

Town of Farmington
Planning Board Meeting Minutes
Wednesday, September 7, 2022
356 Main Street-Farmington, NH 03835

Board Members Present:

Rick Pelkey, Chairman
Bill Fisher, Vice Chairman
Stephen Henry, secretary
Mike Day
Roger Mains (6:32 p.m.)

Board Members Absent:

Charlie King, Selectmen's Rep., excused
Jeremy Squires, excused

Others Present:

Kyle Pimental, Planning Director
Rick Huppe, applicant

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

August 17, 2022- No errors or omissions

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

Public Comment: None

Preliminary Consultation with Richard Huppe:

Mr. Pimental said he gave the board an updated memo tonight containing information on this property from the Planning Dept. and his regular memo just has information about what a conceptual consultation is and was provided as guidance for the board on what can/can't be discussed at a preliminary consultation. He said he would walk the board through the research they did on the property and the conversation they think they need to have today.

Mr. Pelkey said the conceptual discussion is an opportunity for somebody that has a project in mind to come before the board to discuss it in a non-binding way so they can get input from the board on what they might like to see for the application.

Mr. Pimental said they dug through the records for this property (Tax Map R64, Lot 6) and they have stuff that starts in the late 1980's-early 1990's. He said it has undergone several non-residential uses including retail sales and service, manufacturing and office, a proposed billiards

room which they don't know if it was ever built, a garage out back, a shed, a pump house at the rear of the building and a mobile home which has since been removed.

Mr. Pimental said during this time period there were several different owners who applied for and were granted a waiver for submitting engineered plans that showed the existing and proposed conditions with the board saying in most cases it could be done through a Change of Use permit. He said what's included are the first hand drawn plans from 1991 that shows the mobile home area in the back, where the office was, the driveway, the proposed golf area, the septic system and the parking lot.

He said in 2011 the Site Plan Review Committee approved an application for a small scale retail store and it was determined the proposal could be approved or disapproved by that committee so it didn't even make it back to the Planning Board. He said it was a development of an expansion of an existing use and they have those hand drawn plans that were provided as well that show the areas where there was supposed to be handicapped parking, the other parking spaces, snow storage and a basic outline of what the interior of the building would look like.

Mr. Pimental said in 2019 there was a minor site plan approval for Mr. Huppe that was approved by this board to use the existing building for service/repair of equipment with a retail show room and a new outside display of equipment and machinery. He said it also included the conversion of a pre-existing residential garage into a commercial storage/shop for firewood processing. Again, the board approved a waiver that negated the need for any engineered plans for specific plan requirements and in each of these cases it was always Section 18 which is existing and proposed conditions within the site plan review regulations he said.

He said in looking through the minutes the 2019 waiver that was granted the justification behind that that the board supported was that there were no changes to the current site, no changes to the existing structures, no additional structures, no changes to the grades or to the boundaries. He said the minutes indicate that there were some hand drawn plans provided that were on top of an old septic system plan but they have not been able to find those plans. The Town doesn't have it in their files, the NH Dept. of Environmental Services doesn't have a copy and they haven't been able to track down that plan set he said.

Mr. Pimental said the approval was granted prior to his employment with the Town and former Town Administrator Arthur Capello was the de-facto-Planner at the time and he didn't know if he just didn't file them in the right place or what happened to them so the last plans they have on file are the plans from 2011.

He said the applicant is looking to expand his current use and is proposing to create a storage pad made of crushed gravel to store some additional larger equipment on for rental which would be on an adjacent lot and the board needs to provide some guidance as to whether or not this expansion of the use warrants the need for engineered plans specifically the existing and proposed conditions that Section 18 requires or if the board is willing to accept something else and what that may be. He said the board needs to provide guidance to the applicant on

what they think with what he is proposing that they would like to see as part of this approval. He suggested they turn things over to Mr. Huppe to tell them more about his proposal and then the board can discuss how they would like to move forward.

Richard Huppe came forward and told the board that the pad was not for rentals and would be for consignment sales and stuff would be moving in and out of there all the time. He said there would be no more than 10 pieces of equipment, it has to be insured and there would be a contract to be filled out by the seller and any oil leaks or flat tires it would be out of there within 24 hours whether it is removed by him or the seller. I don't want any of that on my property he said.

