

Town of Farmington
Planning Board Meeting Minutes
Tuesday, December 7, 2021
356 Main Street, Farmington, NH

Board Members Present:

Charlie King, Chairman
Rick Pelkey, Vice Chairman
Bill Fisher, Secretary
Gerry Vachon, Selectmen's Rep.

Others Present:

Kyle Pimental, Planning Director

Board Members Absent:

Bruce Bridges
Stephen Henry, excused
Jeremy Squires, excused

BUSINESS BEFORE THE BOARD:

Call to Order:

Chairman King called the meeting to order at 6:16 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance. Chairman King said Mr. Squires and Mr. Henry notified him they could not attend tonight's meeting and are excused. He said he did not hear from Mr. Bridges.

Review of Minutes:

November 16, 2021- Public Meeting Minutes – No errors or omissions

Motion: (Vachon, second Pelkey) to accept the minutes as written passed 4-0.

Public Comment:

Mr. King said he noticed there are a few signs in town that have movement with images changing rapidly and he asked Mr. Pimental to look into the zoning ordinance and give him his interpretation of the ordinance as it pertains to this issue. He said the previous Code Enforcement Officer's interpretation was the image wasn't allowed to change more often than once a minute with no movement to distract drivers. We haven't changed the sign ordinance in 3 or 4 years he said.

Discussion of Potential Zoning Amendments:

Mr. Pimental said the board decided not to touch the storage units amendment and put it back on the Town Meeting warrant in March. He said one thing he didn't mention before was they are going put forth some minor housekeeping items such as spelling mistakes and some things

that have changed over time such as the section bullets, lettering and numbering which is problematic because when you point to something you may be pointing to the wrong section. He said there are a bunch of small items that need to be fixed and he has talked to legal counsel about how to put that forth because they are not going to spell all of that out and they will have to generalize it to include housekeeping items like spelling and formatting. He said they may not have to put them on the warrant and may just be able to make the corrections and give the board an update on what they did. I just have to get clearance on that he said.

Mr. Pimental said on the Table of Permitted Uses the board has talked about combining the **Commercial Business (CB)** and the **Industrial Business (IB)** zones into this new **(CZ)** zone and what would be allowed/not allowed and a general cleanup of some of the uses. He said he took a first cut at this then stopped and wanted to tell the board that it's okay to make some of the changes to the uses and then maybe look at providing some additional flexibility within the residential districts but he is hesitant to make a bigger change with combining the two as that's a big change.

He said they must post these no later than Jan. 6 and they've had multiple meetings that were canceled or had members absent. He recalled the work they did on the density requirements for the **Village Center (VC)** district where they spent months on a small change and now 2 years later they are starting to see some redevelopment projects which are coming up.

Mr. King disagreed and said the change in the VC was a big change in the density and had a lot of potential concerns that had to be addressed. He said incorporating these zones really doesn't change the bulk standards of the uses and it's just whether or not they would be allowed to be intermixed. It's not like we're changing the density, lot configuration or any of the requirements for the site plan and we're just being more permissive for them to be next to each other he said.

Mr. Pimental said he is a little wary of going in that direction and his fear is that it would result in a sort of a hodge-podge of uses throughout the (Rt. 11) commercial corridor. He said if they want to tighten this up in some places he is okay with that but he would postpone the combining of the commercial/industrial zones until they have more time. I feel that it would be a little rushed between now and posting it on Jan. 6 and things like getting rid of industrial zone and putting industrial uses with the commercial is a bigger change he said.

He said if they look at what he proposed almost all of them would be allowed and there are only a handful that wouldn't be like dog kennels. He said essentially everything else would be allowed outside of the use and storage of regulated substances.

Mr. King said he realized that he was tentative about doing this but he gave the board a draft of a potential new CZ zone.

Mr. Pimental said that was the board's direction and it's his job to move forward with that and to provide his opinion. He said this is what this could potentially look like and he is hesitant with that and would much rather spend more time on that. He said he spoke to the Town Administrator about finding some funding to do a corridor study to look at expanding the

commercial zone where it makes sense to expand it and what uses should be allowed in those areas to give the board more specific feedback.

Mr. Fisher said he didn't agree and the way it is now with the commercial and industrial zones it looks like a shotgun went off there. He said in the same amount of area you'd have the same amount of businesses except they're more confined into specific areas. He said around the Irving gas station that's all industrial zone there and if somebody wants to put in something commercial then they have to jump through hoops to get a variance to put something in. He said a few hundred dollars for a variance is nothing for the big box stores but a lot of small businesses have had to come before the board to get permission to do things where if it was all one zone they wouldn't have to do that.

