

Town of Farmington
Planning Board Meeting Minutes
Wednesday, January 17, 2024
Municipal Office Building
356 Main Street-Farmington, NH 03835

Board Members Present:

Rick Pelkey, Chairman
Bill Fisher, Vice Chairman
Stephen Henry, Secretary
Charlie King, Selectmen's Rep
Roger Mains
Mike Day
Rebecca Patton-Sanderson

Others Present:

Kyle Pimental, Planning Director
Sue Pratley, resident
Joe Yuriek, resident

Board Members Absent:

Jeremy Squires, excused

1). Call to Order:

Chairman Pelkey called the meeting to order at 6 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3).Review of Minutes:

November 15, 2023-Public Session –No errors or omissions

Motion: (Fisher, second King) to approve the minutes as written passed 4-0-2 (Henry, Patton-Sanderson abstained).

January 3, 2024-Public Session- No errors or omissions

Motion: (King, second Day) to approve the minutes as written passed 5-0-1 (Fisher abstained).

4). Public Comment: None

5). Old Business:

A). Public Hearing to Present the Proposed Amendments to the Farmington Zoning Ordinance:

i). To amend Section 2.01 Agricultural Residential District to clarify that residential development on a lot must be within the minimum contiguous buildable area and general textual clarifications to Table 2.01 (B) Space and Bulk Standards.

ii). To amend Section 2.02 Suburban Residential District to increase the maximum density for duplex and multi-family housing; to clarify density bonus criteria for those properties connected to water or sewer; clarify that residential development on a lot must be within the

minimum contiguous buildable area and general textual clarifications to Table 2.02 (B) Space and Bulk Standards.

iii). To amend Section 2.03 Rural Residential District to add density bonus criteria for those properties connected to water or sewer; clarify that residential development on a lot must be within the minimum contiguous buildable area and general textual clarifications to Table 2.03 (B) Space and Bulk Standards.

iv). To amend Section 2.04 Urban Residential District to set the maximum density for single family residential at one dwelling unit per 30,000 square feet; increase the maximum density per dwelling unit for duplex (15,000 square feet), multi-family (10,000 square feet) and mixed use (5,000 square feet) units; amend the minimum lot size to 30,000 square feet; add density bonus criteria for those properties connected to water or sewer and general textual clarifications to Table 2.04 (B) Space and Bulk Standards.

v). To amend Section 2.05 Village Center District to amend the maximum density per dwelling unit for single family (8,000 square feet), duplex (4,000 square feet) and multi-family (2,500 square feet) units; amend residential development restrictions on specific streets and general textual clarifications to Table 2.05(B) Space and Bulk Standards.

vi). To amend Section 2.07 Commercial Business District to amend the maximum density for mixed use developments and to set a minimum unit size (750 square feet).

vii). To amend Section 3.04 Development of Rear Lots to allow for a duplex to be built on land subdivided using the rear lot provision in all residential zoning districts except for the Agricultural Residential District.

Mr. Pelkey read all of the proposed amendments aloud and noted that copies of the full text are available for review online and in the Planning Dept. office in Municipal Offices Building and that he expects that copies will also be available at the Town Hall when it comes time to vote on them in March.

Mr. Pimental said they went over these in pretty good detail and made some minor changes. He said the only 2 substantive changes they made at the last meeting was changing the square footage of units for the Commercial Business District down to 750 SF as well as making the change to make it clearer that the rear lot provision is allowed in all zoning districts including the Agricultural Residential District but not adding a duplex in the AR so that language needed to be clarified from the last meeting.

He said the other thing he was asked to do was to look into whether or not 2 duplexes on a single lot would require site plan review. He said there are 2 things that he wanted to point to and one was when we created the diagram that showed the different maximum build outs that was not looking at any other restrictions in the zoning or in the site plan, any sort of

environmental constraints around the site and was literally just looking at a blank slate so he had said there are probably things in the site plan regulations that would preclude this because of parking and other things.

He said what he forgot to mention was the relationship to building to lots which is in our general standards 3.01 that says that more than 1 principal building in zones of the Commercial Business and the Industrial Business are allowed by right but for other zoning districts the Planning Board can approve that through a Conditional Use Permit for non-residential, mixed use and multi-family. He said it doesn't say anything about duplexes in there as being a second principal structure on the lot so it is sort of a moot point that they would need relief from the zoning to allow that if that is not in there.

Mr. Pimental said he contacted legal counsel and in her opinion and her experience would be that site plan does apply to two 2-family structures on the same lot. That was from our legal counsel as well as what the zoning in terms of having more than one principal building on the same lot and we wouldn't allow for that. Section 3.01 and with the Town's legal counsel it would either require it or it wouldn't be allowed unless they had relief from the ZBA he said. Mr. Pelkey asked if everybody got to see the attorney's response and if they all got copies in their e-mail.

Mr. Pimental said no he sent it to Mr. Pelkey as the Chair and if he would like he could share it with them.

Mr. Pelkey asked if he stated it exactly and then said that he probably read it because it sounded pretty much like what she said.

Mr. Pimental said it was a good question and he wasn't sure how to handle that and he appreciated Mr. Henry looking specifically at how the language was written by state statute and it does say structure and it says multi-family as 2 or more so duplex kind of falls into no man's land. He said in the attorney's experience he thinks we would be covered and within our own zoning we wouldn't allow for it without relief.

Mr. Henry said it sounds like you're saying we're changing the zoning to allow it but we have other zoning that says it's not allowed so you still need a Special Use Permit to do it. He said those seem like conflicting things-we're changing some zoning to allow it but it's still not allowed.

Mr. Pimental said the allowance is allowing for a duplex in what would not have been allowed prior because you didn't have enough acreage to do it. He said they're increasing the density that would allow the duplex to be on the lot where if they don't do these changes you wouldn't be allowed. He said but to have more than one duplex wouldn't be allowed even if you have the density we wouldn't allow for it.

Mr. Pelkey said he believes that her statement was that 3 residential units triggers the review.

