

Town of Farmington  
Planning Board Meeting Minutes  
Wednesday, October 18, 2023  
356 Main Street-Farmington, NH 03835

**Board Members Present:**

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

**Board Members Absent:**

Stephen Henry, Secretary, excused  
Jeremy Squires, excused

**Others Present:**

Ron LeMere, Bldg. Insp./CEO  
Ed Brannan, Highway Dept. Supervisor  
Scott Lawler, Norway Plains  
Josh Lanzetta, Bruton Law  
Chris Berry, Berry Surveying  
Joe Berry, Berry Surveying  
Sterling Grondin, Tracy Grondin  
Sanfacon, John Bardella, Jane  
Nickerson, Bill Hussey, Paul Plourde,  
Mark Davie, SRPC  
Kyle Pimental, Planning Director

**1). Call to Order:**

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

**2). Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

Chairman Pelkey seated alternate member Roger Mains on the board.

**3). Review of Minutes:**

**September 20, 2023-** Public Meeting Minutes-No errors or omissions

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

**4). Public Comment:** None

**5). Old Business:**

**A). Public Hearing and Possible Vote on an Amended Site Plan for the Kodiak Group, Tax Map U6, Lot 19.** The applicant is proposing to adjust the parking configuration in the rear off Acorn Court and to create a paved access between the subject parcel and the abutting properties at 417 Main Street and 7 Acorn court. The property is in the Village Center District.

Mr. Pelkey said before beginning the presentation there were a couple things to take care of and then made the following motions:

**Motion:** (Pelkey, second King) that the application is substantially complete passed 6-0.

**Motion:** (Pelkey, second King) that the application is not deemed to be of regional impact passed 6-0.

Norway Plains Civil Engineer Scott Lawler said he was here representing the Kodiak Group, LLC for an amended site plan application located at 425 Main Street, Tax Map U-6, Lot 19 which is in the Village Center District. He said it is approximately .019 acres and has frontage on both Main Street and Acorn Court. Most people refer to this as the existing Hussey Block building he said.

Mr. Lawler said this Planning Board approved a site plan for a residential development of the property in June 2022 and that approval was to renovate the existing storefronts to create 2 rental units and develop 6 residential units. He said 4 of those residential units would be built on the front portion on the second story and there were going to be 2 additional residential units located in the rear of the building that sticks toward the rear.

He said they showed parking as part of the site plan application with 9 parking spaces which met the Town's requirement for 1.5 parking spaces per dwelling unit. He said the Planning Board approved the site plan understanding that there would be on-street or nearby parking associated for the retail space which is consistent with the downtown district.

He said the Planning Board granted a waiver at that approval to allow the parking spaces to be slightly narrower than the requirement in the land use regulations to 9 ft. wide compared to 10 ft. wide. He said this was done such that given the limited space in the back and 9 ft. is pretty consistent with a lot of other municipalities and seemed to work fine.

He said the construction of the project started shortly thereafter after the approval in 2022 with a lot of the exterior site work completed towards the end of last fall. He said at which point it was brought to their attention that the owner had deviated from the approved site plan and had paved a connection from his 2 adjoining properties so he connected 425 with 417 Main Street which is U06, Lot 20.

Mr. Lawler said he also did some paving on the adjoining property owned by the Poulin's that is Lot 18-1 at 5 Acorn Court. He said this additional pavement was done so that he could create an easier transition for the parking on 417 Main St. as access to the existing gravel parking lot for that property is via Main St. which is a very narrow strip between 417 and 401 Main St. He said his rationale for the change was to create an easier connection between the 2 properties that were both owned by Kodiak Group, LLC and the Town was made aware of this deviation from the site plan approval and was asked to come back to the Planning Board for an amended site plan.

He said they are seeking approval to allow this paved connection between 425 and 417 Main St. and there were some other minor changes to the parking configuration that was necessary to allow this paved connection. He said they are still depicting the 9 parking spaces as required by the site plan review regulations for residential units but instead of one single row there are 7 and then there are 2 that are parallel parking that way they can create the access aisle that

gains them access to 417 and they are seeking an amendment for this approval to the pavement area.

He said there were some minor changes to the façade of the back building specifically the change of the door locations. He said originally he had planned on having separate entrances to the 2 residential units that were located on the back part but he has now centralized to a common stairwell and that's closer to the front building so they adjusted the location of that doorway. He said they are also changing out and adding some shrubs and keeping the pea stone that's between the building and the pavement area.

Mr. Lawler said the applicant has also agreed to add some roof gutters and to collect the storm water from the roofs and channel it to a dry well some refer to it as a leaching basin that will be installed at the corner of Acorn St. and the paved parking area.

He said the results of the change between the approved site plan and the amended site plan resulted in approx. 369 sq. ft. of additional pavement on 425 Main St. He said because he has paved a section of the back part of 417 they are also seeking the Planning Board's approval to allow that parking area to remain paved.

He said they have depicted on the plans which are not necessarily shown on the application packet that was submitted to the board but they've shown it on the approved plans here is the addition of a leaching catch basin to be installed on 417 that is in the corner of 417 and Lots 20 and 21. He said that second dry well will mitigate the increase in runoff associated with the change of land cover on 417 and most of the back of 417 was a gravel surface and now is a paved surface but there was an increase of about 500 sq. ft. of impervious covering changes on the property so the leaching catch basin will address that and mitigate the increased runoff as a result of that.

Mr. Lawler said the applicants also discussed with the owners of 5 Acorn Ct. (the Poulins) about installing some roof gutters that would take the storm water coming off their roof instead of discharging on the paved area but to direct it to a gravel unapproved area that's behind the back of the garage. He said that's a very quick summary of the proposed changes that they are seeking the site plan amendment from and that he would gladly answer the board's questions as they arise.

Mr. Pimental said the applicant has gone over a lot of what some of the amendments are to the prior plan and there are a couple that he would highlight as well. He said there was also a relocation of the proposed dry well on the original site plan that moved from the middle of one those parking spaces up more towards Acorn St. He said the applicant mentioned some of the drainage improvements but that also included a sump pump connection a 4 inch pipe along the southern and eastern borders of the building as well as a clean out and that all goes into a 12 inch pipe to that dry well.

He said there is the relocation of the snow storage, the relocation of the dumpster and there were a couple of wall mounted lights that changed locations and then also the installation of

that stockade fence along the property line from U06, Lot 18-1. Those were all things that were a little bit different from the original plan that was approved back in June of last year he said. Mr. Pimental said one thing for the board to have a larger discussion about is because the paved parking connection has been expanded as part of that construction to make sure the applicant provides some drainage calculations for that proposed storm water system on Lot #417 as well as to make sure that the proposed dry well on the original application is not receiving any additional water from that pavement on 417. He said there are also some staff members that may want to comment on that as well.

He said there will be some access easements that will be required as part of this approval so they are tying U06, Lots 19, 20 and 18-1 and all of those together will have access easements. He said if the board chooses to approve the plan as it is he would suggest the allowance of snow storage on U06, Lot 20 be included in that easement.

He said the other couple of things to mention is that they've had discussion with the applicant about disconnecting that narrow access way from Main St. to the parking on U06, Lot 20 as it's a very narrow entrance way. He said originally they had thought that maybe putting a vehicle barrier to cut that completely off and make it a pedestrian only walkway was the idea to do that but the property just to the south of that has an 8 ft. deeded right-of-way to use that so we can't block it off completely but they are going to suggest that the applicant put some signage up there to discourage vehicles from coming in and out of there because they'll be able to go around and use Acorn St. which they believe is to be a safer option than coming out onto Main St. in between those 2 buildings.

Mr. Pimental said the last comment was they would like to see the dumpster screened from all sides so it can't be seen from Acorn St. He said right now the fencing that exists blocks on the side and the back but you can see it from Acorn Ct. He said those were some of their comments in terms of the layout but the largest discussion the board should have is just making sure that they are comfortable with the storm water improvements that are being suggested on U06, Lot 20.

Mr. Pelkey asked if the Town staff wanted to come forward and make comments.

Highway Dept. Supervisor Ed Brannan said his concern is with the increase of impervious surface on all of the sites involved if we're going to get more runoff onto Acorn Court or if this site and the drainage that's proposed is going to be able to handle what would have originally absorbed into those sites. He said there is no drainage on Acorn Court per se so any more runoff that they put out there could create issues further down from this site. He said it looks like most of the water right now the way the pavement is graded is going to force any water on that site onto the property so that's a pretty big concern.

Mr. Pelkey asked if when they saw the original proposal for this if they saw the elevations on the paving that showed how it was feeding into that sump on the original property.

Mr. Lawler said there were spot elevations shown.



Mr. Pelkey said they don't have the same representations for this.

Mr. Lawler said they have some spot elevations on and the reason they moved the proposed dry basin slightly closer to Acorn Court was because now that it's paved they have a better understanding of where the low point is. That's why we moved it there because it is the lowest point before leaving the property and entering Acorn Court he said.

Mr. Pelkey asked if that basin is installed right now.

Mr. Lawler said it is not but it will be installed.

Mr. Pelkey said then we don't know how it's going to affect until we've see it in place.

Mr. King asked how they could be sure that it's actually going to leach the amount of water that is coming off that site and not just become saturated.

Mr. Lawler said it has loamy sands, its more than 80 inches to the seasonal high water table, it has excessively draining soils so it's with confidence based on that it will leach. He said as Mr.

Pimental suggested they could provide some backup calculations to demonstrate that.

Mr. King asked based on his recommendation if he feels they would be able to demonstrate that all the additional runoff is going to be drained on this site.

Mr. Lawler said that's correct and as he indicated in his opening comments the increase from the pre-development before any of this happened to today is 365 sq. ft. so its roughly 30 x 10 x 40 so it's not a huge amount of increase of impervious surfaces and what they're handling is that change.

Mr. Pelkey asked if that additional catch basin is also there to help ameliorate that.

Mr. Lawler said that's correct.

Mr. Pelkey said there is some slope in that direction as well as there's some slope in both directions out there.

