

Town of Farmington
Planning Board Meeting Minutes
Wednesday, March 8, 2023
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present:

Rick Pelkey, Chairman
Bill Fisher, Vice Chairman
Charlie King, Selectmen's Rep
Stephen Henry, Secretary
Mike Day

Board Members Absent:

Rebecca Patton-Sanderson, excused
Jeremy Squires, excused

Others Present:

Kyle Pimental, Planning Director
Michael and Kathleen Harris, applicants
Bud Meader, Goodell Construction
Scott Lawler, Norway Plains
Randy Tetreault, Norway Plains
Karen and Brian Beaverstock, abutters

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

February 15, 2023- Public Session Minutes- No errors or omissions

Motion: (Henry, second Day) to approve the minutes as written passed 4-0

Public Comment: None

Other Business Before the Board:

Third Party Engineering- Mr. Pimental said the Request for Qualifications Subcommittee held 5 interviews on Friday, Feb. 24 and have made a recommendation to the Selectmen for a third party engineering firm which will be heard at the Selectmen's meeting this coming Monday. He said hopefully at that meeting they will take that recommendation from the subcommittee and authorize the Town Administrator to enter into a contract and we will have that group or groups soon.

Mr. Pelkey said they were all good candidates, they had good backgrounds and the interviews went well. He said he looks forward to having somebody on board that has the qualifications and the expertise they have because they are going to help us do some stuff we need to do.

Mr. Pimental said the 9 firms that responded with letters of intent were all well qualified firms and they went through a review process to narrow that down to 5 for interviews and then they

narrowed those 5 down again. He said they did a thorough review of these 9 and we're getting the best candidates to help the Town with a number of the different services we're looking for like helping with large site plan developments for drainage, traffic analysis and things he can't review and we don't have engineering services for, construction oversight and helping with excavations. Almost all of the firms could hit those tasks so the ones we're recommending to the Selectmen will well serve the Town he said.

Mr. Pelkey said plus the additional engineering services for the Town projects as well.

Phase I Environmental Assessment Grant- Mr. Pimental said they applied for the grant for the Cartwright property and we were selected and \$9,700 was approved by NH Dept. of Environmental Services. He said the board received copies of the scope of work and that Weston & Sampson Engineers, Inc. has a direct contract with the Environmental Protection Agency and they were preselected to do these projects.

He said they will have \$9,700 to go out and do some assessments on the properties that are being donated to the Town in addition to the baseline documentation that the Town's forester is also doing.

Mr. Pelkey added and the grant the Town received for administrative purposes.

Mr. Pimental said we have an additional \$5,000 to help with attorney fees when drafting all of the easement language, any deed restrictions and they are in the midst of the title searches. He said this is a complicated land donation because there are a number of different properties that were owned by different entities but they have made some really good strides on that.

He said over the last couple of months they have been able to secure almost \$15,000 to help move some of these things forward and not have it be something the Town has to pay for.

Economic Development Committee- Mr. Pimental said he met with the EDC last night for the first time as they had asked him to attend a meeting and provide an overview of some of the zoning amendments being put forth this year and in the past and some of the work the Strafford Regional Planning Commission can offer Farmington. He said he talked about his role and other staff that can help with other topics such as transportation, economic development or things not necessarily in his wheelhouse.

He said they talked about how they could help raise awareness about RSA 79-E and one of the EDC members, Jason Lauze is the only person in town who has used that so far and he spoke a little bit about his experience. There are other properties downtown that may be eligible but those property owners may not be aware that that RSA exists and that the Town has already signed on to it and they are looking for people to do it he said.

He said he e-mailed them copies of the RFP for the old fire station and it would be good to have the EDC's support when that is released. The more support we can show in that RFP the more enticing it will be for developers to say they can come in here and not receive a lot of push back because the town is already supportive of some type of redevelopment there he said.

March Meeting Schedule- Mr. Pimental said this is the board's only meeting in March and he is

going to be off starting at the end of March for about a month and after that he will be back 3 days a week for an extended period of time. He said they will be in good hands with the other staff members and the Executive Director is going to take on some of the day to day pieces and the list of projects that he has been working on so she can keep those moving forward.

Torre Excavation Application- Mr. Pimental said the Town received a relatively large project application for the Torre property excavation and they need to start with the **Technical Review Committee** and get that moving. He said it would be very helpful to have that third party engineering and if all goes well next Monday we should have them next week and he could bring them up to speed on that application before he leaves.

He said the regulations say the board has to decide if third party engineering is required and he can tell by the size of this application it is going to be required. He said the board hasn't seen that application yet and asked if it makes sense for the board to make a decision that this is a large enough project and not hold the first public hearing, decide that it needs third party engineering, have everybody show up and then have to continue it immediately.

Mr. Pelkey said they will be on the clock once they have the first meeting.

Mr. Pimental said that is not a huge deal and they can work with them to go past the 65 days but if the board is open to it and he would have to check with legal counsel on this if they could make that determination that for a project this size that they feel it is going to need third party review. He said he could bring them in early on and during the TRC process third party review is on-going with as opposed to going through TRC with just staff, making revisions, then coming to the Planning Board and having the board decide that it needs third party review, stopping again and then we're 3 to 4 weeks in at that point and he wanted to speak with the board about this.

Mr. Pelkey asked if they would be on the agenda in April.

Mr. Pimental said maybe and it may be the second meeting in April but that's pushing it and the site plan itself is 35 pages long.

Mr. Pelkey said they had a conceptual meeting so they have some idea of what the scope is.

Mr. Pimental said so they know the size of the project and Mr. King should weigh in on this too but if the board feels comfortable saying we know this is going to need third party review he would bring in that group earlier and ask the applicant if he is comfortable with handling some of the review prior to it coming to the Planning Board and have that memo pulled together and move forward that way.

Mr. Pelkey said he didn't want to speak for Mr. King but he knew based on his approach the last time they asked for third party review it wasn't a soup-to-nuts third party review it was let's take a couple of sections that look like more critical points and double check their calculations and if they run into a problem they can expand upon the review not just order a full engineering review and not charge the applicant for that unless they find out what they are going to give us for a product is substandard.

Kodiak Group- Mr. Fisher asked about the recent discussion the Selectmen had about the Kodiak Group.

Mr. Pimental said this past Monday a representative of the Kodiak Group spoke to the Select Board on what the path is going forward and to take that back to the property owner to see if they can pave a way on how to deal with the violations. He said he would let Mr. King comment on more of this since he was leading the discussion with the rep. but the Selectmen made it clear what the expectations are and that compensation is going to part of this equation. He said if they want to move forward keeping the paved driveway area to the Town lot there is going to be a cost associated with that and if he doesn't want to do that there is going to be a cost associated with reclaiming the Town land back to its previous condition. He said there is going to be some level of compensation that is part of the negotiation between the Town and the property owner and they didn't get into what that number was but they made it pretty clear to bring that back to the owner and it's going to be the applicant's decision on how he would like to move forward.