Mr. King said it's not so much the cost to a business it's that it's a hurdle that prevents them from even starting this project because it's not permitted and it adds a pretty big timeline because there is a notice requirement for the Zoning Board and it could add 2 months depending on when you started and the notice requirement for when their meeting is. When it's 2 or 3 months and they don't even know if they will be able to site a business there and the bigger companies have professionals to deal with this but the small guy coming in has to ask if it can be permitted and it may not have a chance.

He said Mr. Pimental used the term hodge-podge and that is what is already there because there are a lot of pre-existing uses. He started at the intersection of Rt. 11, Rt. 153/Main St. and Meetinghouse Hill Road and began with B & B Auto and RV Service Center and by the zoning what they do is not permitted but they are a pre-existing use. He said there was a daycare and a donut shop on the corner and behind that were 2 industrial uses in the same parking lot.

He said then you go to the other side and you have a gas station, a furniture store, behind that is a utility company and also a company that does retail sales of safety equipment. Then you go down the street and you've got a diner, Aroma Joe's, residential uses right next to it and then you have a physical therapist right next to Pike Industries which is across the street from Barron Bros. Development. Then you have a permitted junkyard, residential and Cardinal & Glidden Oil Co. and when you look at what we have, we have industrial, commercial and residential uses mixed throughout the whole corridor either because of zoning changes or pre-existing conditions he said.

Mr. King said if it was a clean slate they could design it like a grid with these uses over here and these uses over here but based upon pre-existing uses it's already intermingled from residential to commercial to retail from one end to the other already.

Mr. Fisher said if you go further down the road there is a Rite Aid store which is a commercial property and on the other side of that there is a tank farm which is an industrial use which is permitted because they are pre-existing uses.

He said across the street from that you have residential uses. I think if we put this to a forum I think the people are smart enough to see we are just trying to do what they want, to make it

easier for businesses to come in and not have to jump through so many hurdles. With all of the meetings we've had in regard to what to do with the old fire station a lot of people wanted to make it easier to bring businesses in he said.

Mr. Pelkey asked if people are still studying that and that the quickest way to kill initiative is to say we're going to study it. He said the reason why the board wanted to take this on was because the people of this town made it clear they want them to increase the footprint along the Rt. 11 corridor for business and industry and that's what they're trying to do. This is the first step of what we planned and if we can't get the first step off the next step we want to take as far as expanding the zone gets kicked back even further. If we can find our way clear to get this out then I would like to see us do that he said.

Mr. Vachon said everyone wants development along Rt. 11 so it makes it easier if we just combine everything. He said to make it so it doesn't matter where along Rt. 11 if it's industrial or commercial it can go in.

Mr. King said they are not planning to expand residential uses on that road and they're only planning to make it more mixed use for the existing uses. He then asked the board to go through Mr. Pimental's proposed changes to the Table of Permitted Uses (Table 2.00 C, VI Commercial & Industrial).

Mr. Pelkey asked if the hard spot was the wording for combining the 2 zones into one. He said if they go down through the Table of Uses which is not even 2 full pages and have a discussion on that that's the bulk of the discussion.

Mr. Pimental asked the board to keep in mind that this is only showing the commercial and industrial so with the new CZ zone they would also have to look at that for the other principal uses. This is one section of the Table of Permitted Uses and I'm not showing residential, institutional, recreational uses or whatever else is in the zoning he said.

Mr. Fisher said he didn't see where combining the commercial and industrial would affect anything that's already out there for the residential areas because they are not increasing the size we're just getting rid of the red and pink on our zoning chart and making it all purple. He said if they try to work those areas into it it's going to be huge like eating half a cow in one bite.

Mr. King said if they create this CZ zone and get rid of the CB and IB zones you have other sections that reference the CB and IB zones like the agricultural uses and they would have to address what to do with those uses if get rid of those zones. He said another potential way to handle it is to leave the CB and the IB with the same names so those tables don't change because they're not addressing the table for agricultural uses.

He then said they could look at those sections because there may only be a couple of slight differences if they're going to create a CZ zone. He said there are only 4 descriptions that are different so there are only 4 things to discuss that's different in the agricultural zone, no differences in the residential and 1 change under accessory uses so that list may not be that big. Mr. Pelkey said the approach they talked about taking without creating a CZ zone was to go

through the Table of Permitted Uses and make them function as a CZ zone and then all of your references will work.

Mr. King said then it acts the same and they don't get to the agricultural uses it doesn't really mess that up.

Mr. Pimental said if they take that approach it's like a Band-Aid or a half step. He said he was concerned that they haven't had a discussion about agricultural or the other uses and this has to be posted by Jan. 6.

Mr. Pelkey said if they are looking at a commercial industrial zone the existing uses that are outside of commercial/industrial are already in there grandfathered and he wouldn't be favorable to having them in there because that is not what they are being asked to create. They are asking us to create more industrial and commercial along the corridor he said.

