

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, June 15, 2021

**Board Members Present:**

Rick Pelkey, Vice Chairman  
Bill Fisher, Secretary  
Gerry Vachon, Selectmen's Rep.  
Bruce Bridges  
Jeremy Squires  
Stephen Henry

**Board Members Absent:**

Charlie King, Chairman, excused

**Others Present:**

Kyle Pimental, Planning Director  
Thomas Frangos  
Tim O'Rourke  
A. J. Pappas  
Ashley Rowe, Norway Plains  
Blanche Tanner

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

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

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

June 1, 2021- Public Meeting Minutes – No errors or omissions

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

Mr. Pelkey said Chairman King was unable to attend the meeting because he is traveling.

**Preliminary Design Consultation with Thomas Frangos:**

Mr. Frangos said he has an 8.9 acre parcel under agreement across the street from the Hawg's Pen Café on Route 11 and is interested in doing some type of commercial business there where the uses could include a pizza joint, a laundry and office spaces.

He said he spoke with Mr. Pimental about residential uses and the zoning ordinance says residential is not allowed in a commercial zone but he said a mixed use is allowed and a mixed use has residential uses. He said he asked how many units he could put there and what the conditions are and that Mr. Pimental said the zoning contradicts itself on that point and that it is up to the Planning Board.

Mr. Frangos gave the board copies of his last e-mail correspondence with Mr. Pimental where he defined mixed use and said the number of residential units allowed is a little complicated because the commercial business zone does not allow for single family, two family or multi-family dwellings and it does not have maximum residential density standards like the residential

zones do but mixed use buildings are allowed. He goes on to say it basically depends on the parking he said.

Mr. Frangos said that before he invests in an engineering plan with a number of units he would like to get some general input from the board to see what he can potentially do there.

Mr. Pelkey said the biggest reason they have concerns about density is the parking in some of the more congested areas of town. He said Mr. Frangos is out there with plenty of property and if he can show adequate parking for the proposed uses he wouldn't have a problem with it. He said as far as the design for the site he didn't know where that is in relation to the river.

Mr. Frangos said he hasn't had any engineering done but the assessor's plan shows the river is in back of the property.

Mr. Pelkey asked if his biggest concern was how the board looks at mixed use and what the density is going to be.

Mr. Frangos said right.

Mr. Pelkey said his biggest concern with density is adequate parking and access.

Mr. Henry agreed as long as the parking is not backing out on to Rte. 11. He said as Mr. Pimental pointed out in his notes the NH Dept. of Transportation may be the bigger challenge as far as getting a driveway permit and access.

Mr. Squires asked if the property has a landing road into it now.

Mr. Frangos said there is no landing road there now and it's not cleared at all. He said if he did something there he would expect to have an entrance and exit possibly on a U-shaped road.

Mr. Bridges asked how far back the property is from the river.

Mr. Frangos said it is several hundred feet, probably about 600 or 700 ft. back. He said it is a pretty good sized parcel with about 600 ft. of road frontage.

Mr. Henry said not knowing the topography it sounds like there is plenty of room for parking.

Mr. Frangos said it is flat when you go in and when you get towards the river it rolls off.

Mr. Fisher asked what type of residential units he was thinking of putting in.

Mr. Frangos said he wanted to have condos above the commercial units and maybe some units on the first floor to allow for elderly or handicapped residents.

Mr. Henry said the town recently prohibited first floor residential but only in the Village Center district which is the downtown and it wouldn't impact his property out on Rte. 11.

Mr. Squires asked how many buildings he is planning to construct.

Mr. Frangos said one or possibly two buildings and if he phased the plan with some now and some later he would have 2 buildings.

Mr. Pimental said one of the reasons he wanted he wanted the applicant to come in and talk to the board was in the commercial business district they don't allow single family or duplex homes and we don't have any maximum residential density in commercial district. He said he wasn't prepared to make any statement about determining how many units in an e-mail and he wanted the board's thoughts on the best way to determine that which is probably going to be

parking and if there are any issues with a driveway permit on to Rte. 11 it would be handled by the NH DOT. He said if the board is comfortable with taking that on then that's the way they would probably regulate the number of units based on the site conditions with parking being the most important.