Mr. Fisher said he watched the meeting and the spokesman did the best he could but he just came on to the project and the person that made the decisions is in Europe and they couldn't even have a company rep show up. As a Planning Board we don't have much power against them but when the Board of Selectmen start talking money I hope its big bucks because I personally feel Kodiak went way above what they were supposed to do. They said they thought the land was abandoned because there was drug paraphernalia on the ground he said. He said the person they had as their rep did the best he could he just did not have any answers for the questions and Charlie (King) did an excellent job holding them to what they said they were going to do.

Consideration and Possible Vote on Minor Boundary Line Adjustment:

Summary of Application- Consideration and Possible Vote on a Minor Boundary Line Adjustment between the Fuller Family Trust and Kathleen A. Langley, Tax Map U-2, Lot 84 and Tax Map U-2, Lot 89. The applicants are proposing a boundary line adjustment which includes the transfer of a total of 3.59 acres from Tax Map U-2, Lot 84 to Tax Map U-2, Lot 89. The remaining land of Lot 84 will then merge with Tax Map U-2, Lot 83. Both properties are in the Urban Residential Zoning District.

Randy Tetreault, President of Norway Plains Assoc. told the board he was representing the applicants and it is essentially a land swap of 4 acres adding on to a pre-existing lot of record and they are all pre-existing lots of record. He said the plan shows a lot of extra survey information so he will go through a brief history of how it evolved to where it is today and what they are here for tonight and it will be easier for everybody to understand the lines on the plan. He asked the board to just focus on the colors for now so they can see the parcels and know this is what happened.

He pointed out on the map how the parcel looked 4 years ago and the orange parcel and the green parcels were owned by Langley and the red parcel was owned by both.

Mr. Pelkey asked about the right-of-way on the red parcel.

Mr. Tetreault said the r-o-w was in favor of Langley to go over it to get to the back land. He said then the Langley's decided to go through the restoration of an involuntarily merged lot and they went through the Town so it was 2 separate tracts of record so it ended up with the purple area and the orange areas as separate tracts and the green area was an existing house lot of record and the Fullers stayed the same.

He said at that juncture they did a garage on the existing house lot and then they ended up voluntarily merging the lots so you had the orange lot, the purple lot and the Fuller lot and that is where we are today before the meeting so its 2 lots of record owned by Langley and one by Fuller.

Mr. Tetreault said what is being proposed for the lot line adjustment application is to take part of the orange lot 4 acres roughly in the back by the river and adding on to the Fuller Family Trust lot and the purple lot would remain at 9 acres, the orange lot would be 5 acres and the red lot would come up to about 4.4 acres.

He said the Langley's favor going to the scenario which is to merge the purple and orange lots back together to be in Current Use and that is what they were talking about out in the hallway and it is still a little bit up in the air on that. He said they could go either way because it would still meet everything but in this particular case they were worried they could never come back and sell a piece of it.

Mr. King arrived at the meeting at 6:23 p.m. He said if they put it in Current Use the tax liability for 2 lots is very low.

Mr. Tetreault said they talked to the Assessing Dept. about how much of a savings it would be and if it was worth it or not. He said even if they do merge it together and it will be over 14 acres they could still sell land to an abutter under a lot line adjustment and they don't have to sell the whole thing.

He said there are 3 sheets that get recorded if this gets approved-the cover sheet that shows everything and there are 2 blow-ups, one of the area near the Fuller property so you can see how that exists today and a blow-up of the Langley property and there was a little confusion about a line going through a building that he asked Mr. Pimental about and it doesn't because they merged those lots but he wanted to show what the sequence of events was because there are monuments out there.

He said the merger stuff was done before they got involved and it's a new thing how it gets tracked title-wise and associated with a surveyor after the fact. There was a document for the un-merger stuff but I don't believe it was recorded. The voluntary mergers are recorded so if you do the research you will pick them up and in this case I happened to know about it from the owners and got the information from the Selectmen's office to see how they do that he said.

Mr. Tetreault said when the deed gets to Fuller they will release the r-o-w because they don't need it anymore because the back lot belongs to the property.

Mr. Pelkey said there was a discussion about what the resulting lot number was going to be and there was going to be some changes.

Mr. Tetreault said he didn't know what number Mrs. Heon wanted to use and whether it would be 84 or 83.

Mr. Pimental said it would be whatever number the house lot is on.

Mr. Tetreault said that is lot number 84 and once the plan is recorded she will amend the tax maps to whatever number she wants to use. He said she doesn't have to do an additional voluntary merger because once this is presented to the Planning Board and the board approves it and the plan gets signed it's the same owner so that will become one and she doesn't have to be redundant with a voluntary lot merger.

Motion: (Pelkey, second Henry) to determine that the application is substantially complete passed 5-0.

Motion: (Pelkey, second Henry) that this is not a development with regional impact passed 5-0.

Mr. Pimental said the one comment he had and Mr. Tetreault has done a really good job was to explain all the un-merger and merger process history to give the board a picture of what has happened historically but all of the other land use regulations have been met. He said he wanted to make sure he has it correct in his notes and asked if the house lot was #84 or #83.

Mr. Tetreault said the one with the Langley house lot is now Tax Map U-2, Lot 84 so she must delete 83 at some point after the plan is recorded. He said he e-mailed Mr. Pimental about pre-existing lots of record and adding to them to make sure there wasn't going to be any issues with trying to bring them into full compliance and with some towns you don't have to do that. He said there was an old unrecorded plan of the Langley property that got recorded as part of this from a company he used to work for and they straightened out a few title things so far so the only thing left to be done is to mark the line out for the applicant and set a point down by the river so they know where the new line is.

Mr. Pelkey asked if there was anyone from the public that wanted to speak to this. He said he had no issues with it and read the staff recommendations for conditions of approval as follows: 1). Provide physical and digital copies of complete plan set for recording at the Strafford County Registry of Deeds which additionally shall include revise reference that the merged lots shall use Tax Map U-2, Lot 84 and include the LLS stamp and signature.

A note will be added to the **Notice of Decision** stating that this approval in and of itself does not effectuate a change in lot line locations. Such approval merely constitutes recognition by the municipality that the lot line configurations as proposed are in conformance with local land use regulations or are otherwise accepted with non-conformances.

The Planning Board requests that the applicant upon recording the documents reflecting the conveyance with the Registry of Deeds submit a copy of the transaction to the Planning and

Community Development Dept. as well as advises the applicant to obtain consent from any lien holders on the properties. He then asked if anybody had anything else.

Mr. Pimental asked if the board wanted to add under the conditions anything about adding a monument as Mr. Tetreault mentioned.

