

Town of Farmington
Planning Board Meeting Minutes
Wednesday, September 21, 2022
356 Main Street-Farmington, NH 03835

Board Members Present:

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

Board Members Absent:

Jeremy Squires, excused

Others Present:

Kyle Pimental, Planning Dept. Director
Christopher Berry, Berry Surveying &
Engineering President
Franklin Torr, Patricia Torr Aiken
applicants
Abutters Robert Pettersen, Deborah
Romaniak, Larry Gorney, Donna
Gorney, Norman Russell
Rebecca Patton-Sanderson, board
member 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.

Chairman Pelkey seated alternate Roger Mains in Mr. Squires' absence.

Mr. Mains said he is already a full member of the board.

Mr. Pelkey said he is still an alternate and that he must seat him on the board.

Mr. Main said the Planning Board voted on him being a member.

Mr. Pelkey said they don't get to do that the Selectmen do that.

Mr. King said he just has to apply to be a full member and he would need to see the Town Clerk and that she would fill out the form.

Mr. Mains said he would handle it tomorrow and then they wouldn't have to do this anymore.

Review of Minutes:

Sept. 7, 2022-Public Meeting Minutes-No errors or omissions

Motion: (Henry, second Fisher) to approve the minutes as written passed 6-0.

Public Comment:

Chairman Pelkey said they keep a period at the beginning of the meeting for public comment for anybody that wants to come forward and speak to the board about anything that has to do with planning issues. He said there is quite a crowd here tonight and he was sure that they

were all here to talk about the design review they will be taking up next so if you are here for that they will try to make sure that everybody gets a chance to speak. There were no comments from the public present.

PUBLIC HEARING:

CONTINUED CASES:

Public Hearing to Conduct a Design Review for Patricia Torr Aiken and Franklin Torr, R32, Lot 6. The applicant is proposing to excavate approximately 194,400 cubic yards of material from the site. The proposal includes earth removal of topsoil and sandy materials as well as storm water mitigation to treat and attenuate storm water generated from site changes. In addition, erosion and sediment control measures will be installed to protect existing wetlands and the Cocheco River. Upon completion exposed slopes and finish grades will be reclaimed with loam and seed. The proposed project is located on Chestnut Hill Road and within the Rural Residential District. This hearing was continued from August 17, 2022.

Mr. Pelkey read the above notice aloud and then spoke about what design review is. He said it's an opportunity for the applicant, the Planning Board and the public to discuss the proposal in some detail. He said the applicant has submitted some drawings to them and that he thought that some of the members of the public have had a chance to look at them and he didn't know if they had any additional copies available to hand out tonight to people.

Mr. Pimental said they have some large scale copies if people want to see them.

Mr. Pelkey asked if there were any additional sheets over and above what they have already been given.

Mr. Pimental said no.

Mr. Pelkey said the objective of this review is to provide the board with an opportunity to understand what is being proposed and for the applicant to understand any concerns from the board members and any abutters to the project and the public in general and it's intended to assure that the essential characteristics of the site and the specific requirements of the local regulations are thoroughly reviewed and understood before they prepare the final design. He said this is an opportunity to give them some input on what they would like to see the final design look like before they actually get it.

Chairman Pelkey said this hearing was continued from August 17 and at the August 17 meeting they had most of the people in this room here to speak to this project and at the last second the applicant chose not to attend the meeting for reasons that they accepted but he was also quite disappointed that they had so much of the public here to be heard. He said they gave the public the opportunity to read some statements into the record which the applicant has had a chance to look at prior to coming to this meeting so hopefully they will be prepared to address those concerns that they heard at that meeting. He then asked the applicants to come forward

and they'll talk about what they have to show them tonight.

Christopher Berry of Berry Surveying & Engineering apologized for not being here last month and said they are here tonight for Mr. Torr and his daughter Patricia on a piece of property that they own on Chestnut Hill Road in Farmington. He said the property is approx. 46 acres or so and Chestnut Hill Road runs in a general east-west or northwest-southeast direction.

He said at the base of the property runs the Cocheco River and one of the more notable pieces that abuts the property is the A.J. Foss facility which is out on Cocheco Road. He said they conducted an existing conditions plan of the entire site as well as an environmental review by their wetlands consultant Jack Hayes and have done a soils analysis by Mr. Hayes who is also a soils scientist.

Mr. Berry displayed an aerial view of the property and pointed out the abutters and the river which flows in a southerly direction and that along Chestnut Hill Road there are a number of residential users whereas they are in the Rural Residential zone.

He said there are large amounts of mounds and valleys that contain some sand and gravel materials on site and they have done a series of test pits on the entire project site to get a good cross section of the different types of materials that are there and to determine where the estimated seasonal high water table is for this site. He said in addition to the on-site topography they have off-site topography of the Cocheco River which again flows in the general southerly direction.

Mr. Berry noted that there are some FEMA flood zones that are associated with the Cocheco River that they are mindful of in the project planning and these are zones that have cross sections that are based on elevations so they can map the flood zone on the project site and they're not just based on an A zone. These are AE and are calculated by FEMA so we will be able to provide that zoning for the plan to ensure that we're not within the flood zone or disturbing any soils within the flood zone he said.

He said additionally the Cocheco River is governed by the Shoreline Protection Act so they are aware that they will need to file any disturbance within 250 ft. of the river a Shoreline Protection Permit for any of that disturbance. He said more notably for this board and the general public they are in a sensitive zone which covers 250 ft. of the site but really starts to restrict the use of the property within 100 ft. of the site. It's unclear at the moment whether or not any disturbance would really take place within 100 ft. of the river and if so there is a process we would have to undertake to go through any disturbance within that area of the property he said.

Mr. Berry said the proposal is to excavate the site to remove the materials from the site and transport them to different users within the town and the general state within the area of the project. He said the soils onsite are mostly sand soils very fine and there are some coarse granular sands onsite but there is really no gravel to speak of. This is mostly a sand and gravel operation that would be undertaken he said.

He said the proposal is to drop the site where they have large eskers and they would drop those eskers much deeper than the other areas onsite. He said some of the existing pits onsite have already established where the seasonal high groundwater table is so they would excavate down to an appropriate elevation in their final design.

He said generally the site slopes from Chestnut Hill Road down to the Cocheco River. He said as part of the project design they would also require an Alteration of Terrain Permit where they are going to be disturbing well over 1,000 sq. ft. of soil and as part of that a storm water analysis for this site would be required. He said they would anticipate installing a large sediment bay and/or a detention system to insure that any of the storm water coming from the site is captured, treated and then discharged at a rate no greater than what the existing site generates today for flow.

Mr. Berry said in terms of the regulation process within the Town of Farmington as the board knows there is a set of regulations specific to gravel removal or excavation removal and they are aware of those regulations and have reviewed them internally and have also reviewed them with Mr. Pimental at the pre-application meeting they had with him. He said all of those regulations seem pretty straightforward and reasonable when you are talking about an excavation project of this size.

He said once the areas have been mined for the materials pursuant to the plan they would prepare those areas and slopes would be stabilized and loam material would be stripped in the areas for excavation on a phased plan basis. He said those areas of loam stripping would be piled and likely screened and set aside, stabilized and as the site is excavated and needed for re-vegetation that material would be spread on the site and then seeded for re-vegetation and stabilization. All of that will be prepared in a phased excavation plan so that areas are stabilized as they go and no more than 5 acres of open land would be permitted on this project site without stabilization moving forward he said.

He pointed out that they are here for a design review discussion so this is a preliminary discussion to glean any input that they have from the board and from the abutters. He said as part of that they wanted to start the dialogue with the board on things that they hadn't thought of or things that are not in the regulations. He said as part of the excavation operation they are proposing a 50 ft. buffer around the perimeter that is codified in the state law and in the Town's regulations. If we have an abutter that doesn't mind our operation and would allow us a reduction that can go down to 10 ft. but right now we're planning on a 50 ft. buffer around the entire perimeter of the operation he said.

