

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, November 2, 2021

**Board Members Present:**

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

**Others Present:**

Kyle Pimental, Planning Director  
Richard Ellis, applicant  
Residents Donna Tremblay, Jenna Tremblay, Ed Tremblay, Peggy Smith  
Sean McGurty, Kimberly Madsen

**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:**

**October 19, 2021-** No errors or omissions

**Motion:** (Henry, second Squires) to approve the minutes as written passed 7-0.

**Public Comment:**

Chairman King asked the members of the public planning to speak on any of the cases to hold their comments until then but they were free to discuss other matters at this time.  
There were no questions/comments from the public present.

**Preliminary Conceptual Consultation with Donna, Ed and Jenna Tremblay:**

Mr. Bridges recused himself from this discussion because the Tremblays are his neighbors.  
Mr. Pimental said the Tremblays are proposing to put a third dwelling unit on their property. He said he attached 2 aerial maps so the board could get a sense of the lot size and configuration. He said the Planning Dept. has gone back and forth with the applicant to try to determine the best option moving forward. The property is located at 830 Ten Rod Road, Tax Map R38, Lot 8-2 and is in the Agricultural Residential (AR) zoning district he said.  
He said there are some challenges with putting a third unit on this lot and they've tried to come up with a way to potentially subdivide it but that creates some challenges.  
Mr. King asked about the colored symbols on the aerial map.  
Mr. Pimental said his memo defines the symbols on the map and the pink line represents their

initial discussion on where the lot could potentially be subdivided into two equal parts.

Mr. King asked if the parent parcel has enough road frontage for a subdivision.

Mr. Pimental said yes for 2 lots but the challenge is the proposed location for the 3<sup>rd</sup> dwelling unit (orange circle). He said according to the zoning ordinance the parcel to the left of the pink line would need to show that it could be subdivided again into 2 lots to allow 2 dwelling units on a single lot and that is where they run into problems in subdividing it a 2<sup>nd</sup> time.

Mr. Pelkey asked if in general there is enough road frontage for 3 lots.

Mr. Pimental said he did not know.

Mr. Pelkey said they don't want to create non-conforming lots in the process of the subdivision.

Mr. Pimental said they talked about subdividing it with the pink line for the first one and potentially using a rear lot subdivision for the second one but the challenge is the driveway is not in the location where you'd want it to be for a rear lot.

He said the other challenge is the driveway services the 2 existing homes and also services another home on a parcel behind them that is landlocked and has no street frontage. There is an easement agreement between the 2 lots that was provided to the Town and the driveway is already servicing 3 homes which is more than the road standards allow and if they allow another home there would be 4 lots on the same driveway he said.

He said a suggestion was to subdivide off a section where the yellow box is as there is plenty of frontage there (on Ten Rod Rd.) and put the third dwelling unit. He said what they are proposing to do is complicated and he wanted the board to give them some guidance on the most appropriate approach moving forward.

He said if they do it as proposed the existing driveway would need to be brought up to meet the next level in the road standards which is a connecting road that would serve up to 6 dwelling units and they could use that as their frontage but it could be expensive to do that. Someone whether it's the Road Agent or an outside consultant would have to determine if the driveway meets those standards and if not which standard it needs to meet or if the board wanted to waive those requirements they would have to know which one it meets now he said.

Mr. Squires asked if it would have to be for the whole road or just to the proposed 3<sup>rd</sup> dwelling.

Mr. Pimental said the board could discuss that and potentially bring it just to the 3<sup>rd</sup> house and not extend it all the way to the property line.

Mr. King asked for the distance to the back lot.

Ed Tremblay said it is approx. 1,000 feet.

Mr. Squires asked if the proposed lot would be about 500' from the road.

Donna Tremblay said it would be about half way back and the easement agreement they have with the owner of the rear lot puts him in charge of the second half of the driveway and they are only in charge of the first half. She said she assumed their responsibility would be to where the orange circle is on map and that the current driveway meets all the specs and they don't have a problem with having someone look at it and see if it qualifies for it. If we have to put

money into it we would do that because he (Ed Tremblay) runs equipment. We just want to get it up to all the specs and I think that is our best move she said.

Mr. King said then they would be proposing more and asked if it would be a 2 lot or a 3 lot subdivision. He said this would be a question if and when they come forward with an application because if they are going to improve the driveway to the next level in the road standards then depending whether they split this into 2 or 3 lots, if they are going to have 2 houses on one lot it has to conform to being readily subdivided in the future.

