

Town of Farmington
Planning Board Meeting Minutes
Wednesday, June 29, 2022
356 Main Street-Farmington, NH

Board Members Present:

Rick Pelkey, Chairman
Bill Fisher, Vice Chairman
Charlie King, Selectmen's Rep
Stephen Henry, Secretary
Mike Day
Roger Mains, alternate

Board Members Absent:

Jeremy Squires, excused

Others Present:

Kyle Pimental, Planning Director
Scott Lawler, PE, Norway Plains Assoc.
Jason Ball, Kodiak Group, LLC

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Chairman Pelkey sat Mr. Mains as a regular member as Mr. Squires was unable to attend the meeting and his absence is excused. He said they are still a member shy so if anyone is interested they should contact the Selectmen to find out how to become a member. Mr. King added they could also fill out an application online (on the Town website).

Review of Minutes:

June 15, 2022- No errors or omissions

Motion: (Henry, second Fisher) to approve the minutes as written passed 5-0-1 (Mains abstained).

Public Comment: None

PUBLIC HEARINGS:

NEW CASES:

Public Hearing and Possible Vote on a Site Plan for the Kodiak Group, LLC, Tax Map U-6, Lot 19: The applicant is proposing to redevelop an existing two-story building with a mixture of commercial and residential uses. Plans are to renovate the existing commercial spaces into two storefronts with six residential units. Four of the units will be solely located on the second floor

above the commercial space while the remaining two units will be in the rear portion of the building and utilize both the first and second floors. The parcel is in the Village Center District and is tied into municipal water and sewer.

Mr. Fisher said he saw this case for a variance as a member of the Zoning Board and they approved the variance and he did not feel that this creates a conflict of interest and he didn't think he needed to recuse himself from this hearing unless the applicant or any of the board members would like him to recuse himself.

Mr. King asked what the variance was for.

Mr. Fisher said it was for using the 1st floor and the back portion of the building for apartments. He said the first floor in buildings in Village Center district are to remain storefronts for businesses and the intent when the ordinance was passed was to keep the storefronts along Main St., Central St. and part of Spring St. on the bottom floors that face those streets as business fronts but the streets towards the back could be business or residential.

Mr. King said based on their interpretation the Planning Dept. said that was a requirement and with the variance they are allowing them to have residential.

Mr. Fisher said yes. He said they granted his request and he is putting in some parking spots and improving the area quite a bit which they will get into when they present their case. I just wanted everybody to know that I had seen this before and I voted on the ruling to grant the variance which in my opinion does not affect my ability to listen to this case tonight he said. He then asked Jason Ball representing the Kodiak Group if he would like him to recuse himself.

Mr. Ball said he is just here to listen and find out how this works.

Planning Director Kyle Pimental said those 2 units are like townhouses so they're two floors while 4 units are strictly on the 2nd floor and 2 of the units expand.

Mr. Pelkey said they would have bedrooms on the ground floor and the kitchen and living room areas would be upstairs.

Mr. Pimental said that's right and the Planning Dept. felt that in these long skinny buildings there is still plenty of commercial space that is being proposed here that it makes sense in this case to allow residential and to do what they wanted to do with the building. He said they felt the spirit and intent of keeping commercial space on the front part of the building was still what was intended from the original changes they made to the zoning and they didn't have as many concerns about it.

Mr. King said on Main St. the bottom 2 units are going to be commercial so it's keeping with the spirit and intent along Main St. He said the back units they got the variance for were off of Main St. and abutting and not on another street.

Mr. Pimental said that's correct and they would not have been supportive of residential in the front part of the building.

Consensus of the board was they did not have any issues with Mr. Fisher sitting on this case. Chairman Pelkey then read aloud the summary of the application on page 2 of the Staff Memo

and noted that they have the comments from the April 28, 2022 Technical Review Committee meeting in their packets as well from all the different depts. He called for a motion to determine the application is substantially complete so they can move forward with it.

Motion: (Henry, second King) to accept the application as substantially complete passed 6-0.

Chairman Pelkey said the board needs to talk about if this is a development of regional impact.

Motion: (Pelkey, second Henry) that the board does not find that this is a development of regional impact passed 6-0.

Norway Plains Assoc., Inc. P.E. Scott Lawler came forward and said he was representing Kodiak Group, LLC for a site plan application located at 425 Main St., Tax Map U-6, Lot 19 in the Village Center District. He said it's a 0.19 acre parcel which has frontage on Main St. and Acorn Court. He said this is known as the Hussey Block building and it currently exists as a two story building with a commercial storefront and there is a partial residential unit on the second story. The total building footprint is roughly 4,475 sq. ft. and has a common wall with the abutting property, 415 and 417 Main St. which is under the ownership with Kodiak Group he said.

Mr. Lawler said there is a small parking area off of Acorn Court and the rear deck and stairs on the back of the building and approx. 14 ft. of the back end of the long ell along Acorn Court will be removed. He said the structure is serviced by municipal water and sewer and currently the overall site is approx. 85% impervious coverage.

He said the applicant did receive a variance from the ZBA and has decided to move forward with that proposal. He said the proposal is to redevelop the building and remove approx. 14 ft. of the rear end of the existing building along with the deck and stairs associated with it.

Mr. Lawler said the existing storefront units will be renovated creating two rental units and that will be a total of 6 residential units when completed. He said 4 of the residential units will be located on the second story above the retail space and 2 of the residential dwelling units will be located in the back portion of the building and those will be split over 2 floors like a townhouse. He said as part of the proposal they would expand the parking lot to accommodate 9 parking spaces for the residential tenants. He said to accommodate that they are requesting a waiver to allow the parking spaces to be 9 ft. wide rather than the required 10 ft. wide as specified in the Site Plan Review Regulations. We feel 9 ft. is adequate, it meets with most of the municipal boards we present to, 9 ft. is standard and the Planner has noted it also adheres to the 2015 uniform building codes he said.

