

Town of Farmington
Planning Board Meeting Minutes
Tuesday, December 19, 2017

Board Members Present:

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

Board Members Absent:

Stephen Henry
Brandy Sanger, Alternate

Others Present:

Kevin Radcliffe
Grant Myhre
Dan DeSantis, Town Planner

BUSINESS BEFORE THE BOARD:

Call to Order:

Chairman Kestner called the meeting to order at 6:05 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

December 5, 2017- No errors or omissions

Motion: (Fisher, second Arcouette) to accept the minutes as written passed 6-0.

Any Other Business before the Board:

Land Use Handbook- Mr. DeSantis gave the board copies of a chapter in the "Innovative Land Use Planning Techniques – A Handbook for Sustainable Development". He said the handbook was compiled by various State of NH depts. and that this chapter discusses the transfer of development rights. The chapter explains what the rights are and includes a model ordinance for review he said.

Mr. Kestner asked the board to read page 18 of the chapter for future discussion.

Mr. DeSantis said that he would provide any of the other chapters upon the board's request.

Mr. Pelkey note there is a link provided to access all of the chapters online.

Update on Warrant Article- Mr. Kestner asked if Mr. DeSantis had talked to the Town Administrator regarding the ability to include a definition of "shop front" in a warrant article on the Town Meeting Warrant.

Mr. DeSantis said he gave the wording to Mr. Capello who said he would handle getting the definition included on the warrant.

Grant Status- Mr. Horgan asked for the status of the PLAN NH grant.

Mr. DeSantis said the Town has been awarded a \$20,000 grant to be used to design a plan to redevelop the former Fire Station property. He said he will meet with PLAN NH representatives

on Jan. 4 to begin developing the work program. He added that one goal will be to demonstrate how higher density development would work downtown.

Mr. Horgan asked about the cost to the Town for the grant and whether it would be a cash or "in trade" contribution.

Mr. DeSantis said the grant requires a \$1,500 cash contribution from the Town and that the consultant has agreed to provide \$4,500 in time and labor.

Mr. Kestner noted that the property is in the Village Center District and that currently the density maximum there is one person per every 5,000 sq. feet.

Mr. DeSantis said he expected there would be many Variances required for the project and it presents an argument for Form Based Codes. He said they did not intend to plan "by the book" but by what will be a good fit there.

Mr. Kestner said that Form Based Codes are currently just an idea and that the board has to operate by what currently exists for zoning regulations. He said he assumed Mr. DeSantis would end up advising any developer to go before the ZBA in advance of any presentation to the Planning Board.

Mr. DeSantis said that is correct.

Mr. DeSantis said he plans to set up a steering committee that includes members of the Planning Board, Selectmen, Conservation Commission, Economic Development Committee and two community members.

Mr. Pelkey and Mr. Fisher expressed interest in representing the Planning Board on the steering committee. Mr. Fisher then said if only one member is allowed from each board that he would check with the Conservation Commission about being the representative from the Commission.

Recess- Motion: (Laferte, second Pelkey) to take a recess until 6:30 p.m. passed 6-0 at 6:20 p.m. The meeting reconvened at 6:30 p.m.

PUBLIC HEARINGS – 6:30 P.M.

Application for Minor Site Plan Review by Kevin & Christine Radcliffe: to install an accessory dwelling unit. Property is located at 132 Hornetown Road (Map R59, Lot 13): Agricultural Residential District.

Mr. Radcliffe told the board that he planned to install a second dwelling at his residence with a full kitchen, living room, laundry, a bedroom and a bathroom as a residence for his son.

Mr. Kestner asked Mr. DeSantis if he had any issues with the proposal.

Mr. DeSantis said the proposed dwelling unit meets all of the criteria for accessory dwelling units (ADU) with the exception of the temporary Certificate of Occupancy. He said there are some minor issues that needed to be corrected such as the house numbers, mailbox and the hand rail. There were no significant issues here he said.

Chairman Kestner asked the board if they had any questions for the applicant.

There were no questions from the board.

Chairman Kestner then opened the hearing for public comment or questions at 6:32 p.m. There were no questions or comments from the public.

Mr. Kestner said he would leave the public portion of the hearing open for 5 minutes. He then asked Mr. Radcliffe if all of the temporary occupancy issue would be addressed. Mr. Radcliffe said all of the issues had been addressed except for the results of the water testing. He said he planned to wait until some of the water had been cleared from the Artesian well before testing it as the well was put in a year ago and the new home has only been occupied for about 10 days.

Mr. Horgan asked if the minor issues were related to the construction of the house or to the accessory dwelling unit.

