

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, January 18, 2022  
356 Main Street-Farmington, NH

**Board Members Present:**

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

**Others Present:**

Kyle Pimental, Planning Director  
Chris Berry, Berry Surveying &  
Engineering

**Board Members Absent:**

Charlie King, Chairman, excused  
Bruce Bridges, excused

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

Vice Chairman Pelkey called the meeting to order at 6:05 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

December 21, 2021- No errors or omissions

**Motion:** (Fisher, second Henry) to approve the minutes as written passed 4-0-1 (Pelkey abstained).

**Public Comment:** None

Mr. Pelkey said if a member of the public would like to speak now or during the meeting he would allow them to do so. He said they would take time at the beginning of every meeting just in case there's somebody who would like to speak on something.

**Minor Lot Line Revision:**

**Public Meeting for Consideration and Possible Vote on Minor Boundary Line Adjustment for Pike Industries, Tax Map R-20, Lot 8 and Tax Map R-20, Lot 9 :** The applicant is proposing to transfer 7,762 square feet of land from Tax Map R-20, Lot 8 to Tax Map R-20, Lot 9 to address a small encroachment from the southerly abutter. The two landowners wish to revise the line between the two of them to clean up the fence encroachment. The properties are in the Commercial Business Zoning District (CB).

Christopher Berry said that last year they came before the board with a proposed subdivision

regulations or are otherwise accepted with non-conformance he said.

He said his second comment is to request that the applicant, upon recording the documents reflecting the conveyance with the Registry of Deeds, submit a copy of the transaction to the Planning and Community Development Dept. to ensure that the Town knows when to update its tax parcel maps.

**Motion:** (Pelkey, second Henry) to approve the lot line adjustment with the following condition: 1). that a note be added to the Notice of Decision stating this approval in and of itself does not effectuate a change in lot line locations and that such approval merely constitutes recognition by the municipality that the lot configurations as proposed are in conformance with local land use regulations or otherwise accepted with non-conformance;

**Discussion:** Mr. Pelkey said the request for a copy of the documents recorded at the Registry of Deeds is a verbal request to be made by Mr. Pimental to the applicant.

Mr. Henry asked if the Pike lot still has the required frontage for the zone.

Mr. Berry said yes and Mr. Pimental nodded yes.

Mr. Vachon asked about setbacks for fences and if they would be allowed to put a fence directly on the property line.

Mr. Berry said the fence already exists and Farmington doesn't have a setback for fences unless it's over 7 ft. tall and then it's a structure.

Mr. Pimental said they previously discussed if there was any investigation into the other part of the site that comes off where the Transfer Station is and if that has been resolved in terms of the access to that part of the site.

Mr. Berry said it has been resolved on their side of the equation and he would let them know.

**Vote:** The motion passed 5-0.

### **Public Hearings**

#### **CONTINUED CASES:**

**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. The proposed project is located at 23 Ten Rod Road and is within the Agricultural Residential (AR) Zoning District.**

Mr. Pelkey said this case was continued from November and now we are in January and he understood when he heard Mr. Pimental talking to the abutters present that they are going to continue it again to March and asked if the applicant spoke to him concerning this.

Mr. Pimental said the applicant said what his engineers submitted to him was not adequate and he is looking for a new engineer or surveying company.

Mr. Pelkey said he was concerned about the abutters that keep coming here and finding out that it has been continued. He said he didn't have any issue with continuing it one more time but they have been kicking this can down the road for at least 6 months now.

Mr. Pimental said he has that concern as well. He said in order to continue it they have to

with it. When he goes through site plan review all new noticing will have to be done he said.

Mr. Pelkey said then there will be documents for the abutters to look at.

Mr. Squires asked if there is a cut-off point for conceptual discussions.

Mr. Pimental said this isn't conceptual and he is now in the design review phase. He said they don't have to notice at all for conceptual discussions and design review consists of having some engineered plans and having a back and forth with the board and the applicant.

Mr. Squires said the board has seen a napkin drawing and a Google Map picture.

Mr. Pimental said when they moved him to the design phase he was supposed to have engineered drawings and he never did and that's why we continued this.

Mr. Pelkey said they have been waiting for him to come with something they could have a discussion about because so far what they've seen hasn't given them anything to talk about.

Mr. Pimental said if the board is going to continue it to March 15 he could relay that the board's expectation is to see something by March 15 or the board won't continue it past that date.

Mr. Henry asked if there is some middle ground such as they could continue it but he has to re-notice the abutters.