He said by doing so it allows them to accommodate 9 directly pull-in parking spaces. He said they provided a sketch as part of the TRC review where they adhered to the 10 ft. wide requirement but that would require a couple of the spaces to be parallel-one parking behind another spot and it increased the amount of impervious coverage, decreased the amount of available area to store snow and made it difficult to have a dumpster on site. He said by shrinking the parking spaces they were able to increase the amount of green space that would be retained, provide additional snow storage area and the screened dumpster.

Mr. Lawler said as part of this application they are proposing a dry well to be installed in the parking lot that will help attenuate the storm water that comes off the parking lot. He said the net result of the reconfiguration removing of the building, removing of the deck and adding some additional pavement renders the property the same 85% impervious coverage so they are not altering the amount of storm water that's being generated from the project but they are providing a method of infiltrating that portion of the parking lot that drains into a dry well and into the soils. Right now it just sheet flows off the parking lot and puddles out on Acorn Court or into the small grassed areas he said.

He said they are proposing a screened dumpster and are also adding some landscaping along the foundation of the rear building which none exists today. He said they will upgrade the existing water service from a 1 inch to a 2 inch service and that connection will be done to the water main that's located on Main St.

He said the existing building is served by municipal sewer to Main St. and all indications are that sewer service is in good condition and will be reutilized as part of this project. He said the applicant has agreed to camera the existing sewer line to confirm that it's still in good shape as recommended by the Planner and the DPW. If it is found to be in poor condition the applicant will work with the DPW to upgrade that sewer connection he said.

Mr. Lawler said on the site plan they are proposing some wall mounted down-shielded light fixtures to help provide illumination to the parking lot and a fixture on the building along Acorn Court to provide to provide some additional lighting along Acorn Court for the tenants as they walk in from the parking lot along Acorn Court to the entrance to the upstairs units above the retail space.

He said with recommendations from the Fire Dept., Police Dept. and the Planner to try to provide additional safety the site plan indicates the installation of some yellow reflective paint to create a 4 ft. wide walkway along the building that's on Acorn Court to promote the tenants to walk in that area and not just meander up Acorn Court. He said Acorn Court is a dead end street and there is very limited traffic on it but they are trying to keep within the confines of what exists there today.

Mr. Pimental said the one thing that's not on the site plan is the location of the sewer service and they are requesting that the existing sewer service connection be identified on the plan and that can be made a condition of approval as well as the service connection being inspected and they can also make that a condition of issuing a building permit and not the signing of the plans. He said there was no storm water management on this site prior to this, they didn't add more impervious coverage and they were able to fit all the parking on site for the residential units so the improvements that were made make this site much better than what it was before.

Mr. King said on the dry well detail on sheet 3 it shows inlets and outlets or an inlet on the side and asked if those are part of this installation. He said it sounded like just a straight dry well down and it would percolate.

Mr. Lawler said the applicant is considering putting in a drip strip on the parking lot side for the water that comes off the roof and if they do that they might pipe that water over to the inlet.

Mr. King asked if they knew where the water table is on that site.

Mr. Lawler said they do not.

Mr. King said it looks like there's a 4 ft. leaching catch basin because it's perforated and asked about the soils in that area. He asked if this is actually going to be able to get rid of any amount of water in a timely manner or if it would just fill up in a storm based on the water table and the soils.

Mr. Lawler said they looked at the NRCS soil map data and usually they have that as a note on the plan. He said they felt comfortable that the soil types on the lot were conducive for infiltration.

Mr. Pelkey said he liked the note (sheet 3, dry well detail, note #4) that says when standing water remains in the basin consistently for longer than 72 hours they're going to have to inspect the aggregate to make sure it's suitable.

Mr. King said they can do that but what's going to be answer and if they approve it they're going to inspect it and say the soil type doesn't lend to percolate any of this water that we thought it would do.

Mr. Lawler said that would be no worse than what occurs today. He said they are attempting to provide a method of promoting storm water management to a site that doesn't exist today.

Mr. King asked if there are any catch basins on Acorn Court.

Mr. Lawler said there are no catch basins there.

Mr. King asked if there are no other areas for water to go except for this and where the sheet water flows to.

Mr. Lawler said it ponds up and there is a little bit of elevation change going downhill from Main St. further down Acorn Court and otherwise the water finds its own path. He said he couldn't say that he has witnessed it during a storm event but in his site visits he saw no catch basins, there's nothing down there and the water goes where it goes. This dry well is an attempt to help offset that he said.

Mr. King asked if this is in the paved area.

Mr. Lawler said it is in the paved area.

Mr. Pelkey said it's in an area wasn't previously exposed.

Mr. Lawler went to the map and pointed out the darkened paved areas, the new impervious pavement and the catch basin. He said that area was concrete so there is pavement, concrete and very little grass along that whole face based on the existing conditions.

Mr. King asked if the snow storage area is level or slightly lower than the parking areas.

Mr. Lawler said the grassed area will be slightly lower so any snow pushed over there...

Mr. King said or if there is any additional run off it may pond here if it doesn't percolate.

Mr. Henry said when they increased the density they set minimum sizes and sq. footage

requirements for how many units you could have and asked if that's all been checked.

Mr. Pimental said the minimum unit size is 500 sq. ft. and none of the units were less than that and they're allowed 1 dwelling unit per 850 sq. ft. of gross floor area. He said they did the calculations and they are maxed out at 6 and wouldn't be able to get any more than that.

