

**Town of Farmington  
356 Main Street  
Planning Board Meeting  
Tuesday, September 20, 2016**

**MINUTES**

**Board Members Present:**

Charlie Doke, Chairman  
David Kestner, Vice Chairman  
Resta Detwiler  
Martin Laferte  
Glen Demers

**Board Members Absent:**

Jim Horgan, Selectmen's Rep.-excused

**Staff Present:**

Liz Durfee, Interim Planner  
Diana Proulx, Dept. Secretary

**Others Present:**

Randy Orvis, Geometres Blue Hills LLC  
Ken Cormier  
Packy Campbell, RSA Realty

**Business before the Board:**

**1). Call to Order/Pledge of Allegiance:**

Chairman Doke called the meeting to order at 6:05 p.m. All present stood for the Pledge of Allegiance.

**2). Review of Minutes:**

September 6, 2016- Page 3, fifth paragraph, remove "the" after "it".

Ms. Detwiler motioned to approve the minutes as amended; 2<sup>nd</sup> by Mr. Laferte.

The motion passed 5-0.

**3). Any Other Business to come before the Board:**

Change of Use Application Form- Ms. Durfee told the board that the revised application form has been posted on the Town website.

Mr. Kestner requested a copy of the revised form be included in the board members' packets for the next meeting.

**4). Conceptual Site Plan Review Discussion for Map R20, Lot 10 on NH Route 11:**

The applicant/agent was not present at the meeting. Ms. Durfee told the board that the applicant may request a re-hearing before the ZBA and suggested the board hold off on discussing this matter.

**5). Conceptual Subdivision Discussion for Map R47, Lot 5 on Bunker Street:**

Mr. Orvis came forward as agent for the applicant and told the board that the owner of this parcel to subdivide the property into four one-acre lots and one five-acre lot. The plan would call for extending Bunker Street from the existing dead end for about 200 feet to a new cul de sac. He said the Town has

easement with room to turn around where the road ends at the property and the applicant proposes away with the easement for the road extension.

Mr. Kestner asked if he were to subtract out the wetland buffer zones would there be enough continuous buildable area.

Mr. Orvis said there is no minimal amount of continuous buildable area required in the Urban Residential Zone and that the state minimum requirement is 20,000 sq. ft. which exists there.

Mr. Kestner asked about the potential to downsize the number of lots if the applicant doesn't need 5 lots to make the plan economically viable. He said the more lots the more trips in and out of Bunker Street. He also suggested a hammerhead shaped access may work better than the proposed road for the subdivision.

Mr. Orvis said he initially considered constructing a hammerhead and is still willing to consider it but did not discuss the possibility of creating a hammerhead access with the DPW Director.

Ms. Durfee said the DPW Director and Deputy Director did not express a preference for a cul- de- sac or a hammerhead shaped access because the Town will only maintain the existing road and won't consider extending the road through the applicant's lot or maintaining it. They said there is water available in the area but without a booster there would not be enough pressure to extend it to the new subdivision. There is also a lot of ledge in the area which would make it cost prohibitive to extend the sewer lines to the new lots. She added whether the Town would give up the easement would be a decision for the Board of Selectmen.

Mr. Laferte asked if the shed in the road and the storage trailer in the cul- de- sac will remain there.

Mr. Orvis said those items will be removed and explained that he did a red line sketch on the existing plan and to ignore everything on the plan except for the red and green lines and the perimeter of the survey.

Ms. Durfee cautioned the board about getting into the details of a design review without a public notice.

Mr. Demers asked what the DPW's objection was to extending Bunker Street and making it a Town road.

Ms. Durfee said the Highway Dept. did not tell her what their objection is but it was her impression that they are not looking to take on additional roads to maintain.

Mr. Kestner said the Town is not likely to give up a perpetual easement and that the cul- de- sac will

likely remain where it is. He added that he envisions the plan as 400 feet of frontage potentially at the end of the cul- de- sac with 3 lots he said.

Mr. Orvis said they would have done it that way if the Town still had a provision for back lots but the Town did away with them 2 years ago under the advice of the previous planner. There is 11 acres of land there and they want to get 5 lots he said.

Mr. Kestner said there is also about 3 acres of wetlands there and there would be drainage issues coming down Bunker Street onto the property.

