

Town of Farmington
356 Main Street
Planning Board Meeting Minutes
Tuesday, November 15, 2016

MINUTES

Board Members Present:

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

Board Members Absent:

Charlie Doke, Chairman

Others Present:

Liz Durfee, Interim Planner
Samuel Daigle, Farmington Hayloft

BUSINESS BEFORE THE BOARD:

1). Call to Order:

Vice Chairman Kestner called the meeting to order at 6:15 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Review Meeting Minutes:

October 18, 2016- No corrections or omissions.

Motion: Mr. Horgan motioned to accept the minutes as written; 2nd by Ms. Detwiler. The motion passed unanimously.

November 1, 2016- No corrections or omissions.

Motion: Ms. Detwiler motioned to approve the minutes as written; 2nd by Mr. Demers. The motion passed 4-0-1 (Mr. Horgan abstained).

4). Review of 2012 Changes to Zoning Map:

Ms. Durfee said that following the previous meeting, she found the 2012 zoning map in a folder on the Strafford Regional Planning commission's computer server and said the map fits the description of the zoning changes approved by voters that year. She said the green areas bounded by NH Route 11 will remain in the Commercial Business District and the areas north of the highway in the red box on the map are no longer in the Commercial Business District. She said the red line shows the previous CB District which was 1,000 feet back from either side of Route 11.

She said that in 2012 the board discussed changes to this portion of the commercial corridor and the changes were not included on the zoning map or tax cards. All of these lots northeast of the green area have not been in the CB District since 2012 she said. She will update the zoning map based on the

surrounding districts by extending the zoning lines down to Route 11 and return the updated map to the board for review at the next meeting. She added she would seek the board's assistance if it is unclear what district any parcel is located in. The lots need to be clearly defined as the tax cards need to be updated and this could impact what people can and can't do with their property so we want to make sure we are doing what was approved by voters in 2012 she said.

Mr. Kestner noted the majority of the zone is bounded by the river and the previous Planner kept the physical boundaries where possible. There are a few parcels that ended up being inadvertently split and some were split to begin with. She also used the actual road on Trotting Park Road as the actual delineation he said.

Ms. Durfee said she did not think many of lots have changed since then and she would seek assistance if any of the property or district lines are "bent".

Mr. Kestner suggested the tax maps may help to line up and delineate the parcels.

Ms. Durfee said the map depicts the parcels in 2004 and is outdated. Part of the Urban and Suburban Residential Districts are not shown as straight lines so identifying which pieces go in which districts may be challenging she said.

Mr. Kestner said the board did not need to address anything at this point unless something askew is found.

Ms. Durfee said the remaining business could wait until after the Public Hearing as the applicant had just arrived.

Motion: Mr. Kestner motioned to postpone the other business until after the Public Hearing at 6:30 p.m.; 2nd by Mr. Laferte. The motion passed 5-0.

Public Hearing – 6:30 p.m.

NEW CASES:

Application for Minor Site Plan Review by Samuel Daigle of Farmington Hayloft (Tax Map R-31, Lot 25): The applicant proposes to operate a gaming lounge on the second floor of the building currently occupied by Honey Dew Donuts. The building is located at 471 NH Route 11 in the Commercial Industrial Business (CIBO) District. The parcel is owned by Longmuir Holdings.

Applicant Samuel Daigle told the board that he saw a rental sign on the door for the upstairs portion of the building about 1 year ago and contacted the owner and asked what the space was zoned for. The owner said it was zoned for commercial use but he learned the space was previously specified for office use and that he was proposing to start a part time business to rent the space for playing video, cards and pool in a "local hangout".

Mr. Horgan asked if the business would require private membership or an entrance fee to enter the space. Mr. Daigle said patrons will be allowed to enter the gaming lounge by membership or by payment of a basic cover charge.

Mr. Horgan asked if alcohol or food will be served in the lounge.

Mr. Daigle said there will be no food, drink or alcohol served there.

Mr. Horgan then asked if he expected people would sit there for hours playing games with no "sustenance".

Mr. Daigle said he spoke with the people who manage Honey Dew and suggested this would be a mutual benefit situation where people will spend hours playing games or pool.

Mr. Horgan said the applicant indicated the business would start as a part time operation but that it has potential for growth.

Mr. Daigle said future plans could include expansion of the business.

Mr. Horgan asked if the expansion will include serving food and/or drinks.