Mr. Pelkey asked if he had anything to show the board where he wants to store the equipment. Mr. Huppe gave him a hand drawing and pointed out the office/retail space and where the driveway goes up and around and back out (onto Rt. 11).

Mr. Pelkey recalled there was a question about the use of that driveway the last time he was before the board and asked if it was not on his lot at the time.

Mr. Huppe said he is using that driveway now and it was there at that time.

Mr. Henry said the board thought it wasn't on the lot but it turned out it was on the lot.

Mr. Huppe said all he wanted to do was have a crushed gravel pad going north 75 ft. by 100 ft. going the other way just to park things on.

Mr. Pelkey asked if this would be on an adjacent lot not on the same lot.

Mr. Huppe said that is correct.

Mr. Pelkey said that lot currently doesn't have a primary use and there is nothing on that lot.

Mr. Day asked if that is the lot he just had logged.

Mr. Huppe said yes and it was just wooded before. He said he would be willing to merge those 2 lots if that would make that happen.

Mr. Pelkey said he thought it would be prudent to do that because he didn't know how they would put anything on a lot like that by itself.

Mr. Pimental said they wouldn't want to allow accessory outdoor storage on a lot that didn't have a principal use.

Mr. Pelkey asked if there were any buildings of any kind going with this.

Mr. Huppe said no.

Mr. Henry asked if they wouldn't run into any setbacks if there are no buildings because there are no setbacks for a parking lot or a driveway.

Mr. Pimental said no but the Town's regulations don't allow for outdoor accessory storage without a principal use on the lot so merging the lots would solve that problem.

Mr. Henry asked what kind of equipment would be stored there.

Mr. Huppe said excavators, bulldozers and maybe a few trucks.

Mr. Henry said it sounds to him that the primary use would be equipment sales.

Mr. Day said that is his existing business.

Mr. Henry said another company could set up on that lot and sell equipment and that would be the principal use.

Mr. Pelkey said another company might put another building in.

Mr. Henry asked if they would require them to do that.

Mr. Fisher said yes because a parking lot wouldn't be a primary use. He said it would be a pad to park equipment on that would be sold out of an office that's on an adjacent lot so you can't say the parking pad would be a primary use or the selling of that equipment would be a primary use because it's not happening on that lot he's just storing it there. If you combine that lot with his lot next door and it's got a primary use building on it then the problems are solved he said.

Mr. Henry asked if the lots were merged if he would lose the ability to divide them again in the future if he wanted to do something else with the land. He then asked about the minimum lot size in that zone.

Mr. Huppe said the minimum lot size is 2 acres.

Mr. Pimental said the tax assessing information says Map R64, Lot 7 is 2 acres and the one with the current business on it is 2.8 acres. He said the minimum lot size in that zone is 2 acres so he could split them again.

Mr. Henry asked if there would be enough road frontage to do that.

Mr. Pimental said the frontage is 275 ft.

Mr. Day said the drawing says one lot has 200 ft. and the other lot has 300 ft. of frontage.

Mr. Henry said he wouldn't be able to divide them again on the exact same lines but he would still be able to get 2 lots there again.

Mr. Huppe said he also owns another lot on the other side that is 2 acres so he could do an adjustment to make that bigger. He said he wasn't planning to but if he had to he could divide those 3 lots into 2 lots.

Mr. Henry said if he merges the lots it will have tax implications that would be beneficial to him but it's the future flexibility he would want to consider. He said if the lot sizes are such he could configure them to get the frontage needed.

Mr. Pelkey asked if they have a currently authorized use for sales on this site.

Mr. Pimental said the approved uses are service, sales and repairs, firewood processing and some outside display but the outside display approved in 2019 is different from what the applicant is proposing.

Mr. Pelkey said it is tough not to have any technical drawings that they can look at.

Mr. Huppe asked if the septic system was shown on a hand drawing.

Mr. Pimental said the minutes are a little unclear and it sounded like the original septic approval plan was what was drawn up but he was not positive.