Mr. Pimental said as of right now if someone wanted to put 2 duplexes on a lot even if they had a 20 acre lot we wouldn't allow them to have 2 principal structures on a single lot without

subdividing so we wouldn't allow for that to happen. What we're doing doesn't change any of that it only allows for the smaller lot that wouldn't be able to have a duplex on it can now have one.

Mr. Henry said but he just said they wouldn't allow it on 20 acres.

Mr. Pimental said not two. He said the issue they are trying to address is on some of these smaller lots in the UR and SR areas you need 2 acres to have 1 duplex so we're lessening that so we're allowing for a duplex to be built on smaller lots. He said the zoning allows for multi-family to have 2 different structures on a single lot but that would be by a Conditional Use Permit and that would still have to come back to this board as part of their site plan approval.

Motion: (Pelkey, second none) that the Planning Dept. gets a colored printer;

Mr. Pelkey asked Mr. King if he could make that happen and that once again there is no color in the documents so it is hard to pick up what is new.

Mr. Pimental said they have one but the default setting is black and white. He apologized and said he would make it clearer to print in color.

Chairman Pelkey opened the public hearing on the proposed zoning amendments at 6:14 p.m.

Mr. Pimental said he can go through all of the proposed amendments again or if there are specific questions from the public nothing else has changed other than the 2 that he mentioned at the last meeting-the 750 SF on the commercial and the clarification for the rear lot.

Mr. Pelkey asked Mr. Henry if they satisfied the question he brought up as far as his concern to his satisfaction.

Mr. Henry said they had an answer.

Mr. King said that Mr. Henry's question brings up a point that may need future work on but that it will evolve to what needs to be changed as it gets implemented and it might be a change to add additional clarification.

Mr. Pelkey suggested adding a star to that section of the ordinance for possible discussion.

Mr. Pimental said the Town's legal counsel said as this gets used if they find out that there is an unintended consequence then they can always revert back or make a change at that time. He said he thought it would take a couple of years to actually see some traction.

Mr. Pelkey said they're anticipating some stuff out of the Rt. 11 corridor study and the Housing Navigator stuff next year so they're going to have some stuff already that's going to be parachuting in at the end of next year. He said not that they won't know what is coming because they will be talking to them all year but there will be some stuff that they're going to make recommendations on by the end of the year.

He said they have been through these and have been going through them since they were written so this is probably the 4th or 5th iteration they have gone through with most of these.

Mr. Pimental said they started on them in Sept. or Oct.

Mr. Pelkey said they were here to hear from the public on anything they have to say on them.

Mr. King said or questions that may be to a specific zone that they could answer. He said there

are changes in all the districts and the least amount of changes is in the AR which is on the west side of Rt. 11 all the other ones have increased the density quite a bit or allowed more density in the proposed changes.

Mr. Pelkey said and allowed all of those districts to have a density bonus based upon being connected to Town services which wasn't there for all of those zones. That's what we're proposing for this year as well he said.

Resident Sue Pratley asked what the bonus means.

Mr. Pelkey said for example if you have a 2 acre lot and you wanted to put a building on it and you were hooked to water and sewer they would give her a 50% density bonus so if she was allowed to build 1 unit there they would allow her to build a second unit there as long as she had enough buildable land in order to do it on.

Mr. King said they have 2 bonuses-one for water and one for sewer.

Mr. Pelkey said each one is a 25% bonus so the land is not going to be a perfect 1 acre lot it might be 1.35 acres and with the density bonus you might be able to put a second dwelling on there.

Mr. Pimental said in 2023 the biggest thing they tried to accomplish with these 7 amendments was to try to remove certain barriers that are within the most densely or urbanized areas in town-the Village Center District, the UR and SR and make it so as long as a lot met the minimum lot size that you would be able to have either a single family, a duplex or a 3 unit by right and wouldn't need additional relief from the Zoning Board. That was one of the big intentions as well as where places have water and sewer it makes sense to have more dense development to provide those bonuses he said.

He said there is a large housing shortage in this region and this is seeking to make it a little bit easier and offer property owners more flexibility to add additional units where it makes sense and then leaving the RR as an acre minimum and the AR at a 3 acre minimum so those lots by design will stay rural and keep Farmington's rural character that the town has but still allowing for more denser development in the more clustered areas as you get to the downtown.

He said that is what they were seeking to accomplish with a lot of these density amendments as well as allowing for more flexibility with mixed use and ensuring that on certain streets in the VC specifically Central and Main Streets that we're not losing or conversion from store fronts on the bottom floor to residential and keeping that commercial face on those and not allowing that to convert and allowing for more residential units on the second and third floors.

Ms. Pratley asked if that was a new restriction to restrict what can be on the ground floor.

Mr. King said no it's been in that zone and they reduced the area. He said before it was the entire Village District but the way it was being interpreted it wasn't really working so they tried to tie it up tight but restrict it to those streets. He said before it would go down Mechanics St. where you wouldn't be allowed to convert those commercial first floors into residential and they've removed that and said on Main, Central and Spring Streets if your lot fronts on that

then any first floor commercial can't convert to residential.

Ms. Pratley asked what if it is mixed use.

Mr. King said it can be mixed use as far as apartments above.

She asked if it's mixed use you can't put anything on the first floor.

Mr. Pelkey said not without coming before the board and asking for relief from the rules. He said the development that is going on on Main St. they had a request to put apartments in the back of the building and they maintained what they thought was plenty of commercial space in the front and they allowed them to put residential space in the back of the building because the building was long. He said the rules are written that way but they're not saying that it's not something they would allow under the right circumstances either.

Mr. Henry said it doesn't go too far up Spring St. it's just at the VC end.

Ms. Pratley said she was at the first address on Spring St.

Mr. Henry said it would include that one.

Mr. King said if it's currently there now it's grandfathered and is not affected. He said if it's residential on the first floor now then it's existing because it wasn't conforming as of the current status now so it wouldn't change.

