

Town of Farmington
Planning Board Meeting Minutes
Tuesday, January 3, 2017

Board Members Present:

David Kestner, Vice Chairman
Jim Horgan, Selectmen's Rep.
Martin Laferte
Bill Fisher

Board Members Absent:

Charlie Doke, Chairman, excused
Resta Detwiler, excused

Others Present:

Liz Durfee, Interim Planner

BUSINESS BEFORE THE BOARD:

Call to Order/Pledge of Allegiance:

Vice Chairman Kestner called the meeting to order at 6:15 p.m. All present stood for the Pledge of Allegiance.

Review Meeting Minutes:

December 20, 2016 – Page 2, Any Other Business, items C & D – change “Mr. Kestner” to “Ms. Durfee” and “he” to “she”.

Mr. Laferte motioned to accept the minutes as amended; 2nd by Mr. Horgan. The motion passed 3-0-1 (Mr. Fisher abstained).

New Member:

Mr. Kestner welcomed new member Bill Fisher to the board.

Ms. Durfee said she was informed by Town Administrator Arthur Capello that according to state law there cannot be 2 members of the Planning Board who are also members of the Conservation Commission. Mr. Fisher and Ms. Detwiler are members of both committees.

Mr. Kestner asked if Mr. Fisher is an alternate or full member of the board.

Mr. Fisher said he was appointed as a full member.

After a brief discussion it was determined that Mr. Fisher could take part in the discussions but must abstain from voting until the matter is resolved.

Mr. Fisher said he will contact Ms. Detwiler and get her thoughts on how to resolve the issue.

Recess- Mr. Laferte motioned to recess the meeting until 6:30 p.m.; 2nd by Mr. Horgan. The motion passed 3-0-1 (Mr. Fisher abstained) at 6:25 p.m. The meeting reconvened at 6:35 p.m.

Public Hearing:

Mr. Kestner opened the Public Hearing on the 3 proposed amendments to the Zoning Ordinances at 6:35 p.m. He read the summary of the proposed amendment regarding Signs as follows:

Amendment 1 – To amend the Zoning Ordinance Section 3.09 Signs. Amendments include: addition of a purpose section; expansion of the general provisions; modification of the size regulations; modification of sign properties; omission of directional signage section; and addition of a severability section.

Members received copies of the draft sign ordinance, revisions and suggested additional amendments as suggested by Town counsel. After a brief review, Vice Chairman Kestner opened the hearing to comments or questions.

Mr. Horgan expressed concerns about Section E, Sign Properties, item 1 which prohibits movement or the illusion of movement and messages/backgrounds that scroll, flash or change appearance. It also limits message changes to not more frequently than once every 30 seconds. He said many electronic signs are expensive and that he would like to see businesses be able to use the capabilities of electronic signs. He said the board recently agreed to allow messages to change every 30 seconds and asked why the way the message changes such as scrolling, flashing or otherwise changing the appearance of the message makes any difference. He added that he would favor removing item E1 from the Sign Properties section of the ordinance.

Mr. Kestner said the only change made by the board to section E1 was to revise the frequency of message changes from 60 seconds to 30 seconds and said there did not seem to be any objection from the Town attorney as to the content of this item.

Mr. Horgan asked if the attorney was specifically asked about the content of section E1.

Ms. Durfee said she did not specifically ask about the content of section E1 but said she will ask the attorney for an opinion on the issue.

Business owner Dana Joy said some electronic signs cost as much as \$20,000 or \$25,000 and benefit small business owners by allowing them to put their message out there in a way that works rather than paying for other forms of advertising that often does not work. He said he agreed about some limitation on the intensity of the illumination of signs but noted that a message can't be changed without giving the impression of movement. He suggested the ordinance contain better definitions of allowed light intensity and prohibit use of colors that may create a hazardous situation.

Mr. Kestner said the board may have difficulty answering these questions as they are not engineers.

Ms. Durfee added the board needs to also consider the cumulative impact if all businesses were allowed to do whatever they wanted to with signs.

Mr. Joy said that some colors could be restricted for emergency use only and the Town should have the ability to make the sign owner "tone it down" if the sign is causing a hazard.