Mr. Berry then turned to the questions that came out of the public portion of the last meeting.

Traffic- He said they would undertake a traffic analysis and traffic from this site is probably going to be a 50/50 split between north and south on Chestnut Hill Road. He said there's no particular driving force for materials in one direction or another. There may be a larger driving force for materials in the southerly direction but right now the need for this type of material is

really pretty well balanced throughout the state in a northerly and southerly direction so we would anticipate traffic from the site both turning left and right out of and into the site he said.

Blasting- Mr. Berry said they do not propose any blasting and this is a sand and gravel operation not a rock quarry operation so there is no blasting proposed.

Timeframe- He said he can't establish a timeframe for the project and all he can establish is that on a frequent basis, it was suggested in their pre-meeting that it's on a yearly basis by the Planner that a plan be provided and updates to the Town as to the progress of the operation on site. He said this is going to be a multi-year project and is dependent on market forces so he can't say it will take one year or 20 years. He said sand and gravel operations tend to have a lifespan to them and that is why they are proposing this be done in 5 acre phases. We're committed to a 1 year increment where we provide stabilization and material take-offs on the site so the Town knows on a yearly basis that this would be in conformance throughout the life of the mining operation. I think historically we have operations that go 5 years which is the state standard for these types of check-ins and we have operations that go 5 years and there tends to be some non-compliance that happens in that 5 year window and the applicants are committed to ensuring that that does not take place on their project he said.

Total Elevation of the Depth to be Dug- Mr. Berry said it varies on site based on the eskers on site. He said right now just the square footage and the calculation they provided for the design review for the cubic footage of removal applies an average depth on the entire site but there are some areas where they could excavate down because of the esker that is there approx. 30 ft. and there are other areas that can't be excavated at all so there are wide ranges based on how the groundwater works on this project site. He said it will not be a large imposing hole right in the center of the project and they would propose that a shelf be constructed at the top of the slope and then a gradual slope down to a proposed detention system at the bottom of the slope so that it was more of a gradual excavation operation.

Difference between State and Local Control- He said in this case because the local regulations seemly are copied from the Alteration of Terrain standards there is very little overlap there. He said most of the local controls are identical to the state controls that they would have to abide by. He then said he would be happy to answer any questions that the board or the general public may have.

Mr. Pelkey asked that when he says they are talking about 5 acre increments if they would be reclaiming 5 acres at a time.

Mr. Berry said yes but more likely though as slopes are established those would be reclaimed more immediately and one of the questions from last month had to do with dust control and more immediate reclamation of areas that are not being manipulated anymore will likely be part of the project plan so that they won't have just 5 acres of open area but the phase will contain 5 acres.

Mr. Pelkey asked if they are talking about the Town inspecting this on an incremental basis or

basically on a yearly basis the Town would come in and perform or have it inspected to ensure that it's in compliance with the regulations as they go.

Mr. Pimental said at their first meeting they talked about taking a similar approach to how they have done the previous excavation where we would require that a plan be submitted to the Town to ensure that everything that was approved is meeting the requirements. He said that would be something that is done on yearly basis so we would require either a performance bond or an escrow be set up to pay for that on a yearly basis.

Mr. Pelkey asked if the excavation plan would show the entire excavation and the phases as planned as well.

Mr. Berry said the plan would include the total excavation and then the phases internal to that.

Mr. Fisher asked if the inspection would be done by a third party or by Town personnel.

Mr. Berry said during the pre-application meeting they discussed that this operation is going to fall under the federal permitting process and those inspections would be done by his company, they would submit those reports to the Town and then if the Town wanted the Code Enforcement Officer or to hire a third party to go out and do that yearly inspection then they would have those reports at their disposal and they can enter the property on a yearly basis.

Mr. Henry asked if his seal would be on those reports.

Mr. Berry said yes.

Mr. Mains asked when they do the recovery on those 5 acres if they plan to put in trees or grass or if they were just going to leave it open.

Mr. Berry said the reclamation plan would include relaying 4" to 6" of loam and seeding the site with rye grass and then it is left to naturalize.

Mr. Pelkey said that is in accordance with RSA 155:E.

Mr. King asked what is the distance they are allowed to excavate down to in the excavation regulations as far as the seasonal high water table.

Mr. Pimental said 6 feet.

Mr. King said sheet 5 of 9 has some of the test pit data and asked Mr. Berry to take him through some of the test pits and talk about the areas to be excavated because it seems like some of them are already lower than they should be.

Mr. Berry said there are areas that are already within that 6 ft. in what they call the estimated seasonal high water table. He said unlike normal glacial till where the estimated seasonal high water table is pretty definitive they find that in sand and gravel there are areas where there are redoximorphic features inside those soils. He said in some areas they have greater than 90" basically they couldn't dig deep enough to find the seasonal high water table and in other areas where they found that redoximorphic feature higher in the sand profile they endeavor to drill monitoring wells on site so they can establish a baseline for the actual water table that exists on site and allow that to be monitored as the project continues.

He said Mr. King was pointing out that towards the upper portion of this project site they have

seasonal high water tables that are 68" or so and it's hard to excavate to down within 6 ft. of the seasonal high water table when they don't have 6 ft. in the existing conditions. He said they have other areas where they have a 30' esker at the base of the site where they could excavate down a pretty considerable distance and remove some material.

Mr. King asked him to point out one of those areas.

Mr. Berry circled an area on the lower left side of the site plan and said it should say greater than 80" because that's an area where they just couldn't dig deep enough.

Mr. King said the ground there is at 284' elevation and directly adjacent to that there's an area that's probably already been excavated that shows 36" to seasonal high water table and that's 263' so that means if the water table was close to that that area could be excavated to 266', 3 ft. above the 36" so that would be 18 ft.

Mr. Berry said that is correct.

Mr. Pelkey asked if these numbers are not normalized and they are just from the surface at the particular point where the pit was dug and are not referenced to the same points they're looking at.

Mr. Berry said they kind of are and that Mr. King is astute enough to know that if the site from Chestnut Hill Road comes down and does this to the river and we have a mound in between Mr. King is pointing out that maybe in this valley they have a seasonal high water table at this elevation and is questioning how deep they are really going to be able to take these eskers down if they are essentially establishing a ground water map that looks like that.

Mr. King said it looks by the slopes that some of this is past excavation based upon the steepness of the slopes and the depth. He said the area that is 36" is pretty steep and goes to a bottom close to the river and the adjacent areas around it are 20' or 15' minimum higher so you have some areas that were prior excavated and he didn't know when that was but it may have been in the 1970's.

Patricia Torr Aiken said that since they have owned the property it has not been excavated.

Mr. King said he understood that but he knew that it was passed down whether it was in the '60's, '70's or the '80's.

Franklin Torr said he bought the property in 1970.

Mr. Berry said a good test of this is the one in the middle that your eye is really drawn to you have a bottom at a wetland elevation of about 250 and the river elevation is about the same elevation so it's a pretty good estimate of what...

Mr. King said in this excavation they would be working around these areas and asked if there is any intent to work in these low areas, fill these areas, stay out of the areas that have already been over excavated so when they do their reclamation. He said some of these areas were excavated probably before the earth regulations were in place but asked based upon being below what they should be now what the plan is.

Mr. Berry said the general plan in that area is where the retention facility would be and they

would incorporate that small wet area as part of their retention facility so it would be reclaimed as part of this project. He said the one that is more central would probably be left alone.

