

Town of Farmington
Planning Board Meeting Minutes
Tuesday, April 4, 2017

Board Members Present:

David Kestner, Vice Chairman
Jim Horgan, Selectmen's Rep.
Martin Laferte
Bill Fisher
Stephen Henry
Sylvia Arcouette
Lisa Capone – Alternate
Brandy Sanger- Alternate

Others Present:

Arthur Capello, Town Administrator
Joe Coronati, Jones & Beach Engineers
Duane White, White Brothers, LLC
Robert Moriarty
Elise Haig

Board Members/Staff Absent:

Rick Pelkey

BUSINESS BEFORE THE BOARD:

Call to Order/Pledge of Allegiance:

Vice Chairman Kestner called the meeting to order at 6:10 p.m. All present stood for the Pledge of Allegiance.

New Members:

Mr. Horgan administered the oath of office to new member Stephen Henry and Martin Laferte (re-appointment) and to alternate members Brandy Sanger and Lisa Capone. Ms. Arcouette was previously sworn in. Members reviewed recently received information while Mr. Horgan completed the forms. Mr. Kestner then thanked them for volunteering their time and welcomed them to the board.

Election of Board Officers:

Vice Chairman Kestner announced the election of new board officers will be held at the April 18th meeting. Positions to be filled include Chairman, Vice Chairman and Board Secretary he said.

Review of Minutes:

March 7, 2017- This meeting was a “non-meeting” due to the lack of a quorum of the members and the minutes are considered “notes” not requiring board approval.

March 21, 2017- No errors or omissions

Mr. Horgan motioned to approve the minutes as written; 2nd by Mr. Laferte. The motion passed 4-0-2 (Henry, Arcouette abstained).

Town Planner:

Mr. Capello told the board that the Board of Selectmen has authorized advertising for a

Town Planner to work up to 30 hours a week. The Request For Proposal (RFP) will be posted this week he said.

Lot Line Adjustment:

Brew Bros. LLC and White Bros. LLC- Property is located on NH Route 11 (Tax Map R20, Lot 23-1 and Tax Map R20, Lot 26). Proposal is to convey 12,904 square feet from Tax Map R20, Lot 23-1 to Tax Map R20, Lot 26.

Joe Coronati of Jones & Beach Engineers, Inc. came forward as agent for the applicants. He said they came before the board to present a lot line adjustment application on behalf of the Brew Bros. and the owner of the Farmer's Kitchen, Duane White who was in attendance in the audience.

They proposed transferring 12,904 sq. ft. from the Brew Bros. lot (Lot 23-1) to the Farmer's Kitchen property (Lot 26) which would increase the size of Lot 26 from approx. 29,000 sq. ft. to approx. 42,000 sq. ft. They were required to obtain a Special Exception from the ZBA as the proposal would change the size of one 1 non-conforming lot by adding land to another non-conforming lot he said.

Mr. Coronati said the lot will not change much visually. The paved area to the left of the Farmer's Kitchen building has been used for parking for many years and the proposed boundary line adjustment will allow it to continue to be used for that purpose and become under the ownership of the White Bros. He said that currently vehicles can be driven around the entire building and there is additional parking behind the restaurant and 2 access ways to Route 11 from the restaurant lot. The proposal is only for the transfer of land and does not contain any proposed construction or changes to site he said.

Mr. Coronati said that when he came before the board at a previous meeting they discussed plans for easements and an access at the rear of the lot which have not been solidified between the parties and asked that it not be considered as a condition of approval for the application.

Mr. Kestner then asked if the board had any questions.

Mr. Laferte asked about the status of the NH Dept. of Transportation driveway permit needed for the Brew Bros. proposal to construct an Aroma Joe's on Lot 23-1.

Mr. Coronati said they have met with the DOT to develop an alternative layout for the site and that now they have requested an on-site meeting scheduled for the following week.

Mr. Kestner noted that the members did not receive copies of the March 2, 2017 ZBA Notice of Findings and Decision regarding the Special Exception and read the decision aloud to the board.