Mr. Lawler said the paved area between the 2 properties there is a high point and then it shifts and they have spot elevations shown on the plan that shows that dividing point. He said none of the water from 417 is going to be heading towards Acorn Court and the only thing that heads to Acorn Court is what's on Acorn Court.

Mr. Pelkey said the intention basically is that Lot 20 is going to be draining into the additional catch basin and the original proposal the catch basin that was there is going to drain the lot.

Mr. Lawler said that's correct.

Mr. Day asked if he was going to put the additional catch basin right over the top of the snow pile.

Mr. Lawler said it will be in that location and when you go out there you can see the way they paved it was to a low point there.

Mr. Day then went back to the statement on the water drainage and asked what they are going to do in the winter time when it freezes and you can't drain water there because it's frozen over and they have ponding and flooding.

Mr. Lawler said its ponding on his property so it would behoove him to ensure that it stays

open for drainage.

Mr. King asked for the pitch of the paving that is headed towards the old fire station property and it shows the pavement is directly right to the line. He asked for the pitch of that land there and if the water is going to be running onto the Town property.

Mr. Lawler said it pitches toward the back corner of the garage. He pointed out the area on the map and said what doesn't go into this basin which would be this small little area is pitched and will end up behind Mr. Poulin's garage.

Mr. King said and it's not going to run onto Town property unless all the additional pavement doesn't drain there if that storm drain freezes and all the melting is going to go to that low point behind that garage and then onto Town property. He asked if potentially that is what is going to happen if that water doesn't drain in that second catch basin.

Mr. Lawler said there is a potential for that.

Mr. King asked why that pavement wouldn't be cut back with some area that did catch and perk any additional water before coming onto the Town property.

Mr. Lawler said he understood and asked if that's the recommendation of the Planning Board.

Mr. King said he hasn't been out there lately and he knew the Code Enforcement Officer was here and he thought there was some discussion of that maybe Mr. LeMere could speak about that. He said he was under the impression that that was going to be cut back a little bit to provide some area, maybe a swale area there to perk any water to keep it on that site but maybe he was mistaken.

CEO Ron LeMere said he had an opportunity to go out there after it had rained to get an idea of where the water flow was going and gave some photos to the board.

Mr. Pelkey gave the photos to Mr. Lawler and he then passed them to the board for review.

Mr. LeMere said the areas they were concerned about when they get to the back of the Poulin's garage was where that water was eventually going to end up. He said on another plan that he didn't think they would have here there was a plan that's on the Town portion of the property where the pavement has been removed and some reclamation of that area with a swale that was going to accommodate water passing from one side of that area to the opposite side with some additional trees.

He said the area of the Poulin's garage is going to require some gutters or drainage and that's a little over 500 sq. ft. of roof area that would have to drain to the back portion of that garage and showed the board a copy of the plan that was submitted with an indication of what is going on behind that property.

Mr. King said on that plan it shows some planting of trees and asked if the swale area was in front of it.

Mr. LeMere said yes the swale area is in front of there and went to map and pointed out the area that is a low area that is a lot lower than the pavement that is there and the swale would help get some of this water that was along the edge of this pavement to move along this way.

Mr. King said but that area there is not on this parcel or on this plan and that is on Town property.

Mr. LeMere said that is correct.

Mr. King asked why that swale area wouldn't be at the edge on the applicant's property, cut back the pavement, put that swale across there and catch that.

Mr. LeMere said that's the plan that was submitted and they have to remember that that particular plan was submitted for the reclamation of that area that was on Town property.

Mr. Pelkey said that is somewhat outside the bounds of what they are looking at today.

Mr. LeMere said that is where the water as far as for the water for that garage area and that short period of pavement will all have to go.

Mr. Pelkey said that is going to be something that he and the Selectmen are going to have to enforce to make sure that also addresses some other concerns that are outside of what they are looking at here tonight.

Mr. LeMere said that's correct and the only concern he has is to make sure that if they were planning on additional amounts of runoff to come back there they should probably know what that volume is going to be.

Mr. King asked Mr. Lawler if it makes sense to trim that pavement back to where they need to put an area in there to try to keep that water on that site and percolate instead of going out onto the 2 adjacent parcels and into this swale area that is part of the reclamation plan. He said because between what they have in the parking lot area and the roof drains they have a concern of keeping that on that site and if that is trimmed back in a swale area depression to percolate that would be a plus because right now if that drain gets full in the winter all that water is going to be running off onto the Town property and also on the lower area he believes is on Stuart Pease's property.

Attorney Josh Lanzetta said he wanted to address Mr. LeMere's comments related to the reclamation plan and asked if everyone had a chance to look at that.

Mr. Pelkey said yes.

Att. Lanzetta said the reclamation plan for the work that was erroneously done on the Town property is outside of the boundaries for tonight but he wanted to give them a little context for what Kodiak Group through himself negotiated with the Town as part of the settlement. He said the Kodiak Group mistakenly paved a portion as part of this project and they went too far and crossed the line and that has been sorted out.

He said that pavement is going to be drawn back and removed but as part of that the applicant agreed to replant that area and put the swale in and the intent of that through substantial negotiation is to address this concern for the water in this location and so the hope is that helps with this concern. He said some of this is out of bounds but it dovetails in the sense that it is an indication that this will be put into place and all of that mitigation will occur following this planning process. He said they did talk extensively to the Select Board about this particular area

and putting the swale in was at the recommendation of the Building Inspector.

Mr. King said he didn't have an issue with the swale going in the reclamation plan but he thinks it is going to need some additional work on the edge of that property to keep it as much as they can on that site which is a requirement for any additional runoff to be captured and dealt with on the site and especially where there is a low area in the corner towards the back and that's why he expressed the concern of the additional area to keep as much of it on site and what goes off the site will be going through that additional swale that they put in the reclamation plan. He said especially where there is a low area in the back there on Stuart Pease's property and that's also a residential dwelling in the back so that's actively being used.

Att. Lanzetta said that swale is as they negotiated that with the board and this is exactly the point of view they made to them. He said they are talking about doubling the work here and it's possible to do that but he thinks that that swale could control the water runoff on this site in that location.

Mr. King said but that swale is not on that site.

Att. Lanzetta said he understood that but it is part of the mitigation plan for this site.

Mr. Pelkey asked Mr. Pimental if the Planning Dept. was part of the review on the mitigation plan and if they commented on that.

Mr. Pimental said no.

Mr. Pelkey asked if this was strictly between the Select Board and the applicant.

Mr. Pimental said yes. He said the Planning Dept. was not involved in the reclamation plan only the amended site plan. He then rephrased his statement to say he wasn't part of the reclamation plan and that Mr. LeMere was more involved in that.

Mr. Pelkey said he wanted comment as to whether he had evaluated that in light of what the runoff is going to be doing.

Mr. Pimental said he wasn't looking at any part of the reclamation plan and the suggestions he made to the applicant were more involved with the storm water management that was going to be needed on 417 Main St. to account for that additional paving area that was prior to this gravel. He said what Mr. Lawler is showing on the plan now in that corner was what he was focused on but he hasn't been a part of any of the reclamation plans that were more with the Select Board.

Mr. Pelkey asked if he was comfortable with the proposed addition of the catch basin to address water runoff on there.

Mr. Pimental said theoretically without having a drainage analysis or Mr. Lawler might be willing to provide us with numbers that he could give to someone to look through and see if they're comfortable. He said he is not an engineer and that if they're proposing a catch basin in that location we would want assurances that it is capturing the majority if not all of the water that's running off from this site and not having any of this going on to the abutting property into that proposed dry well that was a part of the original approval. I can't speak to whether or

not if a design is going to be able to handle the appropriate amount of water an engineer would need to do that but if we get to the point that the storm water management that is being proposed is going to be able to handle that then with that and the reclamation plan aside I would be comfortable in at least moving that forward but I can't speak to whether or not what they're proposing can handle that water for that site he said.

Mr. King asked if his recommendation is that they supply a drainage analysis of this to prove that basically it's going to perk.

Mr. Pimental said at least some calculations.

Mr. King said this area that's in question which is in the back of this garage-this area that's going to have to be a catchment area that you're going to have to prove is being handled on site and that may require some additional perk areas by that property line.

Mr. Pimental said potentially.

Mr. King said if that's a condition of approval that they submit that and address that concern of the board to prove that it's not coming onto the site and if the Town needs to have that double checked we'll have to have that checked with our outside engineer.

Mr. Lawler said they are talking about a site that didn't have any storm water management whatsoever and the applicant did increase the impervious coverage and they will provide calculations demonstrating that these basins are going to address the increase associated with the new impervious surfaces. I don't think it's up to the applicant to fix all of downtown Farmington's drainage problems. What I'm saying is we'll address the increase associated with the development he said.

Mr. King said it's important and it's going to be part of his motion that they address the catchment area in the corner of this lot to make sure that it's being addressed to stay on the site. He said and if this area here needs to change slightly to accommodate that but they may not know that until he calculates that out.

Mr. Lawler said they have run numbers but they would provide them to the Town.

Mr. Pelkey asked how that feedback loop would work with the board.

Mr. King said it would have to be conditional upon staff approving them. He said he is going to submit it, staff is going to review it and either analyze it or have a third party engineer look at it and concur. He asked how else they would do it and they don't want it coming back here.

Mr. Pimental said there are a lot of "if's" there though if you left it up entirely to staff. He said the way in which they have typically done this in the past the board has made a decision as to whether or not we need third party review not staff. He said because this is a relatively small area and the calculations are being submitted to us by a professional engineer if they are comfortable with staff reviewing that to say this design is meeting or it will be able to handle the water. I think that's just us essentially taking the word of the applicant. He said he is not going to be able to review that as a Planner that's engineering so you're either taking their word for it or you're going to have to have (a third party engineer review it).



Mr. King said Norway Plains has done a lot of work for the town and he is confident they're going to give us what the numbers are but he wants to make sure that they're addressing the sub-catchment areas in their documents that they supply the Town because the last thing they want to do is say the paperwork looked good and then all of a sudden we have a problem whether it's on Acorn Ct. or we have a problem on the back of Stuart Pease's property because it's not flowing the way it's supposed to. He said if we have supporting documents then if there's a problem in the future we can refer to that and say this is what we did to address the concerns. I'm not saying in 5 years from now something else could be happening on the site or on adjacent sites which could be causing a problem in the future he said.

