

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, September 7, 2021

**Board Members Present:**

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

**Others Present:**

Kyle Pimental, Planning Director

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

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

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

August 17, 2021 – No errors or omissions

**Motion:** (Henry, second Pelkey) to accept the minutes as written passed 6-0-1 (Squires abstained).

**Public Comment:** None

**PUBLIC HEARINGS**

**Public Hearing to Conduct a Design Review for Thomas Frangos, Tax Map R-60, Lot 5.** The applicant Thomas Frangos, is proposing a mixed-use development with commercial uses at ground level and residential above. Preliminary design plans show two 10,500 square foot buildings with associated parking with two driveway access points. The property is not owned by the applicant; however Mr. Frangos has a purchase and sales agreement with the owner and this design review is part of a due diligence process. The proposed project is located on Route 11 and is within the Commercial Business (CB) Zoning District.

Mr. Pimental said the intent of this hearing was for a design review for Thomas Frangos but on Aug. 27 he received a letter from property owner (Scott E. White) denying permission for the Planning Board to consider a site review of the afore mentioned property. He said the purchase and sale on the property has expired and the applicant has the option to withdraw the

application or to work out a new agreement with the owner and the applicant has asked that the hearing be continued to allow him to gain the required permissions he needs.

Mr. King asked if he had a date certain that he wanted to request.

Mr. Pimental said Mr. Frangos requested the hearing be continued to Oct. 5. He said the board can't open the public hearing and they shouldn't discuss the application at all other than to continue the public hearing to Oct. 5 and if things don't work out he can withdraw.

Mr. King said or he could ask for another continuance.

**Motion:** (King, second Bridges) to continue this design review for Thomas Frangos, Tax Map R-60, Lot 5 until October 5 passed 7-0.

Mr. Pimental said one item he wanted to mention for the future was the idea of getting the authorization letter prior to a design review. He said this falls under a little bit of a gray area and that with a conceptual discussion a lot of communities won't require a letter from the property owner because it is strictly conceptual and there's no notification and it is done with an applicant that is doing their due diligence.

He said when you get to the other end for a site plan review and the applicant is still not the property owner they absolutely need a letter from the property owner because that is when the board is actually making decisions.

He said with a design review because it's non-binding it falls into a gray area. He said when he spoke with the applicant he told him he is going to need a letter and at that time he thought he had an agreement for a purchase and sales which ended up not working out. He asked the board for their thoughts on if they want him to require an applicant to have that permission before they do the notifications.

He said the reason he is asking is nothing here is the Town's fault but they could have potentially done a better job of protecting the applicant essentially against himself. If we would have had that letter prior to the notification we could have moved forward he said.

Mr. Pimental said if the applicant withdraws his application the Town is not going to refund his money for the notifications to the abutters or the newspaper because they can't. He said he was looking for some feedback on whether or not the board would like him to require that for design review or take it on a case by case basis or be more conservative and require that. Or if you feel as though the approach I took this time with relying on the purchase and sales agreement was enough and he was comfortable with that to move forward if you're okay with that as a board he said.

Mr. King said in this case they might want to move the bar up a little bit requiring that a permission letter or purchase and sales that is current because they are doing public notice in a design review so there are abutters that are getting notified like it actually could happen, not just a conceptual so it's in the next potential steps so it would be prudent in the future to require it. He asked if they don't have that do they really want to be to a higher level than conceptual if they don't own the property or don't have solid purchase and sales or an

agreement to represent that application from the owner. It could just be a handshake but the owner gives him permission in writing to pursue it with the board he said.

Mr. Henry said if he sees a commercial property for sale and he is considering buying it but he doesn't want to enter into a contract before he knows that he might be able to do what he would want to come before the Planning Board to find out if he is likely to get the business he wants on this property before he starts paying for lawyers and drafting purchase and sales agreements.

Mr. King said he would still be able to have a conceptual and if he had an agreement with the owner saying he's not ready to enter into a purchase and sales but he could take it to the Planning Board for a design review. He said at site plan he would have to have that permission even if he wasn't the owner yet so it's at what level do we require it.

Mr. Bridges said he thought they should require because otherwise they could have problems with the property owners and the abutters waste their time for nothing.

Mr. Pelkey said they have had other applicants before them that didn't have signed paperwork and then it was required as a condition of approval but he didn't think they should waste the board's time. If we don't have the property owner's permission when we get to design review the board shouldn't even sit on it he said.

Mr. Pimental said he would have required it but he (Mr. Frangos) felt comfortable with the existing purchase and sales.

Mr. Pelkey said it's entirely his risk and he could in the end suffer from that choice.

Mr. Henry said in this case even if they required the letter with the purchase and sales agreement in place you would have the letter too. He asked if you're going to sign a purchase and sales agreement you're not going to sign a letter for the guy.

Mr. King said it depends on the agreement that is struck and it could have financing, a date deadline or any number of conditions.

Mr. Henry asked if it could be contingent on site plan approval.

Mr. King said it could be,

Mr. Pimental said in his experience here a lot of the due diligence has been with the Zoning Board of Adjustment because if there is a zoning issue it usually comes up first and that is contingent upon going further.

Mr. King said he has seen some larger projects be conditional upon that such as a subdivision.

Mr. Pimental said he was fine with requiring the letter as it protects the applicant a little more. In this case it didn't work out towards the end and it had nothing to do with the Town they already noticed it so they couldn't go backwards but hopefully this will work itself out and that the applicant and the owner will come to an agreement so we can see this in October and I'll keep the board posted. Moving forward we'll say for conceptual we won't need it but once we get to design review and higher we'll require that before we do the noticing he said.

Mr. Henry asked if he wanted a letter and a purchase and sales agreement or if the purchase

and sales agreement would be enough. I could see having the letter without the purchase and sales he said.

Mr. Pimental said from they received from Town counsel it's the permission from the property owner more than the sales agreement.

Mr. King said the sales agreement may not be able to be solidified to the person that comes before this board. He asked what happens if the buyer/applicant changes the price he is willing to pay based on what he can get approved for instead of the original sales agreement.

Mr. Pimental said what they really need is the permission from the landowner.

Mr. King said permission to represent that piece of land for the property owner.

Mr. Pelkey said they see that all the time in a number of cases where someone comes in representing the property owners whether it's the surveyor or somebody else they have the landowner's permission and it's one of the signatures on the application.

Mr. Henry asked if they approve a site plan if that site plan approval belongs to the property or to the person that presented it.

Mr. King said it runs with the property.

**Any Other Business before the Board:**

**Update on Joint Meeting with Selectmen** – Mr. Pimental said the Selectmen met on Aug. 30 and decided they would like to have a joint meeting with this board on Monday, Sept. 20. He said because the School Board has been meeting weekly Mr. Capello will ask the Selectmen at their Sept. 13 meeting if they are willing to start a half hour early (5:30 p.m.) on Sept. 20. He said the purpose of the meeting is to discuss forming the Leadership Group that will be tasked with implementing the Master Plan and the contents of the op-ed (the work that was done, the big ticket items and the next steps) and whether they want to ask the general public if they would like to participate. He said he would be happy to draft that but he was waiting until after discussion between both boards.

Mr. Pimental said he would e-mail the members once he hears from Mr. Capello on the start time for the Sept. 20 meeting.

**Adjournment:**

**Motion:** (Bridges, second King) to adjourn the meeting passed 7-0 at 6:15 p.m.

Respectively submitted

Kathleen Magoon, Recording Secretary

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Charlie King, Chairman