Mr. Kestner said that when Mr. Coronati previously came before the board in regards to the Aroma Joe's proposal they noted there is a utility pole on site which feeds the Wagon Wheel building and asked if there is an agreement between the owners of the Wagon Wheel and the White Bros. regarding the location of utilities and the existing

structures (propane tank, bollards and the utility pole) that split the lot. He asked if the items will remain in place or if the owner of the Wagon Wheel have to move them at his expense. He added that there was nothing noted on the plan to indicate if there will be an easement granted or if the items will be moved.

Mr. Coronati said the pole has been there for a long time therefore it is pre-existing and does not need an easement. He said Mr. White has already contacted the utility company and that he would be required to pay for the re-location of pole.

He said the propane tank is on Mr. White's property but the bollards are not.

Mr. White said he will incur the expense of moving the pole.

Mr. Kestner said if the lot line adjustment is approved the abutters, (the Wagon Wheel) who also have a non-conforming parcel may be put into a position where they have to move the utility pole and the bollards unless the parties have some type of written agreement noting the violation of what will become the new lot line if approved and that arrangements have been made between the 2 parcel owners.

Mr. Coronati said the utility pole that feeds the Wagon Wheel is not on their property now and does not have an easement. It can continue to not be on their property without an easement when the land is transferred if Mr. White is accepting of the situation. If he wants to pay to have it moved over to the Wagon Wheel property he can do so. It can stay where it is and the land could be transferred back and forth several times and the Wagon Wheel could not be forced to move their pole at their expense as it has been there for a long time he said.

Mr. Kestner said he was looking for a written agreement so that a problem is not created with the lot line adjustment.

Mr. Coronati said he did not think a problem will be created as the pole can stay there as long as the 2 owners want it to stay where it is. If Mr. White wants it moved off his property he can pay to have it moved to the Wagon Wheel property. He said there is an un-written prescriptive easement for the utility pole because of its time in the ground and servicing the Wagon Wheel building at the current location he said.

Mr. Kestner said the area where the pole is located has bituminous curbing and some grass area and asked Mr. White if he planned to remove it and install pavement in that area.

Mr. White said he did not plan to do anything with the area except to move the pole and "clean it up" for snow removal. He added he may look at that in the future and if he planned to make any changes he would take steps to properly address the change. There were no further questions from the board.

Mr. Horgan motioned to approve the lot line adjustment for 12,904 sq. ft. from Tax Map R 20, Lot 23-1 to Tax Map R 20, Lot 26; 2nd by Mr. Laferte.

Mr. Coronati then noted the board did not open the hearing to public comment.

Mr. Horgan and Mr. Laferte rescinded the motion and the second.

Mr. Kestner opened the meeting to public input at 6:40 p.m.

Mr. White said the lot line adjustment would help him with the flow of things and safety of the property. He said he did not have any plans for the additional sq. footage except keep up the property and make it look good for the town. He added that he would feel better with his well and dumpster located on his own land and that it would be a good thing for everyone involved if approved.

Mr. Kestner agreed and noted the restaurant parking lot is full every Saturday and Sunday morning so it will be a good addition to the business.

There were no additional comments from the public and Mr. Kestner closed the public comment portion of the meeting at 6:42 p.m.

Mr. Horgan then motioned to approve the lot line adjustment to transfer 12,904 sq. ft. from Tax Map R20, Lot 23-1 to R20, Lot 26; 2nd by Mr. Laferte. The motion passed unanimously.

Lot Line Adjustment:

Robert and Barbara Moriarty (Tax Map R20, Lot 30); the property is located at 102 Meetinghouse Hill Road and Robert J. Real (Tax Map R20, Lot 29); the property is located at 92 Meetinghouse Hill Road in the Agricultural Residential (AR) Zoning District. The proposal is to convey 166,982 square feet from Tax Map R20, Lot 29 to Tax Map R20, Lot 30.

Surveyor Randy Orvis was not present at the meeting so applicant Robert Moriarty came forward to speak to his application. Mr. Moriarty said Mr. Real approached him about transferring the back portion of his lot to him and to keep about 3 acres of his property. Mr. Moriarty said he was interested in the proposal and had Mr. Orvis survey both properties. He said both lots have homes and road frontage and that he did not see any problems with the proposal and termed it a simple lot line adjustment. He asked the board if they had any questions.