Mrs. Patton-Sanderson asked if they could have the Town's third party engineer review the calculations.

Mr. King said they could.

Mr. Pelkey said if they demonstrate with the numbers that support what their assertion is he would be fine with that.

Mr. King said he would be too.

Mr. Pelkey said part of the water they are talking about dealing with here is coming off of the top of this garage it's not even on the site and he had mentioned the possibility of adding gutter drainage and asked if the drawing shows that.

Mr. Lawler said it is on the plan they are presenting tonight.

Mr. Pelkey said the water that would be coming off that garage that's coming off that garage now and is what is showing up in these pictures will not be adding to that water that is going to be going in there.

Mr. Lawler said it will be directed towards the area behind the garage on his property.

Mr. Pelkey said they are going to remove the water from coming to that side of the property and put it on the other side of his property. He said the water coming off the garage is feeding into that amount of water that we're seeing in the pictures.

Mr. King asked if that water is going to go to the rear of the garage.

Mr. Lawler said that's correct.

Mr. Pelkey said this is way outside of what they're looking at and how he drains the roof of his garage and if he chooses to drain it to the other side of his property that's his choice.

Mr. King said part of this application is that paving and the impervious surfaces which is not on his land but is part of this proposal is limiting some of that water coming off that roofline to perk at the back of that garage because before that it was all dirt and this pavement which has been added by the applicant so that water has to go somewhere it's not going to percolate there it's either going to the catch basin, going to the back of the garage and percolate there or it's going to runoff onto Stuart's property or the Town's property.

Mr. Pelkey said they are going to install gutters and channel it someplace else.

Mr. King said but the gutters are channeled to the back of the building but he would show that

in his calculations.

Mr. Lawler said they will demonstrate that but he sees it all on the plan but they are also talking about a residential lot that somebody can go out tomorrow and pave their portion of their lawn or residential lot and they wouldn't be in front of the Planning Board they wouldn't be presenting calculations it's a residential lot. He said this applicant did this on a private residential property and now he's being held to a different standard.

Mr. Pelkey said he is trying to keep it on the proposal as much as he can. He said it all needs to have some reflection on the proposal in front of them which is why when they start talking about putting gutters on the roofs of houses next door it's outside the scope of what they're talking about today.

Mr. Pimental said to clarify the Town in terms of their general standards allows for an impervious coverage amount up to 35% with no additional things that need to be submitted but the Planning Board can allow up to 60% of a lot being impervious surface and that requires engineered designs. He said because the paving happened on that other lot it's likely that that was more than 60% so it's not correct to say that anybody could just go out and pave a bunch and not have to do something and in this particular case we're looking for those engineered storm water designs because of the impervious coverage surpassing that 60%. There's a little bit of nuance there he said.

Mr. Pelkey said Mr. King stated what his proposal is going to be for his motion as far as having calculations that address the storm water runoff on lot 20.

Mr. King said everything that Mr. Lawler said they're going to propose and also make sure they address some catchment areas in this back corner.

Mr. Pimental asked what back corner.

Mr. King said between the Town property, the Poulin's and Stuart's that area there which is supposed to stay on that site to make sure that it does and whether it's going to be a storm drain or there is additional stuff that needs to be done to keep it on the site.

Att. Lanzetta asked if they were asking for a stamped drainage and storm water analysis.

Mr. King said yes.

Att. Lanzetta said his request would be if they were going to condition the approval on a stamped drainage report from Mr. Lawler that that would be enough to allow an approval. He said if they receive it Mr. Lawler is able to stamp it to say that it has taken care of all of the surfaces contemplated proposed by this amended site plan and that there would not be a third party review.

Mr. Pelkey said they said that if Mr. Lawler provided the calculations to back up his assertion that they would be satisfied with that.

Mr. Pimental asked Mr. King if he was talking about the corner of U06.

Mr. King pointed out the area he was talking about on the map.

Mr. Pelkey said which is depicted in the "get better" reclamation plan.

Mr. King said it's between Stuart Pease's property, Town property and the Poulin's property that area adjacent to where it's supposed to drain which is that dry well that he wanted to make sure that he captures in his analysis.

Mr. Pelkey said that is a condition and that his comment concerning fencing is reasonable.

Mr. Lawler said he visited the site tonight and right across the street on Acorn St. there is a commercial business that has dumpsters in the road and that he gets the reason that it is in the site plan review regulations and commercial developments but it's hard as a consultant not just this project but with other applicants with the screening of dumpsters when you can drive on any road in Farmington and count 100's of dumpsters often in the right-of-way just sitting there and you can almost hit them with a snow plow and yet you have an applicant that's in the back of his building, it's very limited visibility being required to screen it.

Mr. King asked if they have screening on two sides in this plan.

Mr. Lawler said there is existing fence on 2 sides. He said the closest residential property can't see it and you can't see it from the Town property or from Main St.

Mr. Pelkey said he sold him on that one.

Mr. King said this dumpster location is behind 2 parking spaces but asked if that is where it is really going to end up because chances are that's not going to work because there are going to be vehicles parked there, the guy is going to pull in and he's not going to be able to dump. He then pointed to 2 locations on the map and asked if it was going to end up here or there.

Mr. Lawler said yes but if it ends up at one of those locations you can't drive through. We'll figure it out. It's worse now he said.

Mr. King said he can't come in from here to get it, the truck can't make the turn to get it so the vehicles have to be out of the way and that's a coordination effort between a landlord and his tenants on a continual basis and sometimes the dumpster may be picked up on a certain day and that day becomes a holiday or a different day and there's a different delay.

Mr. Mains said if you look at this other property across the street there are dumpsters all along that building with nothing protecting them.

Mr. King said he was okay with it being screened on 2 sides on the side and the back. He said but it is a requirement so they should submit a written waiver and they could approve it. He then said dumpster screening is a requirement and if they are going to accept what he's shown and it's not complete then they would need to waive the full requirement to what he has accepted and he would have to submit a written waiver after the fact.

Mr. Pelkey asked if we require full screening. He then said he had a question about the snow storage as well and asked since it is on a different lot if they were going to be talking about an easement.

Mr. Lawler said yes and that Mr. Pimental mentioned that when he was talking about easements and there would be shared joint easements for access for snow storage.

Mr. King said because the applicant owns both properties now but may not in the future.

Mr. Pelkey said that was his thought too and if they ever transferred one and kept the other that snow storage area is delineated for lot 6 so in the future there needs to be an easement of some type to allow for it to continue.

He then asked for guidance on what they require for screening and if they need a waiver for it or if it fits within the bounds of what they require.

**Motion:** (King, second Pelkey) to partially waive the screening requirement for the dumpster contingent upon a written waive submitted after the fact;

**Discussion:** Mr. Pimental said the site plan regulations say "All outdoor storage areas, loading areas and trash receptacles shall be located or screened and fenced to prevent visibility from public roads, parking areas or neighboring properties. The manner of waste disposal shall be specified in the site plan and shall show the location of all waste disposal facilities." He said if they believe because it's already fenced in on 2 sides and is behind a parking space if they feel as though that prevents visibility from the public road then they could say they don't necessarily need it to be fenced in on all 4 sides. He said if they feel that the fence now on 2 sides and behind a parking space is enough he would say a waiver is not needed but that's up to the board. It doesn't say all 4 sides it says to prevent visibility and if you look at it now it's visible but if there's a parking space there it will hide it if a car is there he said.

**Vote:** the motion passed 6-0.

Mr. Pelkey said the board accepted the waiver and that it's a condition that they'll submit it. He asked if they needed a motion on the waiver for the 9 ft. parking spaces.

Mr. Pimental said he would do it because the parking configuration has changed. He said it was already approved at the last meeting but the parking configuration is not the same as it was on their prior approval.

Mr. Pelkey said he thought the parking was adequate and they accepted the 9 ft. parking spaces the last time.

Mr. Pimental advised that Mr. Pelkey did not open the public hearing.

Chairman Pelkey opened the public hearing at 6:51 p.m. and said if any of the public wanted to come forward and speak to this application now would be the time to do so.

He said the applicant is seeking a waiver from Section 22 of the Farmington Site Plan Review Regulations that requires that the minimum parking spaces shall be 10 ft. wide by 20 ft. long and read the following from Mr. Lawler's written waiver request: "The parcel is currently being developed with an existing 2 story building with a mixture of commercial and residential uses. The residential units require a minimum of 9 parking spaces at a rate of 1.5 per dwelling unit. Whereas the Town Site Plan Review Regulations requires a parking space to be 10 ft. wide the design intent is to have at a width of 9 ft-one ft. less. The proposed 9 ft. parking space is consistent with most local requirements and adheres to the 2015 International Zoning Code". Chairman Pelkey closed the hearing to public comment because no one had come forward.

**Motion:** (Pelkey, second Fisher) to accept the waiver on the parking to go from 10 foot to 9 foot

wide spaces passed 6-0.

Mr. Pelkey then asked if there were any other comments, questions or concerns on the application. Hearing none he turned to the list of conditions of approval.

Mr. Pimental said he had a new list of conditions of approval that was different than what's in their packets and then read them aloud to the board. (See attached).

**Motion:** (King, second Day) to approve this amended major site plan with the conditions listed by Kyle passed 6-0.

#### **6). New Business:**

**Public Hearing and Possible Vote on a Boundary Line Adjustment between Edward & Donna Tremblay and Hattie, William & Kathleen Hussey and Rebecca Correia, Tax Map R38, Lot 8-2 and Tax Map R38, Lot 8-3.** The applicants are proposing a boundary line adjustment which includes the transfer of a total of 2.51 acres and 282.24 feet of road frontage along Ten Rod Road from Tax Map R38, Lot 8-3 to Tax Map R38, Lot 8-2. Both properties are in the Agricultural Residential Zoning District.