Mr. Kestner said that the difficulty is in knowing where to draw the line on these issues.

Ms. Durfee suggested making the ordinance as straight forward as possible and not subject to individual interpretation. She said she would seek legal advice about including a paragraph in the ordinance that would allow the Town some flexibility in hazardous situations.

Mr. Laferte asked about real estate signs categorized as temporary signs and said he had seen some signs sitting in front of a property for sale for as long as 6 months.

Mr. Kestner said temporary signs are permitted for no more than 90 days per calendar year.

Mr. Laferte said the ordinance also requires that the sign state the date of posting which is not being done with real estate signs.

Ms. Durfee said she would check with legal counsel to see if real estate signs are required to have a temporary sign permit.

Mr. Horgan then said he would like to see the Sign Properties Section E1 modified to allow the functions prohibited there and to request a legal opinion on the definitions of light intensity and color usage. He told Vice Chairman Kestner he had to leave due to a previous obligation and

left the meeting at 7:10 p.m.

Mr. Kestner asked if there were any additional questions or comments. Hearing none he closed the Public Hearing on Amendment 1 at 7:15 p.m.

The Public Hearing on the sign amendments was then continued by the board to Jan. 17, 2017 for further consideration.

Mr. Kestner opened the Public Hearing on the proposed amendment to the Accessory Dwelling Units at 7:15 p.m. He then read the proposed amendment as follows:

Amendment 2- To amend Zoning Ordinance to include Section 6.00 Accessory Dwelling Units. Section 6.00 includes: authority; administration, approval and permit process; provisions of accessory dwelling units; minimum lot requirements; owner residency requirements; discontinuance of the unit; enforcement; and a severability section.

The board received and reviewed copies of the draft ADU ordinance and legal comments on the proposed language for the Definitions Section 1.14.

Ms. Durfee said the board had proposed the addition of the phrase “no greater than 750 sq. ft.” to the definition of an Accessory Dwelling Unit. She said the attorney advised them to keep this phrase out of the definition as it could be read that an attached apartment greater than 750 sq. ft. is not an ADU even though it meets all other standards. She added that the square footage requirement is already included in Section 6.00 (D 6).

Ms. Durfee said the amendment to the Town Ordinances was caused by a change to the state law that requires that an ADU must be allowed anywhere that single family homes are allowed and that the Town can no longer require twice the lot size of the principal dwelling unit for an accessory dwelling unit. The accessory unit will still need to meet the other regulations she said. Mr. Kestner added that the property owner must live on the premises but can live in either the principal or accessory unit.

Mr. Joy asked how the Town would handle an ADU that has fallen into disrepair.

Mr. Kestner said the ADU/principal unit must have a common wall so the whole house would be in disrepair. He said the Town already has regulations to handle such a situation.

Ms. Durfee added the Code Enforcement Officer can take action if the property is found to be unsafe.

There were no other questions/comments.

Mr. Kestner then closed the Public Hearing at 7:30 p.m.

The Public Hearing on Amendment 2 was continued by the board to Jan. 17, 2017.

Mr. Kestner opened the Public Hearing on the proposed amendment to Section 4.03 Waterfront Protection Overlay District at 7:30 p.m. The proposed amendment is as follows;

Amendment 3 – To amend Zoning Ordinance Section 4.03 Waterfront Protection Overlay District. Amendments include technical edits to correct section numbers referenced in Section 4.03 (B) (2) and Section 4.03 (C) (2).

These changes are necessitated due to incorrect references to section numbers in the Controlled Development Zone Section 4.03 B 2 and Section 4.03 C2 Special Use Permit. Discussion included changing the wording of the posting for the next hearing to ensure the exact wording needed for Town Meeting is posted.

Ms. Durfee said the sections listed in the posting refer to the sections being edited.

There were no other questions/comments on this amendment.

Mr. Kestner closed the Public Hearing at 7:35 p.m.

The board continued the Public Hearing on Amendment 3 to Jan. 17, 2017.

Board members requested copies of the revised ordinances be made available for the second Public Hearing.

Adjournment:

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

Respectively submitted

Kathleen Magoon

Recording Secretary

David Kestner, Vice Chairman

DRAFT