

Town of Farmington
Planning Board Meeting Minutes
Wednesday, April 5, 2023
356 Main Street-Farmington, NH 03835

Board Members Present:

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

Board Members Absent:

Mike Day, excused
Rebecca Patton-Sanderson, excused

Others Present:

Jenn Czysz, SRPC Executive Director
Christopher Berry, President, Berry
Surveying & Engineering
Patricia Torr Aiken, Franklin Torr
Donna & Larry Gorney
Robert Pettersen
Shawna Collins
Warren Toto

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.

Chairman Pelkey then welcomed Strafford Regional Planning Commission Executive Director Jen Czysz who is filling in for Planning Director Kyle Pimental who is on paternity leave. He congratulated Mr. & Mrs. Pimental on the birth of their new baby girl, Elsie Ann who was born on March 30 and is absolutely beautiful.

Review of Minutes:

March 8, 2023- Public Meeting Minutes- No errors or omissions

Motion: (Henry, second Fisher) to approve the minutes as written passed 4-0-1 (Squires abstained).

Voting for Officers:

Mr. Pelkey said this is their first meeting after the Town elections so the next agenda item is voting for officers.

Motion: (Henry, second Squires) to nominate Rick Pelkey for Chair;

Mr. Pelkey accepted the nomination and there were no other nominations for Chairman.

Vote: the motion passed 5-0.

Mr. Pelkey asked for nominations for Vice Chair.

Motion: (Pelkey, second Henry) to nominate Bill Fisher for Vice Chair;

Mr. Fisher accepted the nomination and there were no other nominations for Vice Chair.

Vote: the motion passed 5-0.

Mr. Pelkey asked for nominations for Secretary.

Motion: (King, second Squires) to nominate Stephen Henry for Secretary;

Mr. Henry accepted the nomination and there were no other nominations for Secretary.

Vote: the motion passed 5-0.

Public Comment:

Mr. Pelkey said before they get going on their application tonight he wanted to go through the timeline of what they are doing for this excavation application. He said tonight they were going to review the application to determine if it's complete and accept it. He said after they do that they will set a date for a public hearing on the application so they will not be having the public hearing on the application tonight and will not be discussing the merits of the application. We will be looking at the application itself and whether or not we feel it's complete. We may look at some of the stuff in it and determine that we want some outside help to review it to prepare for the actual hearing on it he said.

He said he knew that a lot of the abutters are here and would like to speak to this application and this period of time right now is for public comment so if anybody wants to make a comment concerning this or has questions they like would to have answered down the road we're not going to have a back and forth with the applicant but if you want to put your questions on record so that we have them so when we actually start to review the project it will give the applicant a chance to come prepared to answer your questions he said.

He said if anybody would like to come up and just speak during this time please feel free to come up to the microphone.

Mr. King said to reiterate they were not going to have public discussion or comment during the application because they were just going to consider the acceptance and at the next meeting there will be public comment during the application but at this point if they wanted to make a comment or raise a concern under public comment this would be the time to do it.

Chestnut Hill Rd. resident Donna Gorney said they are going to put a business in there but it is zoned residential/agricultural and asked if that is a problem and if they have to it re-zoned before they can build there or put a business there.

Mr. Pelkey said as an excavation it is permitted use in that zone.

Mr. King said even though it is a residential zone there are uses that are permitted and a gravel excavation is one of those uses even though in essence it's a business its permitted in that zone along with other zones.

Mr. Pelkey said there is a Table of Permitted Uses in the zoning ordinance that will tell you that some things require a **Special Exception** in order to be done this one is actually permitted by right in that zone.

Chestnut Hill Rd. resident Shawna Collins said she abuts the property directly and the drive they have been using is right beside her yard. She said silt and dirt has been coming into her yard

already from what they have been doing with the trees because of the erosion and asked what measures they are going to take to prevent that type of erosion, what they are going to do to prevent water pollution because she is on well water, what are they going to do to keep their mess to themselves. She then asked what they are going to do about the species in there that they have already disrupted and if they are going to protect them from being floated out to somewhere else. She said they have a coyote den and the entrance is not directly on their property and her understanding was because it is not directly on their property then it doesn't matter. She said if they are excavating and they run over a whole den of coyotes or you scoop them with an excavator what happens. That's not okay she said.

She said she wanted to know what preventative measures they are going to use to protect her property because she was not going to have her septic ruined and her be responsible for they are doing on their side of the line.

Mr. Pelkey asked if she had a chance to look at the application and it is available.