Mr. Pelkey read the above notice aloud and then made the following motion:

**Motion:** (Pelkey, second Mains) that we determine that this is a complete application passed 6-0.

**Motion:** (King, second Pelkey) that this is not a regional impact passed 6-0.

Joe Berry said lot 8-3 is vacant land and they are looking to transfer 2.5 acres to 830 Ten Rod Road to increase the frontage of 830 Ten Rod Road. He said they did a full boundary survey of lot 8-2 and used the plans of record on lot 8-3 to show the approx. areas and remaining frontage. He said both lots would use on-site wells and septic systems and they supplied the 1 sheet showing all that information which will be recorded at the Registry of Deeds.

Mr. Pelkey said they are not creating a new lot here they are just doing a boundary adjustment. Mr. Pimental said no they actually are creating a buildable lot. He said the lot line adjustment is because they need 1,000 ft. for a future subdivision in which the parent lot is going to keep the 2 existing homes and create space so that's why they had a public hearing. He said the only difference between the minor and major lot line adjustment is the public hearing piece so we noticed this as a public hearing.

Mr. King said he said it was potentially allowing for another lot to be created in the future but it's not creating a new lot.

Mr. Pimental said it's creating the potential for a new lot.

Chairman Pelkey opened the public hearing to public comment at 7 p.m.

He read aloud the staff recommended conditions of approval (see attached) and then closed the public comment portion of hearing.

**Motion:** (Pelkey, second Day) to approve with the conditions I read passed 6-0.



**Public Hearing and possible Vote on a Major Subdivision for JMT Holdings LLC, Tax Map R15,**

**Lot 1.** The proposal is for a four lot subdivision that will place three existing structures onto their own lots, including an eight unit multi-family building and two duplexes as well as a proposed duplex on the final lot and roadway improvements to Grondin Drive. The parcel is in the Rural Development District.

**Public Hearing and Possible Vote on a Special Use Permit for JMT Holdings LLC, Tax Map R15,**

**Lot 1.** The proposal is for disturbance within the wetland buffer, including 14,418 square feet of permanent wetland impact for roadway improvements and 3,592 square feet of temporary wetland impact for erosion and sediment control measures. Additionally, there will be 8,030 square feet of impact within the limited development zone. The parcel is in the Rural Development District.

Mr. Pelkey read the above notices aloud and then made the following motion:

**Motion:** (Pelkey, second Patton-Sanderson) to accept the application as substantially complete passed 6-0.

**Motion:** (Pelkey, second King) we do not determine that this is a development of regional impact passed 6-0.

Chris Berry of Berry Surveying & Engineering said he was representing JMT Holdings this evening and he would give the board a brief history of where they started, where they are today and bring them through the project. He said they met with this board a couple of months ago and did a design review hearing to go over what their client's wishes were for the property and they all determined at the time that it was a reasonable use of the land and how they mechanically get to the end proposal has varying ways of going about it.

He said they chose to meet with the Zoning Board to propose a subdivision that would create an 8 unit building on a smaller lot than would otherwise be required which they were granted that variance for. He said since that time they finalized the existing conditions plan of the entire parcel.

He said the parcels are located on Chestnut Hill Rd. and Grondin Drive and the site contains an 8 unit building, 2 existing duplex buildings and large amounts of vacant land the approx. size of the parcel is about 72 acres in size and has varying topographic features, has varying wetlands and wetland systems that run through it in different directions. He said Grondin Drive provides access to 3 abutting single family lots of record to the north side of Grondin Drive.

Mr. Berry said his clients are looking to subdivide the parcels so that the 8 unit building is on its own lot, the second duplex is on its own lot and the third building which is a duplex is on its own lot and then keep the remaining acreage approx. 65 acres so that a third duplex could be constructed on that and then there's the potential for the remaining land to be put into conservation of some kind. We're not here to talk about the details of the conservation easement but we throw that out there as a potential because the owners have expressed

interest in doing that he said.

Mr. Berry said the subdivision design requires Grondin Drive be used for frontage so what they discussed at length with the board during their design review hearing was upgrading Grondin Drive to a better standard that would more closely meet the subdivision roadway standards and they all recognize that Grondin Drive is there today it provides access to 90+% of the residential density that is there now and their request is really only adding 1 additional duplex to that. We also understand and respect the fact that Grondin Drive isn't in great shape it's in a passable shape but at certain times of the year it is rough and could be unsafe from a life safety point so we worked with the applicants to develop a roadway design for the subdivision that would improve Grondin Drive pretty drastically he said.

He said they've done test pitting of the roadway and they hired John Turner Consulting to do test pitting with them on site and he took 2 bucket samples at each one of the test pits they did and they asked him to analyze the material and he found that the existing gravel is approx. 18" thick and that it most closely meets a bank run gravel style material. He said it does not meet the NH DOT 3043 requirements for bank run gravel because it has too many fines in it and the number in the sand sample is a little too high.

He said they asked him to do compaction testing of that material so they at least knew what the compaction was of the existing roadway so they could better design the roadway moving forward. He said they found that the road is highly compact it meets compaction for the material that's there and the compaction tests came back with it well over 95% compact.

Mr. Berry said when they are designing and reviewing material they concluded because the fine content in that bank run gravel is higher anytime it gets wet or has freeze/thaw you get rutting and you have migration of materials that takes place in the soil and it was never properly topped with 6" of crushed gravel. He said they were proposing to leave the gravel that's in place now and put a Mirafi geotechnical fabric over the existing bank run gravel and then place 6" of proper crushed gravel that will meet NH DOT 3043 crushed gravel requirement and then the first approx. 300 ft. of road has been paved in the past and they would repave that section of road.

He said while this work is being done the traveled surface of the roadway would be widened to 18 ft. with the required shoulder widths so that the road is a full width and passable the entire way. He said what that requires them to do is apply a shoulder widening or a widening of the roadway in one direction because the roadway is partially situated on land that they don't own and control and because of that they want to make the widening takes place all to the south. He said additionally they want to do that because placing lower width material against other materials is very challenging so the wider they can get that material against the existing material is a much better constructed product.

He said areas they would do the widening and would require fill they would fill that entire column with the NH DOT 3043 crushed gravel material so it would interact well with the

existing material and key into the proposed top material.

Mr. Berry said the Mirafi fabric they are proposing will keep the migration of the materials out from one another and the crushed material will act as the surface. He said the crushed material would be added to the existing bank run gravel and they wouldn't be removing any of the gravel on site.

He said the remainder of the package pertains to the fact that because they are widening the roadway they need to extend a couple of concrete culverts and they have a wetlands impact that's less than 500 sq. ft. and they're not going to be impeding or changing flow or doing anything to alter the wetlands other than the minor sq. footage that's require to fill for the widening of the roadway. He said the existing culverts are Reinforced Concrete Pipe with bell ends facing the end that they're adding to so they will have to cut the bell ends off and then add the extension that is needed to those culverts to the end so they can then miter their fill into the end of the proposed culverts.

He said because they are working within a wetland and they are widening the roadway and proposing disturbance within wetlands that contain 50 ft. setbacks they are required to have a Special Use Permit and these wetlands fall within the controlled development zone around wetlands so any development that takes place within 100 ft. of those also requires a SUP.

He said each one of the existing lots has an existing sewage disposal system, existing well and the existing structures as previously described and they have proposed 1 additional duplex structure with a proposed 4,000 sq. ft. leaching area, proposed well all that meet the Town's requirements. He said they met with the Technical Review Committee on this and much of their conservation revolved around making sure they had a proper roadway agreement between all of the lots they are proposing within their subdivision which they have hired an attorney to take care of for them and they are willing to do that and understand the need for that.

Mr. Berry said part of the roadway upgrade involves installing a T hammerhead turnaround at the end of the roadway and that will allow fire and life safety access to safely get down, turnaround and leave. Currently there's no ability for them to do that so that's an improvement on the roadway as well he said.

He said they met with the Conservation Commission to go over to go over their SUP's and they reviewed and approved those for the board's consideration this evening and they also granted the Chair the authority to sign his wetlands permit when it is ready to be submitted to NH DES. He said they require a state subdivision permit which will be filed hopefully after tonight's meeting and they expect that would come back with no issues since these are developed lots in the existing condition now.

He said the only other outstanding thing is they have a number of waivers they requested as part of their application and they are all roadway waivers and he is happy to go through them one by one when the Chair feels that's appropriate.

Mr. Pimental said the applicant covered a lot of what he had in his comments and the only few

things he would add is there are a couple of legal documents they'll need as part of this approval-the access easements for Tax Map R15, Lots 1-1 and 1-2 as part of the roadway improvements and the road maintenance agreement for all the newly formed lots. He said one suggestion from the TRC was that the applicant consider working with their legal counsel to reference RSA 231:81-a and that came from the Fire Dept. to ensure that it acknowledges that those property owners that have rights to use the road but don't have a road maintenance agreement shall contribute equitably to the reasonable cost of maintaining the road and they felt that might be useful to add into the road maintenance agreement as well as the transfer of ownership documentation.

He said one other easement he would ask the applicant to comment on is the exclusive use easement for Tax Map R15, Lot 1-8 it's an oddly shaped lot because of the way the frontage would be needed so he would let Mr. Berry walk the board through that piece.

Mr. Pimental said the last comment for more discussion is to whether or not the board is comfortable with the applicant's engineers they have now conducting the inspections during the roadway construction or whether or not they want to require that the Town's third party engineers (DuBois & King or Tighe & Bond) to conduct those inspections.

He said on sheet 26 there's a note under construction sequence and one thing they would like to see added there in addition to the erosion and control inspections that periodic inspections of the roadway construction work be done by whomever the board determines that shall occur: after the addition of the required fill and setting of culverts but before the gravel base has been laid, after gravel base been laid and compacted but before surfacing has been placed and during surfacing. Specifically those 3 times that are called out in the Town's subdivision regulations he said.

Mr. King said on a couple of the cross sections they show a 2:1 slope lined with reinforced matting and asked if there was a shouldered area next to that 2:1 slope.

Mr. Berry said yes.