Mr. King said he did some rough calculations based on the volume and it came out to they are going to remove 200,000 cubic yards that's 5.4 million cubic ft. He said the surface area of the whole acreage is approx. 2 million so if they're not doing any set asides with the buffer they may be looking at an average of 5 or 6 ft. over the whole site.

Mr. Berry said that's how they based the calculation they put in their design review application and they basically ran an area of the entire excavation area and dropped the site about 4.5 ft. He said that does not include the large eskers where they have more material and they have not yet drilled monitoring wells to determine where the true water table is.

Mr. King said he referred to the water table being up and down and asked if they have shown that in test pit data or if it's just an assumption.

Mr. Berry said when they were doing test pits with the soil scientist he found these lenses that is iron placed in the soil and that typically indicates the presence of a water table but they were not witnessing a water table while they were on site. He said to truly understand where the water table is specifically in the higher elevations up around the 276 elevation they feel that driving a monitoring well will properly establish where the seasonal high water table is.

Mr. King asked how many monitoring wells they expect will be needed on the site.

Mr. Berry said they are expecting 2 to 3 and they want to have a pre-application meeting with the Alteration of Terrain office to see how many monitoring wells they would recommend.

Mr. King asked based upon this being adjacent to the Cocheco River which falls under the federal protection of the Shoreline Protection Act why they would even be planning to excavate in the area that has a much higher increase of scrutiny being a border and why they wouldn't just stay out of that.

Mr. Berry said the Shoreline Protection zone does allow for disturbance within it and it is more of an impervious surface calculation once you get beyond the 50 ft. primary setback. He said there is a woodland buffer they also need to consider but this activity is permitted within the Shoreline Protection zone.

Mr. King asked for the estimated net of all that jumping through all those hoops-a large portion of what they're planning to excavate or unknown at this point because some of those areas that have already been excavated are in that same area too.

Mr. Berry said he didn't understand the question.

Mr. King asked if "the juice is worth the squeeze" in that area.

Mr. Berry said yes and to work through permitting of this size any amount of material that can be removed within that area is worth the squeeze.

Mr. Pimental said the Town has in their own regulations the water front protection overlay district which for this would be a limited development zone which is 100 ft. and anything within that would require a Special Use Permit for approval that's not necessarily guaranteed. He said

the Special Use Permit within that 100 ft. buffer would have to be approved if they want to disturb within those areas so that is an additional permit at the local level that would have to go through the process.

Mr. Pelkey said the existing drawing they have here shows that 100 ft. setback from the Cocheco River and also shows the 50 ft. setback from the abutting properties. He said it shows vegetation along the boundaries with the abutters and asked if the plan will be for that vegetation to remain in place.

Mr. Berry said yes and there is no reason for them to touch that vegetation.

Mr. Fisher asked if a copy of this has gone to the Cocheco River Local Advisory Committee.

Mr. Pimental said not at this point but when they make formal application the LAC would be notified.

Mr. Pelkey asked how long the LAC has to respond.

Mr. Pimental said he thinks it is 30 days and their comments are strictly advisory to us.

Mr. Berry said and to the state agencies.

Mr. Pelkey said he didn't have any control over the state agencies and he was looking at the timeline of how we process things.

Mr. Pimental said the Conservation Commission depending on the Special Use Permit and any other Con Com oversight would probably be happening in along the same timeline as the LAC. It all would be happening prior to it coming before this board and we would want to have all of that information and all of those comments compiled before bringing it here. It doesn't make sense to bring it here when we are still waiting for other comments he said.

He said he wanted to clarify that Mr. Berry mentioned the "sensitive zone" and for folks that may not realize what that is that's actually our steep slopes overlay district. He said Farmington doesn't call it a steep slopes overlay district they call it a sensitive zone but those are steep slopes anything 25% or greater. He while they are not positive if there is going to be an impact that is what that sensitive zone is and there is a resource assessment that would be required and there are a number of different things spelled out in the zoning ordinance they would have to meet if they're disturbing any of those sensitive areas.

Mr. Pelkey said they don't have a copy of the actual excavation plan right now to look at to make comments on the design of the excavation plan so there's a lot of specific stuff that he would like to see and make comment on and he was hoping to have a chance to do that today. He said he would be curious to know what they are going to do to make sure that material from the site isn't going to be tracked out and spread all over Chestnut Hill Road.

Mr. Berry said those are the types of details that aren't typically gone over at a design review but he was happy to address that. He said every operation of this size requires a construction entrance and they propose that this would have a construction entrance so the trucks aren't tracking material out. He said typically that's done out of stone on a temporary basis but they do have track mats now that may be more appropriate for a longer term project.

Mr. King said the frontage on Chestnut Hill Road is somewhat limited and asked if they have addressed sight distance and safety concerns in that limited frontage area as far as getting on and off the site especially where there are going to be a lot of trucks say over a 5 to 8 year period and if they have back figured what that would be for trucks. He asked if they have addressed that they feel they can meet the entrance and exit from the site safely especially with the actual speed on Chestnut Hill Road not the posted speed.

Mr. Berry said they have reviewed it basically on site to know that they generally have sight distance but they have not provided a sight distance profile at the proper heights and they have not done enough traffic study to know what the speed is in that area and whether or not turning movements would be needed in and out of the site.

Mr. Pimental asked Mr. Berry if he had the distance and that he just did a "back of the envelope" calculation and it looks like 360 or 370 ft.

Mr. Berry said it was not labeled on the plan and it is approx. 350 ft. or so.

Mr. Pelkey asked if he anticipates coming back to the board for an additional review with an actual excavation plan prior to submission (of the application).

Mr. Berry said he hadn't but they certainly can come back for another design review.

Mr. Pelkey said this has gotten a lot of attention and folks are going to want to see the details of what is going to happen. He said he will want to see the details ahead of time so he has a chance to study it and come up with intelligent questions rather than trying to do it off the top of the table so hopefully they'll have the plans early enough in the process so that they have a chance to review it before they have a meeting.

Mr. Pimental said for this particular meeting when they open it up to the public for general comments those types of conversations they would likely have when they make full application and just knowing that for a project like this, this is likely to not be approved in one meeting which is what we try to accomplish but because of the complexity of this some of those conversations that may happen with the board with those very specific details would be more appropriate when they have all the information. So I would say at that point it will be when they make full application but to use this time to ask the larger questions and not necessarily hold another design review unless you would like to see them come back based on comments from tonight he said.

He said those conversations with all the specific details will be the next step when they make formal application. He said that could take a couple of meetings to get all the way through that and having the board understand that they'll probably take a little bit more time going through this than they have with previous applications where they come to the board and they are essentially complete and ready to be signed by the board. This will be more of an opportunity for the board to participate and make those comments at a very specific level. My recommendation would be if there aren't any other questions from the board to open it up for the public hearing piece and see where that takes us and at the end the board should decide if

you feel comfortable with having them move forward to make full application he said.

Mr. Pelkey said he read through the Town excavation regulations and there is a very specific list of submissions required both in the application and what's required to be shown on the drawings. He said he expects that they completely comply with all of that or else there be something written asking for relief from it. He said he would just go right from the top and right down through it because having looked at it he thinks they all apply and he didn't see anything in there that does not apply to this particular project.

He then opened public hearing to public comments and advised the public if they would like to come up and say something they are welcome to and to please address their comments to him and they will get them the answers they desire and would be happy to hear their comments. He asked the speakers to state their name and street they live on for the record.

Robert Pettersen said he owns the property at 532 and is also a director at 536 Chestnut Hill Road and that he has a lot of problems with dirt and stuff now getting washed down into his yard so he ends up having to put up a bigger wall or having to clean stuff up all the time because it just washes right down into his yard.

Mr. Pelkey asked if it comes off the road.