Mr. Huppe said he didn't know if there ever was any approval and where the mobile home sat there is a tank there and his firewood processor sits on there now and the fluid from that went down to the leach field in back of the store so both of them were feeding into that and he just

took that one out because just rain water was coming in so he unhooked the one in the back. There's no building there now anyways he said.

Mr. Pimental said it's somewhat of a moot point because they don't have a copy of it anyway. He said it sounded like there were some drawings that were available to the board in 2019 that they don't have so all they have in terms of what was approved is the 2011 drawing.

He said there has been some good feedback about the storage on an adjacent lot without a principal use and to merge them would be a good idea but the larger discussion would be how the board wants to handle the expansion of his use because it's going beyond what was approved in 2019 and if the board wants to have the proposed and existing conditions from a licensed engineer or if the board was willing to accept something else as part of that approval. He said they probably don't need a full storm water management plan but having some plans that show the existing and proposed conditions better than what they've had over the last 30 years may be useful for the future but that's up to the board to provide that feedback to the applicant and that piece of it needs to be ironed out tonight.

Mr. Pelkey asked Mr. Huppe if he was proposing to pave anything or to upgrade the driveway.

Mr. Huppe said the driveway is in pretty good shape and was not planning to upgrade it.

Mr. Pelkey asked if he was planning on using it to access Rt. 11 and recalled that was the question they had last time because what they looked at that was not the primary access to the property and they weren't sure which property the driveway was on at the time that they looked at it.

Mr. Henry asked if the lot he is expanding on is the Rochester side or the Alton side.

Mr. Huppe said it is the Alton side.

Mr. Pelkey said one of the problems is they don't have an existing drawing to look at and say this is where we are at now and this is what we're going to be at when we're done and he would like to see something that says that. He said the last time they looked at it they were okay with hand drawn drawings but at that time it was not really much of an expansion on the actual lot itself it was all we're going to stay right there and now they are moving off the lot and may have to do a lot line adjustment or a merge.

He said he didn't know what the allowance is for multiple accesses onto Rt. 11 by one business and if the state would allow that or not. He said they have to consider that when they look at it so when he brings it to the board they are going to want to know how they are going to get on and off the lot and that is going to have to be on the drawing.

He said he agreed with Mr. Pimental that he didn't need to see any kind of storm water management but then asked about the slope on the lot where he wants to put the pad.

Mr. Huppe said its pretty much level.

Mr. Pelkey said he recalled it being pretty flat out there and he didn't know that putting a gravel pad would create a storm water runoff but they need to weigh in on that. He said to have a set of drawings even if it's this is what we propose in detail...

Mr. Huppe asked if he was talking about an engineering drawing and he would have to hire a surveyor.

Mr. Pelkey said it would have to be drawn to scale and he didn't know what other type of technical drawing they could get that doesn't involve having a surveyor do it.

Mr. Pimental said with very small projects they have allowed the hand drawn drawings but since he has been here the larger projects have all needed a surveyor to do it. He said in looking through Section 18 the existing and proposed conditions some of them could be waived so that it would be not be as necessarily time consuming as a full engineered site plan. He said things like the delineation of drainage and the wetlands they might not need and they could have a more simplified Section 18 that would provide the bare minimum of what they want to see on this lot to give the board a more sense of what is actually out there. We don't really have a good sense of where things are on the site and that would be part of a surveyed plan he said.

Mr. Pelkey said part of the board's responsibility is to make sure that not knowing what the layout of the land is because they have nothing that shows them what the land and the elevations look like so by saying you can go put this pad in there they are trying to figure out if that is going to affect anything else in the area.

Mr. Henry said in the previous plans it was changing the use of an existing site and there weren't any major changes done to the site. He said this is a big change to site they've cleared trees and they are going to put in gravel and it's going to affect the way water flows and they are going to park equipment on it that can leak oil and you're not going to know that until it leaks.

Mr. Pelkey noted they are not far off from the aquifer there.

Mr. Henry asked if they go back and say in order to expand the site he has to give them engineering for everything that exists. He said he was not inclined to say yes to that but for the new stuff they need to be sure that it's not going to have drainage or wetland impacts but they probably don't need the topography and total wetlands for all 2 acres.

Mr. Fisher said he hated to see him have to spend the money but a set of plans is better than hand drawn and would protect him in the future.