Mr. Pelkey said the justification on the waiver request is it lessens the amount of impact on the wetlands area by going to a 2:1 slope as opposed to a 3:1 slope.

Mr. King said keeping that stabilized is a concern at 2:1.

Mr. Berry said there is an acronym on their plan, ERCB which is an erosion control product which is commonly known as jute matting or NH DOT matting and this is a little different in that it's a natural fiber product because they are in a sensitive they did not want to use plastic products on site so they are environmentally friendly. He said oftentimes snakes or other amphibians get caught up in the plastics so these ERCB's are a natural product that will stay in place and degrade over time as the site becomes stable and seeded.

Mr. King said as far as the pavement they are showing a 2" wearing course and not a 2+1.

Mr. Berry said they are proposing a 2" base course.

Mr. King asked if there was no future plan for a top coat or a seal.



Mr. Berry said they want to leave the vertical ability for them to top in the future out and they are currently not proposing to top it.

Mr. Pimental said that when they were discussing the waivers as part of that first 300 ft. of Grondin Drive the Road Agent's recommendation was the 2" binder course and then a 1" wear course on top of that.

Mr. Berry said the recommendation is based on by placing the wearing course they're ensuring the protection of the base for a longer period of time. He said what they are proposing is a far superior roadway than what is there now and it will come at a fairly substantial cost to the applicant and at some point the cost of doing the project outweighs the benefit of the project so they do respect and understand the comment but still would request that the top wearing surface not be placed.

Mr. Fisher said when he talked to the Con Com one of the questions that was asked was if there are future plans for the Town to take over this roadway and his answer was no they reached an agreement with the Town that this is going to remain a private road.

Mr. Berry said they didn't reach any agreements with the Town even with tonight's proceedings going the way he hopes they go the road will not meet the Town roadway standards to be accepted as a Town road so it will perpetually remain private until such time that takes place.

Mr. King said yes and no and unfortunately at any time the residents of that community can put up a petition warrant article and it could be accepted whether it meets the standards or not. He said there are some differences from what they would consider the standard to be accepted and then when they talk about subsequent inspections-they definitely need to have a discussion there. He said if the end goal was to be accepted in the future it would behoove the applicant to have a third party engineer oversee it so they can validate how the construction is but they're not proposing that so us requiring that to a third party review may not be necessary.

Mr. Pelkey said if they are going to have their engineer review the construction of the road because we don't anticipate this coming before the Town he felt that was sufficient. He said their engineer is going to inspect it and they're going to report to us when it's built.

Mr. King said if we're not going to oversee it to the fullest extent it's one more reason that the town wouldn't consider accepting it if it was put forth to the town.

Mr. Pelkey asked Mr. Pimental to revisit RSA 231:81-a.

Mr. Berry said it's the state's hedge against people living on private roads claiming they don't have the obligation to improve that road and that roadway status. He said he hasn't broached this topic with their attorney and they are happy to put it in their documents but they are not here tonight imposing obligation on any of the other users on the roadway. He said they are going to leave their roadway maintenance agreement open so they can be added if they wish in the future but they are not here imposing it on anyone.

Mr. King said they listed this RSA and asked how they can bind some of these residents who



have a right before with no cost sharing and they're saying this RSA requires them to do cost sharing in the future.

Mr. Pimental said the way that it was described to him by the Fire Dept. was that it was meant to be an assurance of just because someone has rights doesn't mean they can wreck the road and have no course of action that can be taken against them. He said it sounded like if they were doing something that was having a drastic impact on the roadway that the other owners had some recourse by state statute and that is what he referred to in RSA 231:81-a.

Mr. King said if they have recourse through state statute citing it in the document doesn't change anything.

Mr. Pimental said it does nothing other than it was merely a suggestion to add it in there. He said they don't have it as a condition of approval it was just a recommendation.

Mr. King said this situation is not very common with the way the access is there's granted access with no requirements and there's access that the maintenance is 100% on the applicant.

Mr. Pelkey said he read the RSA and it gives them the ability it doesn't make a requirement of it.

Mr. Pimental said it's probably overkill to have it in the road maintenance agreement it was just something they discussed at the TRC meeting.

Mr. Pelkey said if it's already a statute it's in force for everybody no matter what. He said it just gives people the right to seek redress if they choose to it doesn't require that so he understood why Mr. Berry was telling him he didn't need to put it in his documentation because he doesn't.

Mr. Berry said the kind people behind them that have been working with them on this project aren't going to destroy their own road after we rebuild it for them.

Mr. Pelkey said these are the folks that there is going to be an easement piece of this where they're going to allow an easement for you to do repair on the piece of the road that is on their property.

Mr. Berry said his understanding is that they've agreed to grant them access and grading rights and those types of things.

Mr. Pelkey said that sounds like a win-win for those folks because the road is going to be upgraded and a win-win for them because they don't have to move the whole road bed over. He said he applauded those folks for working with the applicant and applauded Mr. Berry for working with the abutters on that. I like to see that kind of stuff it's much better than having people in here butting heads all the time he said.

Mr. Berry went to the map on display and said he struggled with the end of this hammerhead for hours because he never really liked how it laid out so he suggested to Mr. Pimental that a good solution is they would grant lot 1-8 an exclusive use easement over remaining lot 1 so that in the event there is snow storage or parking or things that need to take place in this little crux of the hammerhead from lot 1-8 that that's allowed to take place. He said what they don't want to do is create a situation where the owner of lot 1 doesn't like the 4 wheeler parked there or

whatever it is when quite clearly it's incidental to that lot's use so they've agreed to establish an exclusive use agreement for that and pointed out that area to the board members.

Mr. Pimental said the reason why they can't come straight down is the road frontage because they need that piece to hit the 150 ft. of road frontage so that's why it's shaped a little odd like that and the applicant and the staff went back and forth on the best way to address that.

Mr. Berry then pointed out the easement piece to the audience members.

Mr. Pimental said one of the primary reasons for that is where the improvements to the road are set to end right after that is another stream crossing and it is complicated so to extend that roadway just to get the lot to be more symmetrical for 150 ft. of frontage this was a way to address that, reduce the impacts and avoids having more wetland impact for the roadways. He said it's an odd end of a lot and they agreed that it's not ideal to have it like that but what they're proposing is a good solution.

Chairman Pelkey then opened the hearing to public comments at 7:33 p.m. and said anyone wishing to speak to the application with any questions or comments is welcome to come forward.

Grondin Drive resident Sterling Grondin said that he said he is just going to pave over the first 300 ft. he worked construction most of his life and there are rocks sticking out of the asphalt that was previously there and if they are just going to pave over that when the frost hits it's going to push those rocks right back up into the new tar so they should be removed properly and it should be dug up, have fill put in and then pave it to be done right.

He said he would also like to address the Town of Farmington Zoning Ordinance 310 Private Road Standards and read that the Planning Board can approve the use of private roads controlled by a legal established entity responsible for the maintenance of the private road. He read that the private roads will be built in accordance with the standards set forth by the Town of Farmington road and driveway regulations design and construction standards. He said the Town should think about that that's their ordinance they approved and their standards go a little farther on the maintenance of the road than his does.

Mr. Berry said they are not proposing to simply just repave the first 300 ft.

Mr. Grondin said that is what he said.

Mr. Berry said he may have mischaracterized or may not have been clear about what they are proposing but they are proposing to scarify the roadway, reroll, re-compact, then place Marafi fabric, place 6 inches of crushed gravel and then place the pavement on the first 300 ft. so they will not have rocks coming through the pavement. He said the last thing the applicants want is to place money into a roadway that will not last and be destroyed. They are spending a large amount of money to ensure that this roadway lasts the way it should last he said.

He said in terms of the entity responsibility there is a maintenance agreement and essentially a HOA that is created for the maintenance of the roadway moving forward and currently there is none. He said the lots they are creating will be bound by that agreement and the maintenance

is addressed inside of that agreement.

Mr. King asked if there is going to be a notation in the deed.

Mr. Berry said yes and that each deed will note that each lot is required to be a member so nobody can opt out as they have seen in the past.

Mr. King said so there will be a requirement in the deed that a homeowners' assoc. will be created and they are required through the deed to participate.

Mr. Berry said yes and that it's a private road agreement but it's similar to a HOA.

Tracy Grondin Sanfacon said her father lives at the end of the road and he is worried about the grade of the road what it actually does now and the fixing of the grade because it all runs down to him and he doesn't want that to intensify and get all of the runoff. In the spring it's bad and he just doesn't want it to worsen because he's at the end she said.

Mr. Pelkey said the road design shows the drainage and everything involved with the road design.

Mrs. Sanfacon said they wanted to make sure the drainage was in there and that they've spoken about it.

Mr. King said there was a roadway cross section that shows it pitching away from Chestnut Hill Rd. all the way to the back of the property.

Mr. Berry said as it does today.

Mr. King asked if when they rebuild and improve this roadway both ditch lines are going to be improved to keep that water in that ditch line. He asked if it crosses at just one spot so there is water on the right hand side and it crosses in the one location that they are improving and after that it's going all the way to the end and around where the hammerhead is going to be.

Mr. Berry said that's right and that's what it does today.

Mr. Day asked if it would run all the way down to the brook by his driveway.

Mr. Berry said yes.

Mr. Day asked if they were proposing to cut the edge of it.

Mr. Pelkey said yes and with the extension of that culvert it would take away of a lot of it right there and asked if that would reduce the amount that is going down through there now.

Mr. Berry said yes and what they can do to ensure that the flow doesn't continue down the driveway is to cut a swale in at the end to grab it and direct it onto their property so it doesn't continue on down the gentleman's driveway.

Mr. Grondin said he thought they should appoint someone to keep an eye on it to make sure it's the way it's supposed to be.

Mr. Pelkey said there was a discussion the board had concerning that and he still feels if they don't plan on bringing the road to Town standards applying for the Town to take the road he is going to be satisfied with the applicants' engineer's reports on it because the engineer is going to have to stamp it and say it's being done and his license is on the line when he does that. He's a professional that's going to do it he said.