Mr. Pettersen said it comes right off the road because he is on the downhill side and he is right next to the road that goes in and it washes right down. He said he was curious about that and was also curious about in between where 532 and 536 property comes together there was a coyote den right up in there and asked if the property has been looked at for wildlife and what would happen to them or if they just have to hit the road.

Mr. Pelkey said he was not an expert on it but he would say that unless it is a protected species of plant, bird or animal they probably wouldn't get much traction on that. He said as far as the drainage they are supposed to ensure to the board and one of the things they are going to look at is they're not going to make a major change to the way the water is running in that area. They are supposed to make sure that the way the water runs now is the way the water runs when they're done he said.

Mr. Berry said the only thing he would add is if there's a correct that can made as part of their process then they would also do that.

Mr. Pettersen said he brought it up to the Town before and they have done what they can do but any extra moving of the dirt is going to make it worse than it has been. He said other than that it's just with the wildlife and when things were getting marked out and they were figuring out the property lines he followed the tracks through the winter of the person figuring it out and they stopped and they made sure to go around where the den was.

Mr. Pelkey said if that happens to be on this gentleman's property and they're not protected he couldn't tell him he couldn't use his property as he pleases if he's not violating a rule. He said there is a 50 ft. buffer for all of the abutters unless the abutter requests to them to have relief from that down to 10 ft. and the request for that has to come from the abutter.

Mr. Fisher said they ran across some wildlife issues when they were looking at the solar panel fields for the old dump and the state will come in and do a wildlife audit when they do their Alteration of Terrain Permit. He said NH DES will look for endangered species, animals and in one spot they even looked for rabbits so the wildlife will be taken into account.

Mr. Pettersen said the biggest thing is being downhill and everything just flows right downhill. He said there will be a lot of trucks going out for a lot of years and it's kind of hard to keep that stuff under control.

Deborah Romaniak of 122 Cocheco Road said she is near Foss' and the stream that goes through there to the Cocheco and she believes that there is a 100 ft. buffer now and asked if that would stay that or would it be an extra 50 ft. past there where they haven't logged it.

Mr. Pelkey said for abutting properties they are required to maintain 50 ft. and from the river there is another overlay district that requires them to remain 100 ft. off of that.

Ms. Romaniak asked if her stream that goes to the Cocheco River considered part of the river.

Mr. Pimental said if it is permanent then they would consider it and he would have to look at the Town's regulations but that would likely meet the limited development. He said that 100 ft. doesn't preclude there to be activity it just requires a special permit that has to go through an additional process. That would go to the Conservation Commission for comments and there is a series of criteria they would have to meet if they were going to be within that 100 ft. he said.

Ms. Romaniak asked if they could go closer.

Mr. Pimental said they could within the 100 ft. but it has to be approved by the Town so the Town control over that depending on the criteria they would have to meet. He said if they were to not meet that the Town could vote to not allow that special permit but the way that the regulations are written it does allow for a developer to get a little bit closer within that 100 ft.

Ms. Romaniak said she had assumed it would stay that way and because the water is right there and being next to that.

Mr. Pelkey said in response to her concern about the brook Mr. Berry knows where the brook is and asked him to give them an idea of where it is in relation to that drawing.

Mr. Berry said this is the piece that extends towards Cocheco Road and pointed out the location of that section of land on the site plan and that the road is below that and the Cocheco River is above it and the jurisdictional wetlands line sits about 50 ft. inside their property and in some cases closer to 100 ft. inside their property. He said they were not able to touch that area and then the seasonal or perennial depending on the classification of the brook sits probably at least another 100 ft. inside of that so they wouldn't be anywhere near that brook.

Mr. Henry asked if the brook is off their property.

Mr. Berry said the brook is off their property but if the zone extended onto their property they would be affected by that zone. He said even if it extended onto their property it extends into another jurisdictional overlay that they can't touch anyway.

Mr. King asked if the area directly adjacent to the stream is jurisdictional wetlands and they

have to stay out of that.

Mr. Berry said that is right.

Ms. Romaniak said a lot of the trees have fallen onto her property from their property and there are trees leaning and she didn't want more of a mess on her property.

Mr. Pelkey asked if her property was open.

Ms. Romaniak said it is wooded in the back and then it goes up but the stream is at the bottom and it goes down to the stream. She said a lot of the trees in the 100 ft. border have fallen over and are in the stream and then they're up onto her property and into her trees and it's really made a big mess on her property so she wanted to make sure there wouldn't be more digging next to the water there.

She said she was a little bit confused when Mr. Berry talked about the ridge where the Cocheco is and there is a really high ridge there and asked if he was saying that they could dig into that.

Mr. Berry said there are portions of that that they can dig into and they have not detailed that out and shown where that digging would take place.

Mr. Pelkey asked if she understood the contour lines shown on the drawing and that every 2 ft. or so there's another line that shows the actual slope, the rate of slope and the closer the lines are together the more angle that you have. He said you can see the 100 ft. setback line runs almost along the top of the ridge down to the lower left section and without additional permission they can go into that area.

Ms. Romaniak asked if that would stay that ridge along there.

Mr. Berry said he didn't have the answer to that.

Ms. Romaniak asked if he knew anything about the hours of operation when they would be doing the trucks and if they would be doing it on weekends or just during the week.

Mr. Berry said they have not nailed down what the hours of operation are and that is typically something that they propose and then is discussed at the formal application to the board.

Mr. Pelkey told Ms. Romaniak to feel free to let the board know her feelings on that. He said they take into account what she has to say about it and what the applicant has to say about it and it is on them to find the right "sweet spot".

Ms. Romaniak asked if the trucks would go up Cocheco Road too or if they would stay more on Chestnut Hill Road that they might cut through. She said if they come around that corner by the stop sign they would have to stop and start at the stop sign and that would be a lot of noise.

Mr. Pelkey said once the traffic leaves their site the applicant is not controlling where those trucks are going to go. He said they don't have jurisdiction over that but the Town might and she could talk to the Selectmen about she thought there would be some kind of changes to the traffic pattern but the applicant controls the entrance and exit to his property and the Planning Board will be talking about what can happen to the roads.

Ms. Romaniak then asked about dust control. She said they said there were going to do this in 5 acre increments and asked if they spray it down or do anything in between when it's dusty. She

said this year it was so dry it would have been horrible and she didn't know if they had anything they could do for that.

Mr. Berry said the phase would be 5 acres but they would not have 5 acres open at a time so they would not have 5 acres of open material that doesn't have loam placed on it. He said there are other dust control measures that are utilized in the open areas and those would be detailed on the plan.

Mr. Pelkey asked if NH DES has any best practices for dust control at pits like that.

Mr. Berry said yes.

Mr. Pelkey said there are some standards that the Dept. of Environmental Services has concerning operations in excavations like that and one of them has to do with dust control. He said he hasn't seen that one and would have to go looking for it. There are also standards for how they're going to fuel the vehicles and stuff like that and all of them need to be acknowledged as part of this he said.

Ms. Romaniak asked if when the 5 acre piece is finished they will put the loam and seed it then and not do the whole thing at the end when it is all done.

Mr. Berry said yes and its progressive reclamation. He said they don't just open up 5 acres at a time and then close it and then move on it's a progressive action. He said the 5 acre phasing is really a best guess or projection of how the pit will operate based on potential sales.

He said they will provide a phasing plan and it will block out the areas that they would do in those phases but if you were to take a time lapsed photograph with a drone you would just see movement through the pit and as they move through the pit they would reclaim behind them so it's more of a progressive application.

Mr. Pelkey said that being about a 30 acre area they're talking about 6 phases.

Mr. Berry said approximately yes.

Mr. Henry asked if that phased approach is typical in gravel pits now or if that is something they are proposing that is not the norm.