Ms. Collins said she has not had a chance to look at the application.

Mr. Pelkey joked that its only 300 pages. He said some of the things in the application address some of her questions especially where it relates to her being an abutter she can probably see some of the things that are proposed on there but they can't get into the specifics of it. He said the applicant might talk to it a little bit when he goes over the application but they are not going to be able to have a back and forth on it today.

Mr. King asked Ms. Collins if her lot was R32, Lot 7-3.

Ms. Collins said it's the one acre lot and then came forward and pointed out her lot on the site plan. She said that she was downhill of the site and the reason she asked about the preventative measures was because she knows what has been done so far and what the runoff has been so far.

Mrs. Gorney asked if this meeting tonight is for the board to receive their application.

Mr. Pelkey said this meeting is for them to review the application and determine if it's complete and then they will set a date to have the public hearing on the application.

Mrs. Gorney said so just because they're turning in the application tonight doesn't mean they are going to approve it.

Mr. Pelkey said they are not going to approve it tonight. He said there are some other things that have to be done and there are more moving parts right now. There's a Special Use Permit that has to be noticed and heard by the **Conservation Commission** and the requirements in the law that says we take the application and schedule a public hearing in 30 days so we are going to go out a little farther because we have to get this other permit as well he said.

Mr. King said it will not be approved tonight and they will have at least one if not a couple of additional meetings but that will work its way through and it's not like they're going to schedule 5 meetings. He said the next meeting will be public comment and more deliberation and back and forth with applicant addressing the concerns of the abutters. He said because of the size of

the application it is going to take some time to go through the presentation and make sure they have given them all of the information they requested and whether or not they feel it's substantially complete to accept it at this point and then schedule that next meeting.

Mr. Fisher said they will also be seeing the Special Use Permit on April 13 at the Con Com meeting and they are welcome to attend that too if they want additional information.

Ms. Collins said it was said they could review the whole application.

Mr. Fisher said yes and they can contact the Planning Dept. and they have copies on file so they can look at it.

Mr. Pelkey said the Special Use Permit they are asking for is there are 2 depressions in the area and it looks like that area had been excavated sometime in the 1950's. He said there are 2 areas in there where they actually took water down below the seasonal high water table. He said it is not jurisdictional wetlands and is not a place that stays wet all the time but they did get down below the seasonal high water table so there are 2 areas in there that they're looking to fill and they need a Special Use Permit to fill that in and that's what the hearing is about.

Filing of an Excavation Application:

Christopher Berry of Berry Surveying & Engineering said he is representing the applicants and he provided a digital link to the Town and asked if they can make that or does the Town have it available so people don't have to have hard copies if they don't want them.

Mr. Pelkey said he didn't know the answer to that and he would have to ask the administration. He said he received it in the form of a PDF attachment so it is something you can have e-mailed to you if you'd like to have it and you can contact the Planning office and they will e-mail a copy of it to you. You have a right to it if you want to see all of it and there's quite a bit to it he said.

Mr. King said they might be able to post or put that link on the agenda of the next scheduled meeting. He said if on the next posted agenda you look on your computer you may be able to click that and then view this application packet on your computer if you so choose and if not you'll have to get a printed copy from the Town.

Ms. Czysz said she would work with the Land Use Asst. to get something posted online.

Mr. Pelkey said if they have some time to look at it, it will take some time to go through it all it's a pretty drawing. He said showed the audience the 39 sheet plan set and said this is just the drawings piece of it and it doesn't include all of the narratives that go along with it.

Chairman Pelkey closed the public comment section and then read the posted notice aloud which is as follows: "Excavation Application for Patricia Torr Aiken and Franklin Torr Tax Map R32, Lot 6. The applicant is proposing to remove approximately 410,000 cubic yards of material from an approximately 31 acre site. Materials are proposed to be excavated from the site in seven phases and it includes earth removal, grading and storm water mitigation. Upon completion, all final grades will leave a minimum of six feet of earth over the estimated seasonal high water table with all exposed slopes and finished grades reclaimed with loam and seed. The proposed project is located on Chestnut Hill Road and is within the Rural Residential

Zoning District.”

Mr. Berry said he understood the Chair to say he is not to give a full presentation tonight and that he read the application into the record as accurately as they put it into the application. He said a few things they would like the board to consider tonight is whether the application they submitted is complete and whether or not the board would like third party review of certain portions of the application or the application as a whole.

He said Mr. Pimental had asked if the board felt that the traffic input they prepared was sufficient for the board to review so they would like some feedback on that to know whether or not they would like some additional data from them.