Mr. Henry asked if the retail space was considered in that gross floor area.

Mr. Pimental said no because it specifically says gross floor area of available residential space. He said that is another reason why they needed the bottom floor and the bottom floors really gave them the sq. footage they needed to have the 6 units. If you take the bottom floor out of that and they mandated that that be commercial they would not be able to get the 6 units they were looking for because they wouldn't have had the residential space he said.

Mr. King asked what their density would have been.

Mr. Pimental said he thought it was 4 units and that they really needed that space to get the additional 2 units.

Mr. Day asked if each tenant gets one parking spot.

Mr. Lawler said there are 9 spaces for 6 units which is what the site plan review regulations require so it's 1.5 spaces per dwelling unit. He said there are a couple of 2 bedroom units but most of them are 1 bedroom units so those that are 2 bedrooms may have up to 2 cars.

Mr. King said if they couldn't meet the 9 spaces they would just need to request a waiver of the parking requirement because they took it out of the zoning.

Mr. Lawler said they were able to the 9 spaces with a waiver allowing a 9 ft. wide parking space and not a 10 ft. wide parking space.

Mr. Henry said that's with no parking spaces for the commercial units.

Mr. Lawler said there is on-street parking and public parking within a short distance.

Mr. Day asked in the winter time when there are people at the business that work there where they would park.

Mr. Pelkey said in defense of the plan it doesn't talk to parking for the commercial uses. He said those commercial uses are existing and are not in addition to something that's already there.

Mr. Henry said 5 residential units don't currently exist.

Mr. Pelkey said that is true but they are providing parking for the residential units but the business units were existing.

Mr. Henry said the business units existed with parking. He said a lot of that parking area is already paved parking area so the commercial units have off street parking now.

Mr. Pelkey said he was unaware of that.

Mr. Mains asked about the tenants having animals there.

Mr. Lawler said that is up to the applicant to decide whether or not he is willing to allow his tenants to have pets and he did not know what his animal policy is.

Mr. Day said the catch basin and the trash are all in the same spot and the trash pick-up is right over the storm drain when the trash truck comes in and asked if it should be off one spot

because there is potential for contamination should something happen.

Mr. King said if the driveway pitches that way it's going to go there anyway.

Mr. Lawler said they were trying to find an as inconspicuous location for the dumpster as possible and provide a larger grassed area and put the dumpster in the middle of the grassed area. He said without a doubt it's a challenging site and he didn't think anybody here wouldn't agree to that but it's downtown and it's what is allowed.

Mr. King said on trash pickup day 2 vehicles would have to move because it is unlikely that a truck would be able to turn into there with that one parking space to be clear.

Mr. Pelkey said talking to the parking spaces on the site itself as far as having 9 ft. wide parking spaces in an area that is challenged for parking as it is and not knowing ahead of time that the code was for 9 ft. he had no issue with that.

Mr. King said that at one time in different regulations they listed 9 ft. and 10 ft. and they made it 10 ft. common but he is aware that a lot of towns are at 9 ft. and depending on what you drive that may/may not be tight.

Mr. Pimental reminded the board that within the VC there are special considerations so specifically because of space constraints within the VC flexible and innovative parking solutions should be considered. He said in the site plan regulations within the VC it says the Planning Board can allow for off street parking within 600 ft. of the site and the applicant's narrative states the site is accommodating all of the residential units on site but the parking for the commercial off site is available along Main St. all within 600 ft. of the businesses.

Mr. King said it is in close proximity to the current old fire station parking lot which it is the intent of the Selectmen when they sell that property that they reserve municipal parking as it has been. He said Mr. Henry had a good point that this is a reduction of parking on this side for the commercial employees but the last study done by the **Strafford Regional Planning Commission** of the parking downtown showed there is more than adequate parking even though they have had complaints that there's no parking downtown.

Mr. Henry said he noticed an increase in the cars parked downtown in the last year/year and a half which is good and if the SRPC did that parking study again it would look very different.

Mr. Mains asked if they talked to the Highway Dept. about snow removal and if the Town takes care of that.

Mr. Lawler said the on-site snow removal will be done by the applicant at his expense and he believes Acorn Court is plowed by the Town but he is not sure where they put the snow when they plow it because there are just a few homes there and that's it. He said during the TRC meeting the DPW didn't voice any concerns about the Town removal of snow on Acorn Court. Chairman Pelkey opened the public hearing to public comment at 6:38 p.m.

He said he like this application coming before them because when they talked about changing the density downtown this is what they had in mind. He said they were looking to find a way to encourage development of the older buildings downtown and to try to get more people into

that area. He said they had a lot of discussions on the use of the rear ground floor areas for residential and for quite a while he thought they going to just approve it in that manner but they reserved that to the process that the applicant went through with the ZBA. We're going to let that play out for a while and see how it does for now. I'm pleased to see the particular form of development that's coming to that building he said.

Mr. King said this is the second redevelopment of the downtown since the change in zoning but the first one didn't utilize the density to its extent.

Mr. Pimental said this lot is around 7,000 sq. ft. and prior to changing the zoning this lot would have had a density of one unit so in terms of creating more housing without losing commercial space, improving to the best extent possible some storm water management in an area that has zero now and providing parking for the residential units is really what they were trying to accomplish. He agreed the intent was to try to entice developers to do these types of redevelopment projects in the downtown and there was no way that this would have ever happened with the density the way that it was.

Mr. Henry said 4 of the units are going to be single bedrooms but that doesn't mean it can't be a couple with 2 cars so he could have more than 9 cars.

Mr. King said he has provided 1.5 spaces per unit which is our current regulation.

Mr. Pelkey said that was the debate when they discussed what the new parking regulations would be when they changed the density.

