

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, February 15, 2022  
356 Main Street-Farmington, NH

**Board Members Present:**

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

**Board Members Absent:**

Bruce Bridges, excused  
Jeremy Squires, excused

**Others Present:**

Kyle Pimental, Director of Planning  
and Community Development

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

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

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

January 18, 2022- Public Meeting Minutes-No errors or omissions

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

February 1, 2022- Public Meeting Minutes-No errors or omissions

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

**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 this revised version is based on the feedback from the board from both the Jan. 18 and the Feb. 1 meetings. He said the revisions that were incorporated from the Feb. 1

meeting are highlighted in yellow and are as follows:

**Page 1- Title:** changed the title from “Rules of Procedures” to “Bylaws” for the Farmington Planning Board;

**Section 4, Organization, 1<sup>st</sup> and 2<sup>nd</sup> line:** capitalized “Town Meeting”; struck the word “oldest” and replaced with “current Chairperson or the most senior”

**Page 2- #5 Attendance:** Mr. Pimental said he was asked to put together an attendance policy and added the following language: “A. Members who fail to attend four (4) meetings out of any twelve (12) consecutive meetings held without due cause may be recommended by the Planning Board for replacement by the Board of Selectmen. Such failure to attend shall be deemed sufficient cause for the Board of Selectmen to remove the member pursuant to RSA 673:13. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute.  
B. Requests for extended leave of absence by a member may be granted by a majority vote of the Planning Board.”

**Page 3- F Order of Business, #1 (i):** struck “Unfinished business” and replaced it with “Any Other Business before the Board”

**Page 6** – added a line for the latest Amended date to be added when the bylaws are adopted by the board

Mr. King said under attendance he is interpreting it as it would be any 4 meetings out of 12 consecutive meetings.

Mr. Pimental said it doesn’t have to be in a row it’s just 4 meetings within a year.

Mr. Henry corrected that would be within 6 months (the board meets twice a month).

Mr. King asked if someone could misinterpret that it implies consecutive meetings.

Mr. Fisher said consecutive refers to the 12 meetings not the 4 missed meetings.

Consensus of the members was that it means any 4 meetings.

Mr. Pelkey added that the “without due cause” clause is what he wanted to see so members don’t meetings without reaching out and explaining what’s going on.

Mr. Henry asked if they got an answer on whether the Selectmen can appoint seats in Feb.

Mr. King said the 2 people that need to be reappointed are Mr. Pelkey and Mr. Bridges and asked if they could be re-appointed before the second meeting in March by the Selectmen.

Mr. Pimental said he didn’t know.

Mr. King said the application just says for the year and doesn’t say the year starting 2 weeks after Town Meeting. He suggested the appointments should happen sooner so they don’t get into a situation where there are people who are willing to be reappointed but haven’t been re-appointed and they can’t reorganize the board because they haven’t been re-appointed.

Mr. Henry said or they can’t have a quorum of the members for a meeting.

Mr. King said typically that’s when they have done it but he didn’t know if it could be done sooner by statute.

Mr. Pimental said he agreed they don't want to run right up against that and they didn't want to cut it so close that they may not have enough members for their next meeting if someone is sick or on vacation and that he will look into it.

Mr. King said they could also have members that are present but not re-appointed so they can't sit on the board.

Mr. Pelkey said it says the appointments made to fill any vacancy shall be for full terms to begin the date of the appointment by the appointing authority. He asked if that would be to fulfill a remaining term or if it was a one year term if they would start a new full one year term out of cycle with the rest of the board.

Mr. King said they are supposed to be three year terms that are staggered.

Mr. Henry recalled the application has the option for a one year or three year term.

Mr. Pimental said he would look at the application and revise this to be clearer.

Mr. Pelkey asked if they request a new member if the new member would be appointed to fill the remaining term or if they would be filling a full term.

Mr. King suggested changing the language to say they would be appointed to fulfill the term and that would be specified by what's available.

Mr. Pelkey said it should be to fulfill the remaining term of the person who is being replaced and the vacancy should be filled for the remainder of the term.