Mr. Horgan noted there is 3 acre zoning in that district and asked if the plan would reduce Mr. Real's lot to 3 acres and that Mr. Moriarty would receive the balance of Mr. Real's lot.

Mr. Moriarty said that is correct.

Mr. Kestner said the Planning Board Secretary informed him that Mr. Moriarty's warranty deed states the property is 15 acres but the map provided by the surveyor depicts the property is a little more than 10 acres.

Mr. Moriarty said that when they originally purchased the property the deed read 15 acres. He said they later subdivided off 2 acres to the property now owned by abutter Cameron Tinkham. He said he did not know it got to be shown as 10 acres and thought the map should show about 13 acres.

Mr. Horgan suggested having the surveyor update the property records to show the correct lot size.

Mr. Moriarty said he did not give the surveyor a copy of the warranty deed and does not know where he got the copy that was submitted to the board.

Mr. Kestner suggested Mr. Orvis obtained a copy of the deed from the Registry of Deeds as it is required to be submitted to the Town as part of the application package. He noted the date on the deed is shown as May 21, 1976.

Mr. Moriarty said that is the date they purchased the property. He said there is another deed in existence because they subdivided 2 acres off of the original lot.

Mr. Capello suggested the second deed may never have been recorded at the Registry of Deeds.

Mr. Moriarty said that it is possible the 2nd deed was not properly recorded. He then said the back portion of his current lot is in "current use" and asked how he should go about putting the additional acreage into current use if the lot line adjustment is approved.

Mr. Capello advised him to discuss the matter with the Assessing Clerk.

Mr. Kestner asked Mr. Capello if there is a deadline to apply to put a parcel into current use.

Mr. Capello said he thought the deadline is April 1 and that Mr. Moriarty had missed the deadline.

Mr. Horgan motioned to accept the application as substantially complete; 2nd by Mr. Laferte. The motion passed unanimously.

Mr. Kestner then opened the meeting for public input at 6:55 p.m.

There were no comments from the public.

Mr. Kestner closed the public comment portion of the hearing at 6:56 p.m. He then asked for additional comments/questions from the board.

Mr. Horgan motioned to approve the lot line adjustment for the properties located at 92 and 102 Meetinghouse Hill Road in the Agricultural Residential Zoning District; proposal to convey 166,982 sq. ft. from Tax Map R20, Lot 29 to Tax Map R20, Lot 30; 2nd by Mr. Laferte. The motion passed unanimously.

Recess- Mr. Laferte motioned to take a 5 minute recess; 2nd by Mr. Kestner. The motion passed unanimously at 6:57 p.m. The meeting reconvened at 7:05 p.m.

Review of Draft Guidance on Application Procedures:

Mr. Kestner noted the application guidance was drafted by the previous Planner before the new members joined the board and suggested it may be unfair to ask them to participate in a discussion on something they have not had the opportunity to read.

Mr. Horgan motioned to table the review until the next workshop meeting scheduled for May 2; 2nd by Mr. Laferte. The motion passed unanimously.

Application Acceptance:

Mr. Horgan then said the board failed to accept the lot line adjustment application from Jones and Beach Engineers as substantially complete.

Mr. Horgan motioned to accept the lot line application from Jones & Beach Engineers as substantially complete; 2nd by Mr. Laferte. The motion passed unanimously.

Other Business Before the Board:

Mr. Fisher invited residents to attend a meeting at the Goodwin Library on Thursday, April 6 at 6 p.m. to discuss the future of Farmington as a kick off to the UNH Cooperative Extension program regarding economic development of the Town.

Mr. Capello said there are still openings on the Town boards and that he will attend the meeting with appointment applications in hand.

Adjournment:

Mr. Laferte motioned to adjourn the meeting; 2nd by Mr. Horgan. The motion passed unanimously at 7:15 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

David Kestner, Vice Chairman