He said if they can meet that then they could do a 2 lot subdivision but he didn't see how they could it without creating a private road and bringing it up to that standard.

Mr. Henry said they are not looking to do a subdivision at all.

Mr. King said they would have to because you can't have 3 houses on one lot and because they are in a 3 acre zone the lot with the 2 houses would have to be at least 6 acres so that it could be subdivided into two 3 acre lots in the future.

He suggested that they get a contractor to review the standards and how far they want to go back and get a construction estimate and then determine what they can/can't do themselves.

He said he suggested this for a reference for the cost of materials and labor and what they might save by doing it themselves and it was not required to submit an application. He said they wouldn't want get the plan approved, get into the road construction and then find out it's too much money or they may find that they already meet the width requirements and need to bring additional crushed gravel. If you come to the board with that approach we would have to get the Road Agent or a contractor to look at it and determine if it is what it is supposed to be and the cost for the inspection would be paid by the applicant he said.

Mrs. Tremblay asked if they do that if they have to bring that information to the board when they apply for the subdivision.

Mr. Pelkey said it is all part of determining what kind of plan they want to bring forward for approval.

Mr. King said that typically surveyors have some expertise with the specs and they can advise them on what they need to do about the lot lines, wetlands delineations for the subdivision, building sites, septic system, road specs and all of the basic requirements of a subdivision plan they would need to submit and follow. They can also give you a cost estimate to do the subdivision and anything else you have them do he said.

Mrs. Tremblay said the surveyors are waiting for the driveway approval.

Mr. King said if the subdivision uses the frontage on the new private road they need a private road agreement so the existing agreement would need to be revised to include everyone with a house on that road and it must have the same dimensional specs as Ten Rod Road.

Mr. Henry asked if the frontage has to be all on one road or if it can be on two roads for a corner lot.

Mr. King said there has to be 250 ft. of frontage on one road whichever one they choose.

Mrs. Tremblay said she thinks the driveway is going to pass.

Mr. King repeated his advice to have somebody else look at it to see if anything needs to be done because typically that would be a condition of approval for the site plan application.

Mr. Fisher recommended that whoever is going to maintain the road be delineated in their deeds. He said he would do whatever is needed to make it legal so in the future someone buying that property knows who is going to take care of that road.

Mr. King said if they have a maintenance agreement with any new lots he would also have it put in the deed that that lot(s) shares in the cost of the maintenance as that would carry more weight than a maintenance agreement if it ever needed to be enforced.

Mr. Pimental said what they have now with the property behind them is good and depending on how this is cut up they could have 4 individual homes using the same access and they are going to have to make sure all those agreements are in place.

Mr. Squires said there could be one owner of the property with 2 dwellings on it.

Mr. King said they could choose to split off all 3 lots and if they split it in two and then need to split it again they will pay almost as much in engineering costs to subdivide it again so if they are thinking of doing that in the future he would do it now because it will be more expensive.

The cost of a 2 lot subdivision is a lot more than it used to be he said.

Mr. Henry noted the tax impact of making 3 lots vs. making 2 lots is very different too.

Mr. King said they would have to check with the assessor because the assessor determines the values based on the structures and the land. He said an assessment is based on building values and land values and land value is based on 1 building on 1 lot. He said Mr. Pimental could ask the assessor if they had 2 houses on 1 lot if it would be assessed as 1 or 2 buildable lots.

Mr. Pelkey said it would be nice to have that answer so they could tell future applicants contemplating a putting a 2<sup>nd</sup> dwelling on a lot or a subdivision what the tax impact would be.

Mr. Pimental said he will ask the Assessing Clerk how 1 lot with 2 homes is assessed. He said he will send them the road design standards so they can move forward and if they decide to put the house on Ten Rod Rd. they wouldn't have to do anything with the driveway or the maintenance agreements and it would just be a simple house lot.

Mrs. Tremblay asked if the board has to read what the contractor says and approve it.

Mr. King said there would be conditions on the approval such as the agreements must be recorded with the deeds and the road meeting the standards may be a condition to getting a building permit or an occupancy permit. He said there are requirements that have to be met following the approval and some come right away and others come further down the line depending on recommendations from staff.

Mr. Squires asked if the surveyors are holding them back.

Mrs. Tremblay said yes.

Mr. Squires suggested they tell the surveyors they plan on bringing the road up to the private road standards and to survey the road frontage off that road to get them going.