He said one of the things they wanted to clarify was that the Torr's and Ms. Aiken own something similar to this in Rochester and they are the owners and operators of the pit and they lease out the mining opportunity to somebody to take the material so in this particular case on this site that would operate the same way so they are operators but the underlining landowners have the ultimate responsibility for the application and the ultimate responsibility for all the requirements they have in the application. I think that's important for the board to know and note he said.

Mr. Berry said up until this point they have been intentionally vague about their estimation on the amount of material to leave on a yearly basis because they didn't have a good way of quantifying that. He said they now do have a good way of quantifying that based on the materials that leave the Rochester site so their future submittals will itemize that out and those volumes can be used to determine the number of average trips to the site and things of that nature. He said those were 2 open ended things from the last **Technical Review Committee** meeting they had and he wanted to close the loop on those.

He said they met with the TRC and there were a number of comments that came out of that and they tried to address as many of them as they could for tonight's submission. He said Mr. Pimental has an outstanding TRC memo that he would like the opportunity to go through and answer that respectfully. He said he was hoping to do that for Ms. Czysz's benefit for tonight but he hasn't the opportunity.

He said they are required to have an Alteration of Terrain Permit which they have filed and they are required to have a Shoreline Protection Permit which they have completed but have not filed it yet. He said they are also required to have a Wetlands Permit which is compiled and they will file that shortly. As the Con Com member has pointed out we do require a Special Use Permit and will be appearing before the Con Com for that purpose in the future he said.

Mr. Berry said the notes for tonight's meeting say they don't have a waiver request before the board but they do have a waiver request as part of the application and he didn't expect the board to act on it this evening but he would like a little input on it. He said they comply with all of the regulations except that they do not show wells and septic systems within 200 ft. of the project site so if the board feels as though that information is critically needed and he was not

asking them to weigh in on the merits of the waiver, any of the abutters that are here tonight he would like permission to enter the property to locate those types of things because they are not able to do it remotely. He then said he would be happy to try and answer any questions the board might have on their application and move forward as the Chair sees fit.

Mr. Pelkey asked if he contacted any of the abutters prior to coming here about the possibility of entering on to their properties.

Mr. Berry said they did not.

Mr. King said so if they were to not grant a waiver on that they would have to do that to the best of their ability. He said he understood if some landowners did not consent they could not site that.

Mr. Pelkey asked if well and septic installations are recorded and given to the county.

Ms. Cysz said it would depend on what has been submitted for subdivision application for the abutting properties for it to have been recorded at the county. She said there is a slim chance that there could be things in the Building Inspector's files for building permits that have been pulled on any of the abutting properties and those are probably the 2 best sources of information other than site direct.

Mr. King said newer it is the more likely it is to be recorded information the older it is the less likely at the state level.

Mr. Berry said they are intentionally being coy about they're happy to gather the information if its available but they wanted to put it out there that if anybody in the room would allow them to enter their properties so they could locate that they'd be happy to.

Mr. Pelkey said he'd be happier to hear they asked 10 people and 8 of them said yes then he'd be much more inclined.

Mr. King said depending on the age of the infrastructure they may be on a dug well not an Artesian well and the septic system may not be located per the plan it may be an old system so it might be on that boundary or it may not be.

Mr. Henry said he would expect due diligence to offer the opportunity to the landowners to have it inspected and noted to the best of their ability. He said if somebody says no you can't come on then it's not noted.

Mr. King said there may also be a recorded record of where it is.

Mr. Henry said if there's another way to find out and somebody says it's at the county office so they don't need to come look for it. He said but he would want to know which ones were physical inspections vs. we believe this is where it is based on the records.

Mr. Berry said he would be as fastidious as usual.

Mr. Fisher said the landowners here tonight have all indicated that they'd be more than willing to let him look at their properties.

Mr. Pelkey asked if he wanted to go thru the TRC notes while they get their questions together.

Mr. Berry said he wasn't sure if he had the notes with him but he could summarize them.

Ms. Czysz said that would be getting in to the merits of the application.
Mr. Pelkey asked if this was something they wanted to do offline or just to have a general review of it.

Ms. Czysz said it was more the merits of the case as it pertained to each of the Town depts.

Mr. Pelkey asked he felt like there might be a waiver coming based on the clearances on Lot 7-3 of the building. He said there is note in there about the 150 ft. setback.

Ms. Czysz asked if he revised that.