Mr. Huppe said pretty much he was not going to spend the money.

Mr. Fisher said he didn't think there would be a problem with the 2 driveways and asked if current business only has 1 driveway.

Mr. Huppe said the 2 driveways are on the same lot and it's a "U" shaped driveway.

Mr. Fisher said he didn't think there would be a problem with the 2 driveways and that the self-storage facility, Aroma Joe's and the Farmer's Kitchen have 2 driveways. He said he thought a minimum distance between them is required but he couldn't recall the exact distance required.

Mr. Pimental said the Town's access management is more stringent but they have deferred to the state as part of any renewed driveway permit. He said if the state is okay with it being a little bit less than what the Town has so long as there are no safety issues with the line of sight

they have approved it.

Mr. Fisher said it is a pretty straight shot through there so he didn't think there would be a line of sight issue. He said it should be better than hand drawn but not a full blown engineering set which will protect Mr. Huppe in the future if somebody says he needs to move this and he can say it was exactly here when it was approved and that's where it's going to stay. As far as this concept I have no problems with it he said.

Mr. Henry said he knew of some businesses that have gone on Rt. 11 or even off of Rt. 11 that has a private road to get to that business that have had to get a Dept. of Transportation permits and approvals for changing the use on the land. He asked if he is expanding that use if he is going to have to go to the DOT.

Mr. Pimental said he probably would have to go to DOT for any expansion of a use because the DOT would want to comment on it. He said they may say he doesn't have to do anything but it is likely they would take a look at it.

Mr. Pelkey asked if there was ever anything on that lot and if it's always been a wood lot.

Mr. Huppe said no and that it actually cost to have it cleared and the place for the pad is about the only flat piece on that lot.

Mr. Pelkey said this discussion is non-binding but he would like to see something more than just a hand drawn plan.

Mr. Huppe asked if they are talking about getting a surveyor in there.

Mr. Pelkey said he thought that is the way they are going to have to go on that.

Mr. Huppe said he is not going through all that and he didn't think he should have to pay to make a living.

Mr. Pelkey said they have other people come in to see them and they're responsible to make sure that they have enough information to be able to say they are good with it. He said they bring them a lot of information and that is what they ask them to do. He said he has no issue with what he wants to do it's just about how they could go ahead and say yes to it.

Mr. Pimental said there are 2 regular members that are not here tonight and if the applicant would like to come back to get their thoughts he is welcome to do that.

Mr. Huppe said it still seems like the majority of the board wants to see that surveying done for the pad.

Mr. Pelkey said that the other members might say something to them that they might consider too and one of the members (Charlie King) has 20 years of Planning Board experience and he might have some insight that they don't and say something that might sway them. He said he was not saying they would never change their minds and it was a good point by Mr. Pimental.

Mr. Pimental said the staff feels that a surveyed plan would be in the best interest of the Town and the applicant long term knowing that maybe they could work with the applicant to trim down some of the requirements in Section 18 depending on the feedback from the board. He said if there are certain things the board really wants to make sure that they cover they could

do that and there is a little more flexibility for this particular site than there is on a site that is starting fresh and they need everything. He said with this because the site is already built out and they are only expanding it to some degree they may be able to be a little more flexible but that doesn't change the staff's opinion that a surveyed plan of this site is in the best interest. Mr. Pelkey said he would like to have something that they could record that shows the details of what is going to be there when they're done.

Mr. Henry said he was concerned that they don't affect the wetlands and that they can show containment. He said he was probably one of the most private property rights guy up here but what they require of other people is show us that it's not going to flood.

Mr. Huppe asked about putting a 2 ft. high grass berm around the 75' x 100' pad.

Mr. Pelkey asked how they would depict that and record it so it would go into the record and be a requirement that could be checked on by the staff to make sure it is in compliance.

Mr. Henry said they put things like that in site plans all the time and the layman in him thinks that would do it but they can't attest to that because they are laymen.

Mr. Day asked if he is going to merge the 2 properties to make 1 property if he would still have to have that same guy come out and draw the property lines and make sure they are correct.