Mr. Berry said it's very typical specifically because alteration of terrain without special permission doesn't allow you to have 5 acres of active area open at a time. He said that pits designed prior to the current regulations tend to have much more open un-reclaimed areas.

Mr. Pelkey said RSA 155-E talks about the phased approach too.

Mr. Pimental said some of the prior pits didn't fall into that so this one will be in terms of the reclamation plan will be done a little bit differently than the ones that have been approved in the past.

Mr. Pelkey said there are a lot of historical pits in Farmington and they are in the process of trying to inventory them all and find out where they're all at and make sure that they're all going to be in compliance because the Town is responsible. He said even though the state wrote the RSA that controls excavations they made the Town responsible for making sure it gets followed. It now falls on the Planning Board to make sure that all of the stuff that's gone in

the past is also in compliance so we have a subcommittee of the Planning Board that's working on that he said.

Mr. Pettersen asked where would things be started and if it would be at the further end or on the Chestnut Hill Road side.

Mr. Berry said it would start towards Chestnut Hill Road and then start working its way down the slope to the back of the site.

Mr. Pimental said if folks do speak and leave all the abutters will be notified again when they make full application after tonight. He said the abutters will get another letter in the mail telling them the time and when that application will be heard with everything so that's probably out in the future a little bit. If anybody needs to leave just know that you will be notified again so you can come and participate in that hearing where the board will be discussing a lot of these issues in more detail he said.

Mr. Pettersen said he received a letter as the director for 536 Chestnut Hill Road but he didn't see one at his house which is 532 Chestnut Hill Road. He said he never received one and he ended up calling about it and they did send one to them.

Mr. King said the question is if 532 Chestnut Hill Road is a direct abutter or not.

Mr. Berry said 532 is a direct abutter but 536 is not.

Mr. Pettersen said 536 is an abutter as it goes around his property and abuts up to it.

Mr. Berry said regardless 532 is an abutter and he should be notified twice if he owns both properties.

Mr. Pettersen said one goes to a post office box and one goes to his personal address.

Mr. Pelkey said page 2 of the documents he has in his hands has a list of the abutters on the lower left hand side and asked him to take a look at it and see if he is on there.

Mr. Henry said #532 is there but he didn't see #536.

Mr. Pelkey said the abutters are on sheet 1 and sheet 2.

Mr. Pettersen said they are both on there.

Mr. Pelkey said he should receive both of them and those letters go through the Planning Dept. office and they will make sure that gets done right.

Larry Gorney of 500 Chestnut Hill road said if they are going to clear 5 acres at a time and move on so at any given point there's more than 5 acres that's exposed because they didn't finish the remediation they were doing on the last part that area has become a wind tunnel which heads right through her property (Ms. Romaniak's) and Foss' and all the trees all of a sudden are exposed that were protected are dropping down and we're seeing the same thing along the hill edge of Chestnut Hill Road which is a pretty steep drop. He said if that wind has been all year long since they cleared and in the spring it's a big catch because you have the rise by the river and the rise all the way around and everything was collecting there and washing off those sides so between that and the wind it sounds like trying to do remediation is going to be a big problem.

He said he can't think of a worse spot on Chestnut Hill Road to have a small entrance for heavy trucking to come in and out on a large scale because even if they turn it so you're facing at a 90 (degree angle) you're right below that rise before it coming from the south side so you're not going to see that truck until you are on it and if you're moving you're talking a lot of potential damage and a lot of accidents.

Mr. Pelkey said as part of the application process they've already talked about maybe doing a traffic study on that road to determine what needs to be done to make sure that is going to be a safe access and egress to the site.

Mr. Pimental said this project will go through technical review which includes both the Fire Chief and the Police Chief so they'll have an opportunity to review this for safety issues as well and provide comments to the applicant and the Police Chief will keep that in mind when he has a chance to review it.

Mr. Gorney said as far as what is a very windy area now when those machines are operating they're dumping it into loading trucks or digging it up you're going to be making lots of dust and it's going to be carried off real quick. He said they are going to have a hell of a time trying to keep the dust down and from spreading in the neighborhood.

Mr. Pimental asked if there has been any consideration of reclamation plans that provide more than just loam and seed but actually the planting of some trees that may help in the long term with some of that wind issue some of the residents are talking about. He asked Mr. Berry if he had any experience with that and if he could speak to that at all.

Mr. Berry said they do have experience with that and they can take a look at the specific areas where the wind is the issue and provide for some remediation in those specific areas.

Donna Gorney of 500 Chestnut Hill Road asked to have the inspection process explained.

Mr. Pelkey said the Town's part of that would go through the Planning Dept. office and asked Mr. Pimental to explain it.

Mr. Pimental said in the past they have required that a qualified engineer that is either chosen or accepted by the Town would be required to perform those yearly inspections to determine if all the excavation activities comply with the regulations and the plan that is approved by this board. He said the inspection reports would be submitted to the Town's Planning Dept. and they would review them and if it's found that the applicant is not in compliance with the permit then the applicant would have an opportunity to address any deficiencies. He said if they don't it gives the Town an opportunity if there is any failure to rectify those compliance issues they could revoke the permit. That could be done by the Selectmen if it's found that they're in violation of any of the regulations or what is approved by the (Planning) board he said.

Mrs. Gorney asked who decides who the inspector is.

Mr. Pelkey said it would be somebody that was chosen by the Town as a qualified person and right now the Town is in the process of seeking a company that's qualified to do it. He said they're looking for people qualified to do it to show us their qualifications so they can possibly

hire them to come do that for the Town.

He said they could also make an agreement with the applicant if they both agree that this is the person that is qualified to do it and that person could do it. He said it's still at a negotiation point right now it hasn't been decided yet when they come in with their proposal and it comes formally before the board. That would be one of the items we will have to work out before we would approve that he said.

Mrs. Gorney said she must have misunderstood because she thought that he (Mr. Berry) said he had his own inspector that worked for him.

Mr. Pelkey said if they agreed to that that would be okay but they haven't seen that proposal yet and they can't get ahead of themselves and make comments on that specific piece.

Mr. Berry clarified that there is another level of compliance outside of the Town that the applicant has to deal with through the federal government and the design engineer or the engineer of their choice has to do that level of inspection and provide those inspection reports to the Town also. So there is us working for the applicant and in some cases that's enough for municipalities and then there is a level of review done by the Town on top of that also he said.

Mr. Henry said he had asked earlier that his seal goes on that review and asked Mr. Berry to explain the significance of his seal being on that report.

Mr. Berry said the significance is they have qualified personnel that do these reviews and state that the applicant is either doing their job well or doing their job poorly and if someone feels that those inspections or somebody is working in a non-diligent manner then you could take exception to that with the licensing board and the professional board of engineers could get involved and there are other certifications done through the federal government that could also be investigated and revoked.

Mr. Henry said they are putting their company on line essentially when they put their seal on something.

Mr. Berry said every time they do a project and say this is how it should be done they are asserting that.

Mr. King said he was looking at the topography on Chestnut Hill Road and the site from one corner is 280 ft. above sea level and the other being approx. 300 ft. He said working back into the site and looking at their test pit data, starting at the right working in based on the seasonal high water test pits it doesn't appear that there is going to be any minable material until you get back about 400 ft. and asked if that is a fair estimation-besides prepping for that pit area.

Mr. Berry said no because what that data is not telling us is where the true water level is in the soil which they intend to get from the borings.

Mr. Pelkey said the total amount of excavation material is still to be determined based upon what the average water level is for the site.

Mr. Berry said that's correct.