Mr. Tetreault said there is only one monument that has to be placed and usually there is a condition that that gets done.

Mr. Pimental said they could add that as a final condition to say a certificate of monumentation would be submitted to the Town.

Mr. Tetreault asked if the Town has certificates of monumentation.

Mr. Pimental said the Town doesn't have one and they are usually submitted by the surveyor.

Mr. Tetreault said a lot of towns do that as supplement to the plan and he thinks that if it is on the plan and the surveyor stamps the plan that should be enough.

Mr. King said he assumed he put it in because the applicant is paying for it.

Mr. Tetreault said yes and they don't want the Planning Board driving by and seeing that they didn't.

Mr. Pimental said it's the board's call on what they want to do on the monumentation.

Mr. King said he was comfortable with an e-mail stating the monumentation is complete.

Mr. Pelkey said so that would be the condition and then made the following motion:

Motion: (Pelkey, second Henry) to accept with the condition that we noted concerning an e-mail stating that the monumentation is complete passed 5-0.

Public Hearing

New Cases:

Public Hearing and Possible Vote on a Site Plan for Dana's Collision Repair, Tax Map R14, Lot 4. The proposal is to expand the existing commercial use by constructing a 60 foot by 45 foot addition. The proposed building will include two paint bays for automotive repairs. The parcel is serviced by on-site septic, has access to municipal water, and is in the Commercial Business Zoning District.

Scott Lawler, Project Engineer, Norway Plains Assoc. said he was representing Dana's Collision Repair on a (major) site plan for their facility located at 265 Route 11. He said in the audience tonight is Bud Meader from Goodell Construction who is overseeing the building construction in the event that the board has questions specific to the building. He said the lot is 2.3 acres and it lies in the Commercial Business Zone and is in the Aquifer Protection Overlay District. He said currently there are 2 structures on the property, Unit 1 is Dana's Collision and Unit 2 is another auto repair service building with a total of 13 service bays between the 2 structures. He said access is off Rt. 11 at 2 different locations and the site is serviced by on-site septic and currently serviced by an on-site well.

Mr. Lawler said the applicant is proposing a 2,700 sq. ft. building addition (60' x 45') that will be

installed on the westerly end of Unit 1 (Dana's Collision). He said the primary focus of the addition is to create 2 state of the art paint bays with vehicle paint prep areas within. He said they currently have a smaller paint area and often have to send vehicles out for third party painting and this will allow them to do that on-site.

Mr. Lawler said the new addition will not result in any new employees or any additional septic loading or utilities and the building will have a connection to the septic system.

He said as a result of the building's configuration there would be some minor reconfiguration of the parking stalls and that's noted on the site plan to accommodate it. He said even with the addition they still meet the Town's site plan review parking requirements both on-site and within the building.

He said the results of the proposed addition will have a minimal impact to the percent of the impervious coverage on the property and it will increase by 620 sq. ft. total or .7% of the overall lot coverage. He said the storm water resulting from the proposed roof will flow towards the rear of the building and then flow over land then down to the snow storage area which is a low depression on the property. The soils on-site are Hinckley sandy gravels and it infiltrates into the ground he said.

Mr. Lawler said also as part of the proposed application they are replacing the gravel driveway that goes over the property line so that it will be on the property line and their existing dumpster will be relocated so that it is on the subject property.

He said in discussions with the Town Water Dept. and the applicant they are considering connecting the building to the municipal water supply while they already have the mobilized excavator on-site so they noted on the plan where a proposed water line would tap into the Town water and go over to at least building #1 and there is discussion about connecting that to building #2 as well. He said those details would be worked out between the applicant and the Water Dept. during the building permit phase.

He said noted this addition does not require any state permits and then asked if the board had any questions.

Motion: (Pelkey, second King) to accept the application as substantially complete passed 5-0.

Motion: (Pelkey, second King) that I do not feel that this is a development of regional impact passed 5-0.

Mr. Pelkey opened the hearing to comments/questions from the public/the board at 6:35 p.m.

Mr. Henry asked if the NH Dept. of Transportation has to sign off on this.

Mr. Pelkey said they are existing driveway cuts and there is no change to it.

Mr. Lawler said that is right and there is no increase in the use and they're just adding a better paint area than their current paint area.

Mr. Pelkey said the application makes reference to whether or not you counted the spaces inside of the building for parking and that was the basis for determining how many handicapped spots are needed and asked if that is a question that the board needs to discuss.

He said he didn't think spaces inside of the building are parking spaces because customers aren't going to drive in off the street and park there.

Mr. Pimental said those 15 spaces are being used as part of their total parking calculation for inside and outside of the building which equals 77 spaces. He said if the Town wants to allow them to use the automotive bays as part of the calculation for their parking as is being done now that raises the spaces over the ADA limit to where the next trigger is one more accessible parking space than what they are showing. He said the ratio for total parking spaces to ADA spaces is 1-25 parking spaces = 1 ADA space; 26-50 spaces = 2 ADA spaces; 51-75 spaces = 3 ADA spaces and 76-100 spaces = 4 ADA spaces. He said if they are using 15 spaces total to get to 77 spaces and they want to apply that they would need one more ADA spot.

Mr. Pelkey asked if the 15 spaces inside the building are required based on the sq. footage of the building.

Mr. Pimental said it's required as part of the number of employees and the number of bays. He said they are using it to meet the regulations but when they calculate the total do they want to apply to use those 15 spaces for an extra ADA spot is the question.

Mr. King asked based on the sq. footage how many spaces are required.

Mr. Lawler said 70 spaces.

Mr. King asked if in the prior site plan they used these spaces to get it or in this site plan.

Mr. Lawler said the total number of spaces was achieved before adding the 2 additional bays or the paint shops. He said he would like add on a little bit about the use of the property and what they need the parking spaces for. He said they are a business that doesn't have walk-ins and their walk-in comes in on a flat bed so they control the number of vehicles that are on-site. He said it's not like its Black Friday and you're going to get a ton of vehicles in there so they control their own needs and if they have problems with parking they adjust the number of vehicles they take in.

Mr. Pelkey said when he read the proposal he couldn't imagine where 3 ADA spots is not going to be enough for that business.

Mr. King asked if there are 3 ADA spots on-site now or are intended to be put on-site.

Mr. Lawler said there will be one they are adding and some of the paint stripes are faded because they did an overlay.

Mr. King said he was not in favor of allowing the parking spaces inside the building because that's not really where people are parking. He said if there are 3 handicapped spots and the rest to submit a waiver for the requirement. I don't want to set a precedent of calculating the parking bays inside of a building to meet a requirement and I'm okay in this application of granting a waiver of that parking requirement he said.

Mr. Pelkey agreed and rather than just recalculate everything they can waive the minimum number to what they are depicting here.