Mr. Daigle said that would not be included in the current location and that he would have to move it to a different location as that location is too small for that to be feasible.

Mr. Kestner asked Ms. Durfee if she had discussed her concerns with the proposal with the applicant.

Ms. Durfee said that a few months ago, they discussed the gaming lounge but did not discuss the details in her memo.

She said the proposed use fits within the permitted uses in the zoning table based on the applicant's description of the indoor recreation activity to take place there. She said the plan presented at the meeting was a little hard to read and outlined a number of issues she was unable to determine based on the sketch provided.

She said some of the parking spaces appear to be for use by the facility in the back of the lot and an aerial photo does not show what is going on there.

Mr. Horgan asked if the manufacturing firm located at the back of the lot was still operating.

Mr. Daigle said a hydro-seeding company has just begun rental of the building and the use consists of 3 garage bays, an office area and a shed.

Ms. Durfee said the spaces in that area are for that company's use and not for use by Mr. Daigle's patrons. She added the parking issue is something the board would need to discuss to insure there are enough spaces provided based on the number of participants Mr. Daigle expects to visit his lounge. She asked if Mr. Daigle knew the hours of operation for Honey Dew Donuts and if there would be any overlap in the hours of operation for the 2 businesses.

Mr. Daigle said he thought that Honey Dew is open "almost always" but Ms. Detwiler said they are open until 8 p.m. He added that Honey Dew has employees on the premises all night baking.

Mr. Horgan said the potential for some sort of arrangement between the 2 businesses may develop.

Mr. Daigle said the property is owned by one owner and that they discussed the core hours for Honey Dew are in the morning and the core hours for his proposal are during the afternoon and evening.

Mr. Horgan asked about the location of the point of access to the second floor.

Mr. Daigle said there is only one point of access which is located on the outside of the building.

Mr. Horgan asked if there is a stairwell near the restrooms inside leading to the second floor.

Mr. Daigle said there is not but noted there is a door in the front room of Honey Dew that can access the exterior stairway.

Ms. Detwiler asked if that could be considered a second entrance/exit.

Mr. Horgan said it uses the same stairway so it has only one entrance.

Ms. Detwiler added that she thought fire safety regulations require at least 2 exits.

Mr. Kestner asked if the Fire Chief has had an opportunity to review the proposal.

Ms. Durfee said she has not spoken with the Fire Chief and that she could not tell where the doorway is located on the plan. She requested an enlarged plan so the location of the entrance for the second floor would be visible. She said she recalled the entrance being in a different location when they discussed the plan with the Building Inspector.

Mr. Kestner said the entrance is in front of the parking space labeled as slot 5 on the plan. He said he was concerned that an office use has minimal occupants and that the proposed change of use may require a second completely different stairway. He noted the plan submitted is from when the building was originally built and said he would like the Fire Chief, Code Enforcement Officer and the board to review an updated plan that includes the proposed layout of the second floor.

Ms. Durfee said the CEO would also require additional information before he would issue a certificate of occupancy. She suggested he include the drive through window and show that there are sufficient sidewalks for safe passage to the gaming lounge.

She then returned to the parking issue and said she did not see parking spaces 32 and 33. She said the board can allow shared parking spaces but suggested Mr. Daigle provide more information about how full the Honey Dew parking lot is during their busiest hours or when the gaming lounge is open.

Mr. Daigle said it sounded like the board did not receive a copy of the drawing for the proposed layout of the second floor. He said he gave a hand drawn sketch of what the second floor currently looks like to the Planning Dept. Secretary. He said that because the proposal is a minor site plan review and doesn't involve any modifications to the exterior of the building that he didn't think he needed to provide a more formal site plan.

Mr. Kestner said the board needs to review something that shows the second floor and the Fire Chief may require a second egress from the lounge area which may affect where the fire escape may be located and could potentially take up 2 of the existing parking spaces.

Mr. Daigle said he could provide something a little more official than the hand drawn sketch of the second floor if needed.

Ms. Durfee asked if Mr. Daigle knew who currently maintains the parking lot.

Mr. Daigle said it is the property owner's responsibility and that Longmuir Holdings has a contract with a local snow removal company to maintain the parking lot.

Ms. Durfee asked how many patrons and employees would be in the lounge at one time.

Mr. Daigle said he expected a maximum of 18 players and the potential for 1-2 employees.