Mr. King asked Mr. Berry if they are proposing that he or somebody he designates will be inspecting and auditing the construction of this roadway and submitting reports to the Town's Planning Dept.

Mr. Berry said yes and that they have been retained for the construction services.

Mr. King asked to what extent the incremental inspection periods are going to be and to what level the documents are going to be furnished and if that has been presented.

Mr. Berry said it hasn't been presented to the Planning Dept. He said this is a big set of plans but this is a small project.

Mr. Pimental said there are already erosion control inspections built into what the plan set is. He said the other ones that he pulled out of the subdivision regulations were: 1) after the addition of the required fill and setting the culverts but before the gravel base has been laid; 2) after gravel base has been laid and compacted but before the surfacing has been placed and 3) during surfacing.

Mr. King said he would be acceptable to Berry Surveying doing those inspections or their designee and having at least those 3 inspections points and that information recorded and documented and given to the Town. He said they may have additional stuff but at least those 3. Mr. Berry said because this is a small project it's going to more a full time inspection it's not like doing a brand new road where you do periodic incremental inspections. He said they understand what the intent is and they can make that that takes place.

Mr. Pimental returned to what the applicant said about the revision to the crossing and whether they want that as a revision to the plan that he needs to get into the conditions of approval. He asked Mr. Berry to restate what they are planning on doing re-digging that ditch so he captures it in his notes correctly to be put in the Notice of Decision.

Mr. Berry said at the end of the proposed hammerhead to create a swale to divert water from R15, Lot 1-3 onto the applicant's property.

Mr. Pelkey asked Mr. Grondin if he understood what he was going to do and he said no. He then explained that the applicant said down at the end of the hammerhead that they are going to put in which is right near his property they are going to change the ditch line to bring the water across onto their property and create a swale there so the water doesn't continue on to his property. He said it's going to drain off and it's a change they're making to the drawing now.

Mr. Grondin said the water comes from their parking lot up on the 8 units and it comes all the way down the road. He asked if he is going to put a ditch in by the hammerhead how that would help the rest of the road.

Mr. Berry said part of the issue that takes place is that the road really doesn't have shape to it and the traveled surface creates a channel.

Mr. King said currently the drainage from the 8 unit is going across the roadway to the other side and when they pave in the crown in the road that's going to stay on the left side.

Mr. Pelkey said all the way down to the hammerhead they are proposing to correct that road so

it's correctly ditched, crowned and gravel topped and paved for the first 300 ft. He then asked Mr. Pimental how they would manage the waivers.

Mr. Pimental said they could take them all at once or individually. He said as they go through these the Road Agent said is here and if they have questions or he may want to comment on one of these.

Mr. Grondin asked if the board was going to honor article 310 which is the Town's requirements for private roads.

Mr. Pelkey said they have to enforce all of the zoning regulations that is their job. He said if they give a waiver to some of the requirements in 310 that is also a part of their job.

Mr. King clarified they can't give a waiver to the zoning ordinance they can only give a waiver to the subdivision regulations so if it's a requirement of the zoning ordinance it will be met unless they have a variance.

Mr. Berry said the gentleman is referring to 310 which obligates them to form a private road assoc. which they are doing. He said it also obligates the applicant to build the road to the road and driveway standards which the board controls and they are asking for certain waivers to.

Mr. Pelkey said they are creating an entity to maintain the road and they are not requiring Mr. Grondin to join it.

Highway Dept. Supervisor Ed Brannan said there were only 2 areas that he had concerns-one was the pavement would be a wear course on top which would give a lot more life to the pavement overall and there was a question about the grade coming off of Chestnut Hill Rd. onto Grondin Drive. He said the regulations call for 2% and right now it's around 5% and they're proposing 4% and under the circumstances there is no room for further subdivision or an increase in traffic from what they have other than the 2 units so it didn't seem like a huge issue. He said in order for them to go to 2% they would have to encroach on the wetlands considerably further.

Mr. Pelkey said that was part of the waiver request statement that they would have to encroach more on the wetlands to bring it up to that.

Mr. Brannan said he was good with the 4% the recommendation is from the actuary table.

Mr. King asked if right at the entrance onto Chestnut Hill Rd. it is 4%.

Mr. Berry said currently it's 5.5% and they are proposing a 4% grade and the NH DOT requires a 4% grade into properties they don't allow flatter than 4%. He said they want drainage off the roadways and it's a navigable approach grade. If we were to go to 2% we would be picking the road up pretty considerably and we'd have further environmental impact he said.

He went to the display map and said Chestnut Hill Rd. is crowned and if he had to guess he would say the existing cross slope is probably closer to 3% so a section of the road would be 3%, their driveway would be 4% and the existing entrance is 5.5% so it's a pretty drastic improvement especially if you travel the exit of Grondin Drive. He said as a driver you can really feel that you're on a slope and on then on that slope trying to look out and get down the road



you can do it these people have been doing it for years but 4% is a much better flatter situation.

Chairman Pelkey then closed the public comment portion of the hearing at 7:52 p.m.

Mr. King asked if they were holding the public hearings for the subdivision and the Special Use Permit at the same time.

Mr. Pelkey said the public hearings are concurrent.

Mr. Berry said he would go through their waiver requests one by one and that they are all to one section of the road design construction and design standards for the Town of Farmington.

A). Grade within 50' of an Intersection-He said the first one is the maximum grade within 50% of an intersection which the Town requires 2% and they are proposing 4% and they just discussed that pretty thoroughly. He said the existing grade is 5.5% so they don't meet the regulation but they're making the situation drastically better and they are also meeting what would be a state standard if they were coming off a state highway.

B). Maximum Dead End Road Length-He said currently the Town has a 900' dead end road length and they are proposing to re-establish this roadway down to 1,212 ft. and they are only extending the roadway by about 22 ft. to ensure they get a proper hammerhead. He said they are not really increasing the residential density for the purposes of lengthening the roadway and lengthening the roadway doesn't necessarily create additional density for them.

C). Maximum Roadside Slopes- Mr. Berry said the construction standards require 3:1 slopes and they are proposing 2:1 slopes in sensitive areas. He said it's the common practice the 2:1 slope are not excessively high so they don't require guardrail and they ran the AASHTO warrant analysis on barricades and roadside design guide and guardrail is not required. He said they discussed earlier how they are proposing to stabilize that side slope so that it's not erosive during or post construction.

D). Gravel Base and Binder Course Thickness-He said he discussed earlier that you have approx. 18" bank run gravel there that does not meet the purest description of the NH DOT standard for bank run gravel and they are proposing to leave that gravel in place and not replace all of the gravel. He said they would add crushed gravel on top of that and then a 2" binder course with no wearing course.

E). Reverse Curve Minimum Tangent- He said they placed a little "wobble" in the roadway and if they had longer areas to work with they would meet the tangency requirement but they do not meet the tangency requirement. He said when they come into the roadway the road is going to take a small turn to the right and then pretty much immediately get back on track and go back to the left and the tangent between those 2 small curves is about the distance between him and the Chair but they're not proposing a reverse curve on a super highway that makes 1 large arcing movement and then a reverse arcing movement. He said this is a very gradual turn or wobble in the roadway so they can avoid environmental impact. He said the Town's road design standards contemplate larger subdivision roads, higher speed roads and roads that have different uses than what they are proposing.

Mr. King said he was looking at their road cross sections that just show the roadway and asked if there is a cross section showing what the typical ditch line depth and width is.

Mr. Berry said they are not proposing to ditch the entire roadway. He said because they are elevating the roadway where you have the fill that comes down and tags the existing grade it creates a notch.

Mr. King said but there are some cross sections that show the proposed roadway lower than the existing grade.

Mr. Berry said yes and then you would have a ditch and that he didn't have a typical ditch detail but he could add one. He said in this case it would be 1.5 to 2 ft. wide and the typical ditch is about 2 ft. wide.

Mr. Pimental said this is something separate to discuss with the board but while Mr. Brannan is here the TRC discussed that the board may want to look at the roadway standards. He said it sounded like what is in the roadway standards that they're applying to private developers is not even what the Town is doing on the Town roads in some respects. He said it may be something they need to look at and adjust into the future and they may want to get a sub-group together with the Road Agent and maybe the Town's 3<sup>rd</sup> party engineers to help out with that next year. Mr. King volunteered to be part of that group.

Mr. Pelkey asked if anyone had an issue with taking the waivers in total.

Mr. King briefly revisited each of the waiver requests and said that he understood the reasoning behind them and that he didn't need to add anything.

Mr. Pimental said the only thing he would add is to the 2<sup>nd</sup> one with the dead end roads that both members of the Fire Dept. looked at the hammerhead turnaround for an emergency apparatus and agreed that it is much better than what they have now which is nothing.

Mr. King said when the Town addressed the 900 ft. concerns and when we've had private roads in some cases they've asked for pull-offs incrementally but in this application they're providing 18 ft. of travel way so vehicles could pass on both sides but if it was only a 12 ft. travel way and 900 ft. they typically asked for pull-offs or something like that so people coming down the road could get by each other but in this case they're providing 18 ft. travel way which is adequate.

Mr. Pimental said they also discussed at the TRC meeting that there is also room for pull-offs at the 8 unit parking area and 1 other location.

Mr. Berry said there are other flatter areas that you could pull off. He said Mr. King's point is they meet the standard for NFPA Chapter 18 for fire access width to pass both ways.

**Motion:** (King, second Day) to approve the 5 requested waivers from the Road and Driveway Standards passed 6-0.

Chairman Pelkey asked to take the Special Use Permit up next. He read that Section 4.02 of the Wetland Conservation Overlay District states the following use may be granted with a SUP:

"Streets, roads and other access ways and utility right-of-way easements, including power lines and pipelines, docks, piers and other water related structures; if essential to the productive use

of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.”

He then read from the staff memo that direct wetland impacts result in roughly 14,419 sq. ft. of permanent wetland impact for roadway improvements and 3,592 sq. ft. of temporary wetland impact for erosion and sediment control measures. Due to direct impacts to wetlands the applicant does need to provide a state permit. At the time of this memo that permit has been filed but not yet received.