Mr. Henry asked if Mr. Pelkey was appointed to a 3 year term but he left after 6 months and he was an alternate waiting for a seat and he wanted a 3 year seat if he should get a 2.5 year appointment or for 6 months and then have to get re-appointed. He added that things could change and there could be contested seats like there has been for the Budget Committee.

Mr. Pimental said he thought the first folks that would be offered seats would be the alternates and asked if that should be spelled out in the bylaws.

Mr. Pelkey asked when an alternate becomes a regular member if that is something that happens internally by the board.

Mr. Fisher said the Selectmen have to vote on it.

Mr. King said it would have to be requested by the alternate and then the Selectmen appoint them. The person might be happy just being an alternate he said.

Mr. Pimental said maybe the alternates have the first opportunity to go to the Selectmen to ask to fill that seat if they want to.

Mr. Henry said the Planning Board doesn't have the authority to tell the Selectmen they have to give preference to an alternate.

Mr. Pelkey said they have no standing to tell them how to do it so they shouldn't.

Mr. Pimental said the bylaws could remain silent on the issue of the alternates and if they would like to see the alternate become a regular member they could recommend it to the Selectmen. He asked if the consensus of the board was that the person coming in would fulfill the remaining term of the person that is vacating that seat.

Mr. Henry asked if the person that left had one year left if they want to say their (new member) term has to match what the person that left term looked like, or if they want to go for 3 years or one year to see if they like it.

Mr. King said that is not up to this board.

Mr. Pelkey said they don't have to comment on this at all other than saying they would recommend them for removal and let the Selectmen deal with the replacement piece of it because that is their purview.

Mr. Henry suggested that it say "Appointments made to fill any vacancies shall be the purview of the Selectmen".

Mr. Pelkey said they could just stop it at "Such failure to attend shall be deemed sufficient cause for the Board of Selectmen to remove the member pursuant to RSA 673:13 and drop the rest of it (Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute). It's not that we don't have an opinion but in reality that's the Select Board's business he said.

Mr. Pimental said they could strike the last sentence of #5 A or have it say appointments made to fill any vacancies shall be made by the Board of Selectmen.

Consensus of the board was to amend the last sentence to say appointments made to fill any vacancies shall be made by the Selectmen.

Mr. Pelkey asked if they have to continue this to another public hearing.

Mr. King said he didn't think they had to do that unless there were substantial changes.

Mr. Pimental said he didn't think they would get much public opinion at this point and they could vote on this tonight or continue it. He recommended that if they do vote on all the changes to make sure as part of the motion to say as amended unless they want to see a revised draft and to put off implementing this at least until May.

Mr. King asked when they have continued cases to.

Mr. Pimental said the March 15 meeting is full so they couldn't do it before that but they could do it in April. He said he suggested giving it until May as a buffer but that's the board's decision.

Mr. King said the other board he is on, the School Board has moved their meetings to Tuesday nights effective Feb. 22. He said in April their meetings would be on Tuesday nights but are not set yet and they could possibly stagger them this Tuesday night and depending on what happens there may be some conflict.

Mr. Henry asked for the earliest date they could implement the bylaws.

Mr. Pimental said it would be the first meeting in April.

**Motion:** (Henry, second Pelkey) to approve the bylaws as amended this evening to take effect on April 5;

**Discussion:** Mr. King said that the meetings be on Wed., Apr.6 and Wed., Apr. 20.

**Amendment:** by Mr. Henry to take effect on April 6.

Mr. Pelkey accepted the amendment.

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

Mr. Pimental said they would post the bylaws but the 2022 meeting schedule is more important and needs to be done sooner than later.

Mr. King asked him to alert the board of any meeting dates that may be in conflict because of a holiday or other conflicts at the next meeting.

**Any Other Business before the Board:**

**Update on Eversource Public Hearing-** Mr. Pimental said the public hearing with Eversource will be held on March 1 so a public hearing notice went to the newspaper that day and it will run on Thursday. He said an Eversource representative will be here at that meeting and that will be the only thing on their agenda other than some minor updates.

