stantec memo. He said he will have an engineer contact the engineering firm for clarification of the matter.

Ms. Durfee said the technical edits to the plan include mulch application, drainage analysis, increase the volume of mulch and if the revised lot area with the boundary line adjustment will be more than 15% impervious cover.

Mr. Coronati said the plan now calls to add land and pavers at the site and the simplest way to handle it would be to state that whatever happens at the site the amount of impervious lot cover will be no more than 15%.

Ms. Durfee said additional conditions include increasing the water pipe size to 2 inches, vinyl fencing and vegetation and site specific building plans to be submitted to the Code Enforcement Officer when the building permit application is filed.

Mr. Horgan motioned to accept the amended site plan contingent upon receipt of the DOT access permit, soil verifications and a legal review of the easement submitted to the Planner; 2<sup>nd</sup> by Mr. Laferte.

The motion and 2<sup>nd</sup> were withdrawn by Mr. Horgan and Mr. Laferte.

Mr. Horgan motioned to accept the application as substantially complete as presented; 2<sup>nd</sup> by Mr. Laferte. The motion passed 4-0.

Mr. Kestner closed the public hearing at 7:40 p.m.

Recess- Vice Chairman Kestner called for a 5 minute recess at 7:40 p.m. The meeting reconvened at 7:50 p.m.

Application for Site Plan Review by Stephen Longmuir and Farmington Donuts, LLC (Tax Map R31, Lots 25 & 26): The applicant proposes to reconfigure the pavement on the 2 parcels to

allow vehicular access to and from Main Street (NH Route 153) across R31, Lot 26 to R31, Lot 25 to allow customers to avoid NH Route 11. The parcels are located at 41 NH Route 11 and 6 Main Street in the Commercial Industrial Business (CIBO) District. R31, Lot 25 is owned by Farmington Donuts, LLC. R31, Lot 26 is owned by Stephen Longmuir.

Surveyor Randy Orvis of Geometres Blue Hills, LLC came forward as Agent for the applicant. Mr. Orvis said that he was representing applicant Stephen Longmuir who is the principal owner of both lots. He said the existing site plan for Honey Dew Donuts (Lot 25) calls for entrance to the site from NH Route 11. There is a building behind the donut shop at the rear of the lot that once housed a machine shop which is now occupied by Henderson Hydroseeding LLC. The adjacent corner lot (Lot 26) is the former site of a residence, restaurant and a daycare center and is currently vacant he said.

Mr. Orvis said the purpose of the application is to make a connection between Lots 25 and 26 to allow customers to access the donut shop from Main Street and avoid the need to enter and exit the site on Route 11. He said there will be little change in the amount of open/green space with a net loss of 147 sq. ft. of green space on Lot 25 and a net loss of 285 sq. ft. on Lot 26 for a total of 432 sq. ft. in green space reduction.

Mr. Orvis said he has not yet received the DOT driveway permit for the project He said he was informed by a DOT representative that there is no existing permit for the entrance as the existing driveway was built by the state during the construction of Route 11.

Ms. Durfee asked about drainage and the circulation of vehicles for business located at the rear of the donut shop lot. She noted that that business and portion of the lot did not go through the Code Enforcement Officer or the Planning Board process.

Mr. Orvis said the rear building experienced a change of use only and the CEO was notified.

Ms. Durfee said a change of use requires the owner/applicant to go through the site plan review process as the board should discuss and determine when a change of use applies and when a site plan review is required. She said this should apply to all applicants for the sake of consistency.

Mr. Orvis said he was not sure of the procedure for the former/current owners of rear building but was told that the owner said he was told by someone in the CEO's office that no paperwork was needed to change the use from the former machine shop to the present hydroseeding company.

Ms. Durfee said they have talked about creating a guidance sheet to help applicants navigate the procedures. She added that they could not act on the site plan before the board without addressing this issue.

Mr. Kestner asked how the existing conditions will be impacted by the applicant's proposal.

Mr. Orvis said the hydroseeding company sells equipment to contractors. It is operated by a husband and wife with no other employees. He said there are no deliveries to the business as the owner drives to Rochester to pick up supplies and assembles them for delivery. Most of the sales are conducted on the Internet and the equipment is shipped out by delivery service.