Mr. King said if you look at the sheer elevation and get back about 300 ft. the surface is at 270

ft. so they have to have a slope in and out of that. He said realistically they have to maintain the setback from the road which is at 280-300 ft. and then they have to have a drivable area down into the pit so there may be some minable materials there but based upon maintaining the slopes and the setback it may be that any amount of large excavation may not be happening until you get to that next test pit data where it shows at 286 ft. elevation if you are just going from right to left. In essence it doesn't appear to be an excessive amount of mining in that first 300-350 ft. back from Chestnut Hill Road based on what I see for slopes he said.

Mr. Berry said the description he would use is probably more general sloping and they're not going to be able to just come in and shelf off as somebody might have in their mind. He said they'd have to slope that area out because you have to get vehicles in and out of there.

Mr. King said maybe when they make formal application that they have the areas that are going to be the mined areas and this is what they're expecting to do in these areas. He said it might be clear to them based upon what's here but they may want to highlight that this is an area that is going to be excavated over a certain amount of years and this is what we feel is going to be the bottom floor based upon what we've seen so far and the estimation so the people will say these are the areas if and when this gets approved that we're to expect see mining because you may have an abutter that has a concern but there may not be any significant excavation adjacent to their property so you may want to provide that in the application.

Mr. Berry said as part of the application there would be a grading plan for the entire site and operations.

Mr. Pelkey said that was what he was looking for too that the excavation plan would show the excavations, show the final sloping and stuff like that which would be easier for people to conceptualize what it's going to look like once it gets into operation than to see the "as is" plan for right now but that will come.

Norman Russell said he heard something earlier about a screening operation which is an excavation operation and a material processing operation is a little bit different and often more noisy and there is a lot more airborne dust. He asked if they are planning on processing materials other than the screened loam they plan on putting on the exposed areas and if they're going to crush material or screen sand and sell screened sand which is more of a consideration than simply digging it out of the ground and putting it on a truck and trucking it out of there.

Mr. Berry said the answer is yes and in the materials industry they try to touch the material as few times as possible so the loam would be taken off in sections as the pit is opened up, screened, piled and then the physical material that is mined would be screened on site to whatever specifications that is needed or being created and then that material would leave the site in that format. He said the tailings from whatever screening operation is there probably would be sold as a by-product but the material is likely not going to leave the site to another operation to be screened, retouched and then re-sold so that dust control and airborne

concern you have is very valid. The placement of that screener and the actual operations of the material handling is going to be important on this site he said.

Mr. Russell said the locations of those operations is critical as well and several of the abutters have horses and horses are pretty sensitive to noise and machinery so thoughtful planning on where the screening operations are conducted would go a long ways to keeping the peace in the neighborhood. He said excavation operations are generally noisy anyway and when you start processing materials it adds another layer of concern and we really don't want to stress out people's animals and he would be concerned about where that operation would take place. Mr. Pelkey asked what kind of things could be done to address noise concerns about processing of materials.

Mr. Berry said the primary focus is location and in larger operations they find the deepest area to do that in so that noise is essentially captured and the dust is controlled by the elevation. He said on this particular site more consideration will have to be put into that because they are not going to have such deep features on site.

Mr. Russell then said he had a concern that safe and convenient access to that site is a challenge because the entire frontage is on Chestnut Hill Road and there's a continuous slope and in some areas a severe slope on Chestnut Hill Road and there's issues with sight distance. He said they talked about the Police, Fire and Highway Depts. and this access is effectively becoming an intersection and currently it's in a bad spot so he hoped the board would set some conditions that would ensure safe and convenient access as it's a fairly heavily traveled road. Mr. Pelkey said especially since they put lights on Route 11. He said his road gets more traveled now because of the traffic lights that are on Rte. 11 so getting back and forth to Rochester is much easier that way.

Mr. Russell said the entire frontage is a challenge and the existing location for that is terrible and that it should be part of the design review to show where the exit or entrance (or it could have multiples) are because he is very curious about how they are going to do this.

Mr. Pelkey said it will be part of the design that gets submitted to the board.

Mr. Russell asked if there would be any disturbances within the 50 ft. setbacks from the property lines such as re-grading those areas and some trees have been cut down so there are some stumps there.

Mr. Berry said there would be no proposed re-grading in those areas.

Mr. Pelkey asked if the current rule reads 50 ft. vegetated setback.

Mr. Pimental said he was not sure if it says "vegetated".

Mr. Henry asked what if it is not vegetated now.

Mr. Russell said there was some mention of reclamation with loaming and seeding and he would hope that the board would include conditions that ensure that the grass grows and at least thrives to the point where it takes hold and can maintain itself. He said just loaming and seeding is good but grass is better than windblown soils.

Mr. Pelkey said the state rules say that in the reclamation process it gets seeded and maintained until the grass has taken hold and it will be the Town's responsibility to make sure that's complied with.

Mr. Russell asked if the vehicles that will be coming in and out of there will be from all one company or if a public person could just drive in there and buy a load of materials. He said for example they could set conditions that all traffic entering the site will come from Farmington so they don't have to drive across lanes and all trucks exiting will go to Rochester but who is going to enforce it, not Code Enforcement, not the Police Dept. He said if they have just one big company doing this operation they can tell all of their people but if you have the public coming in they don't know there are conditions to adhere to.

Mr. Pelkey said he would not want to open up a business and then have the Town tell him who he can sell his stuff to. If I owned the property I would not want the Town to say you can only sell to that guy and nobody else. I'm not sure we can do that he said.

Mr. Russell said he would encourage the board to ensure whatever conditions they place can be monitored and are adhered to. He said in some cases you make a requirement and nobody was aware if you let everybody in.

Mr. Pelkey said the excavation is a business and asked if they get a business plan along with this.

Mr. Pimental said they have a business use certificate process but there's not a lot to that it's more administrative.

Mr. King said he understood their concern about the traffic flow and he has been by this site and you can't control where people come and go to a certain extent. He said if it's a large site and say Pike is going to come in and take stuff out of there for 6 months if there's a condition that says that we prefer the traffic go here because of the amount but if a guy comes in with a 6-wheeler and says he needs 3 yards of sand he is going to go wherever he's going to go because he's not aware of what those conditions are. He said they're not saying if there was a condition for proposed traffic flow that they couldn't require signage leaving the pit area saying they have to go right or go left trying to control some of it.

Mr. Pelkey said they could put restrictions on Jake brakes and stuff like that.

Mr. King said there is also a bridge on Cocheco Road which everyone that goes by it knows that if you have a tri-axle coming the other way you better stop. That's not on this road but it's directly adjacent depending on how that traffic will be exiting and depending on the truck volume that could have a significant impact on Cocheco Road. I don't have an answer for that and going either way on Chestnut Hill Road has an impact also.

Mr. Russell said that Chestnut Hill Road with continued heavy traffic in certain areas down the road near the intersection of Dodge Cross Road the base materials are marginal on the road in that location for quite a ways until it starts up into Rochester and the soils aren't so wet. He said it is a concern for the whole town that Chestnut Hill Road be preserved. It's not just mud

season when the roads deteriorate and I would hope that you would place conditions such that the taxpayers don't have to fix it he said.

Mr. Russell said he represents 2 properties-a trust property at 506 Chestnut Hill Road and the other one doesn't have a residence on it so there's no mailing address to that.

Mr. Mains said he is used to using phases on other Planning Boards and asked if they can work these things into 5 acre phases like this is going to be Phase 1, this might be Phase 2, etc. so that would give them an idea of where these are. He said he was looking at the Cocheco here and this is coming in and that's 5 acres so to him that would be Phase 1 and asked where Phase 2 would be.

Mr. Berry said the plans they will propose to the board will have phases on them and one will show the technical information, another one will be in color so it's a little easier to read and they will probably provide an explanation as to why they chose those phases.

