

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

**Board Members Present:**

Rick Pelkey, Chairman  
Bill Fisher, Vice Chairman  
Charlie King, Selectmen's Rep  
Jeremy Squires  
Mike Day

**Others Present:**

Kyle Pimental, Planning Director

**Board Members Absent:**

Stephen Henry, Secretary  
Rebecca Patton-Sanderson-excused

**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:**

November 16, 2022- No errors or omissions

**Motion:** (Squires, second Fisher) to approve the Nov. 16 minutes passed 5-0.

**Public Comment:**

No members of the public were present.

**Public Hearings-** No New Cases

**Proposed Zoning Amendments:**

Mr. Pimental said the board voted to send a majority of these for legal review. He said there were not a lot of comments and anything that is highlighted in yellow were recommendations from legal counsel and are as follows:

Warrant Article #2: Amendment #1: Section 1.04 Lots Split by Zoning District Boundaries- Legal recommended that they make it clear that it's residential zoning districts not just any zoning district that triggers the **Conditional Use Permit** when commercial and industrial uses go into the residential district zoning boundaries. He said that was what their intent was but it didn't say that it just said such zoning districts so it was making that more clear so it's not up for interpretation.

Warrant Article #3: Amendment #2: Sections 1.08 Housing Maintenance and Occupancy Code- Mr. Pimental said in Section (B) 1 the word “premise” was changed to “premises” and in (B) 6 she added “or as amended” at the end of the sentence that way when things change they don’t have to continue to come back it’s just as amended.

Warrant Article #4: Amendment #3: Section 2.0 (E) Principal Uses- No issues or comments.

Warrant Article #5: Amendment #4: Section 3.01 Relationship of Buildings to Lots- Mr. Pimental said they came up with some language that allows for multiple buildings and in #2 a, b and c it used to say the proposed “use” but they are not dealing with the uses here and it is the building that they are talking about.

He said they recommended that instead saying the proposed use it’s the “building” that they are concerned about here and not the use because they already dealt with that and to make sure that the building is compatible with abutting uses, won’t create traffic congestion and will not result in objectionable noise or odor which would constitute a public nuisance. He said it doesn’t fit perfectly but she said the Conditional Use Permit is really supposed to be about allowing for more than 1 building on the lot so your conditions should be more closely tied to the buildings.

He said if they want to decide that the use is like what we have the rest of this language no longer really applies then maybe they should think about changing that. He said the first one, compatible with other uses in the surrounding neighborhood is okay but when you start getting into traffic congestion, pedestrian safety, noise, odor those tend to go with the type of use not the building so this is one that maybe they should have a little more discussion on whether or not they want to make some changes to this.

Mr. Pelkey said in #2 it says conditional use approval may be granted so the whole thing is kind of set up on use.

Mr. Pimental said kind of and the Conditional Use Permit, while it is saying use that is really sort of a process for allowing something to take place.

Mr. Pelkey said originally the wording was more than one principal building may also be placed on the lot and asked if that didn’t change (#1, last sentence).

Mr. Pimental said that has not changed.

Mr. Pelkey read that 2.b says the proposed building will not create undue traffic congestion and buildings unless you put them in the middle of the street they shouldn’t affect traffic.

Mr. King said it says an approved site plan and you’re going to add another principal use and the placement of that building and how it interfaces could cause issues with the prior approved traffic pattern on that site.

Mr. Pimental said if the building was going to have a drive-thru or the original building on that site was designed to have something and you’re adding another one that could potentially change the traffic pattern.

Mr. King suggested it could be re-worded to “not create, disturb or negatively affect existing

traffic patterns or pedestrian traffic on the site". He then said it could also be out onto the street because the placement of the building could constitute another curb cut which may not be permitted by the DOT or it doesn't hold with some of the recommendations we have for multiple curb cuts and using common things.

Mr. Pimental said they are saying you can have more than 1 building on a lot in the Commercial Business and the Industrial Business districts without having a CUP and the CUP is for having more than one principal building placed on a lot in any of the other districts. He said when you start getting into residential areas and adding buildings that provides a little more oversight from the Planning Board.