Mr. Pimental said 1.5 spaces per unit is not out of line with what other communities have done and he has not seen one with 2 spaces per unit.

Mr. Henry said that is just for the residential and there is no parking requirement for the commercial. He said with a lot of commercial development they require more than 9 spots for one commercial location so this will stress the parking downtown more than it is stressed now.

Mr. Pelkey said he wondered how much impact it would actually have for people working in the businesses and he has no idea if they were actually using the off street parking.

Mr. Pimental said they don't know what these commercial uses will be and it may depend upon what the uses are for how much parking may be needed. He said in downtowns in any community is always an issue so the board and the town has to weigh a little bit of a parking issue vs. the greater good of providing more mixed use development, more housing units and more people in the downtown to go to those businesses.

Mr. King said some of these parking issues will work themselves out because they're going to have to. He said one of the downtown businesses was before the Selectmen recently with the intent of purchasing Town property for parking and the board indicated they were going to put that land out for sealed bids and they will see what happens.

Mr. Pelkey asked if they have completed the brown fields study of the old fire station property.

Mr. King said that SRPC has a draft of the level 1 site assessment but the board has not officially received it yet. He asked Mr. Pimental when the board would get the results of the study.

Mr. Pimental said they are waiting on the comments from the EPA and they can share the draft. Mr. King said the discussion will be if the Board of Selectmen wants to go to a level 2 assessment or bundle that information with the property and put it up for sale.

Mr. Fisher said there is no money right now for the second phase of the brown fields study.

Mr. King said the level 1 site assessment would put a potential buyer on notice to the concerns they would need to consider when purchasing the property. He said depending on what the applicant is considering doing with the lot is whether or not he feels it needs to go to a level 2 assessment.

Mr. Pelkey said if the buyer is willing to assume that risk and deal with it using private money not the Town's money it sounds like an attractive way to do things.

Mr. King said a level 1 site assessment would be a minimum requirement for anybody getting financing on that property.

Chairman Pelkey closed the public hearing to public comment at 6:47 p.m.

He asked the board to take up the request for a waiver.

Motion: (King, second Fisher) to grant the waiver of the parking requirement to allow the applicant to have a parking space width of 9 feet passed 6-0.

Chairman Pelkey then asked the board to go over the conditions they would put in the motion to approve the application. He said one of them was adding the approx. location of the existing sewer service connection and it wasn't clear which way they would go with that.

Mr. Pimental said that should be prior to the signing of the plans and it's the inspection of the existing sewer service connection that can be prior to the issuance of a building permit. He said the regulations say the existing plan should have that on there and it should be located.

Mr. King asked if they need to locate where it starts or where it ends or the entire length.

Mr. Pimental said it doesn't get that specific.

Mr. King said they are going to have to do some of that work to camera it and asked if it would make sense for them to locate it and define the direction at the same time.

Jason Ball asked if the Town has a blueprint of where the pipes are laid on file.

Mr. King said the last the sewers in the downtown were done was in the 1970's with clay pipe unless there has been some upgrade since then.

Mr. Lawler said he saw plans that show the transmission lines-the main lines running down Main St. but he didn't think they show the location of every service that would tie to the buildings. He said the camera is going to show you the inside of the pipe until it meets the main and then it drops into it so they can tell how long that distance is going but they're not going to know if its further down Main St. in one direction or the other direction.

Mr. Pimental gave Mr. Lawler a map of the downtown area and Mr. Lawler said it shows you the diameters and approx. location of the sewer lines through the downtown area and it shows a 10 inch line running down Main St. across to in front of Acorn Court. He said they did note on the plan that it connects to Main St. they just didn't know the exact location and they can

measure somewhere in the basement where along the building face that sewer line is heading out and likely it's into a blind "Y" somewhere on that line. He said outside of digging up Main St. they are only going to get an approx. location of where it goes.

Mr. Lawler said if the board is willing to consider it they will add to the plan where it leaves the building and goes under the sidewalk in a particular direction they should be able to get a sense of. He said then they could camera it and if the line is in substandard condition then they have to work with the DPW on replacing that line.

Mr. King said it should just be approximately located with where it is in the building and its direction to the main.

Mr. Pimental said it was his recommendation to make it condition of receiving a building permit and if you look at the plan where what they show for the water line he was anticipating something similar to that just the approx. location of where the sewer service leaves the building and the direction it's going under the sidewalk to connect under the road.

He said he was looking for that for the plan set being prior to the signing of the plans and the actual determination that it's in good shape as a condition of a building permit.

Mr. King said he didn't think it should be a condition of signing the plan because they have to do this work before they sign the plan. He said the direction doesn't matter regarding the approval it's just one of the requirements that the position and direction gets noted and it should be a condition of a building permit because if he has met everything else the Chair can sign the plan and then proceed to the building process.

Mr. Henry said they want this added to the plan and asked if they can require something be added to a plan after it's been signed.

Mr. Pelkey said what they want is to show the approx. location of where it enters the building just like they have with the approx. location of the water service and he would be happy with that in signing the plan.

Mr. Pimental said their next meeting isn't until July 20 so to have that put on the final plan with the stamps and everything else is reasonable.

Mr. King asked if they would be able to proceed without the permitting process or construction without the signed plans.

Mr. Pimental said he would not be able to get a building permit until the plan was signed.

Mr. Lawler said they are willing to agree to show the approx. location on the plan of where the sewer leaves the building and heads across underneath the sidewalk to sewer main under Main St. He said as a condition of prior to the issuance of a building permit that they would have someone camera the line to determine that it's in adequate condition because before they get the building permit they should know if that line is suitable or if it has to be fixed or upgraded.