Mr. Mains said that would make it easier on them knowing they are going from there all the way down to the corner and where they are going to put that other thing would be Phase 2. You know you can come to board and say we're not going to do Phase 3 there we're going to do it up here because there's some reason and we can approve that very simply he said.

Mr. Pimental asked Mr. Berry if he was anticipating any wetlands permits they would need from the state such as the dredge and fill that would also trigger the Town's wetlands overlay.

Mr. Berry said yes.

Mr. King asked which permits he was expecting to need.

Mr. Berry said they are expecting to apply for a dredge and fill permits for 1 or 2 of the wetlands on site and that would also trigger the local review Mr. Pimental talked about.

Mr. Pelkey asked if there is usable material under the area where they anticipate the dredge and fill.

Mr. Berry said not specifically but they're excavating in those areas and they have detention requirements and area requirements for attenuation because those areas are going to be disturbed.

Mr. Pelkey said it's for the storm water management.

Mr. Pimental asked Mr. Berry if there were any other permits he could think of that will be needed for this either at the state or federal level.

Mr. Berry said that is all there are in the book so they are going to need all of them.

Ms. Romaniak said when they talked about the re-vegetation they said that sometimes they put trees in because now her property is like a wind tunnel right to the end of that 3 acres that is gone and it ends at her house so that would be wonderful if they would put in trees to block some of that. She said the wind there is unbelievable and there were big tree branches that hit and made a hole in her roof and that whole area was just all sticks when they got the first storm after the trees were gone.

Mr. Pelkey said they clear cut the acreage next to his property in Somersworth and when

Hurricane Bob came thru it was a little scary and advised her to pay attention if the weather is going to get really windy.

He closed the public comment portion of the public hearing and then closed the public hearing on the design review for Tax Map R-32, Lot 6. He thanked residents for coming and that they appreciated their input.

Motion: (Pelkey, second King) to take a 5 minute recess passed 6-0 at 7:35 p.m.

Chairman Pelkey reconvened the meeting at 7:40 p.m.

Proposed Zoning Amendments:

Mr. Pelkey said the board received copies of the proposed amendments to Table 2.00 (C) Table of Permitted Uses and this is a continuation of a discussion they had at their last meeting.

Mr. Pimental said at the previous meeting they talked about looking at the remaining principal uses in the Table of Permitted Uses specifically agricultural, residential, institutional, recreational and utility. He said last year they concentrated on the commercial and industrial uses but they didn't touch any of the other ones so the board asked him to flag which uses are different in between the industrial and commercial.

He reminded the board that they decided not to get rid of the industrial (IB) zone but to mimic the uses so if one was allowed in one it would be allowed in the other. He said there are several throughout this and they asked him to put it together visually so they could go through relatively quickly.

Mr. Pimental said the first one is aquaculture which is allowed in the industrial zone but is not allowed in the commercial business (CB) zone and asked if the board wanted to make some decisions on whether they want to mirror these or not.

Mr. Pelkey asked if there was a reason they wouldn't want to have aquaculture in the CB zone.

Mr. King said that he didn't see any that they wouldn't want to go with the more permissive and right now one is permitted (P), one is not permitted (-) and one is special exception (SE). He said he didn't see any one that he wouldn't want to lean to whatever is most permissive of the 2 and for example in Section II Residential C Accessory Uses to Single Family Residential Uses, renting of rooms and furnishing of board right now is permitted in the CB and not in the IB and if you go with the more permissive it would be P in both and the same thing with accessory apartments. We could go thru each one but I would take the stance of which one would we not want to go with the more permissive of the 2 because I think that's a much shorter list he said.

Mr. Henry said he was looking at accessory apartments and asked if that means you could build a large factory and build your apartment onto it.

Mr. King said he thinks that is accessory apartments for residential uses because currently there are residential uses that non-conforming in the CB and IB so this would allow you to have an accessory apartment in that non-conforming use. He said what Mr. Henry is referring to would fall under a watchman's apartment possibly which they allow with review.

Mr. Pelkey said he agrees with Mr. King for the most part but saw 2 he wanted to talk about. He

said both are daycare which is permitted in the CB and by SE in the IB. He said they don't allow it for nursery schools with 12 or more children, we give a SE for less than 12 children and that all 3 of them should be permitted. He said it is going to sort itself out by use so he is in favor of the more permissive uses.

Mr. King said they made the CB mirror the IB on the industrial uses so to do the same with recreational or institutional would make them in essence act as the same zone which is what they had considered and to be as permissive as possible unless they come with something they can't allow. He said they talked about the easy ones like movie theaters and drive-ins and right now one is permitted and one needs a SE but the likelihood of us having a drive-in theater in this day and age is pretty low.

Mr. Pelkey said an amusement park would be an interesting one and asked if there was a reason those 2 weren't flagged.

Mr. Pimental said he just missed it. He asked if it was the general consensus of the board that if anything is permitted in one and not allowed they want them both to be permitted and if one of them is permitted and one is SE both of them will be permitted and if one is SE and one is not permitted both will be SE.

Consensus of the board was to agree with Mr. Pimental's statement making them the same to the most permissive of the uses.

Member Comments:

Mr. Pelkey said a person has applied to become a board member.

Mr. Pimental said he has a friend in Farmington that he used to work with who he asked if she was available to participate in this board, the Economic Development Committee or another board and she said she was unavailable but she would be willing to post to the Farmington Community Forum Face book page. He said following her post 2 people e-mailed him and one person, Rebecca Patton-Sanderson is here tonight and is interested in this board and asked her to come forward and introduce herself to the board.

He said a younger person who has a place on Central Street with his fiancé is interested in the EDC and they sent him a form to fill out for the EDC and a form to Mrs. Patton-Sanderson for the Planning Board so hopefully they can get new members for some of the other boards that are struggling with having enough members.

Mr. Fisher who is the Chairman of the Conservation Commission said there are only 3 other members on the commission and one of them will be quitting in March and one will be going to Florida so there will be no meeting next month and there was no meeting this month because they were short of people. We're allowed 7 members and there are 4 counting me he said.

Mr. Pimental said the posting on the Face book page got 2 new board members and maybe that is an opportunity to get members for the Con Com.

Mr. Fisher said he has posted for members on the Face book community page, the news page and on the Con Com page and he got 3 e-mail responses and they never showed up or

contacted him again.

Rebecca Patton-Sanderson came forward and introduced herself to the board and said she has lived in Farmington since 2017. She said she retired in Oct. and the end half of her career was spent as a contractor as a test engineer supporting the defense industry and the first half of her career was spent as a civil engineering technician in NJ and CA drawing surveys, plot plans, improvement plans and drainage plans and processing them. She said she worked for a municipal engineer doing things like tax reevaluations, researching lot line disputes, map and deed reviews and it was her first love back before there was Auto Cad and Mylar and linen were used for tax maps in NJ.

Mr. Pelkey said her application will be taken up hopefully at the next Selectmen's meeting.

Mr. Pimental said the goal for her will be to get it on the agenda for the next Selectmen's meeting, go through the process, take the oath and be a member by the Oct. 5 board meeting.

Mr. King asked how many full member spots there are.

Mr. Pimental said he would have to talk to Mr. Mains after that because technically there is only 1 full member spot open which was Bruce Bridge's spot.

Mr. Pelkey said the bylaws say they have 7 full members one Selectmen's rep is one of those 7 members and 3 alternate members.

Mr. King said as an alternate if one of the regular members is out she would be seated like Mr. Mains was seated for Mr. Squires who is absent. He said alternates can participate they just wouldn't have a vote.

Mrs. Patton-Sanderson said she told Mr. Pimental that she travels a lot so they thought the alternate member position might work better. She said Mr. Pimental told her he sends out the information ahead of time so she can provide feedback and that she wouldn't just not show up for meetings.