Mr. Pimental said he didn't know if they could force him to do that. He said they could request that he do that and they can request to have the Town do it on the Town's dime.

Mr. Henry said that sometimes it does need to be on the Town's dime but he didn't think this was one of those times.

Mr. Pelkey said they are not giving him any reason for the delay.

Mr. Henry said there was one time where it was the Town's issue.

Mr. Pimental said that's correct when they canceled a meeting that was a date certain.

**Motion:** (Pelkey, second Vachon) to continue this to March 15;

**Discussion:** Mr. Pelkey said he was happy with the fact that when they get to site plan review they are going to restart the cycle because that will re-energize the people that are interested.

Mr. Pimental said there will be another round of notices and it will go in the paper and they'll have a full application and documents they can look at.

**Vote:** The motion passed 5-0.

Mr. Henry asked if the board is not meeting in Feb. or if they are just giving him more time.

Mr. Pelkey said they continued it 2 months last time too and if he's restarting the engineering process it's going to take that long. He said it will be interesting to see what kind of engineering study they get with the ground the way it is now and it could be difficult get anything in even in March.

### **Public Hearing to Present and Discuss Proposed Zoning Amendments to the Farmington**

**Zoning Ordinance.** The Planning Board is holding a second public hearing to present and discuss proposed amendments to the Farmington Zoning Ordinance to be presented to the voters on March 8, 2022.

Mr. Pimental said there are 4 amendments the Planning Board is putting forth and they held

proposing to change future meeting schedules, update the order of business and evaluate their general rules for reviewing an application.

Mr. Pimental said he would walk the board through his review and then they should have a discussion on the proposed meeting time change because he did not include it in this version.

**Page 1**-He said for the first part of this there were small revisions such as using "RSA" in place of "Revised Statutes Annotated" to clean up the language and to capitalize "town meeting". He said nothing really changed in the name, authority, personnel and organization sections and they seem to be the way the board has been operating so he didn't have any comments there.

**Page 2-#5A Regular Meetings**-Mr. Pimental said he changed the start time from 7 p.m. to 6 p.m. and removed "to 10 p.m." because there have been times when they have gone past 10 p.m. and he didn't know that the board has ever said the meetings will end at 10 p.m. He said he added "All meetings are scheduled to end by 10 p.m. but if an agenda item is not completed by that time it may be continued to the following month's regular meeting date. The board reserves the right to reschedule agenda items within their noticed time frames. The board also reserves the right to extend the meeting time beyond 10 p.m. if they deem it appropriate." He said they have been having the first meeting of the month as a work session though it doesn't always work out that way with the second meeting acting as a regular meeting with scheduled public hearings. Sometimes if it's an expedited review or if an applicant wants to come in early they can come in on the first meeting but we usually try to do the work shop items on the first meeting and set up the public hearings for second meeting he said.

Mr. Pelkey said they don't want to holdup someone trying to get a business going for a couple of weeks because that's not how it is laid out in their agenda.

Mr. Henry said these rules should be set up to accommodate the public not the board. He asked if they need to designate what is a work session and what's not or do they just do that as part of their agendas and accommodate people by when they're ready we'll be ready.

Mr. Pimental said it's up to the board and the reason it's set up this way is the back end their schedule for the year is set up a certain way and when they want applications to come in it's usually a month from the second meeting of the month. He said that is why he added "(B) Public Hearings may be held at times other than regular meeting dates. All hearings are advertised as are any other meetings that are held at times other than regular meeting times. All meetings are open to the public." It really will be at the applicant's discretion he said.

Mr. Pelkey said he didn't think this has been an issue with holding anybody up.

Mr. Henry said the last time the rules were amended was in 2004 and if these don't get amended for another 18 years there will be different people in the Planning Office that may feel differently than Mr. Pimental does about accommodating people for the closest meeting. He suggested they make it clear in there that the Planning Board is here to serve the applicant.

Mr. Squires asked if they are required to have a certain number of work sessions per year.

Mr. Pelkey suggested they could re-tool it just slightly to say the regular focus of the first

He said he also struck “and may include notice of a public hearing to be held on said application at the next regular meeting occurring on the first Tuesday of the month (non-workshop meeting)” from the second sentence because it is duplicative of what RSA 676:4 says that dictates how they have to do noticing. He said it will now just say “Notification of said meeting shall be provided in accordance with RSA 676:4 (l) (d)”.