Mr. Pelkey said he didn't think they would be able to approve building another house off that road without knowing the road is going to be up to standards.

Mr. King asked who they were working with.

Mrs. Tremblay said they are working with Ashley Rowe at Norway Plains.

Mr. Henry said that if they come in with a plan that the road that meets those specs they have not made any promises tonight that guarantee an approval.

Mr. King said this is a conceptual discussion so it is non-binding. He said if they meet the standards they are allowed to subdivide off of that new road even though it's private.

Mr. Henry said those are the rules and regulations so it is not up to the board at that point.

Mr. King said the standards were written by this board about 15 years ago and the road standard requirements increase with the amount of traffic/number of houses the road services.

Mr. Henry asked for the total parcel size.

Mrs. Tremblay said it is 30.03 acres.

Mr. Pimental said their only option (if they don't want to put the house on Ten Rod Road) is to make sure the driveway is brought up to spec and then they can work on the subdivision.

Mrs. Tremblay thanked the board for their time and said they expected to back in a week or 2.

Mr. Henry asked about the notice requirements if they are looking to be at their next meeting.

Mr. Pimental said a notice for a subdivision must be posted at least 10 days prior to the public hearing on the application and their next meeting is 14 days from now.

Mr. King said the abutters also have to be notified 10 days before the meeting so the notices have to go out before that and all the information has to be submitted to the Town before that and the hearing would have to be held at one of their board meetings so they would be hard-pressed to be here in 30 days from now-although it could happen. You would need the subdivision plans within a week or two he said.

Mr. Pimental said that would mean they would see them sometime in Dec. not in 2 weeks.

Mrs. Tremblay then said "See you soon" as they left the meeting.

#### **Zoning Amendments Discussion:**

Mr. King asked if the board wished to table this matter to the end of the meeting and move to the public hearings.

**Motion:** (Henry, second King) to table this discussion passed 7-0.

### **Public Hearings**

#### **Continued Cases:**

**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 sq. ft. 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 this application has been withdrawn by the applicant. He said they had been holding off on this because there was a purchase and sales agreement issue between the buyer and the seller and the seller has decided not to sell the property. No action is needed he said. He said the applicant sent him an e-mail informing him of the withdrawal which has been put in the files. He said he spoke with the applicant and told him that if in the future things work out he would have to restart the process. This breaks the chain and going forward we will not have this as a continued case anymore he said.

**Public Hearing to Conduct a Design Review for Richard Ellis, Tax Map R-4, Lot 7:** The applicant is proposing an estimated 50-site campground. This property was previously approved for a smaller campground however the use has since changed and any approvals and enforcement/ maintenance agreements have lapsed. The property is not owned by Mr. Ellis but instead by the non-profit church called God the Father Inc. The proposed project is located at 23 Ten Rod Road and is within the Agricultural Residential (AR) Zoning District.

Mr. Ellis gave the board copies of everything he submitted to the engineers for review and that the first 2 pages are aerial views for the neighbor that was concerned about the lighting.

Mr. King asked for the status on contracting with an outside engineering firm to assess this.

Mr. Ellis said he has the engineer and has already paid him and is waiting for them to do it.

Mr. King said at the previous hearing the required square footage for camp sites came up.

Mr. Ellis said the third page of the handout he gave them has the dimensions on that and how far apart. He said he is putting 4 lots in a 400 sq. ft. area and if the board continued through the pages it will show each phase of the plan.

Mr. King said this meeting is a design review which is one step above the conceptual consultation and is still non-binding but is a more detailed discussion before he makes a formal application.

Mr. Ellis said page 1 is an aerial view of the vegetation between the properties and the second page is a shot from the campground back towards the house.

Mr. Pelkey asked if the vegetation is on his property or the neighbor's property.

Mr. Ellis said it is on his property. He said the distance between the campsites at the pond and the neighbor's house is over 500 feet.

Mr. King pointed out the vegetation and neighbor's house in the photo and that it was taken looking from the first driveway that will be using the campsites.

Mr. Henry pointed out the location of the caretaker's house in the photo.

Mr. Ellis said the third page contains the dimensions and footage of each section and starts the phase one. He said most of the tent sites will be directly around the pond and most of the RV sites will be out in the woods.

Mr. King counted 6 RV sites.

Mr. Henry said phase one will be mostly tent sites.

Mr. Squires asked about the X's on the page.

Mr. Ellis said the X's are the existing 1,000 gallon holding tanks from the old campground.