She said it isn't residential but she met with the zoning person about 10 years ago and she was told there could be an apartment put on the first floor.

Mr. King said that has changed since then.

Mr. Pelkey said that was changed 2 years ago.

Mr. King said if she wanted to do that she would have to seek Zoning Board relief of that requirement even if this doesn't pass. He said there have been some conversions that shouldn't have happened because it wasn't allowed it's just how it happened so they are trying to clarify what the intent was and limit it just to those frontages.

Mr. Pimental said the main intent is the downtown should have a mix of housing and commercial business and they don't want that to be out of balance. He said that main strip you do want to have businesses in there so you're getting people down there and using those so the trade off they had is they are allowing for more units above. So what could have been 10 years ago you may have only been allowed 1 unit and it may be 3 or 4 times that amount now depending on how large the building is he said.

He said it used to be prior to 2020 was 1 unit per 10,000 SF of lot size which you could have a huge multi-story building and be allowed 1 unit. He said they changed that to make it where it's focused more on the building size and the amount of square footage so you could have 1 unit per 850 SF. What we're trying to do is allow for a property owner to have more units now on the top and they'll be filled but we really want to keep that ground floor as commercial he said.

Mr. Pelkey said they have gotten some positive feedback on that because they had a couple of buildings in that area where the owners have come in and done some renovations in the building because its economically feasible for them to do it because they can get enough units

in there now.

Ms. Pratley asked what happens if a building is torn down and something new is put in there.

Mr. Pimental said it depends on what they want to put in there and they would look at it as new construction and it would have to comply with the regulations.

Mrs. Patton-Sanderson said it would still be a business downstairs but if it's deep enough you could still do something on the first floor behind the commercial business or something above.

Ms. Pratley asked if the property has to remain mixed use.

Mr. Pelkey said the building that is taking its frontage on those streets in the Village Center.

Mrs. Patton-Sanderson said it could be all commercial but it's just to encourage the walkable downtown business group.

Ms. Pratley said she understood the point but it also hinders what can happen with her property and that concerns her. She said she was asked what was driving these changes and that she has a good sense of that now but she has heard a lot of varying stories about what is going to happen to the property next to hers that was recently sold or is up for sale called the Lord house or the big white house on Central St. She said she has heard all sorts of things about what it's going to become and one of them was creating or selling medical marijuana in it.

Mr. Pimental said nothing has come to the Planning Dept.

Mr. Pelkey said there are only a certain number of those facilities allowed by the state.

Mr. King said they have to have the zoning to permit that in that area.

Ms. Pratley said she also heard it was going to be many rental apartments.

Mr. King said based on the change to the zoning that we did last year they could have on the second and above floors one unit per 850 SF so depending on the size of the building. He said we had one downtown that was an old storefront with 2 stories and they ended up with 6 units on the above floors.

Mr. Henry corrected that there are 4 units on the second floor over the retail space and two 2-story units in the back.

Mr. Pimental said that got changed a little bit it's still 6 units but the 2 in the back aren't townhouse style it's one unit on top and the other unit on the bottom. He said it's still 6 units and the square footage didn't change they just changed the layout.

Ms. Pratley said her property is kind of unique where that house they were discussing their property wraps around her property and there is a large chunk behind her property that used to be wooded and now it's open and asked what could be put in there. She then asked if any of these changes are going to impact that.

Mr. Pelkey said for starters it would be how much square footage they have on the lot and how much of it is in one contiguous space that they could use to build on.

Mr. Fisher said they would have to meet the side and front setbacks.

Mr. Henry said the setbacks in the VC are pretty much nothing.

Ms. Pratley said it's a strange situation all together because there is only 4 ft. on 2 sides of her

property and this rectangular area is landlocked around other property but it is contiguous in that it connects to the main parcel where the house is.

Mrs. Patton-Sanderson said if they were to tear that down they'd be landlocked and they would have to have frontage.

Mr. King said if they had the same lot and based on this change to allow additional units they potentially could put up an additional building for space depending on the size and what they have for density. He said you would have to know how big the lot is and calculate it out.

Mr. Pelkey said they have to have space for parking.

Mr. Fisher said if it's landlocked they would have to put in a driveway.

Mr. Pelkey said if they were going to do something like that that was commercial then it would have to come before this board and she would be noticed about it.

Mr. Henry asked if it would come to the board for something in the VC.

Mr. Pimental said yes because it would be a change of use.

Ms. Pratley asked what if the abutters were adding residential units.

Mr. Pelkey said if they are adding housing units then it's a commercial endeavor and that would go before the board. He said because it's in the VC the Planning Dept. has a little leeway on whether they want to do that or wants it to come before the board.

Mr. Pimental said a change in use in the VC and really anywhere now depending on if they're not changing anything to the building and the driving and the parking is not changing they're just redoing something in the building the staff can approve that. He said if they're adding new units or if it's anything non-residential or if it's 3 units or more that has to by statute come before the Planning Board and they would be subject to all of the regulations in our site plan review. Those are things like storm water management and things like that that this board has review of he said.

He said there would be a public hearing so if it's something that she abuts and they wanted to do something that came before the board she would be notified directly, told when the meeting is and she is allowed to participate in the meeting.

Ms. Pratley said she was thinking of the last meeting and there was very little notice for that and asked what amount of notice they usually give for a public hearing.

Mr. Pimental said the public notice that goes out is 10 days in advance so that gets put in the newspaper, on the Town website, it gets noticed here and at the Rec. Dept. (Town Hall). He said the abutters' letters by statute is within 5 days of the meeting typically they try to send it out at least a week to 10 days prior but they don't always have that amount of time. Ten days by statute is what we have to notify for a public hearing he said.

Ms. Pratley said that's the mailing date that's not allowing for the US mail and all of that.

Mr. Pimental said the abutters' letters that go out are not the public notification those are 2 different things.

Ms. Pratley said she works in mental health in Concord and she works 70 or 80 hours a week so

for her to get here for 6:10 p.m. was like she practically had to kill herself.