Mr. Pelkey said they will have to take into account that they will have adequate parking for the businesses involved and the additional amount of parking for the residential units.

Mr. Pimental said the residential use has to be part of the mixed use building and can't be a stand-alone residential use.

Mr. Henry said that septic and water would be the other concerns because they are not on Town sewer out there.

Mr. Pelkey said that is all site plan stuff that would come with the design.

Mr. Fisher said it must also have the appropriate set backs from the river.

Mr. Pelkey said they could have another conceptual consultation if he gets some contingency drawings.

Mr. Frangos said that would be his next step. He then thanked the board for their assistance.

Mr. Pimental clarified that there is a clear distinction between conceptual and design and there are rules that were set by the state. He said this was a perfect example of a conceptual consultation where they talked about how to handle the zoning and it doesn't require a public hearing notice. He said when they get to the design phase that does require a notice to the abutters, it doesn't have to be noticed as a public hearing but the abutters have to know when you get to the phase with drawings.

He said depending on what Mr. Frangos comes back with he will determine if it is still conceptual or if he is at the design phase and they need to let the abutters know.

## **PUBLIC HEARINGS**

### **Public Hearing for Consideration and Possible Vote of a Minor Subdivision for Timothy**

**O'Rourke, Tax Map R-7, Lot 3.** The parcel is located at 68 Meaderboro Road and is in the Agricultural Residential zoning district. The proposal is to utilize the rear lot subdivision provisions in Section 3.04 of the Town's Zoning Ordinance to subdivide the property into 2 lots.

Norway Plains Associates Surveyor Ashley Rowe said he was representing the applicant Tim O'Rourke who is seeking to subdivide his lot on Meaderboro Road currently known as Tax Map R7, Lot 3. He said the lot is approx. 46 acres and Mr. O'Rourke is looking to do a rear lot subdivision which would result in the existing farmhouse and pertinent structures being on a 5 acre lot and the remaining 41 acres as a back lot.

Mr. Rowe said there is an existing access road to the back lot which is currently a tree farm which would remain but he is proposing to bring in a new driveway off of Meaderboro Road. He said the new lot would be served by an on lot septic and well. There are some wetlands but he

has plenty of area around it that is suitable for a septic system he said.

He said they have asked for a waiver to not survey the remaining back lands because they felt it would be an undue financial burden on Mr. O'Rourke for them to go an extra mile back.

Mr. Pelkey said that is consistent with what they have done with most people. He said the board has had a chance to look at the application and made the following motion:

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

Vice Chairman Pelkey opened the hearing to public comments at 6:14 p.m.

Mr. Fisher asked about the width of the driveway.

Mr. Rowe said it is displayed as 50 ft. wide and note #13 on the plan states it will comply with the Town's driveway regulations.

Mr. Fisher said he wanted to make sure a fire truck or an ambulance could get back there.

Mr. Pelkey said that is not the same as the narrative with the application that says something about the Fire Dept. code.

Mr. Pimental said the revised plans were on the table when the board came in and the large scale copies were of the older plan. He said the memo he sent to the board with his comments he also sent to Norway Plains and Mr. Rowe incorporated all of them into the revised plan.

Mr. Henry said it was missing the well radius.

Mr. Rowe said that only appears on the second sheet of the plan.

Mr. Henry said the access area for the driveway is shown as 50 ft. wide and asked Mr. Pimental if only 30 ft. is required.

Mr. Pimental said that is correct and the zoning says 30 feet and they're showing 50 feet with a 15 foot right-of-way. He said they spoke to the Public Works Director and that's fine.

Mr. Squires said its 30 ft. for the curb cut and it doesn't have to remain at 30 ft. all the way back.

Mr. Pimental said that is correct and they're showing 50 ft. all the way back anyway.

Mr. Henry asked if it could be 30 ft. wide at the curb cut and then funnel down to 20 ft. wide.

Mr. Squires said it would have to be whatever the minimum driveway width is.

Mr. Rowe said they incorporated the radius coming out to the curb cut.

Mr. Pelkey asked if anyone from the public would like to speak on this matter. Hearing no requests to speak he closed the public comment portion of the hearing at 6:20 p.m.