Mr. Orvis said water would not flow down Bunker Street to this site but will flow toward the brook. There will be a road, driveways and snow storage on the edge of the road in the right-of-way like any other road he said.

Ms. Durfee asked if the applicant would move forward with the proposal if the road were a private road. Mr. Orvis said the applicant is willing to move forward with the plan if it is a private road but he did not think he is willing to agree to never apply to make it a Town road.

Mr. Demers said the Town can't stop the applicant from seeking to make it a Town road as that is up to a vote of the townspeople.

Ms. Durfee advised the applicant should make sure that the road is built to Town specifications if he intends to petition to have it become a Town road.

Members then discussed the procedure to have a private road accepted as a Town road which includes Planning Board approval of the subdivision, the Planning Board sends a recommendation letter to Selectmen, Selectmen vote to recommend/not recommend the request and it is then placed on the Town Meeting warrant for voter approval. The applicant could also have the issue placed on the warrant by citizen petition.

Mr. Kestner added that the DPW is not enthused about taking over more roads due to budget and man-hour issues but the applicant has the option to come forward with the plan and "roll the dice" at Town Meeting.

Mr. Orvis said it appears that the Town doesn't want to give up the easement so he will try to design around it.

Ms. Durfee clarified that the easement goes with the land in perpetuity and it is not the decision of the Planning Board, Planning Dept. or the DPW as to what happens to the easement.

Mr. Orvis said that if the applicant wishes to extinguish the easement he will have to talk to the Selectmen.

**6).Conceptual Site Plan Review Discussion for Map R20, Lot 10 on NH Route 11(continued from item #4):**

Mr. Campbell arrived and came forward as the agent for applicant Ken Cormier. He gave the board copies of the proposed plan for discussion purposes and to allow the board to see the lot. He said the parcel is located next to the Holy Rosary Credit Union on Route 11 in a commercial zone with an existing residential house on it. The applicant proposes to bring his moving business to the site and use the existing gravel parking lot to park box trucks, tractor trailers and POD units, to use the basement of the home as an office and to eventually construct a 10,000 sq. ft. warehouse. He said there is also a potential for an employee to live in the home.

Mr. Campbell said he went before the Zoning Board of Adjustment for a Special Exception because a moving company did not fall into any specific category in the Town zoning and the request was granted. He said they plan to come forward with a new site plan application for a warehouse facility that will be used as a place to store moving clients' commercial or residential contents but will not consist of individual rental storage units. The applicant currently has a long term lease at a warehouse and does not want to have conditions of approval requiring him to build the building within one or two years he said.

Mr. Campbell said he plans to apply for a DOT driveway permit as Route 11 is a state limited access highway and this will be a different use for the existing driveway. He noted that there will not be a "ton" of traffic at the site as the trucks leave in the morning and come back at night and sometimes don't return for 2 or 3 days. He then expressed concerns about whether the DOT will approve the deceleration lane required by the ZBA as a condition of the Special Exception approval.

Mr. Kestner said there is already a plan to install a center turning lane on Route 11 so the DOT is not likely to approve installing a deceleration lane.

Mr. Campbell said a contact informed him of the center lane turning design and that the state may request some easements from the property. He said he will advise Mr. Cormier to give them whatever easement they want, which may also require a subdivision or a lot line adjustment and to put it on the site plan as part of the approval.

He said he may have to go back to the ZBA and request a modification or additional language making receipt of a DOT permit as condition of approval instead of the deceleration lane.

Mr. Kestner advised Mr. Campbell to talk to the DOT before he does anything else because they are the ones that will dictate how much frontage they may lose.

Ms. Durfee said Mr. Campbell is entitled to request a rehearing with the ZBA to negotiate some of the conditions that will ensure there is safety for vehicles on the road entering and exiting the lot the DOT may not grant the specific condition that was required by the ZBA. She said if he doesn't go back for the re-hearing and the ZBA doesn't change the conditions then the Planning Board doesn't

the authority to accept the plan without those conditions being met as granted. That also goes for conditions set by the Planning Board even though the Planning Board is not a quasi-judicial board she said.

Ms. Durfee said the ZBA also discussed protection of the water resources, not developing in the flood plain and storm water management. She advised that when he returns to the Planning Board he should provide a plan showing that there aren't any buildings to be located in the flood plain and that proper storm water management with best management practices is up front on the plan so that the next steps will be easier.