Page #5, 6A (#2) Site Review and Subdivision Applications –Mr. Pimental said he revised this to make sure it matches who is on the Technical Review Committee. He said it included the Town Administrator who is not a member, the Supervisor of Highways and Vehicle Maintenance is the Public Works Director (and the Director of Water and Waste Management is the Chief Water Operator) in the Zoning Ordinance.

Mr. Henry asked if it makes sense to call out the positions here or if it should just reference the zoning regulations. He said if the zoning regulations change this wouldn’t need to be updated. Mr. Pimental said it could reference the section of the zoning that lists the members of the TRC. Mr. Henry said they should also amend the line at the bottom of the page that says the Rules of Procedure was amended in January 2021 to 2022.

Mr. Pimental said he could also add an online link to the zoning ordinance there.

#6 A (#4) - He said he changed Planning and Code Enforcement Office to the Planning and Community Development Office.

Mr. Pelkey noted the “l” in “land” at the beginning of the sentence should be capitalized.

#6 A (#5) – Mr. Pimental said he removed “by the Planning Secretary only” because that position changes and it is more important to say applications shall be placed on the agenda after review and recommendation and who does it doesn’t have to be in their bylaws.

He asked if the board had any additional comments on suggested changes he made here.

Mr. Pelkey said there has been a request to change the meeting dates from the first and third Tuesday of the month to the first and third Wednesday as it would be more advantageous to the board members. He said he has no issue with changing if it makes it easier for the members to attend the meetings.

Mr. Henry said he would be comfortable with the change and asked if they need to specify the day of the week in their bylaws.

Mr. Pelkey said it could become contentious if they don’t have an agreed upon date and if they leave it floating they could have to vote on it every week and it could become a problem.

Mr. Pelkey said he would like to see it moved to Wed. and asked if they need a motion to change it.

Mr. Henry asked if they were good with the 6 p.m. meeting start time.

Mr. Pimental said there are some concerns within the staff about this change. He said because the first and third Tues. has been the day for Planning Board meetings for a long time there is going to be a transition with the applicants. He said they have to change their calendar which is not a huge deal but what is a bigger deal in the short term is there is no guarantee he will be



**Member Comments:**

Mr. Henry asked if the Feb. 1 meeting is a continuance of this hearing or a second public hearing.

Mr. Pimental said on the last page of their bylaws it states the Rules of Procedure may be amended by a majority vote of the members provided that such amendment is read at 2 successive meetings. He said they decided that this was a big enough change and it hadn't been done in so long that they would make it a public hearing but they don't have to have 2 public hearings.

**Any Other Business before the Board:**

**Board Photo-** Mr. Pelkey said the board will need to take a picture after the meeting for the Annual Town Report.

Mr. Pimental said they need to have the photo relatively soon but if the members can commit to be present at the Feb. 1 meeting maybe they could push it off until then.

Consensus of the board was to take the picture tonight so at least there is one and they can replace it if the full board shows up on Feb. 1.

**TRC Meeting-** Mr. Pelkey said the TRC met on Jan. 11 to discuss the 7 lot major subdivision off of Foxtrot Drive. He said the board saw that subdivision and he recalled that it was for 6 lots. Mr. Pimental said there was a lot of discussion about this but he didn't want to go too much into it now because the board would be seeing this as an application at some point. He said the subdivision would be the creation of 6 new lots but they're calling it a 7 lot subdivision because it would be a total of 7 lots.

He said this is one case that is big enough if the board would like to do a site visit. He said when the TRC met he said he would bring the option of walking the site to the board and they would stake out where they envision that the road would come in and the boundary locations so they could see it. It's up to the board and it's not super complicated and it's a very wet site he said.

Mr. Pelkey said this time of the year doesn't lend itself to seeing what the characteristics are.

Mr. Pimental said this is the largest subdivision we have seen in at least two and half years and they are ironing out some details and would likely be before the board in March.

Mr. Fisher said the Conservation Commission reviewed this last week in regards to a Special Use Permit for encroachment on the wetlands and it is a very minor encroachment. He said one part of the drive getting into the area is going to have to have a culvert under it. It does get wet but it doesn't stay wet year round and comes and goes with the rain fall and snow fall. The Con Com took a look at it and had no major comments he said.

Mr. Pimental said if they come to the board in March another option is to have the presentation and if looks good they could vote on it and move it through and if not they could continue the hearing and schedule a site walk then.

Mr. Pelkey said he didn't want to get too far ahead of it in as far as what he has seen for drawings, etc. and possibly get into trouble.