Mr. Pelkey said they are going to go back and forth between #1 and #2 again because #1 is kind of setting up #2. He said in #1 it says may be approved through a Conditional Use Permit for non-residential, mixed-use and multi-family developments provided that the proposed "use" is allowed in the underlying zone and then you go on to #2 to say that that's how those uses would be adjudicated.

Mr. Pimental said in #1 it is really so long as the non-residential, mixed-use and multi-family developments use is allowed in the underlying zoning district then you can have multiple buildings so long as you meet the criteria of the CIB.

Mr. Pelkey said then the following says the buildings won't be and he wanted to make sure they were not making it unclear so somebody won't come back and say it's not clear.

Mr. King asked if in 2 a, b and c it should say the proposed building/use because some of these say the building shall be compatible with abutting uses and people are going to say it's just a building but we're really trying to determine when the principal building could be placed on a lot providing that the proposed use is allowed in the underlying zone.

He asked if it should be the proposed building and the use shall be compatible with the uses in the surrounding neighborhood because in #1 the use has to be allowed in the underlying district. It addresses the building and it also addresses the use because it's tied to the principal structure/use he said.

Mr. Pimental said the only challenge or potential issue with that would be what if there are 2 uses that are allowed but then you say they are not compatible.

Mr. King said if you say it's in the CIB district where we allow commercial/industrial use and a guy has a machine shop and then he has a retail outlet where he sells his products and other products they're both allowed in the zone and asked how they could say they're not compatible unless one is a machine shop and the other is a dog groomer.

Mr. Pimental said for example there's a restaurant and the building where they want to put it is a multi-family development and asked if a multi-family development building and a restaurant are compatible even though they are both allowed in that zone.

Mr. King said it would be on a case by case basis depending on the lot because it could be that the restaurant is on the first floor of a multi-level building or the residential building is behind

the restaurant and there is parking in between and they're not really mixing. He said in another scenario it could be where they want to put a residential use and the walkway dumps right out into the parking lot and there's not enough parking anyway that would be a conflict.

Mr. Pimental said that would not be that the use was incompatible that's the site is not compatible.

Mr. King said the proposed building doesn't do anything and it's not creating the traffic the use creates the traffic. He said the proposed use might not create the traffic because the building could be vacant or it could be a warehouse-or it could be a high traffic retail center.

Mr. Pelkey said he liked keeping the use in there because when he saw that he thought the building doesn't do anything but sit there.

Mr. King said it should say "building/use" because one may be more applicable than the other.

Mr. Pelkey agreed.

Mr. Day said they could use that in all 3 of them (2 a, b and c).

Mr. Pimental said and you wouldn't have to change the rest of the language. He said if the board recognizes they are going to look at what type of use and the building the idea is to allow for multiple buildings where it makes sense. He said he would make that small adjustment.

Warrant Article #6: Amendment #5: Section 1.02 (C) Amendments- He said this is just to allow the Planning Board to have the authority to make some small changes and what they added at the prior meeting was to ensure that it's clear that the board has to hold a public hearing prior to prior to making those changes.

Mr. Pelkey said it would be a part of the agenda for transparency purposes.

Mr. King said it would also be for a matter of record so if something were to change and they have a public hearing then they have a record of that discussion and what was changed.

Warrant Article #7: Amendment #6: Section 1.14 Definitions; Warrant Article #8: Amendment #7: Section 2.00 (C) Table of Permitted Uses- Mr. Pimental said the last 2 amendments were ones that needed some more work and he is not advocating that they include all of these definitions. He said at the last meeting the board asked him to look at some other municipalities that have been working on this so he looked at Lebanon, Manchester, Concord, Portsmouth and Dover and pulled a number of different definitions of facilities that are within the realm of what they have been talking about. He said they could potentially combine them and use some of these that they like and try to come up with a definition or 2 or 3 but he didn't think that they need all of them.

He said he hasn't spoken with Manchester yet and they are in the middle of dealing with some of this and it is very similar to what other communities were dealing with in terms of entities coming in and saying this is a congregate living facility and it turned out to be something else but they had no way of regulating it because they didn't have any of this defined.