Mr. Pelkey said they went from hard copies to electronic copies within the last 5 or 6 months and it's working out alright.

Mr. Pimental said she would always get a packet here but it is easier for them to send them electronically instead of mailing them out and they try to get them out to the board a week or so prior to the meeting so she would have a chance to review it, send him comments if she is unable to attend the meeting and she will get a hard copy on the night of the meeting to have in front of her. It saves paper and a little bit of administrative work for us he said.

Any Other Business before the Board:

Community Navigator Grant-Mr. Pimental said the Board of Selectmen at their meeting this past Monday voted to support the Community Navigator letter of support they talked about at the last meeting. He said his colleague James was here and answered questions from the Select Board about what that would include. He said that application is due next week so the SRPC has partnered with New Durham and Barrington as a 3 community application for a navigator which would give Farmington about 10 hours a week of staff capacity for about 2 years.

He said if we get the grant that he and Kelly Heon would put together a more structured scope of work that they would like this person to be working on. He said they would run that by the Selectmen and the Planning Board to make sure that it's within the goals of what they are looking for. We just have to tie it to some component of housing so some of it may take some creative writing to make those connections where we can he said.

He said there are 6 positions offered in this state and if we were to get one it would be much needed capacity to attend some meetings and be in the office one a week depending on how many hours or night meetings they want to attend. He said he was very happy that the Selectmen decided to support it and he got a letter from the Town Administrator yesterday and they will submit that as part of the overall application next week.

Old Fire Station- Phase II Site Assessment-Mr. Pimental said the Selectmen also supported having SRPC move forward with applying for a targeted brown fields grant for a Phase II assessment at the old fire station. He said the Phase I assessment is in final draft form and there were some good comments from the Selectmen about the dry cleaners as being an area that was identified but the activity wasn't happening there it was a pickup, take somewhere else and bring back site so that could alleviate that environmental concern if there was no dry cleaner there.

Mr. King said based upon looking at some information online they saw there was a dry cleaning service in Farmington and they picked it up on a map and lot that wasn't correct that it was a potential cause for concern as far as pollution of the site. He said people in the audience that have been here for a while stated that it was across the street from old fire station site and it was a pickup and delivery service that went to another dry cleaning site and there was no dry cleaning done on that site.

Mr. Fisher said there were 3 other concerns- AFFF the mechanical foam used to put out fires, underground gasoline storage tanks and a gas station.

Mr. King said there were 3 automotive repair shops on that site in last 100 years and some of them sold gasoline.

Mr. Fisher said there's no proof that there is contamination of any of these items yet and that is what Phase II is going to tell us.

Mr. Pimental said right now there is just the unknown and Phase I is more of a desk top analysis that is looking through reports, doing interviews and looking at the state level data. He said Phase II is actually more investigative determining whether anything that showed up in Phase I is actually on the site or not.

He said they will move forward with filing an application and getting that through and see if they can get put in the queue this year and then move forward with the work in the spring. He said the board decided to go the EPA route and their contractor is Nobis who is the same contractor that did the Phase I so we have a relationship with them already.

RFP Development-Mr. Pimental said the Selectmen want to continue to make progress on the

sale of the old fire station property and they would like to move forward with a Request for Proposals for development of the property in conjunction with moving forward with Phase II and they can both be moving forward at the same time and determine if there are developers out there that are interested.

He said the only thing that he would have added is that the Planning Dept. should be involved in the development of the RFP in terms of insuring that the charrette done in 2019 and some of the designs and drawings that represent what the community wants for that property are included in that RFP so a developer understands what the town would like to see as part of that redevelopment. He said it is the Selectmen and Town Administrator's call in putting the RFP together but he hopes that the Planning Dept. will have an opportunity to insert some of what they would like to see based on the feedback from the town.

Mr. King said he agreed with that and his motion to start getting ready to go to RFP was passed and there is a lot of data collection needed because there are existing issues on that site that need to be captured and put in the RFP. He said they have allowed community parking there as part of some of the site plan development in that area, there are easements there some of which have been verbal over the years for abutting residents or businesses that need to be captured so when that site goes out for RFP all that information is included in RFP and solidified in the transfer of the property from the Town to a private owner.

He said the Selectmen have the ability to reject any offer if they don't like what it is it's not just about price and hopefully they can accomplish that and investment in the town for the betterment of the town. He said they also want to continue with the Phase II assessment because the RFP may yield somebody that's interested, knows there might be some concerns and is willing to over a time table of maybe the next year while the study could be done and paid for out of federal money that they would have to pay for themselves if they were going to do a project there. This may be something somebody would look at in the longer term in that this is a project that could happen but there's a bunch of work that needs to be done with the community to make it work in the private sector he said.

Mr. Henry asked why they weren't putting easements, etc. in the deeds now so they're there.

Mr. King said those easements are not there now and would only need to be done at the time of transfer of the property to a private entity. He said for the Town to put an easement in our deed now doesn't really do anything and they need to capture and make sure all those things are put into the next deed. You can't give yourself an easement on your own property he said.

Mr. Pelkey said there might be some other creative way of accomplishing the same thing that an applicant might propose. He said a developer may have some other proposal to address those particular needs rather than tying it up in a specific way now.

RFP for 3rd Party Review-Mr. Pimental said the Selectmen also approved the RFP they put together for third party engineering review and he will get a copy of that to the Town Administrator and next week he will talk to him about getting that out through whatever

channels the Town uses and hopefully they will get some bids to review.

Congratulations Charlie! Mr. Pimental said he mentioned a couple of months ago that Mr. King was nominated and selected for Citizen Planner of the Year for NH and that NNECAPA which encompasses Vermont, Maine and NH put forth their Citizen Planner of the Year award winners and Mr. King was selected as their Regional Citizen Planner of the Year. He said their conference is being held at Sunday River and Mr. King will receive a free lunch, a plaque and opportunity to be recognized and say something if he is able to attend. He said he will be there because he is on the Executive Committee and he would be happy to speak on his behalf if he is unable to attend.

Excavation Reviews- Mr. Pelkey asked to get back together again soon to continue the review.

TIF District- Mr. King asked if Mrs. Heon talked to Mr. Pimental regarding some of the paperwork they were reviewing and there seems to be a box for a date that wasn't filled in. Mr. Pimental said she told him about it and it's on his list to review. He said Mrs. Heon said there are some things that are outdated or incorrect so that needs to be updated and that committee needs to be brought back.

Mr. King said the requirements for membership on the committee have been relaxed so maybe they could consider updating that to adopt the new rules so they can get enough membership. Mr. Pimental said there haven't been any projects within the TIF in a while but they have been approached by several folks who are interested in the lot across from the gas station and Honey Dew on the same side of Rt. 11 as the Farmer's Kitchen. That's all in the TIF and if it changes hands and is redeveloped we need to be ready for that and we need to update the bylaws, the documents and the committee he said.

He said it might be a good time to look at the regulations for that too. He said it is in the zoning but it's listed as the Rt. 11 Business Node Overlay District and there are architectural design guidelines that may be difficult for a person to accomplish.

Mr. Mains asked when they have ever held anybody to any architectural design standards.

Mr. Pimental said they'd have to hold them to it as its right in the zoning.


Mr. King said like the restrictions in the Sarah Greenfield Business Park they never held them to like no steel siding buildings.

Mr. Pimental said the park has covenants that were waived and anything coming in is mimicking what is there so it never stopped being developed in a certain way.

Adjournment:

Motion: (Henry, second Mains) to adjourn the meeting passed 6-0 at 8:16 p.m.

Kathleen Magoon, Recording Secretary


Richard "Rick" Pelkey, Chairman