Mr. King asked Mr. Ellis to point out the location of the septic system in the photo and asked if they are all on the same septic system.

Mr. Ellis said no and that there are 6 tanks where the mobile homes are and that they run to a large field and all of this information should be on file with the state.

Mr. Pelkey said that will be part of the design submitted with the site plan application.

Mr. Ellis pointed out the location of two existing holding tanks in an existing campsite and that they are pumped out and don't go to a field. He said on the RV side it will be all holding tanks with a truck onsite to pump them out as needed and he plans to put alarm systems on them. He said he looked into the roads and that he wants to do 12' wide one-way roads with crushed gravel and he has sent his preferences to the engineer.

He said he put 1200 gallon holding tanks for the RV sites with 7 sites to a tank and that he wanted to check with the engineer to make sure that will be sufficient.

Mr. King said there may be requirements for that at the state level and it may not be that big.

He said the first phase Mr. Ellis is considering is 6 camper sites and 12 tent sites.

Mr. Squires asked if his property goes over to the Scruton's property.

Mr. Ellis showed him that the property line is the field in the photo. He said he took the board's advice from the previous meeting and pushed the sites out to the woods more because he wanted to have bigger sites with some distance and trees in between them.

He said phase 2 is a continuation around the back side of the pond.

Mr. King asked if the rear pond stays full most of the time.

Mr. Ellis said he grew up there from when he was 12 years old and it has gone dry 5 or 6 times and it was dry last year. He said phase 2 will be 8 more tent sites and 10 more RV sites.

Mr. King asked if he got any more information on the required footage per site to check what he has here conceptually.

Mr. Ellis said they were talking about (by state regulations) the RV sites had to be a minimum of 1,000 sq. ft. and the tent sites had to be a minimum of 600 sq. ft. and the proposed sites are way bigger than that. He said if they went back to the measurements in the handout they would see on 425 ft. of road he is putting 4 sites.

Mr. King said so they would be 100'x 100' or 100' by whatever depth he chooses.

Mr. Pelkey said he counted 51 sites.

Mr. Ellis said he could remove one site from phase two.

Chairman King then opened the hearing to public comments or questions.

Sean McGurty said they bought their house because there were no neighbors and they are going to be having that whole thing in their backyard. He asked what he planned to use for the



main road because Garland Road is their easement and right-of-way that no one has access to except for the cemetery and the Garland family.

Mr. King asked for the location of his boundary line.

Kimberly Madsen said they can't see their property line on Mr. Ellis' picture and pointed out the cemetery and according to their deed their property is the right-of-way up to the cemetery wall which is the far side of where he would be entering and exiting for the campground. That's our property 125 feet back she said.

Mr. Ellis said he can change that and that he could utilize the old campground and come in that way.

Mr. King suggested they look into that and have a discussion outside of the meeting and that Mr. Ellis may not currently have the rights to do the expanded use.

Mr. Ellis said he could use the existing driveway on the left side and go in right around the campsites and he has already looked into it.

Mr. McGurty said they were also worried about lights shining toward them and noise.

Mr. King said lighting is something the board always addresses especially with traffic.

Mr. McGurty asked if there would be a privacy fence.

Ms. Madsen said they bought the property with the expectation that there would be no traffic around their house.

Mr. McGurty said it is quiet there and he has a dog that is semi-aggressive with children.

Mr. Ellis said he did not mind putting up a fence.

Mr. Pelkey said this is a commercial use and when you are an abutter to a commercial use you want to protect your residential use so that is a consideration.

Mr. King said that is something that will come up when he makes formal application and it may be 1 week to 6 months before all the engineering issues are addressed and he is back here again and the abutters will be re-noticed at that point.

Mr. Squires said the privacy fence and the other stuff would be shown on the drawing.

Peggy Smith asked if they have decided on doing a traffic study.

Mr. King said that would be determined when Mr. Ellis makes a formal application and that is a consideration with that potential site and it may be a requirement. He said Ten Rod Road has become a busy road and a cut-thru to avoid the traffic lights on Rt. 11.

Ms. Smith said you don't cross the night because you never know when a car is going to be flying down the road.

Mr. McGurty asked if this would be a seasonal campground.

Mr. Ellis said it would be open from Memorial Day to Labor Day and it is for the church and there would be no drinking or drug use allowed. It is going to be used to teach people how to live in the country he said.

Mr. McGurty said so it's not going to be extremely loud.

Mr. Ellis said no and he was not expecting to have people there for long periods of time, one



week in and out and there would not be any campers that stay there over the winter.