Mr. Pelkey said our Water/Sewer Dept. would be interested in getting all the information they can from that and they should be there to take it.

Mr. King said another way to do it is to require it as an as-built to be included in the files so if

it's not on this plan set that needs to be signed they're making an addition that an as-built is submitted regarding the location and direction prior to the issuance of a building permit.

Mr. Pimental said they could do that but the cleanest way would be to make it prior to the signing of the plans but it is up to the board on how they want to proceed.

Mr. Henry asked what method allows them to get to work the fastest.

Mr. Fisher said they go down to the basement, traces a line out there, figures out where it comes out on the outside of the building and mark it.

Mr. Pelkey said the Water/Sewer Dept. is going to work with them to determine the adequacy of the line prior to the building permit and that has nothing to do with the signing of plans and the Water/Sewer Dept. should be there taking data to find out what this is.

Mr. Pimental said there is nothing else they are looking for outside of the signature block, Mr. Lawler's stamp and a note saying the waiver was approved and asked him if they could have this by next week.

Mr. Lawler said yes.

Mr. Pimental said if that's the case they could ask Mr. Pelkey to come in and sign the plans next week.

Mr. Pelkey said he would sign the plans when they are ready as long as he is not out of town.

Mr. Fisher asked if he could sign the plans if Mr. Pelkey is unavailable.

Mr. Pelkey said they don't have a provision for that and they would have to make a motion authorizing him to do so. He said there are 3 conditions they are talking about as conditions of approval and they have the conditions recommended by the staff under section 1 b that could be referenced in the motion to approve the application.

Mr. Pimental read aloud that Planning Dept. recommends that the Planning Board vote to approve the major site plan with the following conditions:

1). Conditions to be met prior to the signing of plans:

- a). Provide copies of the final plan set with a stamp and signature of the LLS
- b). Revise Plat as detailed in the minutes and in this report:
 - i). add Planning Board signature block
 - ii). Add the approx. location of the existing sewer service connection
 - iii). Add a note stating which waivers were approved and the date of approval

2). Conditions to be met prior to the issuance of a building permit:

a). The applicant shall coordinate with the Water and Sewer Dept. to ensure adequate documentation is submitted showing that the existing sewer service connection has been inspected and is in good working condition to support the increase in proposed residential units as well as any other proper requirements and procedures

b). The applicant shall coordinate with the Water and Sewer Dept. to determine any proper requirements and procedures for the new 2" water service that is being added to the building.

Motion: (King, second Fisher) to approve the plan as presented with the conditions of approval

recommended by staff passed 6-0.

Mr. King asked which way the water line comes from Main St.

Mr. Lawler said it goes in both directions and asked if he meant what side of the road it's on.

Mr. King said so it comes from Main St. and asked for the size of the current water line.

Mr. Lawler said the service is 1 inch and they are going to bump it up to a 2" service.

Mr. Pelkey thanked them for coming and for investing in the town.

Mr. Henry asked if that means digging up the road and the sidewalk to get to it.

Mr. Pimental said probably yes.

Member Comments:

Mr. Henry said when we restricted residential on the first floor this was one of the properties (425 Main St.) he had in mind when he talked about residential in the backs of buildings and the Planning Board was pretty clear that they were not going to make provisions for that. He said they didn't do it when he pushed for it because there were a couple of buildings and this was one that definitely was in his mind that you could develop for residential in the back without affecting the commercial look and feel of Main Street.

Mr. King said it was good for the applicant that he had the relief valve of the ZBA to apply for and make that specific case based on that specific property but he was not in favor of saying there are some properties that would make sense for so they're going to do it for all.

Mr. Pimental said this is something the board may want to revisit at some point. He said they've only had this provision since 2020 and this is the first application that has come before the board. He said he agreed with Mr. Henry that this is a perfect example of where you'd want to allow for residential in the back portion of the property and he also agreed with Mr. King that there is a relief valve with the variance. The nuance is that is a prohibited use so you're banking on the ZBA deciding whether or not that is going to work and if they denied it because it didn't meet the five criteria this project would not have come to fruition and would have fallen apart because they needed those units to make this economically feasible he said.

Mr. King said they stated it would go to 4 or 5 not 6 units and that doesn't potentially make it not economically feasible. He said that might be what the applicant may say because he wants the increased density but our zoning without the variance would have let this go to a minimum of 4 units when it used to be one. It could have been a doable project without the variance because they still would have 4x the density that they would have 2 years ago he said.

He said this is something they can consider in their work for this year or they may have another application where they'll get a variance and there will be history here of getting relief when they met certain criteria then it's a matter of record and it's certainly more likely on another site than before.

Mr. Pelkey said it would be incumbent on the ZBA who approve the variance with cause to make sure they apply it the same way to the next person before them now.

Mr. Pimental said there is this idea that once a decision is made they're setting precedence and

that is not necessarily the case and the board should always look at every case individually. Mr. Pelkey said they had to have cause and when they heard cause they approved it based on the that. He said the next person that comes in will also have to prove cause. It may not be the same cause but they have to show a cause for the approval it's not a blanket thing based on precedence he said.

Mr. King said the next applicant could have a similar structure but it has current commercial sites all along the entire first floor and they want to get rid of that and that's a totally different application.

Mr. Pelkey said they may not be able to address residential parking because they may not have a footprint.

Mr. King said he didn't know if they were using the entire 1st floor for commercial.

Mr. Mains asked for example if someone wanted to put apartments over the pizza place if he would have to keep it in the spirit of what the town looks like.

Mr. Henry said no and that an ultra-modern "hipster" style building could be built downtown.

Mr. Pelkey said he was pleased to see the elevations on the building kept the character on the front side toward the road.