Mr. Pimental said a voluntary merger doesn't need a survey and they would only need a survey if it was a boundary line adjustment. He said the board wouldn't even see a merger and it would be handled internally by the Planning Dept. He said the applicant could do that without needing assistance it would be the step after that that would need a surveyor.

Mr. Henry said he didn't know what that kind of stuff costs and that he wasn't looking for something as elaborate as what they typically see.

Mr. Huppe said he talked to Randy Tetreault (of Norway Plains) and he told him that a site plan is very, very, very expensive and he needs one.

Mr. Fisher said if they wanted a full site plan but they are not looking for a full site plan.

Mr. Henry said this is basically a site plan for a parking lot on a portion of the lot because he is changing from forest to flat land and a gravel lot.

Mr. Pimental said he has a good working relationship with Mr. Tetreault and they've talked about this property. He said he would be happy to reach out to him and let him know that the guidance of the board for Section 18 might be a little bit less than what they would typically require and then maybe he could re-work his scope of work and talk to Mr. Huppe before he makes a decision.

Mr. Huppe said he was looking at it from a business sense and even if it was \$5,000 to have him come in he would have to sell a lot of stuff to make \$5,000 on consignment so he has to look at if it is worth it as a business person.

Mr. Henry said he will have to spend some money for gravel and stuff to prep it beyond that.

Mr. Huppe said that's minor compared to the rest of it to start doing it. He said he wanted to expand his business and he didn't like having all his eggs in one basket and would like to have

something else to fall back on.

Mr. Henry said if he ends up doing a modified scope of work he would suggest bringing it to the board for a consensus to make sure that scope of work satisfies what they'd be looking for.

Mr. Pimental said that would come back to the board and he would not feel comfortable making that decision on his own. He said he would provide his feedback based on the board's guidance tonight and they would revisit the scope prior to Mr. Huppe submitting anything so the board would have a chance to comment on it.

Mr. Pelkey said if Mr. Huppe stays engaged with Mr. Pimental even if he is not here if all the board members are present Mr. Pimental can bring it up as an item at their next meeting or the next meeting however long it takes to make that connection with Mr. Tetreault.

Mr. Henry asked if the board could discuss it without Mr. Huppe being here.

Mr. Pimental said he would ask for something in writing allowing them to do that.

Mr. Pelkey said it's non-binding and if they are all here they could have a discussion about what they want to see on it and describe it to Mr. Tetreault and hopefully they can work something out and come to some kind of middle ground that will work. We want to try to help the businesses out as much as we can and it's kind of what we're here for he said.

Mr. Huppe asked if Section 18 was a Town or state ordinance.

Mr. Pimental said it's a local ordinance (Site Plan Review Regulations).

Mr. Henry said a lot of it they can waive if there is good reason to. He said for example somebody wants to build a house on a 10 acre lot and the house is up by the road and they don't need the topography and the wetlands delineated for all 10 acres. Show us what is around the house and the back can be whatever it is he said.

Mr. Pelkey said they would come in and ask for an exemption to the rules and they can grant that because they don't need to see the back 8 acres of their property they just need to know what they are doing in that area.

Mr. Huppe asked if a topography map could be used as guide for the elevations and he didn't think there was more than 2 ft. of fill in any one spot as it is a very level area.

Mr. Pelkey said he would like to see it laid out accurately which is why he is saying even if a surveyor just punches some stakes down and squares it out and shows him where everything is going to be he would be happy with that.

Mr. Henry added it should show where the waste water was going to run to. He then said he would like to see him expand.

Mr. Huppe said he would like to but he couldn't see jumping through hoops and hoops to do it for something he thinks is very simple-throw down 3 or 4 loads of gravel, smooth it and put a piece of equipment on it and then have people come look at it.

Mr. Henry said this town is full of sites where people threw down a few loads of gravel and now the neighbor's yard is flooded.

Mr. Huppe thanked the board and then left the meeting.

Proposed Zoning Amendments:

Mr. Pimental said because they are missing Mr. King and Mr. Squires they may want to punt on this one. He said there are other things they need to work through but the biggest guidance he needs is if they are going to be looking at the different allowable uses in the CB and the IB district for all of the other uses.