Mr. Pimental said this was originally heard at the Aug. 17 meeting and it was continued to Sept. 21 but that meeting was canceled. He said that broke the chain of continuance so the Town had to re-notice the abutters for tonight.

He suggested that the board continue this case again so they can see the preliminary engineered drawings and to give him the opportunity to look at the state's guidance and have a more robust discussion. He said if they continue this to a date in December the abutters will not be re-noticed.

Mr. Ellis requested that it be continued to January.

Mr. Pimental said they can do that but the abutters will have to remember the date that is set tonight because they won't receive another notification for the continuation. He said when Mr. Ellis comes back for the application approval they will do an entire re-notice again and the scheduled meetings in January are on the 4<sup>th</sup> and 18<sup>th</sup>.

Mr. Ellis requested that they do it on January 18.

**Motion:** (Pelkey, second Bridges) to continue this case until January 18, 2022 passed 7-0.

Mr. Ellis said at the previous meeting they talked about the use of the property with the campground being one use and the house becoming the secondary use and he did not want to split the property in half.

Mr. King said the discussion was this going to be considered a primary use making 2 primary uses on one lot.

Mr. Pelkey said he thought it (caretaker's house) was part of the business itself.

Mr. King asked how much frontage it has on Ten Rod Road.

Mr. Ellis said there is almost 800 feet.

Mr. King said there is more than 500 feet so if it needed to be subdivided in the future there is enough land area and frontage to do it. He said right now Mr. Ellis could split it off when Mr. Pimental determines if it is permissible or not to have 2 primary uses and asked if there is anything similar to this in town.

Mr. Pimental said he didn't know of an example directly like this but they should talk more about that at the January meeting. He said if that residence is primarily going to be used for the campground it could be considered together.

Mr. King asked if he took the other approach that it's not if that is still acceptable.

Mr. Pimental said they would want the commercial site plan to show that the residential piece could be carved off. He said he doesn't necessarily have to do it but show that it could be done so if he wanted to sell the house piece of it and keep the campground completely separate they would have documentation showing it could be done.

Mr. King said that similar to allowing 2 residential dwellings on the same lot it has to be subdividable in the future. He said if he submitted the application saying that is the caretaker's house and it was part of the approval then if he wanted to sell the house later it would become

a problem where he would not be in compliance.

Mr. Ellis asked if he would have to have it surveyed.

Mr. Squires said the road frontage alone tells you it could be done.

Mr. King said it has to have the required acreage and the road frontage and it appears to meet the 250 ft. frontage and 3 acre minimum requirements.

Mr. Pimental said they could do the potential subdivision as part of the site plan review.

Mr. Henry asked if it would be a condition of approval that the caretaker is to live in that house.

Mr. King said that would be problematic as things change and then suddenly you have a condition that is not the case.

Mr. Bridges asked with this property being right on the Town border if Rochester has to be notified.

Mr. King said there are some situations where it is required but he didn't know if this qualifies. He asked if it would just the Rochester residents that would be noticed or if the entire city would have to be notified.

Mr. Pimental said he would have to look into it. He said Rochester could also be involved if this board decided this project has regional impact although he did not think that it does.

Mr. Pelkey asked if that could be based on a traffic study and it showed an impact to traffic.

Mr. Pimental said it doesn't have to be just traffic but that could be the predominant reason for why they think it might have regional impact.

Mr. Bridges asked if the church owns the property and where they are based.

Mr. Ellis said they were talking to the owner and the church is based in Texas.

Mr. Pelkey said when he makes application the owners of record will have to sign off on the application and as long as they do so it shouldn't be an issue.

Mr. Bridges asked if Mr. Ellis was the sole owner of the property.

Mr. Ellis said there is another guy that owns half of the property and he is currently involved in a lawsuit with him and he expected it to be resolved by January.

Mr. King said if the property is owned by a company the company would make him their designee to do the application. He said the issue with the other part owner has to be cleared up because if not that owner would also have to consent to the plan. He asked Mr. Ellis if he does not plan to come back to the board until it is resolved.

Mr. Ellis said it should be resolved within the next month.

Mr. Pimental said they could still review the design on Jan. 18 whether this issue is resolved or not but recommended that it is resolved before he makes the final application.

Mr. Henry asked if they were letting Mr. Ellis come before the board because he owns 50% of the property because they didn't want people coming before them with conceptual plans without permission from the owner.

