

**TOWN OF FARMINGTON
ZONING BOARD OF ADJUSTMENT MEETING
Thursday, February 6, 2014
356 Main Street, Farmington, NH**

Members Present: Elmer W. "Butch" Barron III, John David Aylard, Joe Pitre, Joanne Shomphe

Members Absent: None

Town Staff Present: Director of Planning and Community Development Kathy Menici, Department Secretary Bette Anne Gallagher

Public Present: Barry Elliott, Randy Orvis, Dave Connolly

At 7:12 pm Chairman Barron called the meeting to order.

BUSINESS BEFORE THE BOARD:

- **Review and approve Meeting Minutes of August 1, 2013.**

Joe Pitre motioned to approve the minutes of August 1, 2013 as written; 2nd John David Aylard. Motion carried with 3 in favor and 1 abstaining.

- **Review of proposed 2014 ZBA Meeting Schedule**

Joe Pitre motioned to approve the 2014 ZBA Meeting Schedule as presented; 2nd John David Aylard. Motion carried with all in favor.

- **Any other business to come before the Board.**

Planner Menici explained that included in the members packets for information only are the warrant articles for proposed zoning amendments and the text of the amendments. She explained briefly that it is being proposed that Section 3.04 regarding the development of rear lots be deleted. Town Counsel reviewed the ordinance as a result of a question on an application and concluded that as written it is not in compliance with State law. The Planner said for next year it will be up to the Planning Board to review the issue and propose an ordinance that is in compliance.

NEW CASES:

Application for Variance from Table 2.01(B) Road Frontage by: A.J Cameron Sod Farms, Inc., Applicant and Property Owner (Tax Map R50 Lot 45): To permit a two-lot subdivision where one of the proposed lots will have less than 250' of street frontage. Parcel is located on River Road and Ridge Road in the Agricultural Residential Zoning District.

Chairman Barron stated that although it was not a concern for him he wanted to point out that he has done business with Cameron's for many years. He said he would remain seated unless anyone had an objection. There were no objections. Randy Orvis said that everyone here has done business with Cameron's at some point over the years.

Mr. Orvis said he was the representative for the land swap that was voted on at Town meeting in March 2013. While working on this application he discovered that in creating the parcel Cameron's is giving the Town the remaining lot becomes non-conforming with only 120 feet of frontage on Ridge Road.

He explained that originally this parcel was the railroad bed and that the Mad River runs along the entire frontage. After a three-lot subdivision by a prior owner, Cameron's acquired the lot on River Road and although conforming it was inaccessible on River Road due to the frontage on the River. The current subdivision makes the lot non-conforming but does not change the access and that is the unique feature that creates the hardship.

Chairman Barron summarized that there is basically no access on the River regardless of the frontage.

Mr. Orvis presented the five requirements for this variance:

1. The variance is not contrary to the public interest because the proposed frontage of 112 feet on Ridge Road has always been the access for the parcel.
2. The spirit of the ordinance is observed because immediately to the east and west are Town owned parcels and deeding this parcel to the Town will protect over 700 feet of shoreline. If the Town acquired the remaining two parcels, it would own all frontage along the River.

Chairman Barron asked if all the land the Town currently owns is in conservation. Mr. Orvis answered that it is.

3. The variance will allow the property owner continued use of his property while providing permanent protection to a unique natural resource.
4. The value of the surrounding properties is not diminished because the subject parcel will still be accessed only by the Ridge Road frontage and no building lot is being created.
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship because the proposed non-conforming frontage has always provided the access to this parcel.

Joanne Shomphe clarified that the building that is on the lot is going to stay on the lot. Mr. Orvis said that this subdivision is for the purpose of a land swap. Cameron's will be getting the roadbed on Flagstone Avenue and the Town is getting the 3.58 acre lot.

Planner Menici said the Town map shows Flagstone Avenue as going all the way through but there is a break and it is that section from the break at the Mad River up to where it approaches Ridge Road that is the subject of the land swap.

Chairman Barron said the facts supporting the requirements in Paragraphs 1 through 5 are fairly well stated and asked the members if anyone had any issues with them. There were none and the Chairman asked if anyone from the public wanted to speak.

Dave Connelly said he was here in support of the application. He said approval will mean that 700 feet on the River will go to the Town and since the goal of the Conservation Commission is to protect the River this is a good way to do it.

Planner Menici said it is really important for the record to show what Randy Orvis has already stated: the access is currently off Ridge Road not River Road and the portion that encompasses the Mad River is a really important asset to the community and supports the Conservation Commission's efforts to protect the River and the beautiful area surrounding it. She added that the more that is done to protect this area the better it is.

Chairman Barron said the frontage is on Ridge Road but the access is actually on abutting properties. It was clarified that the parcel is accessed through Cameron's yard but it could come out on Ridge Road and that there is a building on the lot that is used mostly for storage.

There were no other comments.

Joe Pitre motioned to grant the Variance for a two-lot subdivision where one of the proposed lots will have less than 250 feet of street frontage as presented and applied for; 2nd Joanne Shomphe. Motion carried with all in favor.

At 7:30 pm Joe Pitre motioned to adjourn; 2nd John David Aylard. Motion carried with all in favor.

Respectfully submitted,
Bette Anne Gallagher, Department Secretary

Elmer W. "Butch" Barron III, Chairman
Zoning Board of Adjustment

Date