He said as a reminder they only concentrated on Section 6 last year which was the commercial and industrial so that's clean and they match each other. He said they don't match each other in any of the other uses and asked if they should just eliminate the industrial zone. He said that is essentially what they did for commercial and there is no difference between the 2 of them. He said there is a difference for all of the other principal uses and that last year was a Band-Aid and the board now needs to figure out how they want to move forward.

Mr. Pimental said the other side of the coin is they want to keep the industrial because they want to separate those other uses but they were okay with the commercial because commercial and industrial make sense mixing with each other and they don't want to over regulate that but maybe industrial with some of these other uses maybe they shouldn't treat them the same. He said that conversation needs to happen and they can maybe talk about that a little bit now as to what the general thought is on the board but he would want to wait to really dive into it until Mr. King and Mr. Squires are here.

He then asked the board for their general feeling on how they want to reconcile this industrial piece. He said this needs to come up this year is because it's going to have an impact on expanding into those areas and it doesn't work with the way this is laid out. It works great for commercial but it doesn't work with the other ones so I'm curious how the board wants to think about addressing this he said.

Mr. Pelkey said they were trying to make the commercial/industrial mirror each other and let the uses sort themselves out. He said they should go through these and find out if there are any spots that they need to have some long discussions about or if it something they can go through fairly easily.

He said they are talking about going through the table and looking at the principal uses in the different zones and seeing how they apply in the CB and the IB. I would like to see them be identical down the road he said.

Mr. Pimental said identical renders the industrial zone useless and they might as well just remove it.

Mr. Pelkey said they made them identical for industrial and commercial uses because that is the way we are trending right now and that is what they are going for down the road. He said they should go through the exercise of going through them and to find out if there is something they have a hard spot on that they need to discuss that would stop them from doing that.

Mr. Pimental said of all the uses there are probably about 10 that are different so for the next meeting he could highlight them and call them out to have a discussion on.

Mr. Fisher said there are 11 different uses.

Mr. Henry said Mr. Pimental mentioned eliminating the industrial zone if it mirrors the commercial zone and suggested that even if they mirror each other they might want to keep the 2 zones because a board in 5 years might decide to start changing the table again and say based on how things have developed they have a clear commercial area here and make an undeveloped area their industrial area. I would like to keep the 2 zones because it may change in the future and I have a feeling that it would be a lot of work to recreate a zone he said.

Mr. Pelkey said it would have to go before the voters either way and it doesn't cost us anything to keep both of them.

Mr. Henry said he also likes having the word industrial in the zoning so that if you are industry you know that you are welcome.

Mr. Pimental said he would go through and highlight the 11 uses and they could discuss how they would keep them or how to address them so they mirror each other.

Mr. Fisher said for example on page 41 at the beginning for the agriculture district the principal uses agriculture is not permitted in the commercial zone but is in the industrial zone. He said if you go down a few lines it says barns are permitted in both zones and asked what you would have a barn for if you don't have agriculture.

Mr. Pimental said barns are not allowed and that is for aquaculture. He said that is good example of if aquaculture is allowed in the IB why wouldn't it be allowed in the CB and that would be one they could probably mirror each other.

Mr. Henry said for some of these they might want to say that really does belong in the agricultural zone and not in the industrial zone. He said he didn't know if they would want a cattle farm along Rt. 11 at this point and we have a lot of agriculture already.

Mr. Day asked why not. He said he lives in an agricultural area and asked why he couldn't have a small business run out of his house. He said this says he can't and that he would have to get a Special Use permit.

Mr. Henry said there are home occupations and home business regulations that might not show here but he can have a business in his house in the AR.

Mr. Day said he couldn't have an automotive garage without a variance from the Zoning Board.

Mr. Henry asked why auto repair wouldn't be a home business.

Mr. Pelkey asked if they have that defined as a home business.

Mr. Pimental said if they determine at the staff level that something is a home occupation they can have it by right in any district without Planning Board approval and if it's a home business out of their garage just fixing cars or small engine repair and if they meet the criteria for a home business they would allow it but they would have to come in for site plan review.

Mr. Henry said the big difference is if he has customers coming and going or is it him working from home.