**Motion:** (Henry, second Pelkey) to approve the waiver for specific plan requirements existing conditions so they don't have to depict survey property lines across the entire parcel which would be the back portion of 41 acres and to accept the existing topo that they have on sheet 2 of the plans;

**Discussion:** Mr. Pelkey said that is consistent with what they have been doing for other property owners where there is no need to see it as it doesn't impact the plans for building and there is more than enough contiguous uplands.

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

Mr. Pelkey said the staff comments are already in there and have been addressed.

Mr. Pimental said the two things he would recommend that the board make as conditions of approval are: 1). The project narrative has a small typo stating the proposed lot would be 30-1 instead Lot 3-1 and a revised project narrative should be submitted to correct those numbers; 2). Require an approved driveway permit be obtained prior to the issuance of a building permit.

Mr. Squires said it is already built into the rules that in order to obtain a building permit you have to obtain a driveway permit and asked if they have to make it a condition.

Mr. Pimental said the board does not have to include that as a condition and that is up to the board. They are going to have to get a driveway permit regardless he said.

Mr. Henry said he would rather not put the regulations in as conditions of approval as a matter of practice because if they change the regulations someone has it as a condition of approval that's been changed.

Mr. Pelkey said he agreed they didn't need to put it in the conditions when it is already in the regulations.

Mr. Pimental said he didn't think this needed to be made a condition but to acknowledge that the Assessing Clerk wrote a memo to him, the applicant and the board explaining the potential financial impact because some of this property is in Current Use. He said it has no bearing on the board's decision and was done as a courtesy. He said the Assessing Clerk let him know that there have been past cases where the property owner was unaware that their property was in Current Use and they did something and then they got a big bill at the end of it.

Mr. Pelkey asked Mr. Rowe if they read and understood the Assessing Clerk's memo.

Mr. Rowe said his client is well aware that he will need to pay a penalty.

**Motion:** (Pelkey, second Henry) to conditionally approve this application with the condition that the project narrative is changed from Lot 30-1 to Lot 3-1 passed 6-0.

**Public Hearing for Consideration and Possible Vote to Adopt Master Plan.** In accordance with RSA 675:6 and RSA 675:7, notice is hereby given to all residents of the Town of Farmington, the public and interested individuals that a public hearing will be held by the Farmington Planning Board to consider a vote to adopt the Farmington 2021 Master Plan.

Mr. Pelkey opened the hearing to public comments or questions at 6:30 p.m.

He said without the Chairman being here to discuss the Master Plan he would like to take comments and discussion but to move the vote forward to the next meeting when he is here.

Mr. Pimental agreed and asked the board to continue the Public Hearing until the next meeting to allow for the Chair to be here and to give the public another opportunity to attend.

He said they did receive some anonymous handwritten comments that were dropped off on his desk at the Municipal Offices. He said he would be happy to review them with the board and they are all very small grammatical errors that someone caught.

Resident Blanche Tanner came forward and said she was really surprised because she thought this was the public hearing for the Master Plan and there is no one here. She said she was shocked that she didn't even see anybody from the other Town depts. here or other committee members here. Maybe they knew it would be postponed until next week and maybe that's why she said.

Ms. Tanner said the handwritten comments were from her and she gave them to the Town Administrator because they were supposed to do that at the last Economic Development Committee meeting which was canceled. She said Mr. Pimental was right in that the comments were all little grammatical things that she saw in the plan and that may have already been corrected.

She said in the section about the schools the grade levels for each building were incorrect and that it should say pre-school to grade 3 is at Valley View Community School, grades 4 through grade 8 are at the Henry Wilson Memorial School and grades 9 through 12 are at FHS.

She said she was interested in where some of the pictures came from and if there were really in Farmington. It is an interesting document and I was interested to hear what other people thought of it and now it's postponed until next week so I'll just have to watch it on TV she said.

Mr. Pelkey said the board has had a lot of discussions on this over the last year.

Ms. Tanner said she knew that because she has been watching the meetings. She said she has not seen where there is a time for general public comments on the Planning Board agendas and asked if there is a meeting in the month where they have such a thing. The other boards have a time at the beginning of the meeting for public comment and I don't see that on the agenda for this board she said.