Mr. King said they didn't want potential applicants without any interest in the property and it hasn't come up that often.

Mr. Bridges said this property is in dispute and they haven't seen that before.

Mr. King said this discussion is non-binding and this is "similar but different" to the previous proposal that was just withdrawn because the applicant does not own the property and did not have permission from the owner.

Mr. Pimental said that is the difference and any person asked to have a signed letter had zero ownership of the property and it was all contingent on them potentially purchasing the property. With this case they own part of the property and we're only in design review he said.

Mr. Bridges asked how far they can go without a signed letter.

Mr. Pimental said he would not go any further than the design review.

Mr. Pelkey said the application is a formal document that has to have the permissions and it starts the clock for the approval process.

Mr. King said they would see Mr. Ellis on Jan. 18 and if not to request another continuance from Mr. Pimental.

**Motion:** (King, second Bridges) to take a 10 minute recess passed 7-0 at 7:15 p.m.

The meeting reconvened at 7:26 p.m.

#### **Any Other Business before the Board:**

**Zoning Amendments Discussion** – Mr. Pimental said the board received a copy of the Table of Permitted Uses as they stand for commercial and industrial uses so they can review them and see if any of them need to be adjusted. He said he misspoke at the last meeting as he thought it was the recreational vehicle amendment that didn't pass last year but it was the storage unit amendment that didn't pass last March. He the storage unit amendment failed 229-248 so it was a pretty close vote and probably the reason it failed was because people didn't understand what the board was trying to do.

He said he attached what it was last year and they can review that again to see if this is what they want and they can try to clarify the language and put it forth to the voters again. He suggested that if they do that and it fails again that they don't bring it up again.

Mr. Pimental said they spent a lot of time on the storage units and that they made progress with making sure that people understood the difference between temporary and permanent and putting in language to make it clearer.

Mr. Henry said that every zone was treated the same so the rules for storage containers were the same. He said they may want to consider treating the Village Center (VC) district different than the AR (Agricultural Residential) as they do for so many other things.

Mr. King said that should take that up for discussion if they put that on their docket. He said they could say they would be allowed temporarily in the VC but not permanently.

Mr. Pimental asked if they wanted to talk about that tonight.

Mr. King said they should say this is going to be on our work product for the March Town Meeting so everyone would be prepared to talk about the "nuts and bolts" of this when they talk about it again.

**Motion:** (King, second Vachon) to put that back on the potential warrant articles for the next Town Meeting passed 7-0.

**Commercial/Industrial/Business Overlay** – Mr. Pimental gave the board 2 maps and said one map shows the overall zoning and if they decide to do something with this he will print a larger map for the board. He said he tried to zoom in on the area around the gravel pit off of Rt. 11. that they approved a subdivision for earlier this year.

He said the blow up area is now residential and asked if the board wants to consider that area as being more commercial based on any reclamation that is made.

Mr. King pointed out Rte. 11, the Cocheco River and the Town Well #6 wellhead protection area on the map.

Mr. Pimental said the yellow sections are residential, red is commercial and the pink area is the CIBO. He said Rte. 11 has a corridor of CB and CIBO zones and the board was talking about the area around the gravel pit may be prime area for future potential commercial development but the way it is currently zoned would render it more on the residential side so the zoning would need to be changed to reflect that.

He said there is a recommendation in the Master Plan that says to review the status of existing gravel/earth materials sites and determine plans for future reclamation and appropriate zoning and redevelopment opportunities. He said this is a good example for the board to look at as some of the gravel pits are potentially coming to the end of their lifespan over the next several years. He said if the board wants to move forward with this as a potential zoning change he will provide a larger map and more information.

Mr. King asked Mr. Pimental for his thoughts as he was looking at the zones and if it makes sense to have this zone which is based upon a setback changed to some other form. He said it is mostly residential off of Chestnut Hill Road and mostly commercial on the Rte. 11 side with some existing residential and some non-conforming businesses but the only thing permitted in the middle of it is residential.

He then asked if it makes sense to expand the industrial or commercial business uses deeper into those parcels or if it makes sense to have an overlay in that area.

Mr. Pimental said a large portion of this discussion has to be discussed in accordance with the gravel pit. That parcel needs to be part of this conversation because it's so big and its right in this area he said.

Mr. King said this whole area is gravel pits and there is a rumor that there is another parcel that's going to be coming for an active gravel pit permit in this corridor. He said there have been active gravel permits all the way down to Flat Rock Bridge Road in Rochester so this whole area has been, still is or will be future gravel pits from Chestnut Hill Road, Rte. 11 all the way down into Rochester.