Mr. Pimental said they always accept written comments that she could send to him that he will read into the record or give to the Chair to read into the record so she can always reach out to him directly with concerns she may have.

Ms. Pratley said her home at 7 Spring St. has no parking and her intent has been to carve out a parking space or 2 on her property and it mentions flexible and innovative parking solutions and references Section 3.08 and asked if anyone had a copy of that and how that would impact something along the lines of what she is wanting to do.

Mr. Pelkey said the reason they don't have that here is because they are not recommending any changes to that particular section. He said the actual zoning ordinance is available on the Town website and Mr. Pimental has it and he could read it to her. He said Section 3.08 has the parking requirements.

Mr. King said that's the parking requirements for things that typically come before them or the staff. He said if you are looking to add a driveway to an existing residence or a parking space it wouldn't go to the board depending on maybe you need a driveway permit.

Mr. Pelkey said the question would be if you already have a curb cut there for where you want to bring it onto your property.

Ms. Pratley said there is no curbing but there is a sidewalk.

Mr. Pelkey asked if she has an existing driveway at all.

Ms. Pratley said no.

Mr. Pelkey asked if she has on-street parking right now.

Ms. Pratley said no she owns the property next door but they are 2 separate parcels.

Mr. King said at a minimum it would take a driveway permit which would go through the Building Inspector and a comment by the Road Agent but it wouldn't come to the board and Mr. Pimental may be involved in it.

Mr. Pelkey said Section 3.08 says if you're going to put an apartment in the VC you have to have 1.5 parking spaces per unit for a commercial use but she is a home where she is already there and is just looking to put a driveway in.

Ms. Pratley asked what if she didn't want to put a driveway in but just wanted to notch out a corner of her property for a space to drive in and park 1 or 2 cars. She said technically you could call that a driveway but she wasn't thinking of going down 20 ft or something.

Mr. Henry said but the innovative solution if she took the 2 lots that she has now and say there wasn't common ownership and the house that she is in she wants to make some apartments so she needs parking but there is no parking now an easement from the neighboring property that provided parking for that house would be an innovative solution.

Ms. Pratley said she looked into that and she was told that would seriously detract from the value of the other property.

Mr. Pelkey said if a bunch of folks in her neighborhood all decided they wanted to do some

renovations and add apartments in their buildings and they came to her and said she has this empty lot why don't they all use it for common parking and they can pay her on annual basis for allowing them 3 spaces or something like that.

Ms. Pratley said it is interesting that her taxes went up and there is no allowing for the fact that there is no parking on that property so she applied for abatement and was given a small one but that is a serious factor in the value of residential property.

Mr. Henry said on-street parking is not really an option there.

Resident Joe Yuriek held up the notice he said they sent out and said he's been a taxpayer here in town since 1985 and he has gone to countless Town Meetings where he voted and they always bring these zoning questions up and you have no clue what the hell they are doing so he always votes no on them. He said this is the first time since 1989 that he ever gotten a notice of a public hearing on a zoning issue-ever.

Mr. King said the reason he has it is because this zone is so small and there are less than 100 people affected and then asked if it is a requirement or they chose to do it.

Mr. Pimental said because they are making changes within the Village Center District the state statute says if there are less than 100 properties they have to do a direct mail out to folks that live in the district.

Mr. Yuriek said the statute needs to be changed and we should get noticed any time there is a zoning issue period. He said he wasn't going to rain on their parade and they have enough work to do but for the record this is the first time he has ever had any notice of a public hearing.

Mr. Pelkey said this year one of the things he wants to do is to have a more complete description of what the zoning changes that they are proposing available at the polling place as well as they are all available online at the Town's website.

Mr. Pimental said they should be on the Planning Dept. page.

Mr. Yuriek said he pulled it up today and he couldn't find it. He said they have 7 amendments here and it sounds like the Village Center is the one that is really driving the notification and asked if this is a town-wide vote.

Mr. Pelkey said yes it is.

Mr. Yuriek said he didn't feel comfortable having somebody that lives on Hornetown Rd. voting for something to go in the village district or vice versa. He said he didn't think he has any right to tell them what they can do on their zoning map. He said he didn't know how to fix that other than to take names and addresses.

Mr. Pelkey said that is a state statute and they can't change any of the zoning without the majority of the governing body approving it which for the town is every voter.

Mr. Yuriek said we have run into this before with the waste treatment plant. He said everybody was crying that they had private septic systems but what they neglected to say or to understand was they had fire protection from the Fire Dept. and that overrode any concern about that. This is a little bit different and just to bring it to your attention he said.

He said the other thing he found was they had an 8,000 SF buildable space for dwelling units in the Village district.

Mr. Pimental said for a single family home it's 8,000 SF and that's based off of what the minimum lot size is currently which is 8,000 SF.

Mr. Yuriek said somewhere in the passage it says 20% or 8,000 SF and an acre is 43560. He said 20% of that is 8,700 SF and they give him a bonus by knocking it down to 8,000 SF and when he bought the house it was a ½ acre in the VC. He said he was just bringing that to their attention because that is a discrepancy that they ought to check.

Mr. King said it says or .2 acres 8,000 SF so that's in that table now.

Mr. Yuriek said if they have a discrepancy in there someone is going to take them to task on it.

Mr. Pimental said it wouldn't change the single family, duplex or multi-family it would just change... and the .2 acres is already there they're not changing that it's just the calculation is a typo.

Mr. Pelkey said it's a mistake in the Space and Bulk Standards Table and that's 8,000 SF.

Mr. Pimental clarified that the minimum lot size is .2 acres.

Mr. King said .2 acres is not 8,000 SF.

Mr. Pimental said that's 8,712 SF but what they have changed still stays the same the 1 dwelling unit per 8,000 SF it's just wrong on the table. He said instead of it saying 8,000 SF because that's not .2 acres it should be 8,712 SF.

Mr. King said he would say they need to go the other way. He said 8,000 SF is the number that's stated and people are following and all the other zoning is based upon that so the .2 needs to change to .18 or whatever. I say we strike the .2 acres he said.