Mr. Berry said yes and that the construction that is within 150 ft. of Lot 7-3's building is for the installation of the roadway it's not intentional excavation. He said it's the roadway construction and the storm water that's required for the roadway so the way they resolved that at the TRC was to show the limits of disturbance for construction because he has to for all terrain but the limits of what would ordinarily be excavation on the plan and on some of the plans they'll see 2 lines for excavation and roadway construction.

Mr. Pelkey said he has gone thru this in detail and has questions about the drawings but he didn't want to go there. He said looking at the drainage analysis he is not the person that is going to be looking at that analysis and determining that it is going to do what it says it's going to do as far as the outflows that are going to remain after they are done and he would like to have somebody take a look at that and validate that there won't be any impacts positive or negative based on those out flows. He said he knows that looking at it there are less retention areas and some of the outflow is eliminated but not being an expert in it they would probably be seeking to have the drainage narrative be reviewed by the Town's outside engineering firm.

Mr. King said based on the size of the project and the amount being excavated they are going to need outside engineering support on this project regarding the drainage, the access they're proposing not only the position but the entrance on and off Chestnut Hill Road and there may be some other areas that need to be reviewed but initially those are the big ones.

Mr. Pelkey said he had written down the drainage narrative and the impact to Town roads for outside review and as they get into it they may ask for something else.

Mr. King said it states that the rate of excavation has yet to be given to the board so that means that the rate of reclamation has not been decided yet because that is going to be affected by that rate even though there are 7 phases.

Mr. Pelkey said it says the first phase will be stabilized before moving to the second phase.

Mr. King asked if they want them to go through what those phases are tonight.

Mr. Pelkey said it would be good to give the abutters that are present an overview of how it's supposed to proceed, not getting into the details like what the final elevations, etc. are going to be but just a picture because they probably haven't seen the submittal.

Mr. Berry directed the board to sheet 13 in the plan set for a basic discussion of the project. He said that they said in their application that the rate of excavation is unknown at the moment but based on the way the pit operates in Rochester they can estimate about 50,000 yards of

removal would happen in a year. He said some years will go above that, some years will go below that but that's about the average they are seeing in the Rochester pit.

Mr. Berry said what he described at the TRC is they are required to show and anticipate how something is going to be phased out. He said typically in more of a development plan it's a lot easier to align on a piece of paper with how it's actually constructed.

He said it's important for the abutters and the board to know that there's no contractor in the world that is going to hold these hard phasing lines and so they start opening up areas excavating and their plans demonstrate and require that reclamation needs to be a progressive thing. He said it's not intended for these areas to be wide open for 5 acres and then closed and then another 5 acres open up after that. He said though that is what the phasing plan sort of implies the rest of the application there are notes in the plan that require more of an aggressive movement through the site.

He said one of the reasons they broke it out into the phases they did was there are areas on the site that as soon as they start approaching these lines from phase to phase they need to start performing in other ways. He said for example there has been a concern in the past about wind moving through the site and how it moves in an easterly or a southerly direction before they start opening up phase 2, 3 and 4 they want to make sure that the plantings they provided in the plan are constructed. He said as the access road is built and that area is done and stabilized the buffering method shown on the plan there is part of phase 1. Unlike a development plan where we build 1,000 ft. of road and then another 1,000 ft. of road I think we all recognize that these operate in a more fluid fashion he said.

Mr. Berry said one of the concerns on site in the past has been windblown sands and silts and they have sedimentation, erosion control and wind protection in their plans but the best protection against that is reclaiming as you go. He said so unlike the other pits that you see in town that have wide open expanses they would expect to see the disturbances on site to be much smaller.

Mr. Pelkey said he brought up looking at other pits in town, one of the tasks this board has right now is to do a complete review of all of the existing excavations and ensure that they are in compliance or to bring them into compliance which is one of the reasons why we recently hired outside engineering firms to help us because none of us are experts on these things. He said we had to bring somebody in to go out to these excavations and tell us if they're violating their operating procedures and if they've reclaimed the property as they should have. You may see wide open pits in town right now but as the current Planning Board Chair that is one of the things on my list of things to do before I can be done so the sooner the better for me he said. He said in discussion with Mr. King they have identified the drainage narrative and the impacts to Town roads but another thing would want to have a review on is the setbacks and make sure they are appropriate and compliance with all the regulations so they will probably add that to the list of things they want to have looked at.

Mr. Squires said they said 50,000 yards a year so this could be an active pit for 8 or 9 years.

Mr. Berry said that is the average coming out of the Rochester site and it could be that long.