Mr. Pelkey said they don't have that on their agenda but if any person came and said they wished to address the board that they would make time for them.

Ms. Tanner said there have been a couple of occasions where she has had a couple of questions but she hasn't come down because she has other commitments and she wasn't sure if it was allowed. If I have any questions I'll just come down she said.

Mr. Pelkey said please do.

Mr. Fisher said he was always open to public comment anytime before, during or after the meeting but cautioned that he is only speaking for himself and does not speak on behalf of the board.

Mr. Henry said he liked the idea of putting it on the agenda because it sends a message that the public is encouraged to come.

Mr. Pimental said that right after the Pledge of Allegiance and the review of minutes he will add a standing item for public comments to the agenda.

Mr. Henry said when he was Chair of the Budget Committee he put it at the beginning and at the end of the agenda which was to drive home the fact they are here to serve the community.

Mr. Vachon said at the bottom of the Selectmen's agenda it says the public is welcome and

encouraged to attend.

Mr. Pelkey said they would not be dealing with a lot of public comment tonight and they will continue this item until the next meeting and they need to give a date certain for that.

Mr. Pimental said they have the July 6 meeting flagged and if they don't get any applications they planned to cancel that meeting. He said there is nothing coming in front of the board now and suggested they continue this hearing to July 20.

**Motion:** (Henry, second Fisher) to continue the Public Hearing for the adoption of the Master Plan to July 20 passed 6-0.

Mr. Pimental said this has been on the Town website on the front page and he asked the Town Administrator to share it on Facebook and any other ways that the Town sends stuff out.

Mr. Pelkey said this is the finished product and if there are any other comments they would like to hear them and discuss them.

**Any Other Business before the Board:**

**Aroma Joe's Site Plan Update** – Mr. Pimental said they did a site walk last week and all of the requirements in the approved plan have now been met. The bond has been returned to the owner and that has been taken care of so no further action is necessary he said.

**Village Center District** – Mr. Pimental said he would like to have a discussion about the intent to prohibit residential uses on the first floor in the VC. He said in the zoning the Table of Permitted Uses allows for single family homes, two family duplexes, multi-family and mixed use in VC. He said under special considerations it reads for all new construction residential units are prohibited on the first floor of any building and for all redevelopment existing mixed use buildings with non-residential uses on the first floor or any existing commercial use cannot be converted to include residential on the first floor.

He said that it's pretty clear that you don't want any commercial use to be converted and for new construction you don't want residential on the first floor. If there is a vacant building and they tear it down and they want a single family home it sounds like redevelopment but a single family home is allowed. He asked if the board would say a single family home is allowed in the VC even though residential units are prohibited on the 1<sup>st</sup> floor.

Mr. Henry said a tear down is redevelopment and that doesn't allow residential units on the first floor.

Mr. Pimental said he is struggling with residential units lean more toward apartments where a single family home is not.

Mr. Henry said it doesn't say that it says residential. He said he is saying this as somebody who did not support this change but it was clear you're not going to live on the first floor so this conversion of a dentist's office to a house flies in the face of the zoning changes.

Mr. Pimental asked going forward how to deal with single family in VC because it's allowed by right.

Mr. Henry said not if it's a redevelopment.



Mr. Fisher said this change stemmed from where Att. Krasner's law offices were in the VC with his law offices in the front of the building. He said prior to that it was a single family unit and when he moved his business and semi-retired it went back to single family housing. He said Mr. Henry is right and if you were to tear down the Chinese restaurant and put in single family housing he didn't think they would allow it because its redevelopment.

Mr. Bridges questioned Att. Krasner's building being considered a single family dwelling.

Mr. Henry said it says you can't convert commercial to residential.

Mr. Pimental read that for all redevelopment where there is an existing mixed use building that has non-residential uses on the first floor or any existing commercial use cannot be converted to residential. So that conversion cannot happen he said.

He read that for all new construction residential units are prohibited on the first floor of any building. He said the challenge is that is in conflict with the principle uses in allowing for single family and two family homes allowed by right in the VC so this has caused some confusion.

Mr. Fisher said Table 2 needs to be corrected.