Mr. Pimental asked if they wanted to just leave it at 8,000 SF.

Mr. King said they can just strike it, it's not a substantial change because everything is 8,000 SF. He said if someone were to come in and contest it they would contest it to the lower value not the higher value.

Mr. Pelkey said when you're trying to maximize what you're doing you're going to push it to the lower number.

Mr. Pimental said he just went onto the Town website and on the front page under News the proposed zoning amendments are posted there, the hearing notice is under Public Notices and on the Planning Board site under News and Announcements it's in the packet and it's also as a call out under Proposed Zoning Amendments so they are on there. He said if there are places that they can make it easier for folks to look at but they did do a good job of putting it right on the front page.

Ms. Pratley asked how the amendments would be voted on and if each one would be a separate question.

Mr. Pelkey said the amendments would be individual ballot items. He said they tried to keep them to the minimum.

Mr. Yuriek said he did a little research on the zoning ordinance and it was first enacted in 1979 and there was no activity on amendments in almost 20 years. He said but every year since then there has been something and asked they get a notification because of a certain phrase and they are being bundled in with everybody which kicked out that notification and he is the only one here from the public (members pointed out Ms. Pratley was also present) and he just hated voting for the damn things. He said if it's not explained to him he votes no.

Mr. Pelkey said in the past they've had things that Code Enforcement has asked for clarification so when they have to deal with people who are squatting on property or their homes are falling down around them or hazards where they have to make changes so those were the ones last year.

Mr. Yuriek said he wanted to come to thank them for sending that notice and it's the first one he ever got. He then said that begs the question as to whether they did it properly in years past from 2001 to now.

Mr. King said a concern of his when he was Chairman of this board was making sure they do a good job on notice and it has come up that they need to notify everybody of the zoning change and the logistics and cost but this board may want to consider to bear that cost to notify people in the future on some stuff because sometimes our zoning is pretty impactful.

He said in this case everything proposed is less restrictive than what we currently have and he couldn't think of anything that's more restrictive in this change.

Mr. Pelkey said it is less restrictive and they are trying to allow for some development and trying to hold the downtown as a downtown if they can because they would hate to see that go away because once it's gone it's gone.

Mr. King said some of the existing housing was pretty dense and the zoning has been not as dense so some of these changes allow development to some of the density that is now as far as development on existing lots. He said the biggest change for him which in some ways is a little too aggressive in some of the zones might be the RR and SR but this is the change that they are making and if they see some negative results then future boards may consider toning it back a little bit.

Ms. Pratley asked if that would require a vote to pass it so once something is enacted it's pretty...

Mr. Yuriek said not necessarily because if something is enacted improperly that could be a court action.

Mr. King said he wasn't saying improperly but if the density that is getting developed seems to be counterproductive to the goal the board could change it back to a less of a density is allowed. He said the only thing that he could think of that became more restrictive is at one time in the AR the frontage requirement was 200 ft. per lot then it got moved to 250 ft. so the frontage requirement got increased in that zone somewhere along the way and a lot of those lots that were developed before were just 200 ft. of frontage which made those lots non-

conforming but they existed and still could be developed.

Mr. Pelkey said part of the driver is in the VC when you look at the lots in the VC how many of the lots don't conform to current zoning because they existed before zoning. He said they tried without changing them radically to make the zoning look more like what's on the ground right now so we have less lots that would be considered non-conforming because they were there before the zoning was started. We're trying to move that way a little bit but we're taking baby steps and trying to be incremental on the changes that we're doing he said.

Mr. Yuriek asked if he ever heard of the Sanborn fire insurance maps.

Mr. Pelkey said no.

Mr. Yuriek said they have them at the Historical Society, they're in the Town Hall and the VC used to be commercially zoned because the road went up Old Bay Rd. to Alton. He said Sanborn maps were done around the 1890's and they have a print of the commercial district of the day and all the structures were there.

Mr. Pelkey said he has seen that.

Mr. Yuriek said it should be in the Town records too and he had an architect point those out to him and it was very helpful in a couple of disputes.

Mr. Fisher said one thing they could do for notifications on the Town website is to sign up for e-mails from the various boards and the meetings, agendas and special things like this public hearing will be e-mailed to them usually around a week in advance.

Mr. Yuriek said they use the mailing system to notify abutters and his neighbor's notification ended up in his mail.

Mr. King said mail delivery has been an issue in Farmington and in his neighborhood they are delivering twice a week.

Mr. Fisher said they only have 2 mail carriers right now plus 1 or 2 in the office for the whole town. He said there are 6 routes in town and he has had mail delivered as late as 10:30 p.m. He said when they do get somebody it takes 2-3 months to get them through the training, background checks, etc. before they can start.

Mr. Henry clarified that they said that the amendments were less restrictive with the exception of the Commercial Business District and he would say that amendment is more restrictive than what is currently there because they don't really have a lot of control or regulation over the residential when it's in a mixed use building.

Mr. Yuriek and Ms. Pratley left the meeting.

Mr. King said he was saying it was restrictive because they don't currently have any restrictions.

Mr. Henry said very limited restrictions would be...

Mr. Pimental said they allow for mixed use but they don't define how many units.

Mr. Henry said a 50-unit apartment building with a coin-operated laundry is mixed use under the current zoning so he would say that one is more restrictive.

Mr. Pelkey said some rules when we had no rules is probably considered more restrictive.

Mr. Henry said on #6 for the commercial business it says to set a minimum unit size of 750 SF and his understanding was they talked about that minimum unit size pertained to the residential units not all units so they would not restrict the minimum size for a commercial unit just for the residential.

Mr. King said they should clarify that by adding that note.

Mr. Pimental said the intent was always residential.

Mr. Henry said that's what he thought but that is not clear here. He said not that he thought they would have a lot of small commercial units but 600 SF commercial is a lot different than 600 SF residential.

Mr. Pelkey said he wouldn't want to limit that to 750 SF.