Mr. King said that might be considered a half step but maybe the easiest way to make incremental change is to consider making the CB and IB permitted uses the same, leave the zone's names the same and next year try to get a grant to look into expanding that zone and renaming it as another step.

Mr. Pelkey asked why they were waiting on getting a grant to do a study. He said if they want to study this based on the input they got from the taxpayers and into the Master Plan then go do the study so when they are ready to take it up next year and do the zoning change and expand the area they already have that information to use instead doing the study then.

Mr. King said if they keep the CB and the IB but make the permitted uses so they act the same and the voters pass it and they get into next year and suddenly they get an application with an unintended consequence in this one area then maybe they need to make an adjustment. He said but to do nothing and just say they will work on it next year there could be a small business that would like to open an auto repair shop but it's not permitted or it's a retail small business that's different and they may not happen and that's not a good thing.

Mr. Fisher said dog kennel was taken completely out of there and it was allowed by **Special Exception (SE)** under the CB and there is nothing under the CZ zone.

Mr. King said that is something they could discuss if they wanted to go down through it. He asked Mr. Pimental if there was some concern on the SE for dog kennels.

Mr. Pimental suggested they start at the top of the table and recommended the following changes:

Barber Shop/Beauty Salon- change from prohibited (-) to **Permitted (P)** in the **Urban Residential (UR)** and it would be allowed in the CB and IB zones.

Bed and Breakfast – change the SE in the **Agricultural Residential (AR)** to P and keep it as SE in the **Suburban Residential (SR)**, **Rural Residential (RR)** and UR; keep as P in the VC, CB and CZ.

Mr. King said he read this as encouraging bed and breakfasts to go in the AR zone and we're not as encouraging it in the SR, RR and UR. This is area we are targeting for this but you have to make a case for it he said.

Mr. Fisher said changes were coming statewide in the RSA's to allow bed and breakfasts in the AR. He said they are allowing more entertainment uses in the AR now for events, etc. and he is in favor of it.

Mr. Pimental said he was thinking the bed and breakfasts are more in line with agritourism.

Mr. King said the other thing that makes it more permissible is 3 acres are required and the land is a little more separated so if you do have a bed and breakfast there is potentially less impact to surrounding properties because it's a larger lot size zone.

Mr. Pelkey agreed it should be P in the AR but he wasn't sure he would want it permitted in the commercial or industrial area and if fits the profile of a commercial or industrial use.

Mr. Fisher said they have hotels in a commercial area and a bed and breakfast is a mini-hotel that gives you breakfast and more personalized service. He said if someone wanted to open a bed and breakfast next to the Irving station it would be fine.

Mr. King said if this was allowed in the zone typically what they would see is an existing residential use that would be changed into a bed and breakfast. He a bed and breakfast conversion would be a more commercial use so he wouldn't be opposed to it.

Mr. Pelkey said he couldn't imagine why he would book a stay at a bed and breakfast on Rt. 11.

Mr. Fisher said he wouldn't do that either but somebody may want to put one out there.

Mr. Pimental said it depends on how they want to guide some of this. He said they could allow it to be more flexible but asked if they really think a bed and breakfast on Rt. 11 makes sense. He said there is a balance on whether you want to keep a character or strictly have a hands-off approach and say to let the market dictate whether or a bed and breakfast makes sense.

Mr. King said if you go from one end of Rt. 11 to the other and ask if there is a property here that fits that character he bet you could find 2 or 3.

Car Wash – change (–) to P in the VC; Mr. Pimental said he might change his initial response as he also looked at the retail sale of gasoline as something to not allow in the VC so the board should be consistent on that as they are very similar and a lot of gas stations have car washes so if they are going to allow for a car wash they should allow for the sale of gasoline.

Mr. Fisher said we already have a car wash in the VC.

Mr. King said it is pre-existing and it fits more with a Laundromat car wash because that's what's in use on the site.

Mr. Pimental said this use is a little bit of a gray area to have in the VC.

Mr. King said he would leave it as it is which is currently not permitted in the VC.

Mr. Pimental noted it would be P in the CB and IB and prohibited in the VC.

Contractors – No changes.

Dog Kennels – Mr. Pimental said it was allowed by SE in the CB, AR and RR and asked the board if it makes sense to have dog kennels along Rt. 11.

Mr. Fisher said there already is one on Rt. 11 in Rochester.

Mr. King said on the other end there is a veterinary clinic that has overnight stays and he is okay

with allowing it by SE in both zones.

Mr. Pelkey said it should be a use where they should discuss screening requirements, etc.

Mr. Fisher asked if they could say it was permitted in both areas because it still has to go through a site plan review. He said if a future board said they couldn't put one out there they would have to go for a variance request from the ZBA. The problems we have seen with kennels in residential areas is the noise and I don't think anyone will be concerned about the noise in a commercial area. I'm suggesting it be permitted in both areas (CB and IB zones) he said.