Mr. Pimental said the Town has some guidance for certain buildings in the VC to keep their historic look and there are also some standards of what the buildings should look in the business node which is the Tax Increment Financing District and it's called the Rt. 11 Business Node Overlay District.

Mr. King said in the past the Town has also accepted a design standard for the look and feel of the buildings downtown. He said it is non-binding advisory document that was done in the early to mid 2000's that talks about the character of the buildings and gives recommendations and suggestions but is not a requirement.

Mr. Pelkey said they talked about the character of the building in their narrative too.

Mr. Pimental said the made that a point of emphasis too during the TRC meeting. He said Mr. Lawler didn't mention it but they are providing some additional windows that are keeping the consistency around the side of the building, they're keeping the sign and there are some exterior improvements they've made to the building to make it consistent all the way around.

Any Other Business before the Board:

SRPC Traffic Count- Mr. Pimental said the Planning Commission has set several traffic counts that are going to be collecting data starting Monday, June 27 through July 1. He said he listed them in his memo and they include: Rt. 75, east and west bound north of Rt. 11; Rt. 75/Rt. 153 south Main St. east of Pleasant St. and Rt. 75/Elm St. over Dame's Brook.

He said SRPC is assigned to set about 100 traffic counts every summer for DOT and the counts vary from year to year but they're usually on a 3 year cycle so the ones that are being set in town this year will be different sites next year. He said they collect volume and class, are processed and sent to DOT, they put in a seasonal factor and they are updated to a data base.

He said he was looking at it earlier and they have every single count in the entire state on this website where you can click on the count and get average daily traffic going back several years and you can look at the growth trends, the volume count and its all public. If anybody is interested I'm happy to send you the link to the site he said.

Mr. Pimental said he looked at the counts for Farmington on Rt. 11 and at the border with Rochester the 2020 count was 18,000 vehicles and is roughly split in both directions (eastbound-8,852, west bound-9,394). He said on the New Durham border the average daily count was 9,200 with 4,721 and 4,686 east/west bound on Rt. 11.

Mr. Pelkey said all that traffic between the Rochester and New Durham borders is being absorbed in town.

Mr. King said the traffic is cut in half on the two ends of Farmington and goes from 9,000 vehicles a day to 4,500.

Mr. Day said Ten Rod Road has picked up a lot and he must have noticed that.

Mr. King said you have to make an appointment to get out on Ten Rod Road.

Mr. Pelkey said over the 30 years he has been here Ten Rod Road has become a big way of getting back and forth because there are no lights on it. He asked if they do counts on weekends and holidays.

Mr. Pimental said this is the average daily count and usually they try to avoid the major holidays which is why they're cutting it off on July 1.

Mr. King asked if they wouldn't want to know the average daily count and the peak number.

Mr. Pimental said not for the DOT but if the Town wanted that they could request it from SRPC and they would set a count for the Town if they wanted to know what it was for July 4th week.

Mr. King asked where the counts were set in town.

Mr. Pimental said on Tappan St., S. Main St. and Elm St.

Potential CDBG Proposal- Mr. Pimental said SRPC is trying to add this program to their portfolio as being a grant writer and administrator for Community Development Block Grant Program and there's \$25,000 worth of planning grants out there. He said a potentially eligible project would be a downtown feasibility study to look at specific infrastructure improvements that are needed- water/sewer upgrades, pedestrian access improvements, other safety improvements and streetscaping and to hire an engineer to give the Town some phasing on what is really in bad shape and what you would have to do to make those improvements over time.

Mr. Pelkey said they had a streetscaping CDBG proposal a few years back but it did not address any of the subsurface stuff.

Mr. King said there were studies done by the Town prior to that which provide all the base information for that application. He said from the top of the hill all the way down there is a study on file that the Town paid to analyze and determine what needed to be replaced.

He said there was a plan 2 DPW Directors prior had worked on for streetscaping with the intent of going after some of that CDBG money. There's a lot of homework that's already available but

it will take somebody to pull it together. All of the necessary supporting documents for that CDBG grant has already been done he said.

Mr. Pimental said it sounds like from the discussions with this board and the Board of Selectmen if they are going to be anticipating more density with more people tying into the water and sewer in the downtown is one piece and the larger long term piece is if Rt. 11 is going to get developed the Town has to get sewer out there. He said if the drainage analysis and the existing streetscaping plan could be put together with some sort of phased approach with dollar values so the town knows what it needs to do over the course of the next decade to make some of those things happen.

Mr. King said the sewer for along Rt. 11 is why we put the TIF District in place. He said they have some funding available and that needs to be extrapolated out potentially to what the cost would be and when it would help support the debt if it was bonded. He said the district is at least 5 years old and he thinks it is only a 15 year district and if nothing happens during those 15 years he believes the money goes back to the general fund and is no longer earmarked.

Mr. Pimental said this may be more for the Selectmen to think about but the business node that's in the zoning they haven't seen much development taking place in that area and the only one that he knows of is the one in the Sarah Greenfield Business Park.

Mr. King said he believes we will see some in the next year or two and they would see some of those parcels redeveloped based on economic pressures.

Mr. Pimental asked if the board supports the idea and he can't take this on alone and he needs some help to find the streetscaping plan, the drainage analysis and having some thoughts on what this might look like and he can pass this along to his staff.

Mr. King suggested that he ask Water Dept. Supervisor Chuck Tiffany about the drainage analysis and streetscaping plan because he is currently in charge.

Mr. Pelkey said they made an application for the streetscaping piece of it so that should be a matter of record.

Mr. Henry recalled that it was for sidewalks, transportation and "traffic calming measures".

Mr. Pimental said some of that was part of a TAP grant but the scope of work got cut back quite a bit.