Mr. DeSantis said the owner received a temporary Certificate of Occupancy for the minor issues related to the primary residence and there are no issues with the ADU that he is aware of. There were no questions or comments from the public.

Mr. Kestner closed the public comment portion of the hearing at 6:37 p.m.

Motion: (Horgan, second Laferte) to accept the application as substantially complete passed unanimously.

Mr. Kestner asked if the board saw any other issues with the application.

Mr. Horgan said because none of the minor issues stated were related to the ADU there would be no reason to attach contingencies to the approval of the application.

Mr. Pelkey said the residence will receive another review from the Code Enforcement Officer regarding the resolution of the issues to receive a Certificate of Occupancy.

Mr. Kestner said the water issue is directly related to the ADU and needs to be addressed in order to obtain a permanent Certificate of Occupancy. He suggested it could be included as a condition of approval of the application.

The board had no issue with Mr. Kestner's suggestion. He then called for a motion.

Motion: (Horgan, second Laferte) to approve the ADU contingent upon successful water testing passed unanimously.

Application for Minor Site Plan Review by Grant Myhre: to install an accessory dwelling unit. Property is located at 231 Camelot Shore Drive (Map R06, Lot 143): Agricultural Residential District.

Mr. Myhre told the board that he lives in the upstairs portion of the home and wishes to install an ADU in the basement of the existing residence for use by his children and grandchildren.

Mr. Kestner asked if Mr. DeSantis had any concerns with the proposed ADU.

Mr. DeSantis said his first concern was that the applicant has not demonstrated that the property listed is his principal place of residence. The application states his mailing address is in Derry, NH he said.

He said the proposed ADU exceeds the 750 sq. ft. maximum. The total proposed living space is 864 sq. ft. and subtracting one 80 sq. ft. undefined space leaves the ADU at 784 sq. ft. he said.

Mr. DeSantis said the property has a private septic system and well and no evidence of the size of the septic system has been provided.

He said the residence is located within the Lancelot Shores subdivision and is governed by the Lancelot Shores Improvement Association (LSIA). He recommended that as a condition of approval the applicant must provide a letter to the Town stating that the ADU is allowed by the LSIA. Alternatively, he said the board could include in its decision that "Any requirements of any bylaws of the Lancelot Shores Improvement Association must be met separately. Town approval does not trump regulations, rules or bylaws of the Home Owners' Association".

Mr. Kestner asked if Mr. Myhre had any documentation in reference to the concerns stated by Mr. DeSantis.

Mr. Myhre said he brought some bills with his name and address on them and his driver's license which has his name and address on it. He said the Camelot Shore Drive home is his primary residence.

Mr. Pelkey asked Mr. Myhre why he didn't use the Farmington address on the Site Plan Review Application.

Mr. Myhre said it is because his girlfriend lives in Derry and he has been using her address.

Mr. Horgan said that Mr. Myhre needs to submit an amended application.

Mr. DeSantis agreed.

Mr. Kestner noted that the date shown on Mr. Myhre's driver's license is Nov. 30, 2017.

Mr. Myhre said he just got the address changed on his license. He added that the address (in Farmington) is where he is living and invited the board to "come over any time".

Mr. Kestner said that just because there is an electric service or house insurance does not mean this is his primary residence. He asked Mr. Myhre if he voted in the last election in Farmington.

Mr. Myhre said he did not and that the previous address listed on his license was in Milton and that the last time he voted was in Milton.

Mr. Kestner said that voter registration is probably the most valid source as to where someone's primary residence is.

Mr. DeSantis suggested the board continue the hearing until such time as all of the issues raised have been addressed.

Mr. Myhre asked if there was anything else he could do to demonstrate that he is living at the Camelot Shore Drive address.

Mr. DeSantis said he would ask the Code Enforcement Officer to visit the residence and confirm what exists at the residence.

Mr. DeSantis made copies of the documents provided by Mr. Myhre for the Town files.

Mr. Kestner asked Mr. Myhre if Mr. DeSantis had reviewed the ADU Checklist with him.

Mr. Myhre said this was the first he had heard of any of Mr. DeSantis' concerns.

He said he knew he would have to show something for proof of residence to the board. He said he filled out the application and it was submitted by his practice manager.

Mr. Kestner explained that the state law regarding ADU's requires that an ADU must be installed in the applicant's primary residence and the application shows Mr. Myhre's address is in Derry.

Mr. Myhre said the Derry address is on the application because at the time he did not have a mail box at the Lancelot Shores location.

Mr. Pelkey pointed out that the application provides a space for a mailing address if different from the residence which he could have easily included on the application.

Mr. DeSantis suggested Mr. Myhre come back to the Planning Dept. and personally fill out a new application for the requested ADU.