Mr. Pelkey said he calculated the years and at 50,000 cubic yards per year it would be 8.2 years that it would be active before it's done but that's the best case scenario if they found a buyer for the materials and had somebody available to remove the materials.

Mr. Fisher asked if they knew what the hours of operation are going to be.

Mr. Berry said he was very specific and the hours of operation proposed are 7 a.m. to 6 p.m. Monday through Friday and 8 a.m. to 4 p.m. on Saturday and no Sunday hours. He said any processing of materials is limited to 9 a.m. to 4 p.m. Monday through Friday and work hours also include the starting of machines and they don't want people starting machines and idling them during cold months for an hour and a half ahead of operation hours.

Mr. Squires said that is in note 12 (Setback Demonstration & Operational Standards Plan sheet).

Mr. Fisher said he just wanted the people in the audience to know.

Mr. Pelkey said they have to determine if this is a development of regional impact and then made the following motion:

Motion: (Pelkey, second Henry) that this is not considered a development of regional impact;

Discussion: Mr. Fisher asked if they were sure that all this dirt was not going to be an impact to the region and these people's homes are within the region and it's in their backyards.

Mr. Pelkey said they are not in Rochester or in Milton.

Mr. Fisher said they talk about the impact to the all surrounding towns but not to Farmington and to him that does not make sense.

Mr. Pelkey read that the criteria for regional impact is the proximity of the development to a municipal boundary, impact on transportation networks, anticipated emissions such as light, noise, smoke and odors and the proximity of regional aquifers or surface waters shared facility and our Planner recommends that they find this is not to be a development of regional impact.

Ms. Czysz said as a reminder the Planning staff is advisory and the board can overrule them but she could defend Mr. Pimental's determination from the staff level.

Mr. King said most of the impact would be to traffic depending on where these materials are going and that is an unknown but it's certainly going to have an impact on traffic traveling to Rochester if they're going to use Chestnut Hill Rd. into Rochester as a travel way and the other way up to Rt. 75 at the end. It probably doesn't meet that threshold but there's certainly going to be an impact he said.

Mr. Pelkey asked if they determined that it is what they would invoke.

Ms. Czysz said when in doubt the statute says they are to declare it a regional impact if they question whether it is or isn't. She said what it impacts is a slight delay in the review process which as they already mentioned in the Special Use Permit that's already creating that same delay it's a 30 day pause so you can provide notice to the impacted municipalities and the Regional Planning Commission and then Mr. Fisher has to go to another meeting.

Vote: the motion passed 3-2 (Pelkey, Henry, Squires-aye; King, Fisher-opposed).

Mr. Pelkey asked Ms. Cysz to go through the staff comments.

Ms. Cysz said the comments were fairly succinct in the review of completion and she was speaking for Mr. Pimental who did the review and he did not find that any items were missing from the application package. She said as already noted that should the application be accepted as complete they need to schedule that hearing.

Mr. Squires said that Mr. Pimental's recommendation is to accept it as complete.

Ms. Cysz said that's correct.

Motion: (Henry, second King) to accept the application as substantially complete;

Discussion: Mr. King said he was sure they might need something additional but he thought they provided everything they feel is required or could have asked for.

Mr. Pelkey said in the narrative they went through the Farmington regulations and addressed every item point in it as far as how they feel that they met the requirements. I feel reading it that they did address all the requirements in there. There are some things we probably will discuss when we get to the technical portion of this but as far as the application it's a hefty read but there was a lot in there he said.

He asked if they need to add anything they want for outside assistance within the motion for accepting it as complete.

Ms. Cysz said not within the motion to accept it as complete and there should be multiple motions afterward one being what they want for the outside review and then another one for when the public hearing will be and setting the date, time and location as part of that motion.

Vote: the motion passed 5-0.

Mr. King asked if Mr. Pimental commented on any items he feels need outside engineering review.

Ms. Cysz said they named on the exact same things that she and Mr. Pimental did in their discussions.

Mr. Pelkey said he spoke to him and those were the things and they added the appropriate setbacks which Mr. Pimental did not mention to him but he could understand that because when he looked at the setbacks he was a little confused about making sure they had everything covered so he agreed with Mr. King on that.

Mr. King said it should be appropriate setbacks and slopes and that he said they are proposing a 3:1 slope in all areas which is our basic requirement and we allow 2:1 slopes in some areas.

Mr. Berry said it's hard to reclaim sand at 2:1 and they kept it all at 3:1.

Mr. Pelkey said because they need to go through the Special Use Permit he is going to make a motion that they hold the hearing at their second meeting in May.