Mr. Henry said he didn't want to set a maximum but he didn't want to set a minimum.

Mr. King said it just needs to be put in parenthesis (for residential units).

Mr. Henry said they didn't need any parenthesis it should say "minimum residential unit size".

Mr. King said it's not a substantial change because they always discussed it as the residential unit.

Mr. Pimental said he was looking at the other amendments and the only other place that they have minimum unit size requirements is the VC and the minimum unit size there is 500 SF and obviously the intent has always been that that 500 SF is residential. He asked if they also wanted to clarify in amendment #5 that the minimum unit size of 500 SF is residential. Consensus of the board was to also clarify in amendment #5 that the minimum unit size of 500 SF is residential.

Mr. Pimental said that's how they have been interpreting it and that's not a substantial change.

Mr. Henry said he would consider that a textual clarification. He asked if they needed a motion on the other textual changes.

Mr. Pimental said in amendment #5 under special considerations when it is talking about flexible and innovative parking solutions he didn't know why it points to Section 3.08 and that may have been something in the past but Section 3.08 has nothing to do with it. He said it is just pointing to the small wind turbine section of the zoning.

Mr. Pelkey said this is an obvious typo.

Mr. Pimental said they could rid of that to say innovative parking solutions shall be considered. He said the innovative parking solutions are really in the site plan regulations that talk about the Planning Board can offer off street parking within 600 ft. of the site and it's all in there. I don't know why it's pointing to the wind turbine he said.

Mr. Pelkey suggested striking the words "meeting the criteria set forth in Section 3.08".

Mr. Pimental said it should just say "Innovative parking solutions shall be considered if located within the Village Center District".

Mr. Henry asked if they need a motion for that.

Mr. Pimental said they could do it all in one and just say there were textual changes non-

substantive changes to amendments #5 and #6 adding the word residential to be clear and removing the legacy section that is not there.

Mr. Henry said and clarifying the minimum lot size to 8,000 SF in the VC.

Motion: So moved by Mr. Henry and seconded by Mr. King.

Vote: the motion passed 6-0.

Mr. Pelkey asked based on having had the public hearing where these would go next.

Mr. Pimental said next they will go to the warrant and then they will go to the clerk to be posted and that has to be done in the next 2 weeks or so. He said the motion that was made was just for the textual changes and that the board should make a second motion to vote to send all of these as written to Town Meeting.

Motion: (Henry, second Day) to send these as amended to Town Meeting;

Mr. King asked if it should say to send them to Town Meeting or to the Town warrant.

Mr. Pimental said the Town warrant.

Amendment: by Mr. Henry: to say Town warrant.

Mr. Day accepted the amendment and seconded the amended motion.

Vote: the motion passed 6-0.

Chairman Pelkey closed the public hearing at 7:04 p.m.

6). New Business: None

7). Member Comments:

Presidential Primary- Mr. Pelkey said the Presidential Primary is next week on Tuesday, January 23 and they would all be at the Town Hall "with bells on" to make sure you can cast your vote and if you are eligible to vote they are going to make sure you can do it.

Mr. Henry asked if there is a snow date.

Mr. Pelkey said not that he knows of.

8). Any Other Business before the Board:

No Jan. 31 Meeting-Mr. Fisher said at the last meeting or the meeting before last they talked about if possible if needed they were going to have a meeting on Jan. 31 and they had that in the minutes before and asked if they should say there will be no meeting on Jan. 31.

Mr. Pelkey said they don't need another meeting since they didn't make a substantial charge to the warrant articles.

Feb. 7 Meeting Agenda-Mr. Pimental said at the Feb. 7 meeting there will be 2 things on the agenda-one is they scheduled a workshop with the Town's legal counsel to come in and talk about potential zoning amendments for next year. He said it would be good to look at potentially creating a solar ordinance that is something they are seeing more of that they don't really have a great grip on at the moment. He said there have been some concerns raised within the Planning Dept. on how best to move some of these things forward so he asked

Attorney Keriann Roman if she was available on Feb. 7 to come talk to the board about that. He said he and Building Inspector Ron LeMere will have a call with Att. Roman tomorrow morning and that will be part of a workshop as well as the Rt. 11 Corridor Study group will be back in front of the board.

He said at that meeting what they are really going to be after is getting some ideas from this board about what amendments in terms of the district boundaries of what the corridor might look like and where there could be a mixed use zone. He said they talked about this a little bit having the corner of Rt. 153 and Rt. 11 area maybe being a mixed use zone.

He said they would bring some maps and they're going to have some markers and sketch out what that might look like so they can digitize it and get the ball rolling on what that might start to look like.

Ten Rod Rd./Abbey Lane Issue-Mr. Pimental said he also wanted to get the board's pulse on an issue that the Planning Dept. is going to have to deal with which is untangling a condition that was put on a prior subdivision that was never met but the homes were built and sold and it is now 13 years later. He said there was a subdivision off of Ten Rod Road that did not meet the frontage requirements and they may have had relief from the ZBA but the Planning Board decision was they had to build a road that was going to be Abbey Lane and is right across from Mr. King's property.

He said that road was never built, the lots exist today without that cul-de-sac that was supposed to be built. He said there are records that they tried to obtain an equitable waiver which the ZBA denied because this was not an equitable waiver they were given a condition to do and just never did it.

Mr. Henry asked what an equitable waiver is.

Mr. King said its relief from dimensional requirements.

Mr. Pimental said it's usually you get relief if you do something by accident for example if you built a barn and you don't realize the barn is 110 SF and you're within a setback and the Town's gradations are 100 SF and you didn't know that and asked to keep it there and not have to move it out of the setback. He said they applied for that through the ZBA and it was denied.

Mr. Pelkey asked how long ago that happened.

Mr. Pimental said in 2008 or 2009 and the Planning Board approval was in 2007.

Mr. Pelkey asked if they only had 5 years to build it or they would have to come back.

Mr. King said it was built.