Mr. Kestner said they will need to show some type of turning radiuses for the trucks entering and exiting the site within the restrictions of the Shoreline Protection and the flood plain areas.

Mr. Campbell said there are different setback levels within the Shoreline Protection zone much like the town has limited development areas and no development areas. He said there is plenty of room to have a turning radius that is not within 150 feet of the river.

Mr. Kestner said the applicant also needs to design a septic system for the proposed building.

Mr. Campbell said one of the benefits of this particular project is that the existing house has an existing bathroom/septic system for employee use. If we design a warehouse in the future we may want to put a bathroom in it and will address the septic system for it he said.

Mr. Kestner said a marked out area for the potential of a septic system needs to be shown on the plan and noted that placement of the septic system may have an impact on the placement of the roadway in and out of the site.

Mr. Laferte said he would like to see the leach field for the home's septic system because it may have an impact on the placement of the new building.

Mr. Kestner said the board will be concerned with potential hazards flowing into the brook or the river and suggested letting the engineers produce a potential design then the applicant can evaluate where they go from there.

Chairman Doke asked if the applicant intends to classify the existing house as an office or as a rental house.

Mr. Campbell said it will probably be a rental house with an office in the basement.

Chairman Doke said that would increase the usage of the existing septic by other people than those who are renting the house.

Chairman Doke then asked if there is a basement access without having to go through the house.

Mr. Campbell said there is a walkout on the back side of the basement. Chairman Doke suggested that he note it on the plan.

Mr. Campbell said they will discuss the potential need to increase the size of the existing septic system with the engineers and if they need to enlarge the leach field it may make sense to add a leach field for the future warehouse at that time. He said he wanted to be clear there is a potential for an office in the basement but also noted the customers don't come to the office and are usually met somewhere else. Mr. Kestner suggested he talk to the Code Enforcement Officer to determine if they can construct that size building there without some type of septic system. He added that if the applicant were to sell the lot in the future the new owner may have a use that would require it.

Mr. Campbell said he will ask the CEO about any septic system requirements for the new building. Mr. Campbell said showing the location of a future septic for a future building is no big deal but he didn't want to spend \$3,000 for a septic design that they're not necessarily going to do right now. He said the applicant doesn't want to buy the land unless he knows for sure he can stop doing business at the current site and bring everything here.

Ms. Durfee said that if a site plan is not fully developed it is not valid indefinitely. She said the approval is valid for 5 years with active and substantial development and it would be in his best interest to show when the building might be constructed.

Mr. Campbell said the applicant will know which way he is going within 1, 2 or 3 years.

Mr. Laferte expressed concerns that the site could turn into a storage yard if they don't build the building and start putting trailers and trucks there.

Mr. Campbell said they will obtain whatever approval for storage that is needed.

Mr. Kestner said that PODs were one of the things restricted by the recent change in zoning. He asked if it affected the CIBO zone or only in the residential areas.

Ms. Durfee said she will check the ordinance and return an answer to the board. She said the new ordinance mainly focuses on temporary storage units and a storage unit on an approved site plan would not be considered temporary storage. It specifies that a trailer that is not part of an approved site plan is not permitted. She suggested he be very clear about what he is proposing so the board can be very clear about what they are accepting.

Chairman Doke said if they plan to come back to the board on November 15 everything must be submitted by October 14.

Mr. Doke asked if Mr. Campbell has time to go back to the ZBA and still meet the submission date for the Planning Board.

Ms. Durfee said the meeting to request a rehearing of the ZBA can be held whenever the members are available to meet. If granted, the ZBA will set a date to rehear the case and abutters must be notified.



suggested he send a letter to the ZBA with a copy to herself to request a meeting to ask for a rehearing the case.

Mr. Campbell he will be in touch with the Planning Dept. as soon as they make a final decision about going back to the ZBA.

**Recess-** Mr. Laferte motioned for a five minute recess; 2<sup>nd</sup> by Mr. Demers. The motion passed unanimously at 7:15 p.m. The meeting reconvened at 7:25 p.m.