Mr. King said he could see Mr. Fisher's point but those uses have always been problematic.

Discussion included problems with a past kennel application in the AR which was ultimately withdrawn by the applicant.

Mr. Pimental said one of the problems with that application was the applicant lived in an approved subdivision that also had restrictive covenants so he had to pull the application because of those covenants.

Mr. Pelkey said they should keep it as allowed by SE in both zones.

Mr. Pimental said for one if the kennel applications the ZBA put conditions on it like the number of dogs that could be boarded and the hours of operation and he did not know if this board has the authority to put those types of stipulations on a business where he knows the ZBA can.

Mr. King said he felt comfortable making it a SE in both and permitted is a bigger step that he didn't know if that would be a good thing.

Mr. Vachon said he agreed that it should be left as a SE in both zones.

Consensus of the board was to allow dog kennels by SE in the CB and IB.

Mr. King said the issue is where there are residential uses interspersed along the Rt. 11 corridor and residential uses that come in from a side road that are close to Rt. 11.

Dry Cleaners – change from prohibited to permitted in UR, remain as P in the VC, CB and IB. Mr. Pimental said if they allow it in the VC, the UR is next to the VC and is pretty densely populated and it could be something where people could walk to a dry cleaner.

Mr. King said that the regulations they have to adhere to at the state level are going to be more than sufficient. It's not likely that somebody is going to put in a huge dry cleaning business in this zone and it would be a small start-up so I don't have an issue with that he said.

Excavating Contractors – change from allowed by SE in the CB to Permitted.

Financial Institutions – No changes recommended except to remove the separate category for financial institutions with a drive- through because it does not need to be broken out.

Funeral Homes- No changes recommended. Mr. Pelkey said they should add the ability to have one in the IB zones.

Grocery Store – change from allowed by SE in the UR to Permitted. Mr. Pimental said he thought a small convenience store would be good for an urban residential area.

Mr. King said over the past 5 to 10 years there has been some where their uses have changed and now there is void and if they don't allow it how would they backfill that need so he is okay

with this.

Health/Fitness Club – change from prohibited to Permitted in the UR. Mr. Pimental said this borders the VC and should be allowed in high density areas.

Mr. King agreed.

Health Service Facilities – no changes

Heavy Equipment Sales – would remain as only Permitted in the CB and IB

Hotels and Motels – change from prohibited to Permitted in the IB

Laboratories – no changes

Laundromat – Mr. Pimental said he was not sure if they ever defined the difference between Laundromat and dry cleaners and they may want to also allow a Laundromat in the UR.

Consensus of the board was to permit Laundromats in the UR.

Light Manufacturing – change from prohibited to Permitted in the CB.

Mr. King asked if list other manufacturing here and if heavy manufacturing is included in the definitions.

Mr. Pimental said there is a difference between the two but heavy manufacturing is not included and this may be a good opportunity to add it.

Mr. King read aloud the definition of manufacturing and manufacturing, light on page 35 of the zoning ordinance. He said the definitions seem to talk about 2 different types of business, one that talks about the assembly of component parts and the other talks about the processing of materials, lubricating oils, resins or liquors. He said he found the definition to be problematic because some of the items listed should be defined as chemical processing or handling and depending on how it is interpreted we have existing uses on Rt. 11 that you may put in this category or in manufacturing light but they don't define it here.

Mr. Pelkey said there is some loose wording in the manufacturing light definition and the difference is "operated in a manner which is not offensive, noxious, detrimental or dangerous". That's loosey-goosey there he said.

Mr. Pimental asked if as a part of this round of edits the board would like him to present a definition of light manufacturing vs. heavy manufacturing at the next meeting or see the differences between the two.

Mr. King asked what would be a use the board would be concerned with in this zone. He asked what would constitute heavy manufacturing and how they would define that. He gave the example of using component size such as components over 3 tons and there are quite a few places that do that now such as Energy Resources and Shafer Rolls.

He said he makes components that are sometimes small and sometimes large and asked how they would define that and what would be a concern at the site plan review. He said it's really on a case by case basis depending on the type of use that may be noise or chemical related so they need to define it and manage it but it's unlikely someone would manufacture ships there.

Mr. Pelkey said if they are talking about the difference between the CB and IB if they are trying

to discourage heavy or light manufacturing in that area because they are going to blend the two. He said if they are not going to make the distinction in the Table of Permitted Uses they don't need 2 definitions in the (zoning ordinance) book.

Mr. King said we have them now so if they add it to their work product then they have to change the definitions. He said he was okay with changing both definitions and even adding a third definition but if they're going to permit it they don't need to change the definitions today.