Mr. Fisher said the most recent TAP grant they cut out the sidewalks from the Public Safety Building to Paulson Road so they could get the sidewalks from Lone Star to Main St. and a couple going up towards the schools added in. He said prior to that we were ranked #1 in Strafford County and it looked like Strafford County would get the money and 1 week before they decided who would get the money it all went south and Strafford didn't get anything.

Mr. Pimental said if they are going to use SRPC staff to pull this together they want some agreement from the Selectmen that SRPC would be the designated grant writer and administrator of the funding so they can get reimbursed. He said if they use indirect time to help write a grant for Farmington and it's not funded and they have an agreement they can get

reimbursed for that time. He said if the grant is funded SRPC would act as the fiscal agent and administer the funding and do all the reporting for it so it would take it out of the responsibility of the Town and a certain percentage would go for administrative costs to SRPC. He said that would have to come in a letter from the Selectmen and asked the board if they wanted to think about it a little more and then make a recommendation to the Selectmen that this go forward. Mr. King said he didn't see why the board wouldn't do that because they need the help. Mr. Pimental said the only drawback is the \$25,000 grant is no longer \$25,000 because a certain percentage will go to the SRPC.

Mr. Henry said they would pay somebody to do it anyway.

Mr. King said if they contracted with somebody without any knowledge of Farmington they would spend that extra money getting up to speed.

Mr. Pelkey said he didn't hear anybody disagree that that was a proper focus for grant writing.

Mr. Pimental said he would talk to Mr. Tiffany, see what they can pull together, he will meet with his staff and see if they can come up something more formal he can give the board with what that scope might look like and if there's a formal recommendation to the Selectmen they could start in on the writing itself. He said these are open all the time so there's no deadline to submit it.

Mr. Pelkey asked if these are getting bumped up by the federal infrastructure money.

Mr. Pimental said the federal infrastructure money comes into play after they get this planning grant they use that to go for the infrastructure money because they have a plan. They are looking for shovel ready projects and if you've got something you can point to I think you're more likely to be successful with those types of funding he said.

House Bill 1661- Mr. Pimental said this bill will take effect in August and there a few things in it related to land use boards he thought this board should be aware of. He said the first one is that land use board fees shall be posted-published in a location that's accessible to the public during normal business hours. Failure to post fees in that fashion at the time an applicant submits an application those fees shall be deemed waived for the application he said.

He said he was pretty sure the Town has this covered as it is posted and is on the Town website. He said if they make any changes they need to make sure they are publically available because they don't want someone coming in and then they can't charge them the fees.

He said a decision by a land use board shall include specific findings of fact supporting that decision. Any decision that disapproves an application without findings of fact supporting the disapproval could be grounds for automatic reversal and remand by the Superior Court. He said if the board denies an application they have to say why and he would advise them to do that anyway but now it has been codified.

He said the last one is the governing body in any municipality can no longer grant an extension for timely Planning Board action so that means the Planning Board has 30 days to vote on acceptance and then they have another 65 days to approve, conditional approve or deny an

application. He said under the existing regulations the Planning Board could apply to the Selectmen for an extension to not exceed another 90 days if for example the Planning Board and the applicant don't agree on the extension. He said the Planning Board can go to the governing body and ask for another 90 days and right now they could do that.

He said this legislation is now saying they are taking that away so the only way to extend beyond that 65 days is by mutual agreement between the Planning Board and the applicant. The governing body is not going to be able to step in and say we're going to give the board another 90 days he said.

Mr. King said if they get to the 65th day on an application and they can't come to a consensus on an extension and the board says the reason it has to go past 65 days is the applicant hasn't furnished a full application or addressed the board's concerns then they would have to have findings of fact that they were going to deny it based on those reasons instead of going to the Selectmen. He said during his time here they have never had to go to the Selectmen to ask for an extension and they've always been able to have mutual agreement with the applicant.

Mr. Pelkey said that is in the best interest of the applicant.

Mr. King said if they deny it based on not being able to get it done in 65 days they need to have solid findings of fact and they just can't deny it because the 65 days are up.

Mr. Pimental said in most cases it's not going to come to that as the Planning Dept. works pretty closely with the applicant before they come here and they know if their application is not complete or they need more time there's a mutual agreement there. He said he could see in a circumstance where they disagree with the staff or the board on something and they want a decision to be rendered and the board is not ready for that this provision did allow for the governing body to get involved and now that's going away.

Mr. Henry said it sounds like Planning Boards could drag their feet for 2 months and then go to the Selectmen and then drag their feet for another 3 months just to be difficult when they had no reason to deny something. Small town politics and so forth he said.

Mr. Pimental said that has probably happened in some places.

Application Fees- Mr. Pimental said there needs to be some review of the Planning Dept.'s application fees specifically for large projects. He said this has come up because there are several large projects that will be coming before them and the application fees are not going to cover that. He gave an example of when the fee process does not work because for a large gravel excavation the permit fee is only \$50, the application fee is \$70 and on the other side the site plan review with the 10 cents per sq. ft. of commercial use you are talking about \$200,000. He said with coming up with fees to ensure that large projects that are going to take many hours of time to review there has to be some relief mechanism. He said originally what was in the fees that was taken out in 2020 was the Planner fee that said \$75 an hour over whatever was reasonable (3 hours).