He then read there will be 8,030 sq. ft. of impact within the limited development zone for the same roadway improvements and erosion and sediment control measures. The applicant has provided a written narrative explaining how they meet the criteria of the SUP for the Wetlands Conservation and Waterfront Protection Overlay Districts. At their meeting on Oct. 12, 2023 Conservation Commission voted to endorse the SUP with no additional conditions or recommendations. A copy of a letter from the Chair is attached to the Planning Board’s packet. There were no comments from the Code Enforcement Officer he said.

Mr. Berry explained they are replacing a roadway in place but they’re also within Class II wetlands buffers and control zones at the same time so a lot of the stated impacts are existing impacts that they’re impacting on top of. He said much of the widening takes place at the entrance of the roadway and that’s where the largest amount of additional impact is and they wanted to be clear with the board what they’re proposing is permanent impact to a permanent roadway and what is temporary some vegetation removal needed for the keying in of slopes and stabilization as well as construction temporary erosion control practices mulch, berm and those items need impact to protect the environment from the construction site. The permanent wetland impact is only 302 sq. ft. and the temporary impact to the wetland is 160 sq. ft. he said. Mr. Pimental said the staff believes that the criteria for both in terms of the land use regulations for both the Waterfront Conservation and the Wetland Districts have been met in terms of minimizing the impacts and all of the other character, safety, health and reasonable use of the property have been met.

Mr. Pelkey said Con Com Chair Bill Fisher sent him this letter on behalf of the Con Com that says he was submitting this letter in support of approving the SUP for Tax Map R15, Lot 1, Grondin Drive and Chestnut Hill Rd. He read that based on the presentation by Berry Surveying & Engineering to the Con Com on Oct. 12, 2023 a consensus of the Con Com determined all required environmental considerations have been addressed and plans are in place to ensure the preservation of the surrounding wetland areas. The Farmington Con Com feels the project should move forward as planned he said.

He then asked if there was any public comment on this item.

Resident Paul Plourde asked when he says they are putting mesh down the road if that was going from the pit paving down.

Mr. Berry said the fabric would go from Chestnut Hill Rd. the full length of the roadway.

Mr. King asked if they were going to have to jute mat the entire road edge.

Mr. Berry said it's not jute matting its Marafi fabric between the gravel areas and its pretty cheap insurance to ensure you don't have migration.

**Motion:** (Pelkey, second King) to approve the Special Use Permit passed 6-0.

Mr. Pelkey asked for a read back of anything that they added to this or what the conditions that they have are.

Mr. Pimental said the Planning Dept. recommends that the Planning Board approve the subdivision with the conditions to be met prior to the signing of plans, prior to roadway construction, prior to the issuance of a building permit and prior to the issuance of a Certificate of Occupancy (see attached).

Mr. Berry said he hadn't thought about this when they were talking about the performance bond because this is a private road and private entities and asked what they would be expected to place for a performance surety. He said if they were doing a standard subdivision with the expectation of it being a public road in the future typically they put together a surety estimate which he was asked to do. He said the applicant would then post that or a percentage of that with the Town and that ensures the road gets built the way the Town expected it to in the future but in this case they don't have any of that.

Mr. King said no but they have a proposal that's subject to this road improvement as part of the subdivision and asked based upon that how they would ensure that what's proposed gets completed instead of stamping it and create a lot and there's no roadway improvement. That's the balancing act he said.

Mr. Pimental said that's why they worded it that way to ensure the roadway is built because this decision is based upon that road being approved and the waivers that are being approved.

Mr. Berry said it seemed like they were tying the surety to inspections again.

Mr. Pimental said that was in there if it was going to be a third party so he could remove that to just say the surety is for the road construction but the inspection piece is going to be on the applicant. He said that condition #2(a) will be revised so that the certified check or letter of credit is for the installation but not for the inspections.

Mr. King said even though this board has waived some of the road and driveway standards he hoped that applicant would consider paving a larger extent. He said they are going to put a lot of money into this roadway and without the paving they're going to require a lot more annual maintenance to maintain that as a gravel road. He said the difference between doing 300 ft. and 1,200 ft. there are 2 different quoting scenarios and they may be able to get a much better price per sq. ft. at the entire amount and that may save the applicant a lot of time and hassle and increase the value of the whole project.

He said it's not a requirement but at that number they should be able to get the paving down to maybe \$2.50 a sq. ft. after the ground work is done. The first 300 ft. they're going to quote it like a driveway and it may be \$4 or \$5 a sq. ft. vs. maybe \$2.50 or \$3 a sq. ft. at the higher



volume. He said they would incur a lot more cost down the road to maintain that road especially with some of the soils they have the pavement would also keep that capped off.

**Motion:** (Pelkey, second Patton-Sanderson) to accept the application with the conditions that Kyle (Pimental) read off to us passed 6-0.

### **Discussion of Potential Zoning Amendments for Urban and Suburban Residential Zoning**

**Districts-Housing Navigator-** Mr. Pimental said the Planning Commission has a Housing Navigator that has been reviewing the Town's zoning regulations specifically the Urban (UR) and Suburban (SR) areas. He said they asked her to look at the minimum lot size, frontage, density and the existing density bonuses that are provided in those districts and ways to come back to this board to see if the board wants to make some revisions to remove some potential barriers to allow for more flexibility in those districts for increased housing options very similar to what they did in the Village Center (VC) District.

He said the first couple of pages of the handout they received go through what exists and the map shows the urban and suburban areas directly outside of the VC and what those space and bulk standards currently are in the UR and SR zones.

He said on the next few pages they looked at other communities' standards. He said Dover has a number of urban core areas but they chose one of the suburban areas and also looked at Somersworth, Rochester and Newmarket and all of the data is in there for review.

He said this is graphically shown on page 6 and the first one shows the minimum lot size in urban areas and most other communities are right around the 10,000 sq. ft. mark. He said Farmington is over the 20,000 sq. ft. mark and it should be noted that is assuming there is water and sewer in that district. He said that is saying it's a half acre lot if its connected to water and sewer and if it's not connected to water and sewer that goes up to 1 acre.

Mr. King said there are also state requirements for lot sizes when there is on-site water and sewer which is based on the soil type.

Mr. Pimental said they would have to take that into consideration but what they are trying to show here in the UR being 1 acre min. lot size or at the very least ½ an acre is still a lot higher than what they're seeing in other communities in their urban areas. He said but Mr. King is right that the state does dictate some of that.

Mr. King said it's around 30,000 sq. ft. based on the soil type.

Mr. Pimental said depending on the direction the board advises how they want to look at that that will be part of the conversation.

Mr. Pelkey said one basis for this discussion is the number of non-conforming lots in this area and one question would be if the min. lot size in Farmington was 10,000 sq. ft. how many non-conforming lots would they have then. He asked if they knew what that number was.

Mr. Pimental said he would get there and the other one is the road frontage and there doesn't seem to be an issue in the urban areas that seems to be in line with most other communities. He said in the suburban zone the min. lot size is 1 acre and that is a lot higher than in



surrounding communities it's almost double.

Mr. King asked how these towns are providing a lot size that small in a suburban area and if these numbers are so low because they have water and sewer available.

Mr. Pimental said it's possible.

Mr. King said that would be important to know when you compare this chart because in our suburban areas almost all of it has no water or sewer available.

Mr. Pimental said there is some water and sewer available.

Mr. King said we give a density bonus below our requirement if they do.

Mr. Pimental said the density bonus for the suburban is  $\frac{1}{4}$  acre per utility so it could be as much as a  $\frac{1}{2}$  acre.

Mr. Pelkey said we would be close to Dover which is a  $\frac{1}{2}$  acre.

Mr. Pimental said the suburban density bonus is 25% for each utility but the urban area there is no density bonus it's just that the min. lot size goes from 1 acre to a  $\frac{1}{2}$  acre but you have to have both water and sewer. He asked if they want to apply those density bonuses to the urban area and do they want to make it so it's either utility instead of needing both.

He said these are the types of things she has identified as areas for discussion and potential improvement. He said the maps on the next pages show the different scenarios and everything in red is a non-conforming lot based on the current min. lot size of 1 acre,  $\frac{3}{4}$  acre,  $\frac{1}{2}$  acre and  $\frac{1}{4}$  acre.

He said on the last couple of pages are the data tables for the UR and SR districts and the total number is around 1,200 lots. He said the number of non-conforming lots requiring a min. of 1 acre is 844;  $\frac{3}{4}$  of an acre is 676;  $\frac{1}{2}$  acre is 653 and  $\frac{1}{4}$  is...

Mr. Pelkey said this table was not included in the handout.

Mr. Pimental said it breaks all of the maps down and gives an Excel spreadsheet of the changes in each of these. He said it comes out to an acre zoning in the urban area if you're not connected to water and sewer is really high and even at a  $\frac{1}{2}$  acre you're still going to have quite a few non-conformities in the suburban area.

He said there are ways to reduce the min. lot size requirement and the other thing to look at is what the average is in these areas. He said the SR has an average size of about  $\frac{1}{3}$  of an acre or just over 1,500 sq. ft. and the UR is about the same at 1,481 sq. ft. He said they were thinking about that as well as how they might want to tailor the density bonuses and change that to offer that in the UR district and maybe thinking about it in a different way.

He said one other thing that other communities how they handle this is some of them it's not based on the lot size and for example Rochester's min. lot size for a single family home is 6,000 sq. ft., for a 2 family it's 9,000 and 12, 000, 15,000 and 30,000 sq. ft. the more units you go up. He said for Dover a multi-family residence has to have at least 10,000 sq. ft. per dwelling unit but if there are 2,3,4 family dwellings that are constructed in new structures the density is based on calculating the average density for residential lots within the city within 600 ft. of that

property line. He said it's a little complicated but it keeps the character within that 600 ft. how you would expect it to be so you're not putting more units in an area where it doesn't meet the character of that particular neighborhood.