Motion: (Pelkey, second Henry) to hold the public hearing on this on May 17 at 6 p.m. here in the Selectmen's Chambers;

Discussion: Mr. Henry asked if that timeline works for the applicant.

Mr. Berry said the only other alternative is to have a meeting at the beginning of this month but the way the Special Use Permit is required to be noticed they wouldn't be able to discuss the Special Use Permit at that time and it's important to note that without the Special Use Permit they really don't have a project design. Though there's a 2 week delay there I think it's important that it all get discussed at the same time he said.

Mr. Pelkey said without getting into specifics it affects the final elevations in the actual excavation.

Vote: the motion passed 5-0.

Mr. Pelkey said it will be May 17 at 6 p.m. when they actually hear the application and start having discussions as to the merits of the application. He said there won't be another notice out on it because they're making that motion and recording it here in this meeting so it will be on the agenda on the Town's website but you won't get another notice on it.

Ms. Czysz said that's correct and they are maintaining their chain of notice but noted that they will be sending out a separate notice to the abutters for the Special Use Permit and they can add a sentence to that noting that this is continued to that time.

Mr. Squires noted that not all of the abutters are present at this meeting.

Mr. Pelkey said that was a good idea. He said the last piece of business on this was to make a motion to get services to perform an engineering review for the drainage narrative, impacts to Town roads and the setbacks.

Motion: (Pelkey, second King) to get outside engineering review from the Town's engineering firms for the drainage narrative with focus on outflows from the site and impacts to groundwater, the driveway access design including safety and impacts to Town roads including Chestnut Hill Rd focusing on speed and volumes and the setbacks from the Class I and Class II wetlands and the NH DES 250 ft. setback at the southern end of the property and along the entrance areas;

Discussion: Mr. King said at this point they would be starting the meter and the applicant is going to be paying. He asked if they would have the ability to sit down with staff and clearly define that scope of work before they send them off and allow the applicant's input.

Ms. Czysz said that is what she is trying to do here based on their motion.

Mr. King said based on the size of this plan and that motion it could be from here to here (gesturing from small to large) and in fairness to the applicant he wanted to make sure they set a time because that's the motion but the staff is going to determine the specifics that they are going to ask the Town's engineer to review. He said it is reasonable to allow the applicant to comment and have discussions because they are getting the bill. He said it may have to come back to the board at their next available meeting to clarify because they made the motion.

Ms. Czysz said it's going to have to be within the hearing moving forward.

Mr. King said he may have to be there but if there's an issue that can't be an agreement to the scope it needs to come to the board for them to convene on and if that's the time that's the

time.

Mr. Pelkey said if they have to re-hash it out in more detail it's just going to be part of the process.

Mr. King said the staff may say its needs to be at this level and the engineer may say it should be this at level and if they can't reach common ground the board is the one that will decide what will be done.

Ms. Czysz said essentially they wanted a scope of work back before they move forward.

Mr. Berry said they said the Town has 2 engineers and he wanted to work through that and if he understood the board they were going to give this scope of work to one or two of them and they are going to provide a written scope back for them to review and if they agree with it they would sign the scope of work and send it along.

Mr. Henry said he thought the scope of work would come from the Planning Dept.

Mr. King said there may be some consult with the Town's contract engineer but the scope of work needs to be determined by staff or Mr. Pimental.

Mr. Berry apologized and said he interchanged "scope" with "fee" and said the fee will come back and if they look at it and says this is what we understood the Planning Board to want and this is the fee and that seems reasonable then please proceed.

Mr. King said that's right.

Mr. Pelkey said or they don't agree with that they need to come back and talk in greater detail.

Mr. Berry said he thought that was fair.

Ms. Czysz said they can do that.

Mr. Pelkey said he thought that was fair too.

Mr. Henry said when they went out as a Town and did RFP's for outside engineering firms his intention was never to limit the applicant to those 2 options so he would like the motion to reflect that it's an outside firm acceptable to the Town so if they bring another party to the table to review and the Town is acceptable to that we're not limiting it to the 2 firms that we have.

Mr. Pelkey said that's why they went through the whole process of getting these 2 firms lined up to do this. He said they went through whole process to name them out of 10 firms so he disagreed with Mr. Henry.

Mr. Henry said he sees that process as a convenience for the applicant where they have done all that legwork but he didn't want to tie the applicant to those 2 choices.

Mr. King said they did their due diligence and interviewed 6 firms and contracted with two of them one that had a specialty so one is more likely to do this plan based upon their expertise. That's who the Town has chosen and that is our decision to make and I stand by that he said.