Mr. Pimental said it was built-all the building permits and all the Certificates of Occupancy had already been issued. He said a bigger problem has come up and the reason this came to their attention was that the Police and Fire Depts. were doing some spot check mapping on E-911 and went out there and couldn't find this road.

He said if you look on the Town's GIS these 2 properties have 2 addresses-they have 17 Abbey Lane and 20 Abbey Lane and also 152 and 154 Ten Rod Rd. He said this is a problem for

emergency personnel responding to an emergency and they have asked the Planning Dept. to move quickly on this to address this. He said he thinks what they are going to do to address this and this is going to be part of the discussion they will have. Att. Roman is to move forward with the process to undo that and either have them have new deeds recorded that show the correct boundaries and getting rid of Abbey Lane altogether and using their current mailing address and have that be the E-911 address.

Mr. Pelkey asked contrary to the decision that was made on the development.

Mr. Pimental said yes.

Mrs. Patton-Sanderson asked if they actually have frontage on Ten Rod Rd.

Mr. Pimental said yes but they didn't have enough.

Mr. Pelkey asked how they would direct them to violate the decision of the board.

Mr. Pimental said he didn't know how this is going to work but the prior owners that went through this don't own the homes any more. He said he didn't know what legal action the Town could actually take. I don't think it's reasonable to have the new owners build that road he said.

Mr. Henry asked if it was just 2 houses.

Mr. Pimental said its 2 homes on 2 different properties.

Mr. King said he was going to recuse himself from any vote but he was the Chair at the time, he recused himself and what happened, happened. He said the owners at the time didn't follow the decision they didn't put it in, they got passed what they needed to get the building permit. He said since then it's always been shared 2 driveways with 200 ft. frontage on each lot which wasn't enough and they may have gotten a variance or they may have done a subdivision showing additional frontage along this Abbey Lane that was never put in.

Mrs. Patton-Sanderson asked if it was changed to 200 ft. in that area.

Mr. Pelkey said no but they did change it so you can't drive the frontage off of 2 roads.

Mr. King said he was not sure how it went and if they got a variance but he didn't believe the staff can overturn the approval without it coming back before the board. He said he would leave it the way it is, put them on notice and change the addresses.

He said if the deed is written so it includes Abbey Lane that's what the current approval is. He said to make them change a deed that is not consistent with the approval he didn't know what Att. Roman would say. This is not the 1st time we had an approval that wasn't followed he said.

Mr. King said the issue has to do with E-911 and the street and they currently have 2 addresses only 1 is correct and that's off of Ten Rod Rd. He said that is where their mail is coming and if you put in Abbey Lane the Fire or Police can't find it and asked if it's shown on the tax map. He said the approval goes with the land so potentially they could drag the current owners in which when they bought it this was the way it was. He said they didn't buy it and then took out Abbey Lane they bought the way it is with individual accesses off of Ten Rod Rd.

Mr. Pelkey said they may or may not have been aware that there was something that was supposed to be done that hadn't been done.

Mr. King said they bought it and it's been this way for more than 10 years.

Mr. Henry asked if Abbey Lane is serving as a shared driveway or if it is used at all.

Mr. King said it was intended to be used as a shared driveway but it was never fully put in and then it reverted back to being 2 separate driveways.

Mr. Henry asked if the driveways are both off of Ten Rod Rd.

Mr. King said yes.

Mrs. Patton-Sanderson said she thought they could vacate Abbey Lane and then an automatic waiver for the frontage because they're there.

Mr. King said but if it's an approval of this board it would have to come back to the board.

Mr. Pimental said that is what a majority of the conversation will be tomorrow. He said the biggest issue is the E-911 and they want to address that as quickly as possible.

Mr. Pelkey said the Fire Dept. represents that they can't do anything to correct this that the Planning Dept. has to correct it.

Mr. King said no the E-911 street names are done by the Town so they assign those and Kelly Heon did that. He said we go through this process and we have to comply to them when we do subdivisions and other stuff. He said based upon what was approved that was what was given for E-911 addresses. They raised the issue based upon doing an audit but we're the ones that set the names he said.

Mr. Pelkey asked why the Planning Dept. would tell them those are the addresses when the road isn't in there. He asked whether it's in compliance or not why they would say that the addresses are on a road that doesn't exist.

Mr. King said when the E-911 addresses were given that was to be put in and it was a condition of the approval. He said it is what it is and it's something that was approved that they didn't take them to task on years back so now a minimum of 13 years have passed since it was used.

Mr. Mains asked what the statute of limitations is on that.

Mr. Pimental said he didn't know but regardless they have to get E-911.

Mr. Mains asked if she can sue them.

Mr. Pimental said he didn't think so and he would have a better understanding of this tomorrow. He said he wanted to get the pulse of the board to make sure they were comfortable with taking the pro-active approach of undoing this to get the E-911 situation handled and whatever else they need to do but they are not going to pursue this in any way that Abbey Rd. is going to be built. He said he wanted to get that sense that they're not doing that they're just going to let this go, figure out a way to undo it so it's clean on paper so someone can look back on this and realize what happened and moving forward with whatever that looks like.

Mr. Pelkey said that is kind of an obscure statement to say the board said you have to do this and since you didn't do it we're going to say well, never mind. He said they should be held to what the board said or they should come back and ask the board to update the decision to

change the decision not just say we're not going to do it. He said he understood the current owners didn't create the problem but they own it, they bought it.

Mr. Henry said if he was thinking of asking for the same thing he is, he is looking to ask for an amended site plan.

Mr. Pelkey said yes but they need to come before the board and ask for an amended subdivision and it may not meet all the requirements so they will probably be looking for some exceptions as well but he didn't think they should just say since they didn't do it we're going to ignore it and try to figure out how to fix it they have to come in front of us.

Mrs. Patton-Sanderson asked if that was really it or would it be a variance of some sort.

Mr. Pelkey said he didn't know.

Mr. Mains asked why they are going after the people that own it now it should be the previous owners.