Mr. Kestner asked if the maximum occupancy would be based on the square footage of the lounge.

Mr. Horgan said that the Fire Chief would need to determine the square footage and the maximum occupancy allowed for that number and then the board could talk about the amount of parking spaces and fire suppression needed for the expected occupancy.

Ms. Detwiler asked if part of the parking is located in the dirt area of the lot.

Mr. Horgan said some of the parking is located in the dirt area.

Ms. Durfee asked if there will be any other office spaces or other tenants on the second floor.

Mr. Daigle said that the gaming lounge will be the only use for second floor.

Mr. Horgan asked if Mr. Daigle planned to conduct any retail sales in the lounge.

Mr. Daigle said he did not plan any retail sales.

Mr. Horgan asked if the business were to expand if the expansion would require the sale of products. He suggested Mr. Daigle provide a statement upfront to the board describing the nature of the business, the operating hours, employees and potential expansion plans in an attempt to save him from having to “go through more hoops down the road”.

Mr. Daigle said it was not his intent to sell products as it would be cheaper for patrons to go down the road to Wal Mart to purchase any gaming related materials.

Mr. Horgan asked if Mr. Daigle intended to provide the accessories needed to participate in the games.

Mr. Daigle said he would be providing all of the equipment to participate in the games.

Ms. Durfee said the applicant stated on the application there would be no solid waste generated at the site, but suggested patrons may get a cup of coffee and bringing it upstairs to the lounge. then asked for the proposed location of recycling or trash collection bins.

She Mr. Daigle said they have a bathroom with a trash bin in it and one outside the bathroom. The landlord has a dumpster behind the building which he would use for trash disposal he said.

Mr. Kestner said that answers the question of who is responsible for waste removal.

Ms. Detwiler asked about supervision and what age groups would be allowed in the lounge.

Mr. Daigle said he would abide by state law/guidelines regarding when minors would not require supervision. He added that he was asked if someone could drop their kids off at the site and leave them there and he told them they could not. He said he did not know the answer to how old someone has to be before they can be left there on their own but noted he is not offering a babysitting service.

Mr. Kestner said Mr. Daigle would have to make the decision about the age group that would be allowed into the lounge and inform the board of his decision. He added there is a potential for the lounge to become a “teen-age hang-out” which could be a concern.

Mr. Daigle said he would commit to finding an answer and said the manager of Honey Dew and the property owner stated concerns about liability and providing a safe and positive environment for youth. He said there will be video surveillance of the property to insure no illegal activity takes place there.

Mr. Kestner said the board was not questioning his intentions but that the results of the discussion with the board becomes the ammunition for the Code Enforcement, Police and Fire Depts. to work with once the plan is approved. The questions and answers will be recorded in the minutes and will contain exactly what is agreed to and any restrictions as this is a unique situation in his 10 years on the board he said.

Mr. Daigle said he also intends to rent the space to people who can legally rent space without someone being on site to supervise. He said he uses a vetting process for liability and to ensure payment and it would be similar to renting out any space. He said that he did not intend to rent the space on a weekly basis but would only rent it for several hours at a time.

Mr. Kestner asked about the hours of operation for the business.

Mr. Daigle said he plans to operate the business from 3 to 8 p.m. on Monday, Wednesday, Friday and Saturday.

Ms. Durfee asked how the groups subletting the space would obtain access to the site.

Mr. Daigle said the space has an electronic lock and the renter would be given a code to the lock.

Ms. Durfee then asked if he intends to put a sign out on the property.

Mr. Daigle said there is a hand drawn sign on the door and he doesn't intend to put a sign on the street.

Ms. Durfee said the board is in the process of revising the Town sign ordinance and if he is unsure if there will be a sign in the future the application approval would include an extra condition of approval to have any sign approved by the Code Enforcement Officer.

Mr. Kestner said the sign approval could be part of the current site plan approval. He added that the hand art on the door could be considered a sign and suggested he include it in the information when he returns to the board next month to avoid having to go through another approval process in the future for a sign.

Mr. Daigle then stated he intends to have a sign on the door.

Mr. Kestner suggested he think about the size, location and whether it will be lit.

Mr. Daigle said it will be part of the building and will not be lit.

Ms. Durfee said once the Planning Office has more information a meeting with the Technical Review Committee will be scheduled. She said he needs to meet with the Code Enforcement Officer, the Police Chief and the Fire Chief before coming back to the board and get some of the issues raised ironed out.

