

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, February 1, 2022  
356 Main Street, Farmington, NH

**Board Members Present:**

Charlie King, Chairman  
Rick Pelkey, Vice Chairman  
Bill Fisher, Secretary  
Stephen Henry

**Others Present:**

Kyle Pimental, Director of Planning &  
Community Development

**Board Members Absent:**

Bruce Bridges, excused  
Gerry Vachon, Selectmen's Rep., excused  
Jeremy Squires, excused

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

Chairman King called the meeting to order at 6:15 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:** None

**Public Comment:** None

**PUBLIC HEARINGS**

**CONTINUED CASES:**

**Public Hearing on Revisions to the Planning Board's Rules and Procedures:** The Board is proposing to change future meeting schedules, update the order of business and evaluate their general rules for reviewing an application.

Mr. Pimental said based on the comments at the previous meeting he made some additional changes that are highlighted in yellow. He then reviewed the revisions as follows:

**Page 1-** change "Revised Statutes Annotated" to "RSA" in section 2, 3 A; capitalize "Town Meeting" in section 4

Mr. King asked if he couldn't find a record of the Rules of Procedure since 2004 or it was never recorded.

Mr. Pimental said this is the version that he found and the Amended 2004 is the date that is on it. He said the version on the website was scanned in and now we have a MS Word copy of it so

**Page 3-F 2 Order of business for a Public Hearing-** Mr. Pimental said he reworked this section to follow the state's Planning Board handbook as closely as possible. He said this board has done some things a little bit differently such when the board decides to close a public hearing and they leave it open a little longer than the state recommends which is fine and there is no reason to not do that. He said he kept that the way they have been doing it but moved things around to make it more in line with what the recommendations are in the Planning Board handbook. Mr. King asked if they accept an application as substantially complete and they have significant waivers but they don't grant the waivers if they have started the clock.

Mr. Pimental said the clock doesn't start until they render a decision.

Mr. King said he thought that once they start an application they have 90 days to finish it by state law unless there is mutual agreement to continue it.

Mr. Pimental said in that scenario he would recommend that if they are not going to grant the waivers to continue the case and ask the applicant to revise their application to be in accordance with the regulations or the other option is to deny the application. I would at least give the applicant the opportunity to come back he said.

Mr. King said when they accept an application as substantially complete in an open public hearing that starts the clock.

Mr. Pimental said he would have to look at that and he said seen cases that have gotten continued multiple times.

Mr. King said they have continued applications for 6 months if it's a big project. He said if they get to the 90 days the time is up and if the applicant doesn't want to extend it the board could make the decision to deny it which they don't want to happen so it's usually mutual consent to continue it.

Mr. Pimental said it is not in the applicant's best interest to force the board to make a decision that if they're not ready the board would deny it.

**Page 4-**Mr. Fisher said letter m covers this and read aloud "Take a motion and second to approve, conditionally approve, deny or continue to a date certain. The board should discuss the motion that has been made. Conversations should be limited to board members only. The board may wish to clarify or amend any portions of the motion." He suggested adding a sentence saying applications may be extended to 90 days or an agreed upon time between the board and the applicant.

Mr. King said if Mr. Pimental thinks its okay they don't need to change because it will fall back to the requirements in the state law.

Mr. Pimental said he would look at that one more time and repeated his recommendation to continue the case if the board accepts the application but is not going to accept the waivers.

Mr. King said if they get into some cases that are woefully incomplete the staff recommendation should be to not accept the application as substantially complete and not start the clock. He said Mr. Pimental would have the first interaction with the applicant to know

in the staff listed in the Zoning Ordinance as members of the Technical Review Committee and the board said instead of having to change it here to just point to the section in the zoning that has the TRC listed that way if the zoning changes they don't have to update this document. The only other change to this section was to change "Code Enforcement" to "Community Development Department" Office in #4 he said.

Mr. Pimental then summarized that the biggest changes were to the sections on regular meetings and the order of business.

Mr. King returned to page 1, #4 Organization and read aloud that "The board shall meet each year within 2 weeks after Town Meeting and shall be called to order by the oldest member in years of service present. At this meeting the board shall organize for the election of a Chairperson, Vice Chairperson and Secretary". He said historically that's not how it has been done and asked if this is a function of the RSA that they need to follow. He said typically the Chairperson is still the Chairperson until the new Chair is appointed and the reorganization of the board is in force.

He said sometimes over the years they haven't been able to do this within the 2 weeks because of where the dates fell or if they get to the first meeting and not everyone is present and they decide it is not acceptable to conduct the reorganization of the board. He said if it is what they are supposed to do they'll have to start doing it and then asked if they can change it to how it's historically been done.

Mr. Pimental said it's up to the board and these are the bylaws and what they should be doing. He said if there's a better process they want for how they want to hold elections they can put that in here and he will look at the RSA to see how the elections should take place.

Mr. King said ideally it should be the first board meeting after Town Meeting but there could be a storm so they may not have that meeting and asked if it should say it will take place at the earliest possible meeting.