Mr. Pelkey asked if a single family home can be constructed in the VC.

Mr. Pimental said he didn't know because it says for all new construction residential units are prohibited on the first floor. He said one way around that is you could potentially put a garage on the first floor.

Mr. Henry one of the things they talked about was you could have a parking garage on the 1<sup>st</sup> floor.

Mr. Pelkey said part of the issue here is depending on where it is in the zone. He said the board tried to narrowly define this and that didn't play out. We wanted to very narrowly define the scope of this to a certain corridor in town and were shot down and told that we had to make it applicable to the entire VC. We had a map laid out with Spring Street down to the intersection of Central Street and Rte. 153 (Main Street) he said.

Mr. Henry said that law office is right smack on the commercial Main Street. That is the strip they intended to be for commercial use so there is no way it should be allowed to be converted to residential under the regulations that this board passed he said.

Mr. Fisher said that was done prior to these regulations being passed.

He said there is an empty lot next to Jason Lauze's property that Mr. Lauze and Jodi Tan wanted to turn into a parking lot and the Town owns the property. He said it is vacant, in the VC, would not be redevelopment and asked if someone could build a house on that lot.

Mr. Pelkey said he did not think it was a good idea to discuss specific projects at this time.

Mr. Pimental said the redevelopment provision makes sense but as to Mr. Fisher's question about a vacant lot it does say for all new construction residential units are prohibited on the first floor of any building.

Mr. Fisher said in the Table it's permitted by right so they need to correct the Table. He said all of the verbiage clearly states what their intent was and the Table was overlooked.



Mr. Pelkey said this is where they find out that they didn't completely consider every piece of the code before they pushed the button.

Mr. Henry asked if he was correct in that commercial dentist's office was converted to residential.

Mr. Pimental said he didn't know anything about that building.

Mr. Henry asked if a different occupancy permit is needed for residential and commercial uses or if once you have an occupancy permit you have an occupancy permit.

Mr. Pimental said he didn't know and that conversion never came to him.

Mr. Henry said the building that RW Real Estate was in is having some work done and he didn't know what it was being converted to.

Mr. Pelkey asked if there was a change of use for a building if they would have to come in to have it approved especially for a major change of use from commercial to residential.

Mr. Henry asked if a change of use request was done for the dentist office building and that Mr. Pimental could pull that information.

Mr. Pimental said not that he saw.

Mr. Henry said the change of use would not have had to come before the board and could have been expedited because it is in the VC. He said when he changed the use of the space where his business is from a restaurant to the Yard Sale Shop it was all handled in the Planning Dept. and the VC has special rules for that. He said the staff may kick the request to the Technical Review Committee but they did not send him to the TRC.

Mr. Pimental asked if there was a vacant building and the past use was commercial if they could do residential on the top floors and have a garage or whatever on the first floor and it doesn't necessarily have to be commercial.

Mr. Henry asked how a garage that you pay for monthly or yearly is not considered a commercial use. He said there is a building in downtown Dover that has a parking garage under the building and apartments up above it and that was what he was thinking of when he was looking at Mechanics Street because there is not a lot of interest in putting first floor commercial uses there. There's a lot of residential space that could be redeveloped and the only way I see that making money is to build commercial space you know will be vacant and put enough apartments in or a garage under it he said.

Mr. Pimental said there is some interest in Mechanics Street but it is more on the residential side so it's allowing for single family homes but having this other special consideration in the VC creates a little bit of conflict. He said they were considering not having residential units on the bottom and just having a garage for the units above which is not commercial but is also not residential.

Mr. Pelkey said that would have no impact on the downtown parking and that it is a good use.

Mr. Henry said the building the grange was in is for sale and he looked at the building and asked how it could be developed when there is no parking on the property and how they could let

them put apartments there with all on street parking. Commercial applications on the first floor with on street parking (could work) but what else could you do with it. It's a really small lot with no street frontage on the back side so accessing it from the rear is not an option he said. He added that when that street was built cars didn't exist.

Mr. Bridges asked if that would be a special exception because of the design of the lot.

Mr. Henry said this board was pretty clear about not wanting residential on the first floor including Mechanics Street and that he made sure the board knew that they were affecting Mechanics Street with those regulations prohibiting residential on the first floor and they were lumping in a lot of property that doesn't have much commercial appeal.