Mr. King said to leave it at 3 which is what they are depicting for handicapped spaces and have

them submit a waiver as a condition of approval for the requirement. He said this is an existing business that has been operating with this parking for a long time. Granted everybody knows that sometimes their overflow goes onto the adjacent lot but that is an agreement between the 2 landowners and if that ceases they will have to manage it on the parking they have he said. Mr. Pelkey said they need to know what paragraph of the site plan review they want to waive so they can make a motion to waive it.

Mr. King said they have to submit it in writing.

Mr. Pelkey said submission of the waiver request in writing would be a condition of approval for signing the plans.

Mr. King said if they allow this to go forward they will have somebody come in and say I need 3 parking spaces and I'm going to use 2 of them in my garage and you open the door and you couldn't even get a bicycle in there.

Mr. Henry said it seems like there are a lot of parking spaces there to begin with and asked if we have a pretty un-nuanced parking policy and it's the sq. footage is this many parking spaces.

Mr. Lawler said with automobile service it is based on the number of bays so its 1 space per employee and 4 spaces per bay.

Mr. Henry said they are figuring space to hold cars that could be worked on and one of those cars that could be worked on is in the bay and if your parking calculations are to accommodate vehicles to be worked on one of those vehicles is in the bay. He said if it's a contractor's shop and you're figuring you need parking for the company truck and the employees you can park the company trucks in the garage over night to me sounds reasonable that's a parking space for your company truck.

Mr. King said the requirement was based on auto repair which this typically is but it doesn't have the turnover and when a vehicle shows up its going to be there for a week and auto repair might have 4 vehicles in 1 day so based on the difference of automotive repair its grounds to grant the waiver because it doesn't have a high turnover. He asked how many bays would be working on vehicles.

Mr. Lawler said there are a total of 15 bays with the new paint shop.

Mr. King said they have 13 bays now and asked how many parking spaces they have outside.

Mr. Lawler said they have 62 spaces outside.

Mr. King said they need 15 spaces outside to take the car from the inside and put it outside whether it's going in or going out so you have 45 additional parking spaces for employees, visitors, salesmen and they have a substantial amount.

Mr. Henry asked if they do some automotive sales there too.

Mr. King said yes based on what's allowed without any permits-a couple here or there but not enough for them to be considered an automobile sales facility. There's a threshold there that Code Enforcement looks at he said.

Mr. Henry said it seems like they have a lot of parking spaces already.

Mr. Pelkey agreed and said he would hate to waive the ADA requirement and would rather waive the number of spaces.

Mr. Henry said he would rather waive parking requirements so they don't need to use the spaces in the building to meet the parking requirement rather than say we're going to count them for this but not count them for that. I don't like that idea he said.

Mr. Pelkey said the change to the impervious surface is negligible it's .7% or something like that.

Mr. Henry said that's because they're building a building over paved area or what's currently paved.

Mr. Lawler said yes paved and hard packed gravel areas.

Mr. Pelkey asked if there were any other comments from the staff.

Mr. Pimental said one thing to clarify in terms of Mr. King's comments about setting a precedent the only he would say to that is in this particular case is because the parking is tied to the automotive bay if someone else came in and said they want to put a garage as 2 parking spaces they would look at that differently than what at least they were proposing because of the parking saying 4 spaces per bay. He agreed the waiver is the better option and he didn't think that would necessarily open them up to set a precedent.

Mr. King said it doesn't necessarily set them to a binding precedent but at times they do something on an application and years later somebody says see you did that here and mine is just like that even though it's not and then they have to have that discussion.

Mr. Pimental said his other comments were to let the board know this did go through the TRC and they saw this at the Feb. 7 meeting and all of the comments there included in their packets have been incorporated into the plan set. He said he wanted the applicant to explain the change from the existing stream that was in what you see to the drainage swale because that does have an impact on any buffer area that would be in that area. He said initially it was shown as a stream but that has since changed and asked Mr. Lawler to talk about that piece.

Mr. Pelkey asked if he was concerned about what the depiction is or if he just wanted the board to understand what they are doing.

Mr. Pimental said what the board has in their packets says existing stream and according to that they would apply a buffer to that according to the Town's regulations so in going back and forth with the applicant they went back out there to make a determination that this is not a stream and he wanted the applicant to explain that because this will be on the new set of plans that the board doesn't have.

Mr. Lawler said currently there is a cross culvert that picks up storm water from the state highway and discharges on the abutting Yacoub property and then there's a defined swale that curls around and becomes very steep and more of a ravine and inadvertently their grounds person had labeled that a stream and it fell into is it a stream or is it not a stream. He said Randy Tetreault who is a certified wetlands scientist was on-site investigating for monuments

and other things so he walked through that area and indicated that it was not a stream because it doesn't run 12 months out of the year like the Town requires for it to be confirmed as a stream and it wasn't a jurisdictional wetlands because of the lack of vegetation and the steep slopes. He said they revised the plan and got rid of the word "stream" and got rid of the 50 ft. wetland buffer and now they call that the existing drainage swale.

Mr. Pimental said they are only thinking about connecting the main building unit 1 to the Town's water main and he has a comment to add something about unit 2 when they get to the conditions of approval.

Mr. Pelkey said they still need to determine which site plan section they need to discuss a waiver on.

Mr. Pimental said that is Section 21 is where the parking regulations in the Farmington site plan regulations are located and that is where the minimum number of parking spaces for each site is discussed and determined and that would be what the waiver request is.

Motion: (King, second Pelkey) to approve a waiver contingent upon one being submitted in writing to Section 21 of the parking requirements based upon the prior discussion;

Discussion: Mr. Henry asked if they would have to count the interior parking to get the number of spaces to get the number they need.

Mr. King said they are waiving the number required.

Mr. Pimental said they would be showing 62 outside spaces where they would need 70.

Mr. Pelkey said they would waive the number of parking spaces and accept the parking as depicted on the plan.

Mr. Henry asked Mr. King if he would be amenable to adding to the motion that specifies how many parking spaces they will have not just a blanket waiver of the parking requirements.

Mr. King said he was acceptable to that and added the following:

Amendment: by Mr. King: 62 parking spaces will be supplied on the property.

Mr. Pelkey accepted the amendment.

Vote: The motion passed 5-0.

Conditions of Approval-Signing of the Plans- Mr. Pelkey read the conditions to be met prior to the signing of the plans include the following: provide plan copies with professional stamps and signatures and changes to the plat as detailed in the minutes and this report.

Mr. Pimental said that one needs to change and initially under staff recommendations in 1b(i) he had because they saw that as a potential wetland buffer they were going to require a special use permit for any work if they decided to connect unit 2 to Town water so that will just say adding a note to the plan stating that if during construction it's decided to connect the lower building unit 2 that they will be required to obtain an additional water service connection permit from the Town's Water Dept. So we would just be striking the part about the special use permit for work done in the 50' buffer because it's a drainage swale but we're still requiring

adding a note that says if they want to add unit 2 that they'll need an additional water service permit it's not going to fall under the existing one they have for building 1 he said.