Mr. Pimental asked the board as those gravel pits reach the end of their useful life what type of development they want to see there- residential which would not require any changes or

commercial that would need to be rezoned. He said he would identify parcels to re-zone instead of creating a line that just goes across the area and structure it similar to the VC. Mr. King said this area is a minimum of 50 parcels and there are some larger parcels and some strip parcels that almost go from one side to the other side. He said it doesn't look like staggering it around boundary lines would work.

Mr. Pimental said they would have to really dive into this and look at what existing structures are there, where there is clustered residential development and do a larger analysis.

Mr. King asked if they put this on their work product if it would be possible to start with a bigger map showing all the residential and business uses by labeling them as "house" or "business" showing what we have for mixed density now, the topography of the area and the overlays.

Mr. Henry said the wellhead protection areas are pretty big and there are industrial and commercial uses within that area already.

Mr. King said some of those uses may have existed prior to well 6 being put in place and there are 2 wells in Rochester just down the street that have restrictions at low water table times.

Mr. Pimental said the aquifer protection overlay district for Farmington has only 5 or 6 prohibited uses and those are things like gas stations, petroleum based products and landfills. He said there also best management practices where if you have certain substances on site you need to have impervious surfaces and a spill prevention and control plan to mitigate the risk if there were to be a spill. The wellhead isn't going to completely disallow industrial or commercial development and it's not necessarily intended to do that he said.

He said the overlay insures that is done and that it comes before the board and there are additional criteria they need to meet.

Mr. King said the board can also set conditions such as no outside storage of various materials.

Mr. Pimental said it would be easier for him to create an online map that they could look at live and turn the layers on and off. He said if they wanted to see the topo, aerial views, impervious coverage and the zoning he could put all of that onto an online map and bring it up and zoom into this area but he didn't know how that would translate and if he can do that or not.

Mr. King said in the past he has overlaid the tax map data on Google Earth to see all of the parcel data. He said unfortunately in the latest version they have removed that function or he hasn't yet figured out how to put the overlay on it to get the real time parcel data.

Mr. Pimental said the Strafford Regional Planning Commission has the 2020 parcel data from the Town and they have their own GIS software they can use.

Mr. King said if he was able to do that the board could take on their own computers, overlay it and then zoom in on it on their own time and review the parcel data instead of having a map.

Mr. Pimental said if they want to do this at a workshop they could do it as a group and he could put it up on the projector screen and he can also send them a link to the map in an e-mail so they can access it at their leisure.

Mr. Pelkey asked if they decide to go by parcels what would happen if a parcel is subdivided and if the board would have to vote on where the line goes.

Mr. King said in the past those parcels that were subdivided were still in the same zone.

Mr. Pelkey asked if his property was residential and they turn it into industrial and he doesn't want to have 45 acres of industrial land and wants to have 10 acres of residential and subdivides 30 acres off where the line would go.

Mr. King said he mentioned an overlay because it is a big parcel with a lot of acreage and if they change the zoning they are affecting a lot of acreage of a lot of owners. He said one thing to consider is an overlay that is more permissive so you still allow the current uses and allow industrial and commercial uses in the middle zone with requirements but you still have the underlying residential. So in essence you are giving additional rights not changing rights he said.

Mr. Henry said Chestnut Hill Road looks and feels like a residential road and Rte. 11 looks and feels like an industrial road and he would want to be able to keep that residential use up on the Chestnut Hill Road side of that large parcel and industrial in the back.

Mr. King said there are quite a few businesses on Chestnut Hill Road.

Mr. Pelkey said it looks like rural residential even though there are businesses off the road.

Mr. Henry said this land is good commercial land and with the overlay it's still residential and if one guy in the middle pops in a 16 lot residential subdivision now that big piece of land is not suited for commercial development around a 16 lot subdivision.

Mr. King said it's similar to the CIBO where they allow commercial and industrial together and let the uses sort themselves out. He said it is no different than if he owned a wooded back lot and somebody puts in a 50 site campground next to me. It's still an impact whether it goes from raw land to subdivided land or from raw land to commercial use if you're an abutter. It's our job to sort it out the best we can through the requirements he said.

He said if they try to do the zoning by the boundary lines he didn't think they could do it and asked if they moved the line how that would impact those owners. When you change the zoning that's a hard line and when you put on an overlay that's a soft line he said.