Mr. Pimental said so long as they pass the nuisance test for noise, screening, etc. and if they

don't need that because they're just working on lawn mower motors in their garage they would allow that to happen. He said the home business and home occupation is a little more subjective because staff can determine whether it meets the criteria set in the zoning. If it's a larger business that is repairing motors then we would consider that repair services he said. Mr. Henry said 8 bays versus 1 bay probably would be treated differently. Mr. Pimental said they have those conversations with applicants or homeowners at the staff level and then make recommendations on how to move forward with that. Mr. Pelkey said there are auto repair businesses in the AR now and the board named some examples of long term auto repair businesses and some more recent additions to that zone. Mr. Pimental asked the board to take the handout on the Table of Permitted Uses home with them and think about why something is allowed in a zone as their homework and come prepared to talk about it at their Sept. 21 meeting.

Torr Excavation (Tax Map R32, Lot 6-Chestnut Hill Road) Update:

Mr. Pimental said that he and Mrs. Heon decided based on the feedback that the abutters gave on the sign in sheet with their e-mail addresses to send them an e-mail highlighting where the RSA was, the Town's regulations and the application with all the survey work done by Barry Surveying. He said they are also going to send another abutter letter directly to every abutter reminding them that Sept. 21 is the continued hearing for this case.

Mr. Pelkey asked if that would be paid for by the Town or if the applicant would pay for it.

Mr. Pimental said the Town would pay for the abutter letter.

Mr. Henry asked if it would be a certified letter or stamps.

Mr. Pimental said would be just stamps and they are not going to do certified mail again. He said they have never done this for a continued case before and in the long run they want as much public involvement in this from the beginning because it is going to be a longer process. He said sending 7 or 8 letters in the mail that are not certified is a lower cost and is in the best interest of the town. Those will go out next week he said.

Mr. Pelkey asked if the applicant has indicated that they are going to be prepared.

Mr. Pimental said nothing says otherwise.

Mr. Mains asked if the board ever does any site walks.

Mr. Pelkey said they have done one since he has been on the board at the Metal Farm.

Mr. Mains asked if there was anything in the regulations indicating they are supposed to do site walks.

Mr. Pelkey said there is no requirement for it and if they choose to do them they can.

Mr. Pimental said that is up to the board.

Mr. Mains said being a new guy I town if somebody wants to take him around to some of these places it would be nice. He said if somebody has the time to give him a holler and he would go with them to see some of these places. I'll buy you coffee he said.

Mr. Pelkey said they get their papers on Thurs. or Fri. plus they are e-mailing them to the board.

He asked if Mr. Mains was receiving the paperwork by e-mail.

Mr. Mains said yes.

Mr. Pelkey said if Mr. Mains gets an application and he would like to have a walk to call him or shoot him an e-mail. He said he is semi-retired and has time for Mr. Mains to buy him coffee.

Mr. Pimental reminded the board that a site walk is treated like a meeting and they would have to post a notice for the site walk.

Mr. Pelkey said he was talking about Mr. Mains wants to be familiarized with where these places are and that is not a site walk. He said if they were going to do a site walk there would have to be minutes taken and the public would be invited to attend.

Draft RFQ Proposal:

Mr. Pelkey said he read the draft Request for Qualifications for Professional Engineering Services and it looks pretty straightforward to him. He said he didn't have any issues with it and how it is laid out seems right to him.

Mr. Pimental said he was not familiar with the Town's process and asked if the Town has Bid Express which allows things to be submitted electronically.

Some members said they did not know.

Mr. Pimental said this might be a question for Mr. King or the Town Administrator and he was not going to put it in the RFQ if the Town doesn't accept bids that way.

Mr. Henry said this isn't a traditional bid anyway. He said this is something they can hand to somebody and say these people have agreed to these rates if you're doing the work and if they want to hire somebody else to go ahead.

Mr. Pelkey said the board might say this is the person they want to do it and they might say how about this guy instead.

Mr. Henry said they would have to approve that.

Mr. Pimental said the idea for putting this together was to choose a person that would be their third party reviewer for all engineered plans and to help out with excavations and inspections.

Mr. Henry said because they are going to require an applicant to pay that it is on them to get a good bid.