Mr. Pelkey said he didn't think the Water Dept. lets them tell the applicant how many water service permits they need.

Mr. Pimental he asked he asked the Water Dept. and they will need a 2nd one to tie into that building.

Mr. Pelkey said if they were silent on it the Water Dept. would still make them do it.

Mr. Pimental said that is likely and putting a note on the plan is just his recommendation to the board.

Mr. Pelkey said he is going to have to change the notes anyway to add the waiver to it so he might as well change that too.

Conditions of Approval-Issuance of a Building Permit- Mr. Pimental read the conditions to be met prior to the issuance of a building permit include scheduling a Dig Safe visit with the Water/Sewer Dept. to mark the location of the existing water line and any other utilities in the area and to obtain a water service connection permit.

Conditions of Approval-Issuance of a Certificate of Occupancy- Mr. Pimental said the condition to be met prior to the issuance of the CO is to submit as-built plans stamped by a certified NH Professional Engineer.

Mr. King asked what happens if the applicant decides he is not going to connect. He said they may need to revise it to say if the applicant chooses to connect then he is required to do these things. He said the applicant may leave here, look at the water rates and decide he doesn't want to go through that expense and to stay on his existing water.

Mr. Pimental said it does say that and it says to add a note to the plan stating that "if" it is decided to connect to the lower building and they are planning on connecting unit 1.

Mr. Lawler said the way it was conveyed to him by the applicant was he wanted to connect buildings 1 and 2.

Mr. Henry said he would give him an "if" because Town Meeting is coming up and they are looking at an increase in rates and he could change his mind.

Mr. King said it should be "if" because this plan approval doesn't require him to connect to Town water so if he chooses not to he didn't want him to have to come back for an amendment. He said this is a condition to be met prior to the issuance of a building permit and it should say if the applicant is connecting to Town water. He said depending on how the project goes there may be a delay and he may say he doesn't want to do that right away but he doesn't want to be held up on the occupancy either.

Mr. Henry asked if this was a vacant lot and it was new construction if they would make them connect to Town water.

Mr. King said based on the distance from the frontage yes but this is an existing use so it's somewhat grandfathered.

Mr. Pelkey said if it was a vacant lot and they were building for the first time there wouldn't be an existing well to talk about either.

Motion: (King, second Day) to approve the major site plan for Dana's Collision with the following conditions stated by staff in his memo with the two changes being to revise (b) to remove the requirement for a Special Use Permit and item #2 would be change to add the wording "if the applicant chooses to connect to Town water these will be the requirements" and the waiver for the parking is to be submitted in writing passed 5-0.

Mr. Henry asked what makes this major not minor if they're adding on to the building.

Mr. Pimental said we don't have a difference between major and minor.

Kodiak Group-Mr. Fisher said they did a quick run thru of the discussion the Selectmen had Monday night on the Kodiak Group and asked Mr. King if there was anything he wanted to say on the issue.

Mr. King said the applicant sent in a representative who was new to the construction and wasn't involved in the original encroachment. He said he detailed what the options were for the applicant and hopefully he consults with the applicant on those options and comes back with a plan to do either A or B.

Close Public Hearing-Mr. Pelkey closed the public discussion on the previous public hearing at 7:05 p.m.

Mr. King said they gave the applicant the opportunity to make us an offer to purchase the easement and access he has taken without permission or to restore it to its original state.

Mr. Fisher said it was a good job and he felt bad for the guy presenting and they put him out to slaughter.

Mr. King said at the end the guy commented that they felt the property wasn't in good condition as far as maintenance and there was trash there and used needles and he told him if they restore the property they can bring the trees back but they can keep the trash and needles.

Legal Response to Lien Holder Notification-Mr. Pimental said he forwarded the response from legal counsel about the conversation they had about the lien holders for the boundary line adjustment.

Mr. King said he read it, he chuckled and he still disagrees. He then gave the board a couple of scenarios. He asked what happens if we don't advise or discuss it with the applicant and there's a exchange of property that has a value and the lien holder decides to take the parties to court and by us granting that they take us to court because the Town has deep pockets and they take the money from the taxpayers. We would get dragged into the lawsuit because they name the municipality because we didn't provide notice he said.

He said in a court case he was involved in he was asked by the complainant's lawyer why things were recorded at the registry and he answered and was told he was wrong. He said the lawyer said the reason things are recorded is to give notice so the intent of a lot line recording is to

give notice in legal terms and he said it was to show ownership and the delineation of the meets and bounds.

He said in this scenario the lien holder is in some ways the owner of the property and at any time they can call the note due. He said what could happen in this scenario is they grant a lot line revision and the lien holder says they changed the collateral and they are calling the note due and then suddenly there's a different lawsuit where the applicant says you should have told me. We can certainly advise we cannot put it as a requirement. Her (the attorney's) argument was it's not in the law but that doesn't mean it shouldn't be done he said.

Mr. Henry said but can they require it is the question.

Mr. Pimental said the attorney was leaning towards they can't require it as a condition of approval because the board doesn't have that authority.

Mr. King said zoning allows them to make requirements that are stricter than the law and asked if they put a requirement in that you have to show that how that is not within their rights. He said they make requirements about handicapped parking spaces, placement of signs, proof of ownership to do subdivisions and lien holder permission is required for that.

Mr. Pimental said it's not required for subdivisions but is required for mergers and is not mentioned anywhere else. He said he tried to compromise by putting a note on the Notice of Decision that says the board is advising the applicants to obtain consent from the lien holders on the property. He said it's not a condition but that NOD will get recorded so it's trying to find a way to get both parties...

Mr. King said he disagrees and he has had these discussions with Att. Roman and in this case her argument that it's not cited in the law so they have no right is totally wrong because they make conditions that are stricter than state law all the time because they put it in the zoning. If it's in our application process and it's a requirement for a lot line adjustment and we were to put it in there and adopt it at Town Meeting we have every right to ask it he said.

Mr. Pelkey said this could be a candidate for a zoning amendment next year.

Mr. Henry said but that's not the case now.

Mr. Pimental said it's not referenced anywhere except for the merger application which is tied directly to state statute. He said they could revisit this but for now...

Mr. King said he was somewhat okay with making it advisory but if there's litigation chances are the Town will be dragged into it because that's typically what happens because the municipality has the deepest pockets in the room.

Mr. Henry asked if putting that on the plans would make any difference as to whether someone would go after our deep pockets and our standing.

Mr. King said they at least put the landowner on notice that it is suggested that he should do it.

Mr. Pelkey said they should sign it like it is on their other application. He said it's their job to look out for the interest of all of the parties and because the lien holder is an interested party they should be looking out for their interests as well.