Mr. Pimental said he would try to provide some clarity for a single definition. He said if the idea was to allow for light manufacturing in an industrial zone and not in the commercial he could understand that but if they choose to blend them then maybe a more generalized definition of manufacturing where it doesn't matter if it's light or heavy it would be allowed.

Mr. King said it's based upon the impact it's going to have on the site because somebody could be manufacturing washers but if their impact is 300 people and if it directly affects the abutting residential uses that's going to have a big impact.

He suggested they change the use in the table to manufacturing and then they can clean up the definitions at a later time if they revise the definitions or go to using Standard Industrial Classification Codes. He said the definition of manufacturing talks about blending oils, plastics and resins and that is more chemical processing than manufacturing and asked if that should be in its own definition and if they feel they don't need to address it this year they don't need to add it to the list.

Mr. Pimental asked if there is any part of the manufacturing definition that they would not want to allow.

Mr. King said the government regulations for processing and manufacturing are a lot different than they were 20 or 30 years ago and the chances of anybody opening a business that's listed here and is a significant hazard to the employees or the environment is not very likely.

Mr. Pimental said one thing the board could think about for the future is to look at the town's Aquifer Protection Overlay District and in those zones under the permitted uses or uses allowed by conditional use they could add that some of the heavy manufacturing uses would not be allowed over the aquifer.

Mr. Pelkey said especially where they are talking about expanding the corridor area which would bounce it right into that (aquifer) area.

Mr. Pimental asked the board to consider putting this on the docket for next year and he will work on providing an all encompassing manufacturing definition.

Lounges/Nightclubs/Bars – change from prohibited to Permitted in the IB.

Lumber yards, including milling and distribution of wood products and whole and retail sale of building materials – no changes

Mineral Exploration and Extraction- Mr. Pimental said he combined mineral exploration and extraction into 1 line but they are not defined. He said nothing between the 2 changed and they were essentially the same (Permitted in all zones except the VC).

Motor Vehicle Junkyard – this line mistakenly shows P in the CZ and would not be allowed
Motor Vehicle Repair, Service and Sales Facility – Mr. Pimental said he combined the 3 individual lines for repair, services and sales into one line and they would be allowed in both the IB and CB zones.

Professional/Business Office – change from prohibited to allowed by SE in the SR zone

Repair Service not involving motor vehicles – no changes

Research and Development Facility – no changes

Restaurant- Mr. Pimental said he combined the drive-thru, fully enclosed and take-out categories into 1 line for restaurants and changed allowing it by SE in the VC to Permitted. Mr. Fisher asked about allowing restaurants in the AR as part of changes coming about with agritourism.

Mr. Pelkey said the state says that is a permitted use and asked if the board needs to address it. Mr. Pimental said he didn't think they need to address it because if you allow agricultural activities in a certain zone you have to allow agritourism to take place. He said if a person has a farm and they want to convert their barn to a restaurant that would be captured under agritourism and not under a restaurant. I think we would allow it in the AR he said.

Retail Sale of Gasoline – Mr. Pimental said this would be allowed in the CB and IB and asked for a consensus on this for the CZ where it currently would be Permitted. I would say no he said. Mr. King asked about allowing it on the old fire station lot.

Mr. Fisher said people said they didn't want a gas station in there and they wanted restaurants. Mr. Pelkey said it should be allowed by SE and should not just be Permitted.

Mr. King said they could go as far as requiring a variance or go a half step back to allowed by SE. Mr. Pimental said they said a car wash would not be allowed in the VC and asked if they wanted to be consistent and make these both allowed by SE in the VC.

Mr. King said he would be okay with requiring a SE for both in the VC to be consistent.

Consensus of the board was to change carwashes and gas sales to be allowed by SE in the VC.

Retail Stores ≤ 7,500 sf. – change from prohibited to Permitted in the UR.

Mr. King said that one could make an argument to change the threshold to 5,000SF but since it has already been that way he was okay with it.

Mr. Pimental said if the board was not okay with it they could bump to SE in the UR but he thought having a retail store in the UR was good. He said if they are going to allow things like grocery stores, health/fitness facility, Laundromats a 7,500 SF retail store is in that category.

Retail Stores ≥ 7,500 SF – Mr. King said this use is not permitted in the VC and asked if it should be because that would be a 75' x 100' building and there are existing buildings of that size in the VC especially when you have multiple floors. He said if you have a building with 3 floors that building could already be at 7,500 SF and if you wanted to change it to a retail store with different types of products on different floors it wouldn't be allowed in the VC.

He said above 7,500 SF should be permitted in the VC, CB and the IB so the larger retail stores

that could be a combination of multiple retail sales like Lorraine Myer's old mill building that is 4 stories and about 15,000 SF.