Mr. Pelkey said he did too.

Mr. King said if we had a Town engineer we wouldn't be accepting requests for Barrington's engineer so if this firm is chosen as the Town engineer that's who they get. He said if that Town

engineer doesn't perform satisfactorily for us then we will address that later.

Mr. Pelkey said they could dispute whatever we get and the engineer returns to us for their evaluation.

Mr. King said the reason he put the scope of work first is because he has sat here for a few years and they've done that and we've given them the task and then the board is given the bill and the applicant asks how they can justify this and they look at it and say they didn't expect this was going to happen and they have a complete re-engineering of the plan.

Mr. Henry said he agreed on being clear on the scope of work and what they want reviewed. He said they don't want it re-surveyed.

Mr. King said they don't want it re-engineered they want the things to be addressed that they have a concern with.

Mr. Pelkey said his concern with the drainage plan has to do with the outflows from the site and the impacts to the groundwater table.

Mr. King said just like they've done in other drainage plans they said we want this amount of catchments and sub-catchments to be reviewed to make sure they're sound and that's all they need they don't need everything to be re-engineered. We want analysis and an audit to make sure they're doing things appropriately he said.

He said first they have to develop the scope working with the engineer, put that forth to the applicant if there's consensus we'll get an estimate and if there is no consensus they'll work through it at the next meeting.

Ms. Czysz asked for clarification and this is what she has written down so far based on what they have pulled together: review of the drainage narrative with a focus on the outflows from the site and impacts to groundwater, a review of the driveway access design and impacts to Town roads particularly Chestnut Hill Rd...

Mr. King said and safety because there were concerns expressed in the public comment today on the access point and the visibility for traffic up along there that has been discussed. He said they want them to address that because using rough calculations there is probably going to be 20 trucks a day and there could be more if they're smaller trucks and also slow speeds coming out on the roadway so they can make sure that's a safe entrance and exit.

Ms. Czysz said she would add speeds and volumes to the review list. She asked when they refer to the appropriate setbacks if they were referring to the property boundaries.

Mr. Pelkey said he wasn't as concerned about the 50 ft. setback on the property boundaries those are all shown very clearly and the setbacks to the adjacent structures are all shown very clearly it's the setbacks from the Class I and Class II wetlands and the 250 ft. NH DES setback that stuff that's all on there, that's the stuff he's more concerned about at the southern end of the property.

Mr. King said to also include any setbacks along the entrance areas to make sure it meets that because that is an area of concern.

Ms. Czysz asked if the wetlands they mentioned were in reference to the setbacks conversation.

Mr. Pelkey said yes and Ms. Czysz struck it from her list.

She then said she heard slopes referenced to.

Mr. King said they are proposing all 3:1 slopes.

Mr. Pelkey said they can get into that in the technical piece of it when they get into the more detailed discussion of the phasing.

Mr. King asked if there was any ledge they were going to hit.

Mr. Pelkey said the narrative says there's none and there's no plan for blasting and they've dug 28 test pits out there so they don't think there is going to be any.

Mr. Berry said there are blasting notes in the plan because they are required to have them but they are not anticipating any blasting. He said he added to the notes that this is not anticipated.

Mr. Pelkey said it's in application notes as well that there is no plan for it.

Ms. Czysz said she was still not sure if they were keeping or deleting the slopes.

Mr. King said they took that off the table.

Ms. Czysz said what she has written down for the engineering review is a review of the drainage report with a focus on outflows from the site and impacts to groundwater, review of the driveway access design and safety and impacts to Town roads this includes the Chestnut Hill Rd. site entrance focusing on the speeds and volumes and a review of the setbacks from Class I and II wetlands and the DES (250 ft.) setbacks at the southern end of the property and along the entrance areas.

Vote: the motion passed 5-0.

Mr. Berry asked if they were going to ask both companies for a proposal or if they're going to choose one.

Mr. Pelkey said they would probably go with Dubois & King as they represented that they have a lot of great expertise with excavations.

Mr. King said the other firm Tighe & Bond was put on the list in case because they have a specialty and we currently have them doing some levee review. He said these are the top 2 firms they felt fit us the best and they wanted to start out with two so they have options and if there any issues with performance or timeliness we would not be without one.

Mr. Pelkey said they thought giving them 2-3 weeks turnaround time was a lot of time so we should get this back fairly quickly.

Ms. Czysz said tomorrow she will prep that and get it over to the staff contact at Dubois & King and once she has their written fee back...