Mr. Pelkey said they have responsibility for oversight on these excavations and they don't have the expertise to do that so they really need to get that lined up.

Mr. Henry said if they're going to tell other people they have to foot the bill they have to do their due diligence and get them the lowest bill.

Mr. Pelkey said they are not going for the lowest bidder but the lowest qualified bidder.

Mr. Pimental said this is not cost based at all and they don't even want to see their costs and it says specifically not to do that. He said that would be part of the decision but the proposal should not be based on cost. That conversation will likely come up he said.

He said if the board is okay with how this is written (outside of finding out if the Town has Bid Express) and they think these are the things they should be looking for he would be happy pass

it along to the Selectmen.

Mr. Pelkey said he didn't see anything else in the list of things they needed expertise in that is beyond what they have been talking about so far.

Mr. Pimental said this stuff takes time to send it out, get bids back and if the board is okay he is happy to send this along to the Selectmen as the next step and ask them to review it and then release it. He asked the board for motion to do so.

Chairman Pelkey then seated alternate Roger Mains as a member of the board.

Motion: (Pelkey, second Fisher) that Kyle forward the RFQ to the Select Board for action passed 5-0.

Member Comments: None

Any Other Business before the Board:

Plans Signed- Mr. Pimental said the Chair signed the plans for New Style Homes so they have been working with legal counsel for the Town and the applicant for all of the covenants and declarations for the homeowners' assoc., the drainage easement and the deeds. He said it was a lot of review to get that all pulled together and make sure that everything is good and it protects the Town when the road is built and transfers over to the Town. He said they finally got that late last week so the Chair signed the plans today and that will be recorded on Friday or next Monday. They are now set to start moving forward with anything they need for whatever was in the Notice of Decision for their building permits. There was a pretty long list of conditions that needed to be met prior to the signing of the plans and they met those he said. Mr. Pelkey said that was to make sure that when they were done constructing the road that this board could make a recommendation in good faith that the town would accept the road not that it would be transferred to the Town.

Mr. Henry said that has to be done at Town Meeting and the voters have to accept it.

SRPC Meeting- Mr. Pimental said that tomorrow there is a Strafford Regional Planning Commission meeting with the Towns of Farmington, Lee, New Durham and Barrington who have decided to group together for an grant application for some of the Invest NH funding. He said the funds would be used to hire an employee that would work in those 4 communities for 18 months or so providing technical assistance in planning revolving around housing issues. The funding is providing for 6 of these in the state so it makes sense for a group application not just one municipality to apply for the \$250,000 grant.

Mr. Pelkey said this is the one where they are going to look through the zoning and to make sure there are no impediments to housing.

Mr. Pimental said the scope of work can be pretty broad and they could do quite a bit. He said they could help with recommendations for zoning amendments, they could work on other initiatives that he doesn't have time for and there could be other funding opportunities they could help write grants for. He said they are having their first coordination meeting on putting

that application together tomorrow and their Economic Development Leader will be leading that conversation and he will keep the board posted as to when that application is moving forward and the results of that.

He said that is the navigator piece and encouraged the Town to apply solo for one of the municipal grants that would allow them to hire an outside consultant to do more of the audit work that they talked about previously. He said the municipal grant would focus on site and subdivision regulations, zoning and any other land use mechanisms where they could remove barriers to increase housing opportunities.

Mr. Henry asked if the navigator is writing grants if this person could be in the position where they're writing grants for 4 communities that are all competing for the same grant.

Mr. Pimental said potentially.

Mr. Henry said that is something they need to work out how that's going to play out.

Mr. Pimental said that's a good point and they certainly could be but depending on what the focus is for Farmington that may be different than what Lee wants to focus on so the grant opportunities could be different.

Mr. Henry said we could all want sidewalks too.

Members Wanted- Mr. Pelkey said they still have one full time board member opening and a couple of alternate member openings and if there is anyone within the sound of his voice that's interested in becoming a Planning Board member please see somebody in the administration or the Planning Dept. office or speak to one of the Selectmen.

Adjournment:

Motion: (Henry, second Day) to adjourn the meeting passed 5-0 at 7:11 p.m.

Kathleen Magoon
Recording Secretary


Richard "Rick" Pelkey, Chairman