Mr. Pimental said there are different ways to increase density as opposed to tying it to the lot size. He said if the board wants the staff to work though and make some recommendations they can do that and there are some resources they can look at and come prepared to talk about what they think is better suited to match what's on the ground and provide more flexibility for property owners into the future.

Mr. Pelkey said most of these lots were built out long before zoning ever happened. He said they put zoning in place over an existing structure and it doesn't match what's on the ground.

Mr. Pimental said they'd been trying to reduce the number of non-conformities and increase the potential for some multi-family dwellings units in the UR and SR core which are allowed but right now you need 3 acres to have a 3 unit apartment if it's not connected to sewer and water. He said that's the way the Town's density and zoning standards for these zones are operating right now and when you look at that there's not land to have those apartments if that's what the Town is looking for. He said even for the duplexes you need 2 acres so that could be a restriction they could work on in this zoning amendment session to see if there are ways to address that.

He said someone brought it up when they made the density changes in the VC down from 1 unit per 10,000 sq. ft. of lot size to 1 unit per 850 sq. ft. of gross floor space that there are consequences to that. He said it creates an opportunity for more units but they still would have to meet the site, subdivision and parking regulations and it puts additional stress on the Town's infrastructure. If we do this and the town begins to grow in these areas that is something that this board needs to be cognizant of and Charlie (King) should bring this back to the Selectmen as well that's its part of the conversation and you can't have one without the other he said.

Mr. King said we have water and sewer capacity but questioned how much we really have.

Mr. Pimental said it's more about the existing pipes downtown and if there are more connections how are they going to hold up. It's something as part of these conversations needs to be at least thought about and recognizing that by allowing for these buildings to have more units you're tying in more capacity to water and sewer. It's not necessarily a reason to not move forward it's just something we all need to be cognizant of he said.

He said those are some of the preliminary findings and they will have folks in front of the board at the Nov. 1 meeting to discuss this in more detail. He asked the board for a general consensus that they think what they've shown here for where the min. lot sizes are and the density requirements in these 2 zones that they are supportive of them moving forward with making some recommendations for what these numbers should be based on the character of the existing zone.

Mr. King asked how Newmarket made the cut as one of the towns selected as opposed to

another neighboring town like Barrington, Strafford or Milton. He said Newmarket is somewhat removed and we are adjacent to Rochester and close to Somersworth and Dover. He asked if there should be another town that is closer to us and more similar in size.

He said Barrington has been active in their planning and zoning to accomplish what they want to accomplish but they don't have a downtown area so they'd be good to look at but they're not similar to us. He said Milton has a downtown center and is smaller in size and asked if that would be beneficial to add.

Mr. Pimental said they can do that and the reason that these were chosen was because they have downtown cores. He said Milton makes sense and Wakefield they could look at the village districts but they don't have a downtown like Farmington has. He said Milton would be a good because it's a more rural community and they have Rt. 125 so it's a good one to compare and he will ask her to look at Milton.

Mr. Pelkey said part of making regulations line up with what's on the ground is that future expansion or rebuilding that area would allow it to maintain the same characteristics that it has now. He said if somebody sold the property and they decided to redo it they wouldn't be allowed to rebuild it the way that it is now because we don't allow it.

Mrs. Patton-Sanderson said the requirements for duplexes and multiplexes are ridiculous. She said 3 acres for 3 units is nuts.

Mr. Pimental said he didn't think they need 3 acres for a 3 unit apartment and that is zoning out the multi-family units and there are ways they can improve that to allow more flexibility.

Mr. King said in some of these areas there currently is no multi-family so when they look at that they should consider this area is pretty much built out with single family homes and changing that zoning is potentially going to change the characteristics of those neighborhoods.

Mr. Pimental said if that's the case then prohibit it in that particular zone. He said right now the zoning says it's allowed by right but the density is not allowing it.

Mr. King said the thought might have been to have that density even though it's a multi-unit is to have enough land area so the impact is not like your single family dwelling next to a multi-unit but there's enough area that it separates and it doesn't act to the neighbors that they're living next to a multi-unit.

Mr. Pimental said he didn't disagree but 3 acres is overkill and you can accomplish that and not need 3 acres. He said these are all good questions and this could change how the town looks in certain areas over time if they are allowing this.

Mr. King said it's a pretty good argument to say these lots exist and have development rights period so all these lots that don't meet can be built on. He asked how many of them are non-conforming lots that have yet to be developed and they might want to get that answer.

Mr. Pimental said even those that are built on non-conforming lots such as Kodiak property for example and he didn't know how many units were there but they were only allowed 1 under the prior zoning and now they have six. He said these are all good conversations they could

continue at the Nov. 1 meeting and he will have the Housing Navigator look at Milton and he will look at the percentage of vacant lots vs. lots that are already built on for new development/re-development opportunities.

Mr. King asked for a breakdown of what is on the non-conforming lots such as whether it's a single family, duplex or 3 or more units.

Mr. Pimental said they could try.

**7). Member Comments:** None

**8). Any Other Business Before the Board:**

**After the Fact Alteration of Terrain Permit-** Mr. Pimental said the board received copies of the after the fact AOT permit and restoration plan that approved for 115 NH Rt. 11. He said clear cutting was done as part of that property so they have obtained both their AOT and restoration plan permits and the plans for that are a residential home and associated barn so this board will not see that application unless that proposal changes.

He said the permit approvals are in their packets and if they are interested in seeing the plans themselves to e-mail him and he will share the plans that were put together by Norway Plains.

Mr. Pelkey asked if they were required to restore the wetlands before they can do any other work.

Mr. Pimental said yes.

Mr. Fisher said he drove by there today and he thinks he has already started the ground work for the house and the barn and he noticed the hole thru the dike is still there so he didn't think he has fixed the dike or the wetlands.

Mr. Pimental said they haven't been able to do anything until they applied for this but it is his understanding that those need to be in place and he would have to go back and look at what the original decision was. He said he thought the permit had to be satisfied in terms of all the recommendations prior to any other development but he didn't know.

Mr. King asked if they have made a formal application for a building permit for the house and barn.

Mr. Pimental said he didn't know. He said what Mr. Fisher saw may be part of the restoration but he was not sure. He said he would stay in touch with the Code Enforcement Officer.

Mr. Pelkey said he has 12 days to do it and read "By Nov. 1 a total of approx. 3,480 sq. ft. of wetlands shall be restored, monitored and managed..." from the DES restoration plan approval. He said they have been watching this like a hawk since it started and the cutting of that dike and the draining of those wetlands needs to be rectified on that property. He said they found a way to avoid the Planning Board by deciding to build a house but that doesn't mean that they have satisfied the board that they've done everything that they need to.

Mr. Pimental said he would keep the board apprised of any other changes there.

**Rt. 11 Corridor Survey-** Mr. Pimental said the preliminary results of the survey are in and they

had 150 responses to the 6 question survey and they will hear more about the results, the market analysis, and the future engagement activities on Nov. 1.

**Storm Water Drainage Study**-He said on Oct. 2 he submitted a grant proposal to the Great Bay 2030 Initiative for \$90,000 to update the Town's 2010 storm water drainage study. He said in discussions with the Road Agent that seemed like a project that the Highway Dept. and the Town wants to tackle but the 2010 plan is outdated and doesn't take into consideration the correct precipitation rates that should be used to design drainage. He said they applied to this program and submitted a letter of intent in early Oct. and they hope to know in the next couple of weeks if we will be funded for that or not.

He said they already had some discussions with Tighe & Bond that they would be the ones updating that drainage study that was done by the Jacobs Group in 2010. Hopefully that will get funded and we can get started on that this winter he said.

He said the \$90,000 was for an update to the plan and some potential preliminary design and permitting for one priority project. He said they also wrote into the letter of intent that this funding source through the Great Bay 2030 Initiative is going to be on-going for at least 6 more years so there is \$12 million that came into this as a private donation. He said it's not a grant it's through the charitable foundation, there are no strings attached, there's no match and there will be increases in the allocated amount of money for each of the different programs-a water quality, climate change, education and outreach, habitat, ecosystems and land conservation.

He said they wrote into the letter of intent if funded once the new drainage study is in place they will use some of the money for preliminary engineering and permitting and they will be back the next year for implementation funding to continue that work. We're hopeful that once we're in the pipeline they will continue to fund a series of projects so maybe we can do 4 or 5 drainage projects within the downtown core.

**Hornetown Road Bridge**- Mr. Mains asked if the money for the Hornetown Rd. Bridge has been allotted.

Mr. King said we are borrowing the money.

Mr. Mains asked then why aren't they out there fixing it.

Mr. King said because we don't have a contractor as it has not gone out to bid yet and the bid proposals will go out in the next month or two so they are looking at a construction season next year. They are going to do that along with River Road he said.

**Virtual Workshop**- Mr. Pimental said there is a virtual workshop on Oct. 25 at 5:30 p.m. to discuss the Economic Revitalization Zones. He said he sent that to folks and nobody here has registered so he is hoping they will register and attend the workshop. He said Bridget Beckwith of BEA will be giving a presentation on the benefits of the program and he would resend the e-mail invitation to the board members tonight.

**Propane Distribution Facility**-Mr. Pimental said the TRC is meeting this month to discuss a



proposed propane storage and distribution facility to be located between the Circle K and New England Furniture near the intersection of Rt. 11 and Rt. 153/Main Street. He said they got the application last week and they have scheduled them to meet with the TRC on Wed. Depending on how that goes it may be on the agenda for Nov. but it has some complications they probably will have to look at and that is in the Aquifer Overlay District so a use like that is going to have some extra sets of eyes and a few folks will be attending that meeting to provide comments. He said North and South is looking for an addition to their building both of which are in the TIF District so if these projects go forward they would be generating some additional funding for sewer extensions into the future.

Mr. Pimental then pointed out Mark Davie with SRPC who was here observing and he is the circuit rider for Northwood and he wanted to see how great this board is, how they function and how they get things done here.

**9). Adjournment:**

**Motion:** (Day, second King) to adjourn the meeting passed 6-0 at 8:57 p.m.

Kathleen Magoon  
Recording Secretary

  
Richard "Rick" Pelkey, Chairman