Mr. Pelkey said he agreed but they don't own it anymore and that he wasn't looking for blood and if they have to spend money to come before the board they can go after them it's not his job to go after them.

Mr. Mains said a lawyer would go after them.

Mr. Henry said but not our lawyer.

Mr. Pelkey said the property owners need to come before the board and get their site plan to look like what's on the ground unless they want to do some construction.

Mr. Mains said he is saying that the people that are living there now should pay for the site plan and then they should get their own attorney to go after them.

Mr. Pelkey said and go after the people that didn't follow the rules to start with.

Mrs. Patton-Sanderson said that was pretty harsh and most people don't have a clue about any of that stuff and they just went there, it's a nice house and they bought the house.

Mr. Henry asked what they would be looking at for costs to file for an amended subdivision.

Mr. Pimental said if the subdivision that was put together in 2007 or whenever it was if they can find that and it's recorded and the board would be willing to accept a subdivision that is not engineered where they could take that original, carve it out and get rid of the Abbey Lane and just draw the property line right down where it goes probably not much. He said that would be just the notification fees to come in front of the board for the public hearing process.

Mr. Pelkey said it would be \$150 and there are not that many homes in the area so it's not going to be a big mailing.

Mr. Fisher asked if the Town could waive that fee.

Mr. Henry said he wouldn't want to waive the mailings and the actual costs but any costs that are justified because of staff time. He said the Selectmen can waive application fees for things like that but if we have to pay for an ad and if we have to pay for mailings he didn't think it was right to put that on the taxpayers.

Mr. King said the discussion with legal counsel would give them their options and then figure

out where the board wants to go from there.

Mr. Pimental said he wanted to get the pulse of the board and that he would have way more direction tomorrow. He said he was going to lean on legal of what's the best process or what are the options and he will bring that back to the board. He said he would also ask Att. Roman if they can get rid of the 2 Abbey Lane addresses in E-911 to send just the Ten Rod Rd. mailing addresses to Police and Fire Depts. in the short term.

Mr. King said he didn't see why they can't they're the ones that determine it they just have to be compliant with the E-911 regulations.

Mr. Pelkey asked if they listed the Abbey Lane addresses on the Certificates of Occupancy.

Mr. Pimental said he thought so.

Mr. Mains asked who gave them the CO's and if it was the current Building Inspector.

Mr. Plkey said it was done during a prior administration.

Mr. King said they may have met the minimum standard of getting that CO and then undid they what they needed to do to revert back.

Mr. Pelkey said depending on what the Notice of Decision said.

Mr. Henry said he believes the current practice ties things like a road to the CO.

Mr. King said he believes it was roughed in to meet a requirement to get that paperwork based upon his memory. He said it was done to a minimum state to meet the requirements to be signed off and then converted back to 2 individual driveways.

Mr. Pelkey said they did what they had to do to get their CO and then let it fall back to disuse.

Mrs. Patton-Sanderson said they had a slime developer who didn't do what they said they were going to do.

Mr. Henry said not if it was built and then not maintained you can't fault the developer for that.

Mr. Fisher said there is no road.

Mr. Henry said what he heard from Mr. King there was a road.

Mr. King said it was supposed to be a joint access where one driveway serviced both which was Abbey Lane because if you have more than 1 residence you have to give it a private road. He said it was a shared driveway on the Ten Rod Rd that would go back a distance and go to one house and go to the other one. That access was kept and the other one that took an S turn was converted to straight out to Ten Rod Rd he said.

Mr. Henry asked if there was a private road that they stopped maintaining.

Mrs. Patton-Sanderson said it's a paper road.

Mr. King said it was put in to a minimum extent to get the paperwork they needed signed.

Mr. Pelkey said if they needed 25 ft. to get the frontage that they needed on their lots they put in 25 ft.

Mr. Henry said that changes his comfort level with amending the subdivision.

Mr. Fisher said he thought it would end up that they would do an amended subdivision plan then they're going to have to go before the ZBA to get a variance for 200 ft. frontage because

the frontage out there at the time was 250 ft. and still is so in order to get past that they are going to have to have a variance.

Mr. King said unless they already got a variance.

Mr. Pimental said he hasn't seen that yet but there could be one.

Mr. Fisher said if they haven't and they come before the ZBA- he can't speak for the ZBA but he has a feeling they would approve it since it's been 10 years.

Mr. Day said when they bought the house it was deeded for that driveway.

Mr. Henry asked if they have driveway permits for those driveways.

Mr. Day said his house has 2 driveways and he got grandfathered in for the second driveway and it says it right in his deed so if they bought that house it's in that deed.

Mr. Henry asked if it is in their deed.

Mr. Day said mostly likely you can't buy a house without a deed and it has all the frontage put in there.

Mr. Henry asked but is that driveway is permitted.

Mr. Pimental said he didn't know.

Mr. Henry said the road was there and they just didn't maintain it so now they're setting a precedence we'll just stop maintaining your private road and they're getting bailed out.

Mr. Pelkey said he didn't think they should turn a blind eye to this.

Mr. King said not maintaining it was converting it back to what they wanted.

Mr. Pelkey said they didn't get what they wanted on paper and nobody told them to so they did what they wanted to do afterwards. We'll be talking about this again he said.

Mr. Henry said he needed to know more about this.

Mr. Pimental said there are still a lot of unknowns this was just brought to his attention this week and he figured this was the time to bring it up to the board. He said he would keep the board apprised on what he hears from legal and if there are things they could do in the short term to address the E-911 issue that would be the biggest thing to get done quickly and then they can figure out the best way to rectify this in the long term and what that looks like. I'll know more at the Feb. meeting he said.

Mr. Day asked how they got their mailboxes. He said you have to come to the Town to get a mailbox number because they are the ones that give it to you.

Mr. Pelkey said he didn't know and that is a good question.

9). Adjournment:

Motion: (Day, second King) to adjourn the meeting passed 6-0 at 7:30 p.m.

Kathleen Magoon, Recording Secretary



Richard "Rick" Pelkey, Chairman