Mr. Pimental said in that circumstance if they needed to push it to the next meeting or the next month it would be okay and as long as it was done soon after Town Meeting it would meet the spirit and intent of the rules.

Mr. King said it should be changed to it shall be called to order by the current Chairman or if not available by the most senior member in years of service present.

Mr. Henry said the current hierarchy is Chair, Vice Chair, Secretary and longest serving member present and asked why they wouldn't keep that same hierarchy.

Mr. King said that is fine too.

Mr. Pelkey said they could leave it as the Chairperson then it would follow the natural progression and they wouldn't have to list it out.

Mr. Pimental said on page 2, #5 E says in the absence of the Chair the Vice Chair, Secretary or the most senior board member in years of service shall preside.

Mr. Henry asked when the terms for Planning Board members expire and if it is at Town

Com's policy of 3 unexcused absences in 6 months the Planning Board may recommend to the Selectmen that that member be removed.

Mr. Henry asked who excuses the member's absence if it's up to the Chair or if that is a board vote.

Mr. Fisher said the Con Com Chair makes that decision. He said the member can also inform the staff who would notify the Chairman.

Mr. Henry said he did not want the staff excusing members and the Chair or the board should make that decision. He asked if they wanted to leave it completely up to the Chair for any amount of absences or if there should be a board vote if someone says they need to take off for 2 months.

Mr. King said that should be a board decision and Mr. Henry agreed.

Mr. Pimental said he would include language addressing the procedure for extended absences. He said if they know in advance members are going to be absent they could also notify an alternate member they would be needed for a meeting. He suggested the members be asked to notify the Chair/staff of their absence 24 hours prior to a meeting if possible.

Mr. Fisher told the board the Con Com bylaws say 4 unexcused absences in a 60 day period or absent without excuse from 50% of the meetings in a 6 month period could result in removal.

Mr. King said not showing up for 4 meetings in a 60 day period would mean not showing up for 2 months and he was okay with that (as a potential cause for removal from the board).

Mr. Henry said that he liked the idea of 3-4 unexcused absences in 6 months.

Mr. King said he was okay with 4 unexcused absences in 6 months. He said the biggest part of this is the failure to notify the Chair of their absence and if they can inform the applicant the meeting has been canceled due to lack of a quorum people can plan accordingly especially when they're paying engineers or other professionals to attend the meeting.

Mr. Henry said the meeting would be re-noticed at taxpayer expense because the board didn't meet not because of any fault of the applicant that the meeting didn't occur and that can be expensive.

Consensus of the board was to add language regarding notification of absences and that 4 unexcused absences in a 6 month period could result in removal from the board.

Mr. Pimental then reviewed his comments (02/01/22 memo to the board) on the proposed change from Tuesday to Wednesday based on the discussion at the 01/18/22 board meeting. He said if this change were to happen the staff would be responsible for updating any places where meeting dates are posted at least 10 days before any meeting where the board will consider if a new application is complete or any public hearing on an application in compliance with RSA 91-A:2 and RSA 676:4.

Mr. King asked if they would update it to say not to the Wednesday but referring it to the next meeting as defined by the rules of procedure. He said if this change happens and then 6 months down the road they decide it's not working and decide to go back to Tuesday he wouldn't have

and broadcast at a later time.

Mr. Pimental said consistency is really important for the board, applicants, staff and residents wanting to participate in the process. He said the board has been meeting on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday at least since 2004 and he would not advise that this change often. If you do make this change you should think of it as this is going to be the meeting date for the foreseeable future unless it doesn't work out in the short term and you revert back then I don't think it's a huge deal he said.

He said in the short term this will probably have an impact on some staff that have been helping with the Planning Board and Zoning Board materials including the preparation of meeting packets, public notices, Notice of Decision and file research. He said one of them is part time and is in the office on Tuesdays but is not typically in the office on Wednesdays.

Mr. King said the research work can happen the day before the meeting.

Mr. Henry said if she has it ready on Tues. a day early he didn't see how that is a change to anything as she has it ready on Tues. now.

Mr. King said it would actually give them a little more time if there's an issue and something came up on Tues. that needs to be fixed by tomorrow.

Mr. Pimental said his last comment on this is the biggest one. He said he typically has designated hours on Tues. and because of his other regional commitments there is no guarantee he would be in attendance at every Wed. night meeting. He said he would try to be available but there are other meetings and he has 17 other communities that he works with.

Mr. King asked if he has another community with a Wed. night meeting that would be a direct conflict.

Mr. Pimental said he does not serve as a contract Planner for any other community so he doesn't have a consistent Wed. night meeting they just tend to pop up. He said there is nothing on his schedule that is a direct conflict but it would come up from time to time whereas on Tuesdays nothing comes up because he cleared that day.

He said the staff memos and materials would not change and they would still get that in their packets but he could not guarantee he would be here for all the meetings moving forward.

He said the board would not vote on this tonight because he still has some changes he wants to make as discussed and he will have a revised version at the next meeting.

Mr. King asked if they are going to have a revised version at the next meeting if they could vote to adopt it at that meeting or if it has to be same for 2 public meetings in a row.