Mr. King said the problem is the party who will be injured the most or be the most affected is the applicant because he may be subject to actions that he is not aware that could happen. He said the person they're protecting for their own good is the applicant by making the applicant prove he has consent to do this because there are other people involved that may say they don't agree with that and suddenly they have 2 choices- fight in court or say they violated the terms of their contract that says if you change the collateral we're calling you note due and you have 30 days.

Mr. Pimental said he didn't disagree with any of those arguments at all but he is not a lawyer so he can't defend either side.

Mr. Pelkey said when they start talking about the zoning regulations for next year this should be on the list of things to discuss.

Mr. Pimental suggested they have legal counsel here when they have that discussion and he was just trying to find some middle ground for this application.

Mr. Fisher asked if wasn't it also in this application that the property that had the lien on it was correctly identified in the mortgage documents and the lot line adjustment really didn't affect what was mortgaged.

Mr. Pimental said the last one not this one tonight.

Mr. Fisher said in that case they were just trying to get the paperwork straightened out and it didn't matter whether the mortgagee...

Mr. Pimental said it is important to note that at that meeting the applicant was okay because the Chair asked the applicant if he was okay with us making this a condition of approval and they said yes. He said he thought it would get dicey if they made that request and they said they didn't want them to put that as a condition of approval because he doesn't know if legally they could force them to put that as a condition of approval as much as you're trying to advise them. I don't think you can say we're not going to approve this unless you do it he said.

Mr. Pelkey said he wondered how the banking community would feel if they told them that in NH law any property owner can give away a piece of their land and we don't have to notify them that its happening. I bet they would go to Concord and have them fix that law in a hurry he said.

Mr. King said if we are clear in our zoning that it would be a requirement and it went to Town Meeting they would have a much better standing on it. He said there could be a case where someone could challenge their right to do that and that would be an interesting discussion he would go to.

Mr. Henry said looking at the lot line adjustment application that they just had they had to notify all the abutters to which there were quite a few and asked where the regulations are on who has to get notified for an application.

Mr. King asked if he meant as far as notifying the lien holders.

Mr. Henry asked if they make the rules on who gets notified and they've talked about do they

go beyond just touching the property because sometimes people are close but are separated by a driveway or a path and they looked at other scenarios where the applicant could be 2 houses over and you wouldn't get noticed. He said they set regulations on who gets noticed and asked if they could just add lien holders to the list of people who must get noticed.

Mr. Pelkey said that would work as well and that would just be a letter.

Mr. Henry said if they choose to ignore the letter that you've been noticed that this person is coming in for a lot line adjustment sorry you ignored the certified letter.

Mr. Pimental said that is something to consider and he believes the Town defaults to the abutter definition set by the state and the state doesn't have that (lien holder notice) so if they wanted to make that adjustment they would have to change that.

Mr. Henry said they don't have to use the state's definition of an abutter because they talked about not using it.

Mr. Pimental said they have to at least have the state standards but they could expand on it and have a higher standard. He said that is an interesting way to go about it but he wouldn't want to comment or advise the board because this is out of his league in terms of legal advice and he would want the Town Attorney to comment on that.

Mr. Henry said they have to notice the engineer that submits the plans in the first place which seems ridiculous to him.

Mr. Pimental said the engineer that is doing the plan is on the abutters' list.

Mr. King said but it's not required and they do that to make sure they get the notice.

Mr. Pimental said it was part of their application.

Yacoub Property-Mr. Day said speaking of abutters, the property beside Dana's Collision Repair that they agreed to dig it out didn't they say that was a wetland on that side and they just said tonight that it wasn't a wetland.

Mr. King asked when they said it was a wetland.

Mr. Day said he wished he had the drawing with him.

Mr. Pelkey said he was talking about the excavation where the old red barn they tore down used to be.

Mr. Pimental said that is the Yacoub property.

Mr. Pelkey said he couldn't recall what that drawing had on it.

Mr. King said Norway Plains did the excavation permit.

Mr. Day said for some reason they called it 2 different things and he picked up on it as soon as he said it's not a stream to wetlands.

Mr. Pelkey said he would like to look at that.

Mr. King said maybe that carried over on the last plan and they showed it as a wetland with a buffer and it was nothing but a drainage ditch. We wouldn't determine that was a wetland area he said.

Mr. Fisher said that is behind Dana's and they were talking about the guy next door to Dana's and the piece of property that was incorrectly identified as a stream when it wasn't one.

Mr. Henry said they acknowledged that Mr. Tetreault checked it out and the person doing the cad work made a mistake so the previous application could be wrong so those restrictions may be in error.

Mr. Pimental said he just pulled up the Yacoub site plan on his laptop and they show it as a stream.

Mr. King asked if there was a setback and limited the excavation.

Mr. Day said yes because he went right after them on it about setbacks on wetlands. He said he didn't want to have someone come in and say they said this and then they said that.

Mr. Pimental said Mr. Day was 100% right about this and initially they were showing the 25 ft. setback but the plans that were approved that line moved to show a 50 ft. excavation setback around the stream which didn't really impact the property all that much or the excavation. He said their proposed infiltration basin was going to be there anyway so it didn't have a drastic impact but Mr. Day was right that they applied not a stream they applied the 50 ft. wetland buffer to it.

Mr. King said but they represented it as such.

Mr. Pimental said that's correct and if this truly is not a stream as defined by the Town's water bodies which means it needs to run 12 months out of the year and if it's not then they accidentally showed a stream and they may have just used this same cad file.

Mr. King said for a wetlands setback it doesn't need to be a stream all year round if there's any wetlands soils and vegetation.

Mr. Pelkey said their representation tonight was there was so much slope you were going to have retention of water there to create a wetland.

Mr. Pimental said Mr. Day was right that they did apply a different setback based on what they were showing which was a stream.

Review of Draft Fire Station Request for Proposals

Mr. Pelkey asked the board if they had a chance to look at RFP for the former fire station site (381 Main St.). He said he thought it was well written and he had no changes he wanted to see.

Mr. Pimental said the staff and the Housing Navigator has taken a stab at this RFP and looking for feedback he presented it very briefly to the EDC last night and asked them to get their comments to him by the end of the month.

He said the next audience that needs to see this is the Select Board and they will add, remove and make decisions on whether it will be released as it's currently written or what revisions need to be made to where they are comfortable. We're at a good point at least as a starter and this is ready to be made more public in terms of what this might look like he said.

He said the version in the board's packets is just a little bit different than the online version in that it's got added information about the Coast bus stops.

Mr. King asked if they were making that a requirement to the purchaser that it stays.

Mr. Pimental said no and it's just saying that it's there.

Mr. King said depending on the applicant's proposal they may want to do something different with that area.