Occasionally the owner may agree to deliver the equipment himself if the customer is nearby. The business has about 100 orders a year and is no more an intense use of the site than the previous machine shop he said.

Mr. Kestner noted that no catch basins, grades or elevations were shown on the plan. He said the board needs to know which way the water will filter off the property.

Mr. Orvis said there is an existing culvert and the water sheds downhill toward the existing sidewalk.

Mr. Kestner said someone couldn't tell that from the sheets submitted and pointed out the differences in elevations and that it would appear that water will shed toward Route 153. He said the state may have concerns about water flow onto their road and may require the owner to close off one of the entrances to accommodate the turn the applicant wishes to add.

Mr. Orvis said he only submitted the contours of the site but would be willing to generate and submit a cross section and a profile if needed. He added that the DOT did not ask for any additional information except for the driveways.

Mr. Horgan asked if the upper and lower portions of the planned entrance will be paved.

Mr. Orvis said there will be a grassy area with 15 ft. of pavement.

Mr. Horgan asked how customers entering from Route 153 would know which direction they need to go so as to not end up at the hydroseeding business. He asked if any signs or markings on the pavement are planned.

Mr. Orvis said drivers will be able to see the way to the donut shop but agreed to paint markings on the driveway if the board thought it was necessary.

Mr. Horgan asked if the existing guardrail will be extended along the edge of entrance.

Mr. Orvis said the guardrail will be extended.

Mr. Orvis added he was not certain if an easement for the new entrance was necessary when the 2 lots are owned by the same owner.

Ms. Durfee said the DPW requested more information about the catch basin due to changing the location of the impervious surface and if the commercial driveway will be built to Town standards.

Mr. Orvis asked if a cross section of the lot is needed.

Ms. Durfee said there is no driveway width or turning radius for trucks when leaving the machine shop area going toward Route 11 shown on the map.

Mr. Fisher asked if the new entrances will be built strong enough to handle the weight of trucks.

Mr. Orvis said the septic system is saddled between the 2 driveways and will need to have a cover specifically made for additional weight installed.

Mr. Kestner asked if the new driveway will affect the leach field.

Mr. Orvis said the leach field is located down slope of the driveway. He added the leach field is included on the existing conditions sheet of the plan.

Mr. Kestner said there were a lot of details missing from the proposal such as the location of the end of the guardrail, culvert, swale area, drainage calculations and the property setbacks.

Mr. Orvis said there will be no change in the existing water flow at the site and it will continue to flow to the swale.

Mr. Horgan asked if a waiver is needed to waive paving the 2<sup>nd</sup> driveway.

Ms. Durfee said the 2<sup>nd</sup> driveway is currently made of gravel.

Mr. Horgan suggested the review be continued to the next meeting to allow Mr. Orvis to supply the missing items.

The board requested the following items be included for the next meeting:

DOT access permit for change of use to 2 entrance/exits on Route 11 and 2 on Route 153



a revised plan to include profiles and cross sections of the site  
sign details (pavement markings are ineffective during winter)  
specify culvert, swale and drainage details  
place a note on the plan about the septic system cover  
superimpose the location of the leach field, show that the gravel driveway to the back building  
does not run over the septic system  
Include in the Note section- septic system location is based on the previous plan, lighting for the  
driveways, a line drawing of the island locations and show that the exit turning radius meets  
Town standards.

Mr. Orvis said if the turning radius does not meet Town standards he would not change the  
existing radius but would apply for a waiver to the requirement or withdraw the application.

Ms. Durfee reiterated that the rear business did not go through the approval process.

Motion: Mr. Horgan motioned to continue the application to March 21, 2017; 2<sup>nd</sup> by Mr. Laferte.  
The motion passed 4-0.

**Adjournment:**

Motion: Mr. Laferte motioned to adjourn the meeting; 2<sup>nd</sup> by Mr. Horgan. The motion passed  
unanimously at 8:40 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary

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David Kestner, Vice Chairman

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