Mr. King said they may want to have a phone meeting to go thru the details and maybe he and Mr. Pelkey could make themselves available that way if they have questions they can work thru them so they have a clear scope they can present to the applicant.

Ms. Czysz said she would include them in that communication.

Mr. Berry said they prepared a very basic summary of the traffic analysis and asked now that they have a quantifiable idea of the number of trips coming to and from the site if the board feels that this is adequate information or would they expect them to add their generation traffic to this and if the board expects additional study scope on this.

Mr. King said he would add what the expected generated traffic is based on the amount of vehicles and their size. He said he would wait for additional information until they have a discussion with the Town engineer because they may say what additional information needs to be provided or that they can work with they provided so far if he adds the trip generations.

Mr. Pelkey said based on some of the discussions folks have had with him concerning the application when they get into discussing the details there are some interesting concerns about traffic.

Mr. King said they have limited frontage to come out onto Chestnut Hill Rd. without buying some.

Mr. Berry said it's either going left or right.

Mr. King said the location on Chestnut Hill Rd. has been expressed as a safety concern and if it's too much of a concern they will address it when they get to that.

Mr. Berry said at this point to add the trip generation and loosely distributing that and then we'll see.

Mr. Pelkey said based on the anticipated loads they're going to have is always going to be a plus because it's more information than what they had when they first applied.

Mr. King said if they feel they need additional information after consulting with the Town engineer they will request it.

Results of Proposed Zoning Amendments:

Mr. Pelkey said everything passed.

Ms. Czysz asked if those need to be codified within the zoning ordinance and if that is something that the Land Use Asst. does or Mr. Pimental.

Mr. Pelkey said he thought Mr. Pimental was in charge of it but whether he did it or not, he did not know.

Ms. Czysz said she would follow up and see what she can find out and then coordinate with the Land Use Asst.

Mr. King suggested that she also check with the Building Inspector because some of these have to do with the Housing and Occupancy Code and he may be able to assist with giving direction to the Land Use Asst.

Member Comments: None

Any Other Business before the Board:

Second April Meeting-Ms. Czysz said they don't have any new applications for the meeting 2

weeks from now and that she discussed canceling that meeting with Mr. Pimental. She said the other thought is the Housing Navigator would like to touch base with the board at some point to start planning a community forum to discuss housing in Farmington and she would like to make sure she is pulling in their ideas and thoughts on how to structure that. She said that might be an opportunity to do that at that time but she wasn't sure what they have for the first meeting in May.

Consensus of the board was they did not want to have a meeting just for that conversation. Mr. Squires said she could e-mail some bullets to the board she would like them to consider.

Mr. Pelkey said he was available to stop in and talk with her.

Mr. King asked if they had any cases for first meeting in May.

Ms. Czysz said they may not have any cases for that meeting.

Mr. Squires asked if they would have had to be in by now in order to be heard 2 weeks from now.

Solar Farm Proposal- Mr. Pelkey asked Ms. Czysz if they have received anything from the solar farm that wants to come in yet (to the north of Chestnut Hill Rd).

Ms. Czysz said in their packets there is information on the open house that was held a couple of weeks ago. She said she attended the event and they had a lot of information there for anyone in the community to learn about the project and they are on tomorrow night's Zoning Board agenda for their Special Exception.

Mr. Squires asked if they were meeting on April 19.

Ms. Czysz said that is the one they are talking about not meeting on. She said the original intent was the excavation hearing would be on May 3 but with the timing for the Special Use Permit that is pushed to May 17 and now they have those 2 meetings that are light to nothing. She said she would touch base with the Land Use Asst. to see if they have anything for May 3.

Motion: (Henry, no second) to not have the second meeting in April;

Ms. Czysz said they didn't need a motion and it is at the Chair's call.

Mr. Pelkey said unless something hits the fan they won't be here.

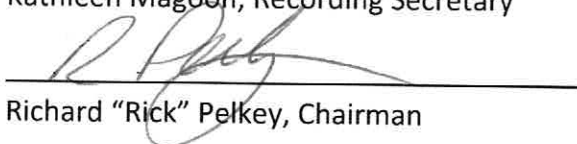
Mr. Henry's motion failed due to the lack of a second.

Mr. Pelkey said the meeting is not canceled yet but as soon as he hears there is nothing new in the zoo he will put it up.

Adjournment:

Motion: (Fisher, second Squires) to adjourn the meeting passed 5-0 at 7:13 p.m.

Kathleen Magoon, Recording Secretary



Richard "Rick" Pelkey, Chairman