

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, December 1, 2016

Board Members Present:

Elmer Barron, Chairman
John David Aylard, Vice Chairman
Paul Parker
Joe Pitre, Secretary
Joanne Shomphe

Others Present:

Liz Durfee, Interim Planner
Packy Campbell, RSA Realty

Business before the Board:

Call to Order:

Chairman Barron called the meeting to order at 7 p.m.

Review of Minutes:

October 20, 2016- Page 2, half way down the page; end the sentence after “any issue”. Page 3, change “proscribe” to “prescribe”. Page 4, 2nd line, strike the line that begins with “The decision...”.

Motion: (Pitre, second Parker) to accept the minutes as amended passed 3-2 (Aylard, Shomphe abstained).

Continued Cases:

Rehearing of Application for Special Exception:

Application for Special Exception from the Table of Permitted Uses by: Cormier Movers, Inc. (Tax Map R20, Lot 10): To allow a residential and commercial moving service with a 10,000 sq. ft. warehouse for vehicle servicing and transient storage of goods. The parcel is located at 359 NH Route 11 in the Commercial Business District. Chairman Barron asked if the abutters had been noticed of the re-hearing. Ms. Durfee said the abutters were notified.

There were no abutters in attendance at the meeting.

Mr. Campbell presented a Request for Modifications to the board with the suggested changes in italics:

1. The proposal must go to site plan review;
2. The floodplain must be observed and adhered to. *The applicant shall obtain shoreland protection permits and any other town overlay permits as required.*
3. Installation of a deceleration lane *if so approved by the New Hampshire DOT.*
4. Best management practice must be observed.

Mr. Campbell said he was looking to modify the language of the conditions of approval from when the Special Exception was granted in September. He said he was concerned that the DOT will not approve the addition of a deceleration lane and they might come up with a different solution which would require another meeting with the Planning

Board.

Chairman Barron said this application actually requires 2 Special Exceptions- one for the proposed warehouse and one for the proposed moving company. He then made the following motion:

Mr. Barron motioned to approve both Special Exceptions with the following requirements:

1. The proposal must go to site plan review;
2. The flood plain must be observed and adhered to and the applicant must obtain a Shoreline Protection permit and any other town permit as may be required;
3. Installation of a deceleration lane to DOT standards and approval or propose an alternative plan by a professional engineer to protect the public safety or provide a traffic study conducted by a professional engineer to prove one is not required.

2nd by Mr. Pitre.

Discussion- Ms. Durfee expressed concerns that the language proposed may confuse state and local permits and regulations. She said there are multiple overlays/overlapping jurisdictions at the local and state levels. She asked the Chairman to clarify if adhering to the flood plain means no development in the flood plain is allowed or if the applicant needs to obtain a permit to build in the flood plain.

Chairman Barron said if the Town allows development in flood plains and has a mechanism to regulate it and it needs a permit he will have to get one. If the Town does not allow it then he can't do it period he said.

Chairman Barron then amended his motion so the second condition shall read:

2.The flood plain must be adhered to and the applicant shall obtain all state required permits and all town required permits

Mr. Campbell asked if he needed to obtain another variance within the requirements of the Town permitting process.

Chairman Barron said the board can't make that decision based on the information that has been provided to the board.

Ms. Durfee said Mr. Campbell has not yet submitted a site plan for evaluation and reminded him that they have already discussed at length the local permits he made need.

Mr. Pitre accepted the changes to the second condition and seconded the amended motion.

Chairman Barron asked if there were any other questions or discussion from the board.

Mr. Pitre asked for the location of the flood plain at the site.

Chairman Barron said that was part of the information not provided to the board.

Ms. Durfee provided copies a map submitted by Mr. Campbell to the board but noted that it didn't contain all of the setbacks from the water and does not show the same flood plain area as in an aerial photo of the site.

Chairman Barron said the board doesn't have all of the flood plain or wetland

information needed so it can't act on the plan.

Mr. Parker said if they wanted to make further changes to the site in the future this would be true for this board in 2 months or for another board in 5 years and they would have to come back before the ZBA.

Ms. Durfee added that the flood plain could change in 5 years.

Chairman Barron then repeated item 3 of the conditions of approval and noted that this gives Mr. Campbell 3 options for approval of his proposal.

Hearing no further discussion Chairman Barron then called for the vote on the motion.

Vote- The motion passed unanimously.

Adjournment:

Mr. Barron motioned to adjourn the meeting;

2nd by Ms. Shomphe.

The motion passed unanimously at 7:20 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in black ink, appearing to read 'Elmer Barron', written over a horizontal line.

Elmer Barron, Chairman