Mr. Kestner added this gives them the opportunity to ask the applicant any questions directly. Any of their concerns will be the board's concerns as well he said.

Ms. Durfee said the application states that the property is not in the Aquifer Protection Overlay District and in fact the parcel is located within the district. She recommended they discuss whether there is sufficient storm water management on site and that he is not proposing any changes to the exterior or the lot because it is especially important to ensure the water quality is protected in the district. She said the site is required to comply with best management practices although she did not think he would have any issues with the DES regulations. She suggested if he could obtain any information about storm water management and landscaping for the lot that he should bring it to the TRC meeting.

Mr. Daigle said he was unable to find formation about aquifer district on the Farmington town maps and went to a state website for the information that was put on the application. He apologized for the error.

Mr. Kestner advised the application will need to be updated to show that the parcel is located within the Aquifer Protection Overlay District.

Ms. Detwiler asked how patrons will access the building from the lower parking lot.

Mr. Daigle said there are stairs that go from the lower part of the lot to the upper part of the lot.

Mr. Horgan then stated the applicant needs to provide the following information :

Request the Fire Chief to visit the site and determine the maximum occupancy

Review of the layout by the Code Enforcement Office to include if additional fire suppression needs to be added to the space

If a handicapped access is required to get to the second floor

Sign dimensions and content

Potential for expansion of hours or addition of retail sales

Statement that the outside of the building will not be modified or affect storm water management

A letter of understanding or Memorandum Of Understanding stating certain responsibilities remain with Honey Dew Donuts or the landlord for the property

Any requests for waivers

The number of parking spaces needed
Hours of operation for the back hydro-seeding facility
An enlarged sketch or plan that includes the entrances

Mr. Kestner asked Mr. Daigle if 1 month would be enough time for him to supply the requested information to the board.

Mr. Daigle said it would be enough time except for the TRC meeting.

Ms. Durfee said the TRC meeting would occur 1-2 weeks before the board meeting.

She said the meeting with the dept. heads would take place on a Tuesday afternoon and would last about 30 minutes. She added she would like to send the information provided by the applicant to the dept. heads for review prior to the TRC and asked Mr. Daigle to provide the requested information as soon as possible.

Motion: Mr. Kestner motioned to continue the hearing to the December 20 meeting with the anticipation that the applicant will attend the TRC meeting with all pertinent parties; second by Mr. Laferte. The motion passed 5-0.

Motion: Mr. Laferte motioned for a 5 minute recess; 2nd by Mr. Horgan. The motion passed unanimously at 7:20 p.m. The meeting reconvened at 7:25 p.m.

Any Other Business (continued):

Public Hearing Dates-Ms. Durfee gave the board a schedule of important dates for the 2017 Town Meeting. The board briefly reviewed the schedule and discussed potential dates for a public hearing on the proposed changes to the Town's signs and accessory dwelling unit ordinances. Consensus of the board was to schedule the first public hearing for the sign ordinance and possibly the accessory dwelling units on Dec. 20. The board will revisit the accessory dwelling unit ordinance at the Dec. 6 workshop and hopes to complete the revision in time to include it at the Dec.20 public hearing.

Notice of Decision Revision-Ms. Durfee said that in April, Charlie King applied for a boundary line adjustment/lot merger. During the discussion the application was clarified to meet the minimum frontage requirement and the board approved the application for a boundary line adjustment between 2 existing lots.

She said that the amount of the lot that was to be transferred from one to another had to change to meet the frontage requirement. The NOD does not have the correct acreage on it and the plan does so the NOD needs to be revised to contain the correct information. She suggested the NOD and the meeting minutes be corrected to show the actual amount of land transferred.

Motion: Mr. Horgan motioned to revise the NOD and authorize the Chairman to sign it; 2nd by Mr. Demers. The motion passed unanimously.

Ms. Durfee will revise the NOD and return it to the board for review. It will be re-recorded and sent to the applicant she said.

Next Meeting: Tuesday, Dec. 6, 2016 at 6 p.m.

Adjournment:

Motion: Mr. Laferte motioned to adjourn the meeting; 2nd by Ms. Detwiler. The motion passed unanimously at 7:35 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in cursive script, appearing to read "David Kestner", written in black ink.

David Kestner, Vice Chairman