**7). Conceptual Site Plan Discussion for Honey Dew Donuts:**

Randy Orvis told the board the owner of the donut shop and the vacant building on the corner of Route 11 and Main Street would like to bring in more traffic to increase business at the donut shop by allowing people to directly enter the site from Main Street. He said he would like to set up “cross easements” between the two properties and there would be no changes to the buildings or their uses. The only change would be in traffic flow by allowing motorists to enter from south Main Street and go across the lot to the drive-thru, wrap around the donut shop and go back out to Main Street.

He said the biggest change would be to the access to the hydro seed company in the former machine shop building located behind the donut shop. Their current driveway goes around the building and then out the same exit as the Honey Dew exit in a one-way pattern. The existing entrance to the hydro seed company would be eliminated and they would have to enter from Main Street. This would also make it easier for large trucks to access the machine shop building he said.

Mr. Orvis said the number of parking spaces would also be increased by 5 or 6 spaces by rearranging/reorienting the existing spaces for both buildings. The corner vacant building would still keep the same entrance and exit it has plus also be able to exit through the Honey Dew site. He said that when the plan was originally approved no storm water management plan was done other than to let it sheet off the ground out to the machine shop lot. He suggested adding 2 dry well style catch basins to keep the water from impacting the septic system for the corner building.

He said he will contact the DOT to discuss the change in traffic patterns and obtain a modified entrance permit even though no new entrance is being created.

Chairman Doke asked if there were any changes planned for the corner building.

Mr. Orvis said the owner plans to leave the building there as is to preserve the existing non-conforming location approval.

Mr. Laferte asked if this matter was included on the meeting agenda. He asked if the board could legally address the issue because it was not part of the agenda.

Chairman Doke said it was only a conceptual discussion like the others on the agenda.

Mr. Demers added it was a non-binding discussion.

Ms. Detwiler said she thought the proposal is a “great idea” because it eliminates the need to go to the traffic lights and take a right turn off Main Street onto Route 11 and then take another right into the shop.

Mr. Kestner said this will potentially create a “cut-through” for when traffic backs up on Route 153(Main Street) due to the traffic signal and motorists will cut through the lot to avoid waiting for the light to change. There is a potential for people to “blast right through there” he said.

Mr. Orvis acknowledged the potential but said he feels there are enough twists and turns to the traffic pattern on the site that it won’t be a problem there.

Mr. Kestner said there will be additional water sheeting off the upper parcel due to the additional impervious surface to be added which will flow down onto Route 153.

Mr. Orvis said water won’t flow down to Route 153 as the grade doesn’t slope that way.

Chairman Doke asked about the possibility of eliminating the left turn exiting out of the lot onto Main Street heading toward the downtown area and to only allow vehicles to turn right onto Route 153. This would eliminate anyone from going in the opposite direction if there is a back up on Main Street he said.

Mr. Orvis said there are going to be people who want to go on Main Street to downtown. This eliminates having to go left out of Honey Dew onto Route 11 and then make a left at the light to go down Main Street.

Mr. Laferte asked if the driveway over the leach field for the corner building will be a problem.

Mr. Orvis said it is not an ideal situation and he may have to re-do the system into a chambered system from the existing stone and pipe system.

Mr. Kestner asked if he anticipated any issues with vehicles backing up from some of the parking spaces into the traffic flow on the parcel.

Mr. Orvis said new traffic pattern is not a road going through the parcel but a lane through a parking lot. He added it is the same thing as any other parking lot.

Mr. Kestner said Mr. Orvis might consider adding speed bumps to slow down traffic on the site.

Mr., Orvis agreed it may be a good idea to add the bumps.

Ms. Durfee then cautioned the board about getting too far into the review without noticing the public. Board members listed traffic flow, calming the traffic flow, potential changes to the septic system and getting input from the DOT as some issues of concern for the applicant to address.

Ms. Durfee expressed some concern about drivers cutting through the site and ensuring the safe flow of people walking and cars moving in and out of the site and suggested he get a traffic impact analysis.



Mr. Kestner suggested the applicant also obtain a written easement between the two parcels even he owns both parcels as he may decide to sell one of the parcels in the future.

### Public Hearing

#### Continued Cases:

**Application for Minor subdivision by: James Woodman (Tax Map R57, Lot 13-1) by Randy Orvis/Geometres Blue Hills, LLC as agent:** To subdivide the existing 17.28 acre parcel into two (2) parcels. The property is located in the Agricultural Residential (AR) District. The parcel is located at 117 Ten Rod Road.