**Update on Master Plan Leadership Committee-** He said the board received copies of the flyer he put together as requested by the Town Administrator and the Board of Selectmen that will be passed out to promote volunteers for the committee. He said he gave a copy of the flyer to the Town Administrator so it could be shared at Town Meeting and it is posted on the Town website on the Planning Board page, it can be shared on social media and is available in PDF and JPEG form. It explains what it is, how to get involved and where they can go to get more information he said.

**Update on Filling Planning Board Vacancies-** Mr. Pimental said he provided a write-up to the Town Administrator on filling Planning Board vacancies and he suggested that it also be posted to the Town website and shared at Town Meeting. He said the write-up is very short and it talks about the Planning Board's authority, how you can learn more about the community, having input on future projects and why it is beneficial to give back to your community.

**Continuing an Incomplete Application-** Mr. Pimental said there was a question about finding an application incomplete and whether or not they could continue it at the last meeting and the short legal answer is yes but that it shouldn't be something they codify in the bylaws and should be discussed on a case by case basis. He said the 65 day clock starts when they find the application as complete so they wouldn't want to go beyond that date and if they do it would be in agreement with the applicant.

**Route 11 Property Update-** Mr. Fisher asked if there was an update on the Rte. 11 land that was clear cut.

Mr. Pimental said the state and the Code Enforcement Officer did a site walk out there and there are plans that the applicant must obtain an Alteration of Terrain Permit retroactively as well as some wetlands restoration that will have to be done at the back of the site.

He said the state provides education and what needs to be done next and if those are not met the next step will be enforcement and potentially fines. He said the applicant has not gotten the correspondence from the state on exactly what they need to do other than generally speaking the permits they will need to apply for and receive and some form of restoration.

Mr. Pelkey asked if all of that is with the state and if they will have to submit some sort of

restoration plan.

Mr. Pimental said yes and they will see what comes out of that. He said they are also in discussions with the applicant about the long term vision for the site and sooner or later there will be stuff for the board. Hopefully by March I'll be able to give you more of an update on what the restoration plans look like and what they actually have to do he said.

**Warrant Articles Outreach-** Mr. King said they have warrant articles going to Town Meeting and asked if the board wanted to do any outreach as they only have 1 meeting just prior to Town Meeting. He said about 10-12 years ago the board did a video discussing the warrant articles that could be played on TV and asked if the board wanted to do that or discuss it at their next meeting. If people watch the meeting they would be more informed to make a decision he said. Mr. Pelkey said he planned to be at Town Meeting all day and if people want to discuss it with a Planning Board member they can come see him at the back right hand corner of the room. Mr. King asked to have it put on the agenda and to talk about each one and maybe someone will come and ask a question.

Mr. Pimental said he would include the actual warrant articles language and the revised bylaws so everybody has them in front of them.

**E-mail Meeting Packets-** Mr. Pimental said at the last meeting the majority of the board was open to the idea of receiving materials by e-mail and that he would provide hard copies of the materials on the night of the meeting. He asked the board how that went.

Members said they liked receiving the materials early and they were fine with it.

Mr. Pimental said they will continue doing that and they will get the meeting materials one week prior to the meeting. He said he did not have Mr. Bridges e-mail address and asked someone to get that for him so he doesn't feel that he is not actively engaged anymore while he is on leave from the board.

**ZBA Update-** He said there will be a variance request before the Zoning Board in March and he will give an update on it to this board at the March 15 meeting.

**Best Wishes for Speedy Recovery-** Mr. Fisher asked everyone to keep good thoughts for one of the Conservation Commission members who recently suffered a stroke, was in intensive care and is home now receiving physical therapy and he didn't want to give out the member's name.

**Adjournment:**

**Motion:** (Vachon, second Pelkey) to adjourn the meeting passed 5-0 at 6:45 p.m.

Respectively submitted  
Kathleen Magoon, Recording Secretary

  
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Charlie King, Chairman