Mr. Pimental said he was okay with it and that the idea may have been to keep the big box stores out of the VC. He said 7,500 SF is not a Wal Mart.

Mr. King said that people may not understand that with the big box stores it's all about demographics and people have reached to some other businesses when some of the properties have become available and they say we don't have the population or the demographics to support their investment to come into town when we're only 7,500 people and Rochester has 30,000 people.

Mr. Pimental said the old fire station lot potentially could be a relatively large retail building but right now it's not allowed.

Consensus of the board was it would be permitted in the VC, IB and CB.

Self-service storage facility warehouse – change from prohibited in the CB to permitted in the CB and the IB.

Small engine repair – change from P to SE in the UR. Mr. Pimental said he pulled this back from permitted because there could noise, substances and materials used in a neighborhood that they may want to have some control over.

Mr. King said he would also go to SE in the AR because typically that is where you would see home businesses where people would repair snow blowers, lawn mowers and things like that.

Mr. Pimental asked if it would make sense to not allow in the UR but to allow it in the AR and the RR by SE.

Mr. King said he would be okay with that and in the AR there would be more land area to help screen those uses. He asked if it would fall into this category when somebody repairs snow blowers, ATV's and lawn mowers.

Mr. Pimental said this is another one where they could have a definition but when he thinks small engine that's exactly what he would think.

Mr. King said in the future they could also change that definition to be more inclusive of those uses that are motorized but are not registered motor vehicles.

Consensus of the board was to make it not allowed in the UR but to allow it in the AR and the RR by SE and leaving it the same (P) in the CB and IB.

Small scale retail store < 2,500 SF – Mr. Pimental said this would be allowed in every zone across the board.

Trucking and distribution facilities – Mr. Pimental said these would be allowed in the CB and IB.

Uses involving the manufacture, storage for wholesale distribution of creosote, disinfectant, insecticide, poisons, cement, lime, gypsum of plaster of Paris, blast furnace, gasoline, petroleum, kerosene, paint, varnish, or shellac – these uses are not allowed anywhere.

Mr. King said this is where it comes into chemical processing and that's the way it has been and he didn't disagree with it. He said he didn't think there has ever been an applicant before the

ZBA wanting to have one of these uses.

Veterinary clinic/grooming – Mr. Pimental said this was a little odd in that it was allowed everywhere except for the VC and he didn't understand why they wouldn't allow it there if they were going to allow it everywhere else. The VC is great place to have it he said.

Mr. King said he had no issue with that as long as boarding overnight for grooming is not allowed and he didn't know how that is defined.

Mr. Pimental said he was not sure how that is defined if at all. He said he thought grooming at a vet clinic would be operating at normal hours unless it was a 24 hour type of clinic.

Mr. King said with a vet clinic there would probably some stay-over for observation.

Mr. Pelkey said for medical purposes only.

Mr. Pimental asked if those types of uses still make sense for the AR, RR and SR or if the board wanted to pull some of that back.

Mr. King said he would leave it the way it has been and he couldn't think of an application for either of these since he has been on the board.

Mr. Pimental said he asked because they had one approved in the last 2 years in Dover and it was a big building with a lot of parking and that could be a problem in a small neighborhood.

Mr. King said it would be based upon need and we already have 2 and asked how much additional capacity there would be.

Mr. Pelkey said in the UR they would have to find the footprint that would give them a business model they can function with too.

Mr. Pimental said they would leave it as it is.

Warehousing – Mr. Pimental said he would change this to be permitted in the both the CB and the IB instead of by SE in the CB.

Wholesale sales – no changes.

Commercial uses not specified – Mr. Pimental said nothing would change here and keeping the SE makes sense because that's what it is for every other not specified use and he added it would be SE in the UR.

Mr. Pelkey asked why they would not want that in all the zones. He asked for example what if somebody comes up with a commercial use in AR like an off road park.

Mr. King said that would come under a recreational use.

Mr. Pimental said a better example would be a solar array. He said it is not defined and it falls under commercial use not specified and they had to send them to get a ZBA approval because it was in one of these other zones.

Mr. Pelkey said this is saying if we don't have an already defined commercial use then you can't do it.

Mr. Pimental said they couldn't do it without a SE and if it's something they can't find a space for in one of these definitions they plug it into the commercial uses not specified.

Mr. King said right now it is not allowed in the AR which would require a variance to do it which

is a higher threshold than a special exception. He said he was not opposed to making this a SE in those zones (AR, SR, RR) because the definition section is full of holes and then someone comes in with use that is not in there they go through it and it doesn't seem to be captured. Mr. Pimental said they would not be able to capture everything so you try to find a space for something that makes the most sense.

Mr. King said if they change to SE in those zones it gives the ZBA an opportunity to apply reasonableness to that application.