Mr. Orvis said the biggest revision to the original survey of the property is the applicant has added a garage. The hammerhead then needed to be shifted over 12 feet so the garage could meet the zoning setback from the hammerhead.

He said a proposed slope and snow storage easement was added and the other changes consisted of correcting "little odds and ends" of plan errors.

Mr. Orvis said he tried to get street name for the road but he wasn't able to contact the DPW Director. The proposed road maintenance agreement was given to Ms. Durfee.

Mr. Doke opened the public hearing at 7:50 p.m.

Ms. Durfee reminded the board that they did not accept the application as substantially complete at the previous meeting so that step still needed to occur.

Mr. Kestner asked if the property line was moved over by 27 feet.

Mr. Orvis said the property line didn't move but that he moved the location of the hammerhead because of the construction of the garage that wasn't there when he did the initial survey.

Ms. Durfee said there were a number of missing items listed at the last meeting that didn't seem to be addressed. She said property is short by less than 16 feet to meet the road frontage required to subdivide. She questioned if developing the road is really worth the effort or if it's worth trying to get a variance for this proposed use.

Mr. Orvis said he didn't see a hardship (for a variance) when he was designing the common driveway. Ms. Durfee asked where the curb cuts for the driveway are located as they are not shown on the map. Mr. Orvis said they are shown on sheet 5 of the plan. She said they need to be included on sheet 1 as well.

Ms. Durfee said the crown on the hammerhead was supposed to be removed but there still seems to be a small crown on the roadway as depicted on Alignment B.

Mr. Orvis said the hammerhead will slope going downhill to get to the "T" but it is not a center line crown.

Ms. Durfee then said the following items needed to be addressed:

Note on the Locust map to show that the stone wall will be removed

Change scale of map to show adjacent properties

Note that both existing driveways need to be removed/abandoned on the plan

The maintenance agreement should say Road Maintenance Agreement not Shared Driveway Agreement

Depict the share of the road each owner has and will maintain and where the driveways start

Discussion included whether the hammerhead is a separate parcel, how the owners' shares of the road could be interpreted, if it should be treated the same as a private road and who will pay taxes on the hammerhead portion of the lots.

Ms. Durfee said she was not comfortable providing guidance on this issue without researching it. She will look into it and bring the information back to the board.

Ms. Durfee said the Planning Board has the ability to waive the requirement for a licensed engineer's stamp on a plan. She suggested Mr. Orvis provide a set of plans stamped by an engineer for the road piece or have the proposed road reviewed by the Town's contract engineer.

Mr. Orvis said he didn't see the need to engage an outside engineer and suggested it was something the Town's DPW staff could handle.

The board then discussed the proposed road width, adding cross sections for the end of the hammerhead, drainage containment and snow storage, showing more profile view stations, show the grade elevation from the road up, add the missing contour labels to contour lines, darken station numbers on the drawing and indicate the slope easement on the plan.

Mr. Demers motioned to accept the application as substantially complete; 2<sup>nd</sup> by Ms. Detwiler. The motion passed 5-0.

Chairman Doke opened the hearing to public comment at 8:22 p.m. There was no public present. He then asked the board for additional comments/questions.

Mr. Kestner said he still had questions that need to be addressed such as a review of the road to see if it conforms to Town specifications.

Ms. Durfee said if the board determined they could accept the road plan without an engineer's stamp they need to grant a waiver to the subdivision regulations but suggested they still need to make sure the road is designed properly. She added there is a potential slippery slope of other applicants in a similar situation asking to skip the review/engineer's stamp.

After some additional discussion, Mr. Orvis decided to request a cost estimate from the Town's contract engineers (Stantec) and to research the cost for a plan review and stamp with outside engineers. He said he will make the suggested changes and then send an e-mail file to Ms. Durfee and request a quote from Stantec.

Chairman Doke closed the public hearing at 8:35 p.m.

Mr. Laferte motioned to continue the hearing until Oct. 18; 2<sup>nd</sup> by Mr. Kestner. The motion passed 5-0. Mr. Laferte motioned to adjourn the meeting; 2<sup>nd</sup> by Ms. Detwiler. The motion passed unanimously at 8:37 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary

---

Charlie Doke, Chairman