He asked to have the regulation read again and noted if you own the home the garage on the first floor is not residential.

Mr. Pimental said he has explained to multiple people who have been interested in a few of those buildings that the intent is to try not to lose any existing commercial uses. He said some of those buildings are vacant and asked if the Town would rather have a vacant dilapidated building or someone who would put some apartments there and bring it back to a use with a garage or something on the first floor.

Mr. Henry said he sounds like him a year ago when they talked about putting this on the ballot.

Mr. Pimental said this may be a case where a variance would make sense because of the character of that street and there is not a lot of potential for commercial uses. He said the ideas that are coming to him are ways to circumvent the need to not have residential on the first floor but still wanting to do residential development. He said he struggles with a two car garage with residential units above being considered commercial and it's not residential and if it is really what the board intended.

Mr. Pelkey said they contradict themselves and they need to fix that.

Mr. Pimental said eliminating the conversion of commercial development makes a lot of sense because you don't want to lose commercial to residential. But when you have a vacant building and that is no longer the use the conversion provision may not apply.

Mr. Pelkey said you could make the same argument for a building with a vacant store front.

Mr. Henry asked what defines vacant and how long he has to sit on it before he can make it marketable. He read that residential units are prohibited on the first floor of any building and if they found somebody living in a garage the Code Enforcement Officer would kick them out so a garage is not a residential living area.

Mr. Pimental said if they were living on the first floor prior to that change they would not be kicked out.

Mr. Henry said a garage is not a residential living unit and you can't live in a garage. I think it's pretty clear that a garage is a non-residential use he said.

Mr. Pimental said the living units can't be on the 1st floor so he would say a garage is okay. We're finding that the consequences of this is people are trying to figure out a way to do

something without having to put commercial on the first floor and that is telling me there is not a market potentially for some of these areas. They are looking for some interpretation he said. Mr. Henry asked who is tasked with interpreting this right now.

Mr. Pimental said he is tasked with interpreting it and that's why he wanted some feedback from the board. He said this is in conflict so they going to have to make a choice on this.

Mr. Pelkey said his intent is to fall on they are trying not to lose commercial space and to reserve that space for future growth.

Mr. Pimental said that is much clearer if there is already an existing use in place but if someone wants to tear down a building and redevelop it as something that would be better for the town and a 2 car garage on the bottom floor is a better use than what it is now so he would be more okay with bringing that to the board or approving it if it doesn't go before the board.

He said these are some of the consequences of making these changes and asked if the board was okay with going in that direction knowing they are trying not to lose commercial but in this case this is not an existing commercial use and is more likely to be torn down and redeveloped.

Mr. Bridges asked if they would fill the whole left side of Mechanics Street with apartments.

Mr. Pimental said not necessarily because some of the businesses on the first floor are active.

Mr. Henry said the only business he knew of there is the bar at the end of street.

Mr. Fisher said there used to be businesses there decades ago and it still appears that way because nothing has been done with those buildings until the bar came in.

Mr. Henry said there are some buildings on Mechanics Street that have been improved.

Mr. Pimental said if a building were to be torn down and it becomes a two car garage with a duplex on the top you are essentially eliminating commercial from that use probably for a long time and that is something they will have to accept. If that happens to 2, 3 or 4 of them you are eliminating potential commercial growth for the future he said.

Mr. Pelkey said this goes back to their argument to narrow the scope of the rule they put in place. He said the board had taken it to the intersection of Mechanics Street but did not go down Mechanics Street as he recalled it.

He said if they narrow the scope they could solve some of these issues and that is a discussion they could have when they getting ready for the next Town Meeting warrant articles.

Mr. Pimental said that would offer some flexibility within the special considerations. This is what is going to happen when you put these into place, they play out how they play out and the rear lot subdivisions have been very successful and we've had 4 of them already he said.

He said they increased the density and they haven't seen that yet and that's not to say that they won't but right now there seems to be more interest in doing something in some of these areas but commercial has not been one of them. He said whether or not the board forces the issue and takes a hard stance on this to say they are not going to do that and hope that commercial becomes more viable in the future or if there is interest now in revamping some of these buildings as residential it's one of those things that's hard to put in place.