Mr. Pimental said with a SE it's allowed as opposed to not being allowed.

Mr. King said it could be allowed with a lot of restrictions.

Mr. Pimental asked if they were saying to change this to SE for everything across the board. Consensus of the board was to make it allowed by SE in all zones.

Accessory Uses- Drive-thru services in conjunction with an allowed principal use- no change
Outdoor storage of materials, equipment & products in conjunction with an allowed principal use – no change

Retail sales of items manufactured on the premises – no change- allowed in all zones

Accessory buildings and structures- no change – allowed in all zones

Off street parking accessory to a permitted use- no change – allowed in all zones

Signs- no change – allowed in all zones

Mr. Pimental said he would not be able to provide a definition for every use and he would try to see if there are ones that would help him and future planners interpret this.

Mr. King asked for clarification of the definition of manufacturing and the meaning of "cement" in the list of items that can't be manufactured or stored for wholesale distribution in any zone. Members suggested it may refer to glue or to adhesives.

Mr. King said if they could get a grant to expand the use of the Rt. 11 corridor centralized on the area between Rt. 11 and Chestnut Hill Road and the aquifer lies underneath that area and is where they could really benefit from some outside help.

Mr. Pelkey said he would hate to see them go through all the work needed to expand the zone and then they decide to do the study and they have to stop so they just wasted their time. He said he would like to have the information brought to the board in a timely manner so they could use it.

Mr. King said they should start on it sooner and as they do that to state their concerns in this area and these are the areas they need some expertise in to try to target them. He said his concerns are access management, resource protection and working around existing uses.

Mr. Pelkey said he would add what the current market is and what they can do to make the area more attractive while taking care of all the things they have to do in the process.

Mr. King said they are looking for some assistance as this would be a pretty big lift with the resource protection because of the location of the river and access management will be a big issue because of where you would come into this area and how to control it so it doesn't

become problematic. You have the former Town landfill, the former Cardinal landfill and the mobile home park on that road and then around Chestnut Hill Road it is mostly residential with a few commercial ventures so getting into that area is potentially challenging he said.

Mr. Pelkey said the sad thing with this is you used to be able to be in Rochester in 5 minutes and the more development out there the slower that ride becomes.

Mr. Pimental then reviewed the board's direction on starting to put together a scope of work for needs. He said the 3 big pieces are resource protection, access management and some form of market analysis that will help guide how to entice those types of applicants for those uses and he added while also considering the existing conditions with the river, ledge, the DOT's right-of-way, the reclaimed gravel pits and the interspersed residential areas.

Member Comments:

New Member- Mr. King asked if there is new member coming to the Planning Board.

Mr. Vachon said yes but because there is currently a full board the Selectmen appointed him as an alternate member to the board.

New Members Needed – Mr. Fisher said they are in need of new members to fill the 2 empty seats on the **Conservation Commission**. He said there is a big project coming up with 300 acres of land being placed in conservation that they will need help with developing.

Mr. King said the town runs in cycles of high and low volunteerism and asked what they could do to incentivize more participation on the boards. He said some towns offer a stipend to board members and suggested the Selectmen look at the possibility of providing coffee and refreshments for people who attend the meetings.

Mr. Pimental said some of this would require a legislative change but after what happened with COVID some communities have stayed with a hybrid meeting where people are participating in-person and online. That has allowed people with kids or that can't make it to a 6 p.m. meeting to participate from home but you have to have an in-person quorum he said.

Mr. King said they would need to have additional technology to make that work and the chairman has to deal with the in-person members and attendees and people participating via phone or through Zoom and making sure everyone can be heard.

Mr. Pimental said people are still learning how to do this and if the legislature lightens up on the quorum requirements they may see more communities move in that direction.

Mr. Fisher said he tried to lighten the quorum issue with the Con Com but it got shot down. He said they never received an answer regarding their requested changes to their bylaws and he planned to repeal their requested changes because he is tired of playing with it. If I don't have enough people I'll cancel the meeting he said.

He said the Selectmen were supposed to ask the Town Attorney if the changes they want to make were legal which was to lower the quorum from 4 to 3 and change the wording from the Selectmen shall appoint 7 members to they shall appoint 3 to 7 members and the Selectmen didn't agree with it. He said it has been 2 weeks and he has not heard back and he did not know

if they have heard from the attorney or not.

He said of the 5 current members there are 2 members that don't show up, there are 2 empty seats and no alternate members so they could use 5 or 6 people and that's going to be next to impossible to get.

Mr. Vachon asked how often the Con Com meets.

Mr. Fisher said they once a month on a Wednesday night.

Mr. Pelkey asked if they take volunteers to do stuff and they don't have to be a board member.

Mr. Fisher said he takes volunteers all the time but he doesn't get them.