Mr. Pelkey suggested the board review the entire application currently before the board so Mr. Myhre can address all of the issues if he decides to return to the board with this proposal.

Mr. Laferte said he shared the same concerns with Mr. Myhre's application and that as it stands now he would have to vote against it. He asked if the septic system was set up for 2 or 3 bedrooms.

Mr. Myhre said the septic tank has a 1,000 gallon capacity and there are two bedrooms in the house, one upstairs and one downstairs. The dimensions are included on the drawing and including the chimney and the stairs the total is 746' downstairs. If you subtract the chimney and the stairs the total is 646 sq. ft. which is well within the 750'. He said he was not sure about the stairs but he believed the chimney can be subtracted from the living space.

Mr. Laferte said the drawing reflects the unit exceeds the maximum living space allowed.

Mr. Pelkey said what has been presented to the board doesn't meet the ADU requirements.

Mr. Myhre said the dimensions used to calculate the square footage are the outside dimensions and not the interior amount of actual living space. He then submitted a document to Chairman Kestner with the interior dimensions for the board to review.

Mr. Horgan suggested that before the board accepts any more documents that Mr. Myhre needs to spend some time with Mr. DeSantis and make sure the appropriate information is provided before the board begins to re-address the proposal.

Mr. DeSantis said part of the problem is that each room lists the square footage but there are no dimensions on the plan.

Mr. Horgan asked about the number of bedrooms in the dwelling.

Mr. Myhre said there will be one bedroom upstairs and one bedroom downstairs in the ADU.

Mr. Horgan said the ADU Checklist lists two bedrooms in the ADU and if in fact it only has one bedroom that is another item that needs to be corrected.

Mr. Horgan noted the checklist states all of the proposed work will be within the current footprint and there is no addition to the footprint proposed but the applicant needs to clarify what is happening within the footprint.

He said anything the board does will be contingent upon what the Homeowners' Association says about adding an ADU.

Mr. Myhre said he checked the Association regulations and found nothing prohibiting an ADU.

Mr. DeSantis said the tax card shows that the property has two bedrooms.

Mr. Myhre said it has two bedrooms – one downstairs and one upstairs.

Mr. DeSantis asked how there could be a bedroom in the ADU as work has not begun in the basement area yet.

Mr. Myhre said the room in the basement was a bedroom to begin with.

Mr. Kestner suggested Mr. Myhre take the measurements of the living space of the proposed ADU and add them to drawing and bring it with him when he meets with Mr. DeSantis. He said the issue of the number of bedrooms needs to be cleared up on the tax card as it may appear there are three bedrooms if the ADU is approved.

Mr. Laferte said the tax cards also show Mr. Myhre lives in Derry. The Town records need to be corrected he said.

Mr. Fisher said the issue of the number of bathrooms also needs to be clarified it may appear that there are three bathrooms if the ADU is approved.

Mr. Horgan asked when Mr. DeSantis will return from vacation so they could determine when he could meet with Mr. Myhre and schedule a re-hearing of the application.

After a brief discussion, it was decided that Mr. Myhre and Mr. DeSantis would meet on Dec. 27 at 10 a.m. and a public hearing on the application would be scheduled for Feb. 6 as Mr. Myhre will be out of town at the next public hearing meeting on Jan. 16.

Motion: (Horgan, second Pelkey) to continue the application until February 6 passed 6-0.

Mr. Myhre then asked the board to list the items that need to be addressed and included with the application before the public hearing. They are as follows: a written letter from the LSIA stating their approval for an ADU, a copy of the LSIA bylaws, correct the address on the application and tax cards, submit a drawing with the correct interior and exterior dimensions, certified documentation from the state or from Grover Septic stating that the septic tank and field are adequate for the additional ADU.

Any Other Business before the board:

First Night Farmington - Mrs. Arcouette reminded viewers that Farmington will have its first New Year's Eve celebration and listed musical performances, an art show, bon fire, food cart, warming stations and a ball drop as some of the activities planned for the event. She said buttons are necessary to take part in the activities and they are available at several businesses around town for \$5. One winner will win 50% of the button receipts and the remaining receipts will go to funding First Night next year. She said if anyone has any questions concerning the event to contact the Friends of Farmington or Liberty Insurance.

Chairman Kudos- Mr. Laferte said this being the last meeting of 2017 he would like to thank Mr. Kestner for his leadership and the board members for their service throughout the year. He said he looked forward to a successful year for the board in 2018.

The board then wished everyone a Merry Christmas.

Adjournment:

Motion: (Laferte, second Arcouette) to adjourn the meeting passed unanimously at 7:20 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in cursive script, appearing to read "David Kestner", is written over a horizontal line.

David Kestner, Chairman