Mr. Pimental said they could and he found out that one of the Coast buses is parked on that lot.

Mr. King said the Town allows that currently but we don't have any binding agreement that would prevent somebody from buying it.

Mr. Pimental said when they asked Coast for the ridership data they said they didn't know the Town was going through the process of selling that lot.

Mr. Pelkey said the timeline was a little tight because of the 30 day trigger in there.

Mr. Pimental said those are draft numbers and he thought the 30 days was questions.

Mr. Pelkey noted the pages in the RFP are not numbered.

Mr. Pimental read there an 18 day deadline for receipt of questions and the 30 days is for proposals to be due and that is probably not reasonable and they should extend that.

Mr. Pelkey said that was a little strict because they have a lot of drawing to do in 30 days.

Mr. Pimental said they released the Request for Quotes for the third party engineering on Oct. 25 and they had a deadline of Dec. 31 so if they want to do a month and a half they can but they had a great response for the RFQ.

Mr. King suggested that it say 60 days.

Mr. Henry said looking at some of the things we're asking for "the Town will review the project's feasibility, quality and overall benefit to the town" so you have to line up your tenants, tell us who is going to be in there, give us your business plans, is this feasible and you're going to give them a 60 day deadline to do all this stuff.

He then read "the Town will review the developer's qualifications, financial capability and commitment to develop and maintain the property" and said all he cares about is if the check clears. I don't want to sit there and evaluate everybody's business plan he said.

Mr. King said that is not everybody's opinion on this site.

Mr. Henry said does the check clear and get it back on the tax rolls because somebody that is going to buy it has plans to make some money with it. I'm not going to sit there and nitpick whether I like your idea. "I don't want that kind of grocery store I want an organic grocery store" or "I don't think a shoe store would be successful so we're not going to sell you the land" he said (imitating someone with those opinions).

Mr. Pelkey said he didn't think they were going to get that "deep into somebody's sneakers" and maybe they would say they're going to have ground level businesses here's the sq. footage but they're not going to know who their tenants are going to be before they start.

Mr. Day said they want to put multiple businesses in there instead of a single business so when some guy rolls in there and says I want to put a garage back in there like it was back in the

1960's and we say nay we want more businesses than one and asked if that would be the justification behind all this- for them to look at the plans.

Mr. Pelkey said in the end the developer will do what they are going to do with the property if they purchase it.

Mr. Henry said if we don't scare them away.

Mr. Pelkey said the Town spent a great deal of time and effort trying to get the pulse of the people to get some idea of what people would like to see there. He said since its public property that is being sold then the people that are selling it can say we'd like to see something like this on our property that we're going to sell.

Mr. Henry said he has seen a lot of people say they want to see a lot of things done with somebody else's money but they don't want to actually shop there themselves. If we do too much here then it's going to continue to sit there and compost he said.

Mr. King said he was on the board when they said to the taxpayers we are going to build down there and sell this one and put it back on the tax rolls and we have yet to do that. He said his intent is to see it through with the best result possible as we can maybe steer but if we make a hard and fast requirement, we need to be reasonable and see what they can propose.

Mr. Fisher said they spent almost 2 years getting data together for it to be tossed out a window. He said the pictures in here are not what came out of all of the meetings and they wanted to see businesses in there and not one person wanted to see houses back there.

He said he liked the proposals and putting some houses in the back would be great because we need some affordable housing in Farmington with businesses along the street front. He said they had everything from I want to see a craft brewery to a bandstand to a public park to grocery stores to a drug store to several bars. A lot of work went into getting this stuff together he said.

Mr. Pimental said in developing this as a draft, they looked at other RFP's throughout the region. He said some of them were 20-30 pages long and they felt that they didn't need all that detail or to be that descriptive and try to get it down to something that would not scare away developers but would give them more guidance to put together a proposal. He said a lot of the language that's in there is likely to be reviewed by legal counsel on whether or not we need it and the Select Board is going to have opinions on whether this is too complicated or prescriptive. We tried to make it as open-ended as possible he said.

Mr. Pelkey said and still express the fruits of all the efforts of the group that Bill (Fisher) was part of. He said there was a group of people that spent a couple of years trying to put together some information as to what the town taxpayers would like to see done. That's not saying that's what has to be done but we made the effort and that should be put in the RFP he said.

Mr. Pimental said everything Mr. Fisher said was right in terms of all the outdoor spaces and the ideas for business features for the firehouse site and in that report there was also discussion about housing and that it should remain in historic character and the architecture of

the existing businesses. He said some people said no housing no apartments but some also said single family homes and condominiums and a diversity of housing but no low income or section 8 housing. He said there was a discussion about housing as part of that event but there was a lot more excitement about what the businesses could be which is why he would disagree slightly that the graphics don't represent that. I think that they do take into consideration a mixture of housing and commercial and it's showing 10,500 sq. ft. of commercial space he said. Mr. Pelkey said they also highlighted that we changed the density requirements.

Mr. Pimental said to allow for more housing which makes it more attractive. He said they attempted to follow what other municipalities have done with their submission requirements to help this become successful. He disagreed with some of the things said about the developer's qualifications, financing, their track record and if they are in litigation and that those things are important. I understand you want to make sure that the check cashes but some of these other things were in every single RFP that they looked at he said.

Mr. Fisher said to look at what happened with the solar farms and for 3-4 years we've been waiting for the solar farms to get started because a company came in and said they were going to put this stuff in, came before us and argued about the building permits and the size of the bases and how they would be charged and went through all that stuff and if we had dug deeper into that business we would have found out that it was being run by a guy who had no idea what he was doing and had lied about the permits he said he had put in for that he hadn't. Now we have a new company coming in starting everything all over again...

Mr. King interjected on a private development.

Mr. Fisher said digging into who is buying the land and the feasibility of them following through with what they say they are doing is a good deal.

Mr. Henry said anybody who is going to cut the check and buy the land has some plans for it and nobody is going to let it sit there in hopes it will appreciate more than the cost of the taxes.

Mr. King said if you look at this picture you go wow that building looks pretty good and maybe I'll buy that, put my business there and park my vehicles in there or do something else with it.

Mr. Henry asked if it was a tear down.

Mr. King said he didn't think it was a tear down but it does need some work on some foundation things that could be shored up for support.

Mr. Henry asked if someone could get a CO for it.

Mr. King said that would depend on the use and it could be used for storage by a company like Bluebird Storage and then do something else with the rest of the area. He said somebody could look at this picture and go look at all that parking and all the cars I could put up for sale and I would have a place to work on them.

Mr. Henry said he doesn't like all the red tape trying to sell a piece of land that does not have a For Sale sign on it and asked why they should have a date at all. He said the first person to come in with something the Selectmen like and if they don't come in for a year and a half and this is

what we're looking for write us a check. He said if they put a 60 or 90 day timeline on it people will say they don't have time to get around to that because there are all these other places that are better to invest their money in.