Any Other Business before the Board:

Calendar- Mr. Pimental said he printed out copies of the meeting schedule that was posted online and went through all of 2022 and put in when the application deadlines and Technical Review Committee meetings would be if they are going to change their meeting night.

Mr. King said they scheduled a public hearing for that on Jan. 4.

Mr. Pimental said their bylaws require that 2 public hearings be held and there is an application before the board on Jan. 18. He said if they do make that change he would have to keep in mind that the application deadlines would change and the whole calendar would shift a bit. He said there are some other potential minor changes needed to the bylaws such as the meeting start time and location.

Mr. Pelkey said the order of business is also laid out there and that they didn't exactly follow that order of business at their meetings.

Excused Absence? -Mr. Fisher said he may not be at the next meeting depending on if his scheduled surgery gets canceled as the hospital is canceling elective surgeries due to COVID and it's a day-by-day thing.

Joint BOS/PB Meeting – Mr. Pimental said joint meeting scheduled for Nov. 29 was canceled and the Selectmen are looking to reschedule it but they are in the middle of budget season and asked this board to look at dates at the end of January.

Consensus of the board was to request the joint meeting be scheduled for January 31.

PB Rep to the CIP – Mr. Pimental said they are also looking for a volunteer to represent the Planning Board on the Capital Improvement Plan Committee.

Mr. Pelkey said he was the rep. to the CIP Committee and he is willing to give it another try.

Motion: (King, second Vachon) to nominate Rick Pelkey as the Planning Board representative to the Capital Improvements Plan Committee passed 3-0-1 (Pelkey abstained).

Rt. 11 Update- Mr. Pimental said Mr. Fisher had asked about what is going on with the clear cutting taking place on Rt. 11 so the Planning Dept. put forth an official complaint letter to the NH Wetlands Bureau before Thanksgiving. He said he filled out the form and sent some pictures to the state and that no DOT driveway or Alteration of Terrain permit applications or intent to cut notice have been submitted and the state has no knowledge of what is going on there.

Mr. King said the Town's Assessing Dept. would have the Intent to Cut Notice.

Mr. Pimental said the Wetlands Bureau has been informed and they are going out there and the Town has not heard anything back yet. He said he would keep the board apprised of the information he gets from the state and he expects they will not be happy with that and would also not be happy with the Town for letting it get as far as it did without trying to enforce more on that. I'll be interested to hear from them on exactly what we should have done he said. He said he didn't know how this will shake out but he wouldn't be surprised if there are some fines and reclamation involved and that whatever they are planning on doing with that site they will see eventually. The state has gotten involved and that's where things stand now he said. Mr. Vachon asked if he got a demolition permit for that building.

Mr. Pimental said he did get a demolition permit. He said this may have fallen through the cracks because right when the demo permit was issued was the transition period between the former and current Building Inspectors and some stuff had already happened and it wasn't communicated and then it snowballed into what it was. He said the transition played a role and in a perfect world they would have been more on top of it earlier on and not let it get to where they have that amount of equipment and that much change.

Level 1 Site Assessment Confirmed - Mr. Pimental said the Strafford Regional Planning Commission applies for the EPA's brown fields cleanup fund and they have money to do cleanups for contaminated sites. He said they have some money left over to do a phase 1 assessment at the former Fire Station site and they have a consultant on retainer that they have used for other projects including one where the underground storage tanks near the river were removed in Farmington. It does help clean these sites up to get them ready for redevelopment and get them back on the tax rolls he said.

Mr. King said to sell that property it would require a level 1 site assessment period.

Mr. Pimental said it's confirmed that the Town is getting the level 1 site assessment and they put into their application money for the potential that the Town needs a phase 2 assessment. He said in their proposal they listed Farmington as a community they want to work with and a narrative containing information about the lot, how it fits in with the VC district and submitted it a letter of support from the Select Board.

He said he the level 1 assessment is expected to begin in Jan. depending on the weather and they have the money to get started right away. He said their economic development person wants to do is part of the planning money can also be used for potential cleanup and other planning like a design charrette and what types of uses might make sense there.

Mr. Fisher said we have already done all that crap.

Mr. Pimental said some of it has changed due to COVID and the market has shifted a little bit so uses that were not so viable may be viable now.

Mr. Fisher said upstairs there are 4 different plans for what can be done on that lot.

Mr. Pimental said there is money to do that as part of the phase 2 assessment.

Mr. King said that needs to happen to move that redevelopment forward whatever that is and

whether it's done by a private entity or a municipality.

Mr. Vachon said he knew we were #1 on the list but he didn't know it was confirmed that the Town would be receiving it.

Adjournment:

Motion: (Vachon, second Pelkey) to adjourn the meeting passed 4-0 at 8:08 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Charlie King, Chairman