He said the other thing that could happen is they could do a tear down and you've got commercial space on the bottom that's vacant and asked if that accomplishes what the town's goals are.

Mr. Bridges asked if they allow this for that particular lot if they have to allow it for the lots preceding it on Mechanics Street.

Mr. Pimental said land use decisions are made on case by case basis and there could be other factors that could result in a different outcome for the other lots. He said this building is vacant and if another building is not vacant that would be two different discussions.

He said he is going to have to make a decision on this because there are people that want to purchase some of these properties and they are in a holding pattern because they want to know what they can and can't do before moving forward.

Mr. Henry said that anyone looking to do the garage under needs to understand they might want it one car deep but anything behind that can't be a residential use.

Mr. Fisher said when they did surveys and town discussions on the revitalization of the downtown area one of the things that came up was single family homes and apartments on the old fire station lot with commercial uses toward the street and homes in the back and that is the way most of the people wanted to go. He said he thought the same rules the people of Farmington wanted would apply to Mechanics Street which doesn't necessarily go along with what we have in our zoning ordinance and they may have to look at it and fix it.

He said a good use for Mechanics Street would be to build apartments and condos on the second floor on up with garages underneath and the garages are rented with the apartments. It's getting housing into Farmington and we desperately need affordable housing and it solves the parking situation for the residential units he said.

Mr. Bridges said he thought the residents were against the apartments (on the old Firehouse lot).

Mr. Fisher said it was a 60-40 split in favor of businesses in the front with housing in the back.

Mr. Henry said as Mechanics Street is configured now if you put a garage under you're eliminating on street parking spaces because you can't park in front of somebody's garage.

Mr. Pelkey said they could put a single cut access to a garage and only eliminate one spot. He said they don't want to give up the downtown area for housing because that's what is convenient for people to build right now.

Mr. Pimental said two of the Master Plan goals are to encourage diversified residential development for housing for all generations and guiding residential development in those areas most suitable for housing including the VC. He said increasing the density and the amount of people in the VC may result in more economic activity in the VC and you need people to have the commercial development side of things. So perhaps if you're increasing the amount of residential development in some of these areas commercial development will follow suit because you've got the people there he said.

He said it usually takes a few years for amendments to kick in and start to see some activity and this is just starting to happen after this was adopted two years ago. He said he would keep the board posted and he wanted to bring it up as discussion as the “rubber is starting to hit the road” in VC and it is not as clear as he had hoped.

Mr. Pelkey said this needs to be put on the agenda for discussion of any possible warrant articles for possible changes to the zoning ordinance.

Mr. Squires asked if there was any reason Mr. Pimental was not sending these people in for a conceptual discussion with the board so they could hear what their issues are.

Mr. Pimental said in a case like this where they want to do a duplex or a single family it wouldn't come before the board because the board has no authority over that. He said if it's 3 units or more or for a commercial use he would tell them to come in and talk to the board but he is hearing single family, townhouse or duplex style development which is not something the board has purview over.

Mr. Henry asked if permitted by right is not amended by special considerations.

Mr. Pimental said the special considerations trump permitted by right. He said it doesn't explicitly say that so if they want the special considerations to take precedence over the Table of Permitted Uses it should be added to the Table.

Mr. Henry said he would like to know if there is case law on this and if Mr. Pimental has asked around in his office about this.

Mr. Pimental said he will have to ask about that. He said if you have an overlay district the overlay supersedes the base zoning but these are just the bulk standards of the base zoning so he didn't know if it supersedes the Table of Permitted Uses. He said he would look into it and if the special considerations supersede what's in the Table then they have their answer.

**Goodbye and Good Luck-** Mr. Pelkey said he would like to acknowledge Megan Taylor-Fetter for the things she has done for this board and that she is leaving to go work for the competition. We wish her well and I also thank her for all the things she's done for me as a Supervisor of the Checklist as well and she will be missed he said

**Adjournment:**

**Motion:** (Fisher, second Bridges) to adjourn the meeting passed 6-0 at 7:13 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Rick Pelkey, Vice Chairman