Mr. King said they had a valuation done on the property 8 years ago and at that time the value was between \$200,000 and \$250,000.

Mr. Fisher said he saw it listed in the 2022 Town Report with a value of about \$600,000.

Mr. King said granted things have changed but he didn't think that number would satisfy the Selectmen and it has to be a reasonable number and the better the application the more reasonable the price may be and that's a board decision.

Mr. Henry said given that they are doing all of this if somebody came in and convinced them that it was going to be this wonderful development and they have the money and the commitment to do it the Town would sell it for \$1. You are either going to bend over backwards on the price to make it happen because you've got some vision or you want to sell it for fair market value but I don't think you can do both he said.

Mr. King said he is pro going forward with the RFP to see what can be accomplished but if they don't get any good proposals they could say that didn't work we're going to go to the highest bidder now. He said they never had this approach before and he was curious to see what it would yield.

Mr. Henry said a 60 day clock is too short for the deadline for proposals. He said it's not like putting it out to bid and you have 60 days to formulate a bid and the highest bidder will get it. This is come share your ideas with us and if we like it maybe we'll entertain selling it to you he said.

Mr. Day said they have to try something. He said they could sit here and argue about nothing or they could just try. Sixty days is a great idea so go for it he said.

Mr. King said if there somebody that was interested but said they need some more time if they felt that there was a solid need for consideration they'd consider it.

Mr. Henry said he would rather give the Selectmen a deadline and say try this for 8 months and if you don't get any good proposals sell the damn thing.

Mr. Pimental said if the board wanted to give him specific comments by next Friday that's fine if they felt that was reasonable. He said he wanted to get this before the Selectmen as quickly as he can because he is going to have to pass this off to somebody else for a little bit. He said he wanted to take this as far as he can and continue to monitor it and if they need to make revisions based on Select Board feedback he wanted to be able to get this out sooner rather than later.

He said he didn't disagree with anything Mr. Henry and Mr. King have said and if this process doesn't work and they hear back from the development community that a mixed use development is not marketable there then at least the town knows it and if someone makes a

proposal for something that wasn't envisioned for this site to sell it off and at least they could say to the residents that they tried.

Mr. King said some people have said the Town should develop it but in his opinion the Town should not do it as they are not developers and they have more than enough projects that they need to worry about-water/sewer infrastructure, road repairs, sidewalks, etc. If we're going to work on projects we should concentrate on that and we don't need to sign up for a project we have no experience with he said.

Mr. Pimental asked generally if they've captured something they are comfortable with based on maybe some revisions that they can get this to the Select Board soon.

Mr. Henry said his issue is not with work product and he is not criticizing the proposal it's the concept of we want to sell this land and we'll sell this land to you maybe if we like you. I just don't want to be in that role he said.

Member Comments:

Warrant Article #28 Accept Water/Sewer Infrastructure- Mr. Fisher said there is a warrant article for the Town to take over the pumping station and the associated water, plumbing and drainage at Campbell Commons for their sewerage pumping station and asked if the Planning Dept. got any documentation on the specifications on what it was built to and if it meets Town requirements. He said that usually when someone submits a warrant article for the Town to take over something they bring in some drawings for them to look at and the Planning Board gets to weigh in on if it was built to specifications.

Mr. King said the as-built plan was on file and the person that brought the petition warrant article to the Selectmen also brought in the plans they had for the infrastructure and gave a copy of the plan set to the Town Administrator. He said the Town has been given what it was designed to and hopefully what it was built to and he couldn't recall what we require for as-built plans which would show any deviations from the design plan and they would have to look at that.

Mr. Pelkey asked there would be any recommendation given on that.

Mr. King said the Selectmen didn't make a recommendation for or against it because they aren't required to but they did make a recommendation on the petitioned warrant article about recycling because tax money is involved. He said historically the Selectmen have not commented on petitioned warrant articles unless required. He said he assumed the petitioners would be at Town Meeting to make their case and he could provide some historical information if people have questions based on being on the application at the time.

Mr. Pelkey asked about the size of the warrant.

Mr. Fisher said there are 21 warrant articles but some of them are pretty standard.

Discussion then included the length of the meeting could depend on the number of people attending, that who shows up can sway the vote one way or another and that 25 like-minded people could change the direction of the town.

Next Meeting: Wednesday, April 5, 2023

Mr. Pimental said he would not be here for this meeting and they don't have any applications for review. He said the board appointments will be taken care of and Mr. Henry and Mr. Pelkey are up for re-appointment for another 3 year term and voting for the Chair, Vice Chair and Secretary positions will take place at that meeting.

Digital Files Request- Mr. Pimental said in the back part of the old fire station RFP the 3 graphics are photos of the 3 concept plan drawings they have in the Planning Dept. and they don't have those digital files and at this point this board may want to recommend that Mr. King bring this to the Selectmen.

Mr. Pelkey asked if that was because the consulting firm didn't give them to the Town.

Mr. Pimental said they requested the files from ADG and they were told because there is an outstanding balance as part of the Master Plan that...

Mr. Pelkey said that was a completely separate contract from the Master Plan.

Mr. Pimental said he understood that but we have not been given the files they hoped to include in this RFP because of the dispute over the remaining balance. He said the Selectmen need to advise the Town Administrator or get legal counsel involved to iron out those 2 pieces because it is now affecting whether they get this product that they want to include in the RFP. He said he went to PLAN NH as part of the Municipal Technical Assistance Grant thinking maybe they had a contract that would allow them to have proprietary ownership of any deliverables under those grants but they didn't they had the agreement with the Town and the Town had the agreement with the consultant. He said he asked the Land Use Assistant to look on the server to see if she could find the MTAG contract the Town signed and if that gives any coverage that the Town owns the products that were made. This needs to be resolved and I don't have an answer to it but we have not been able to get the files we requested he said.

Mr. Henry asked if they have the right to distribute the images in the RFP.

Mr. King said that contract was a separate contract and the Town paid that contract. He said maybe they will ask for them again using a few different words.

Mr. Fisher asked if the Strafford Regional Planning Commission can scan those and make a duplicate file.

Mr. Pimental said no because they were printed on gator board and if it was a sheet they could.

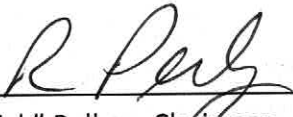
Mr. King asked if they could take a high resolution photo.

Mr. Pimental said they can and if that is ultimately what they have to do they can convert the images to a PDF and remove the glare and make it look as nice as possible.

Adjournment:

Motion: (Fisher, second Day) to adjourn the meeting passed 5-0 at 8:04 p.m.

Kathleen Magoon
Recording Secretary


Richard "Rick" Pelkey, Chairman _