He said the discussion they had at the time was most of the applications that came through the

board over the last 3 years took much longer than 3 hours to review and process but the contract between SRPC and the Town was set up so that was being absorbed within his 16 hours a week and hasn't been an issue. I foresee it being problematic with large projects that will take 40-50 hours to go from design review to approval so there has to be a way to address that with the application fees and right now there's not a good way for larger projects he said. Mr. Pimental said one way to solve that would be to reinstitute the Planner fee and come up with some recommendations on what the board thinks is reasonable and they don't need to tack that onto an application that's going to be part of what the taxpayers pay and what's going beyond that is going on to the private side. He said they need to discuss this because he was asked to make a formal recommendation to the Selectmen on what they think is reasonable. Mr. King asked if the Building Inspector asked him to make a recommendation. Mr. Pimental said the Select Board Chair Ken Dickie asked him to make a recommendation. Mr. Henry recalled the last time they discussed this they were looking to reduce some of the fees but it was more of the small stuff they were looking at. Mr. Pelkey asked if they set the fees. Mr. King said they make recommendations to the Board of Selectmen. Mr. Pimental said it was adopted in Sept. 2020 and there were a lot of recommendations to reduce variance fees, minor lot line adjustments and they reduced almost everything. He said the only thing they changed to more was they went to the 10 cents per ft. of commercial space on top of \$250 per residential unit. He said for example the project they approved tonight was about \$800 for the entire application which is reasonable for a redevelopment project like that. Mr. King said that's for the planning and not for the building permit. Mr. Pimental said it didn't include any additional fees it was just the application fee. He said he didn't know exactly how many hours that project took but it was extensive. Mr. King said that project started life as a code enforcement issue so that also consumed a bunch of time. Mr. Fisher added that the ZBA spent about 3 hours on it. Mr. Pelkey asked Mr. Pimental if he had a recommendation for the board to consider. Mr. Pimental said not really and bringing back the Planner fee for large projects may make sense and what needs to be discussed is what is reasonable, what would be covered by the taxpayers as customer service (5-6 hours per application?) but at some point these larger projects are taking much more time. Mr. King asked if this topic would be on the agenda with a recommendation. Mr. Pimental said he wouldn't wait too long and they are not meeting again until July 20 and they will see some of this stuff in August. Mr. Pelkey asked to have it put on the agenda for 07/20/22 with a recommendation. He said they don't know the workings of how much they need to protect the cost of doing this over and above what we're paying for now.

Mr. King said the Selectmen will hold a public hearing about changing the Building Inspector's fees because after an analysis they were a little bit upside down and the recommendation is to change them by about 7%. He said this case is a different situation but they certainly could have some recommendations this board could agree on and then send it to the Selectmen. Hopefully the board (Selectmen) will understand the reason they're making the decision and hopefully concur he said.

Mr. Pimental said the approach he has taken with moving the projects through is they do a bunch of work on the back end of this that this board doesn't see they're just seeing the final results and most of the time the projects are approved in 1-2 meetings. So there's a lot of work that goes into it prior to it coming here he said.

Mr. Pelkey said even if it wasn't done prior to it coming here they would send it back because they are not the experts and asking for input and they might be delaying the project.

Mr. King said the problem is when it's not done it becomes very problematic for the board because the applicant has gone way too far without having guidance from staff. He said it shows up here it's not fully vetted and then it becomes a multi-meeting difficult application. When that hasn't happened I spent a lot of nights here dealing with stuff that should have never got here so I understand what you're saying (Mr. Pimental) and as a board member I appreciate what you're doing because that's the way it needs to be done he said.

Mr. Pelkey said he appreciated the way he set up the applications for the board and any questions to them are clearly stated in his memo.

Mr. King said the applicant is put on notice what his hurdles will be and how he should address them. He said that has not always been the case and if they have to make a recommendation to the Selectmen on this is where they need to capture this cost to make the applicant reimburse the Town for this cost he was more than willing to do it.

Mr. Pimental said he would put together some thoughts and they can have more of a discussion on July 20. He said he was not sure if they will have a project and they have until tomorrow to get an application in.

297 Main Street- Mr. Pimental said the Planning Dept. has been working with the property owner to reconcile several administrative errors that took place over time about apartment units and they just approved a 5th unit at 297 Main Street by utilizing the change the board made several years ago on small changes of use to allow for staff to administer that and not require a full site plan review. He said they provided all the information needed and corrected some parking inconsistencies and they were able to approve the 5th unit meeting all of the regulations and not have it come before the board because it wouldn't have been much for them to look at. He said it was a good example of an expansion of a use that can be dealt with by the staff.

Land Donation- Mr. Fisher said last Monday night the Selectmen voted on the property being donated to the Town off of Bay Road and Spring Street. He said it was determined that the

Town would own the property and the easement initially and if later they need to get some help they will and they're looking to see what they want to do.

Mr. Fisher said they are waiting for the lawyers to figure out what their next move is going to be. He said they have survey plans on file with the Planning Dept., they will need a title search and then lawyers will provide the paperwork to be signed and then they can get working on it.

Mr. King asked if they currently have a Town attorney involved in this or if they are waiting in the wings.

Mr. Pimental said there was but that attorney is on leave and he didn't know if that was conveyed to the attorney who is filling in for her and he would follow up and ask her.

Mr. Fisher said we should be getting that property soon and then they will start doing the groundwork to get in some trails and parking lots.

Kodiak Case-Mr. Henry asked why they had to see the Kodiak case tonight and why it didn't fall under what staff can do since it is in the VC.

Mr. Pimental said it was because it was more units.

Mr. King said it may have been a change of use with some of that floor space.

Mr. Henry said the staff can handle a change of use.

Mr. Pimental said they can but there was also a waiver so any relief like that staff is not allowed to approve. He said there were a couple of reasons, the waiver, anything over 3 units for a multi-family otherwise they would have done it but it didn't meet the threshold.

Adjournment:

Motion: (King, second Day) to adjourn the meeting passed 6-0 at 7:54 p.m.

Kathleen Magoon
Recording Secretary


Richard "Rick" Pelkey, Chairman