Mr. King said when they get to the public hearing there needs to be good notice because this is going to impact a lot of landowners and they need an opportunity to tell us what they think.

Mr. Pimental said he meant to use the parcel base as a place to start and selecting which parcels make sense to see what that looks like and then compare it to where there is residential on Chestnut Hill Road and you want to draw that line. He said for something like this the board should think about they want for the future and if they really think this is an area for commercial development he would he would say that they are zoning this as CB and keep residential north of and away from that. We want to be able to balance potential commercial growth with being sensitive to the residential off of Chestnut Hill Road and maybe there's a way to do that he said.

Mr. King said they could do both and move the hard line deeper and put an overlay in the

middle.

Mr. Pimental said he has seen that in some communities where you could extend the commercial zone deeper and then have a zone with more mixed uses so it that transitions from commercial to mixed commercial/residential uses to residential and they could do that.

Mr. Henry said they would end up with a jagged line of residential and commercial based on how a property develops.

Mr. Pimental said they also want to look at this area is constrained because of the river and it's another thing to consider. He said for anything coming off of Rte. 11 they are going to have to build a bridge to get back there so the river needs to be part of the conversation.

**Motion:** (King, second Henry) to put the potential rezoning of the Rte. 11 corridor and east as an item for discussion for this year's zoning potential changes;

**Discussion:** Mr. Henry asked if they wanted to restrict it to the east.

Mr. King said he didn't have an issue with it including other areas.

Mr. Pimental said he included this area because they were talking about the reclamation of the gravel pits in the future and being ready for commercial development in those areas and if they want to make it broader they can.

Mr. King said he would leave his motion as is and if there are other areas to be considered the board may want to review the current zoning everywhere else along Rte. 11 but this is a separate discussion.

Mr. Pimental said it is Nov. 2 and they need to have some of these by the end of Dec. Biting off all of Rte. 11 is probably unreasonable and I would recommend you focus on this area he said.

**Vote:** The motion passed 7-0.

Mr. King said Mr. Pimental was talking about the Table of Permitted Uses and clarification of the CIBO and made the following motion:

**Motion:** (King, second Henry) to add the clarification of the CIBO in regards to the Table of Permitted Uses passed 7-0.

Mr. Pimental said for the Table of Permitted Uses in general he listed all the commercial and industrial uses, where they're permitted and allowed by special exception and someone had asked why large retail and light manufacturing is not allowed in the CB. He said things that are allowed in VC but not in the CB doesn't jibe.

Mr. King said excavating contractors are allowed in the IB but are only allowed by special exception in the CB.

Mr. Pimental said these are the types of things they could look at to make it more flexible and if there are things they feel they could do with a conditional use permit instead of a special exception that would keep an applicant here and they would not have to go to the ZBA. He asked the board for guidance on if there are some of these things that seem to make sense to change and they could discuss it at the next meeting.

**Motion:** (King, second Bridges) to add this to our work to consider for Town Meeting passed 7-



0.

Mr. Pimental said they are starting to get up against the clock and that last year or the year before they were meeting more frequently and depending where they at the Nov. 16 meeting they may want to meet on Nov. 30.

He said he thought what would take the longest is the review of the Table of Permitted Uses and the zoning changes which they need to be very careful about.

Mr. Henry asked at what point they would reach out to the property owners that are affected.

Mr. Pimental said when it gets to the public hearing and they will get direct letters. He recommended that whether it is required by state statute or not to reach out to owners that would be impacted by changing from residential to commercial zones.

**Joint BOS/PB Meeting –** Mr. Pimental reminded the board that the joint meeting with the Selectmen to discuss the Master Plan Leadership Group is on Nov. 29

**Additional PB Meeting – Motion:** (King, second Henry) to add Nov. 30 as an additional meeting passed 7-0.

**New Style Homes-** Mr. Pimental said Mr. King signed the boundary line adjustment for New Style Homes and it will get recorded.

**Potential Redevelopment Preliminary Design Review –** Mr. Pimental said in about 2 months they will see an exciting redevelopment project downtown at the building on the corner of Mechanics Street where a 6 unit mixed use commercial-residential is planned for that site. He said they have not yet submitted an application but they are starting to see some of the architectural designs. This is in direct correlation with changing the zoning 2 years ago and this project would have only allowed 1 unit instead of 6 he said.

**Adjournment:**

**Motion:** (Bridges, second Vachon) to adjourn the meeting passed 7-0 at 8:10 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Charlie King, Chairman