Mr. Pimental said he didn't think it has to be the same and he would recommend that they put a date certain on it that will work with their schedule.

Mr. Fisher asked if they have the authority to change the date that they meet or if that is a Board of Selectmen decision.

Mr. Pimental said he checked with legal counsel on that and they said it's in the board's bylaws so the board can set the time and the day that they meet.

Consensus of the board was the Chairman should be included in the photo and asked to have another picture taken at the end of this meeting.

**Signed Documents Update-** Mr. Pimental said the Rocheleau Notice of Decision and the (Ten Rod Road) subdivision have been signed and submitted to the Registry of Deeds and the Pike Notice of Decision for the lot line adjustment has been signed but they don't have the plan set yet.

**Future Agendas-** He said they will likely see the Fox Trot Rd. 7 lot subdivision, another 2 lot subdivision in March and hopefully they will see something from the downtown redevelopment project.

**Meeting Packets-**Mr. Pimental asked if any of the members would be interested in receiving their packets by e-mail. He said the printed packets would still be available at the meetings and they would send it electronically a week prior to the meeting.

He said it would not only save the Town some postage but they would get their packets earlier and be able to enlarge the maps on their screens and it would be one PDF file with everything in it.

All of the members present said they would like to receive their packets by e-mail.

Mr. Pimental said they would receive the Feb. 15 meeting packet on Feb. 8 or 9.

**BOS Meeting Update-** He said the Selectmen discussed the establishment of the Advisory Master Plan Leadership Committee at their meeting on 01/31/22. He said they voted to establish a committee of 5-9 members that includes 1 Selectmen's rep. and 1 Planning Board rep. and the other members would be appointed by the Selectmen from a cross section of the community with different perspectives.

He said the Planning Dept. staff will facilitate getting the committee off the ground and help them organize and set up the first meeting. He said they will be a formal committee not an ad hoc group so meetings must be legally posted and minutes must be recorded.

Mr. Fisher asked if they said who would do the meeting minutes.

Mr. Pimental said they didn't discuss it and he supposed they would probably be done by staff. He said he didn't think the meetings would be recorded like this meeting is but he could record the meetings on his phone and provide minutes capturing the big ticket items of the meeting.

Mr. Fisher said the meetings should be recorded, televised and put on the Town website and detailed minutes should be taken.

Mr. King said if there is a video recording of the meeting and basic minutes anybody interested could go back to the recording as long as they are saved to find any additional details if they have any questions. He said if they're not saved then you could lose some of that information for the future.

Mr. Pelkey asked if this will be a committee that will report to the Selectmen for action.

Mr. Pimental said there will be periodic check-ins with the Planning Board and the Selectmen and it will depend on what actions they are looking to accomplish. He said if they decide to take

hearing to give people an opportunity to view the trees that will be cut and then they can attend the public hearing and state any issues they have with what is to be cut.

Mr. Fisher said they also notify the Con Com so they can make sure it is not encroaching on any conservation lands.

Mr. Pimental said Eversource provided a packet with the location of the trees and the poles where the cutting is going to be and read that all of the trees would be marked with a blue and white checkered ribbon.

Mr. Fisher said they also go out and talk to each of the landowners.

Mr. Pimental asked if they need to schedule 2 meetings with Eversource or if this packet just needs to go to the Con Com.

Mr. Fisher said to just send the packet to the Con Com and it will be read aloud at their meeting and that would provide additional opportunity for public comments.

Mr. Pimental asked if the Town has to set the date for the public hearing and Eversource is responsible for the public notices.

Mr. King said yes and he should contact them with a proposed date for the hearing because they may have a conflict with that date and may propose a different date.

Mr. Pimental said the letter sounds like they want to get started on this soon and suggested the hearing be held at the board's first March meeting.

Mr. Henry asked if this is for trimming the trees or if these trees are coming down.

Mr. King said the trees would be coming down.

Mr. Pimental said it's a mix and it says this is for the removal of brush and limbs that located within 8 ft. to side, 10 ft. below or 15 ft. above the conductors. Trees that present a threat to Eversource lines or equipment because of decay or other defect will be removed on a case by case basis and a list of trees identified to be removed has been included he said.

Consensus of the board was to have Mr. Pimental contact Eversource with a proposed public hearing date of March 1.

Mr. Fisher then volunteered to be the Planning Board rep to the Master Plan Leadership Committee.

Consensus of the members present was to have Mr. Fisher as their rep to the committee.

Mr. Pimental said eventually this board should vote to recommend the Selectmen appoint Mr. Fisher as the Planning Board rep to the committee but they didn't have to do it tonight because they are not far enough along with the rest of the committee.

Mr. Henry asked him to ask if the Selectmen can appoint board members starting in Feb. so they are ready to go for March.

Mr. Pelkey suggested that Mr. Pimental's article on the Master Plan with the call for committee members should also be included in the Annual Town Report.

Mr. Fisher reviewed the board members' terms as listed on the Town website and noted that Mr. Pelkey's and Mr. Bridges' terms expire this year. He said Mr. Henry's and Mr. Vachon's