He said Nashua allows for recovery homes but they have to meet RSA 172-B and it has rules about establishing a registration program in order to be in good standing. He said there are

things that have to be done to have a process of receiving complaints, a certification based on national standards, recovery standards, minimum safety standards including health, building, zoning and fire inspection approvals, proof of insurance, resident agreement, emergency procedures, policies and a code of ethics, safe storage of medication. He said there are also criteria for dealing with the frequency or severity of complaints so there is a whole list that a program would have to meet in order to be a certified recovery home and legal counsel says regardless of if it's a private entity or they are funded by the NH Dept. of Health and Human Services the board has the authority to require them to meet RSA 175-B: 2.

Mr. Pimental said to answer Mr. Pelkey's earlier question he asked legal what sorts of things they can control and it's subjective and it has to be reasonable. He said a good example of what they said was not reasonable is requiring a 24 hour uniformed Police Officer at the door but making sure they have this accreditation that is already in place by state statute the board has the authority to require that. He said if they don't want to do that they can say no and that's not allowed because our definition says you have to be a certified recovery home which means you have to meet these standards.

He said that is the closest he could come up with in trying to address the questions on whether or not these should be allowed in certain zones and at least they would have some form of surety that they would have to have a lot of these things in place like safety measures, etc.

Mr. Pelkey said one line that jumped out at him is "Criteria by which the dept. may exclude a residence from the list if the frequency or severity of the complaints received supports a determination that the recovery housing at issue does not maintain standards or provide an environment that appropriately supports recovery" (page 15, V. (a) iii). He said that's a pretty broad brush and asked if we evoked this statute who would be the person determining if the housing does not maintain the standards.

Mr. Pimental said he didn't know and he didn't think it was anybody on staff. He said he thinks it is part of that group's -whoever it is that they have to have that person that administers that.

Mr. Squires said there must be some frequency of inspection to continue with their accreditation.

Mr. Pelkey said he wouldn't want to put something in a neighborhood and then the honeymoon period is over, the neighbors start talking about how they've got overflow from the place and there's issues in the neighborhood because of folks that were traced back to this residency and we have no means to say this is your warning, we find that you're not meeting our requirements so get right or get out. I want us to be able to put that kind of circuit breaker in there and I want to make it available to people because I think we owe it to the people in our community to provide the opportunity for them to get help but I also want to protect our neighborhoods from the undesired consequences of doing that he said.

He said he didn't know how others have done that and he knows there have been issues. He said Rochester had issues and the issues they had there are state-wide famous.

Mr. Pimental said in talking with the Planning Director in Nashua they have something similar in that their recovery homes point to RSA 172-B:2.

Mr. Pelkey asked how they enforce that.

Mr. Pimental said he did not know but he assumed it would be something internal because if not it would fall on the Code Enforcement Officer and he didn't think that is in his purview.

Mr. Pelkey said it might fall on the Selectmen if the Police Dept. gets complaints.

Mr. Pimental said he didn't know how that would work. He said he didn't know enough about this statute but he did know that the recovery homes that are in good standing are certified with the DHHS and there has to be some level of state oversight with this because it mentions the Commissioner.

Mr. King said it says "the Commissioner or designee shall designate an entity to serve as the certifying body..." (Page 15, VII. (a), and in (b) it says "the certifying body shall investigate complaints received by the dept. regarding non-compliance with NARR standards. The certifying body shall provide an annual report to the dept..." so it sounds like it's the certifying body. He said the Commissioner is responsible for the certifying body whoever that is so they have somebody who is going to audit that and shall inform the dept. within 5 days if a recovery home's certification has been suspended or revoked.

Mr. Pelkey said this (page 14, Additional Information from the Planner, last line) says "which lists certified recovery homes in good standing with the DHHS" so they have to be answering to the DHHS Commissioner.

Mr. Pimental said Commissioner as defined by RSA 172-B: 1 means the Commissioner of the Dept. of Health and Human Services. He said he still doesn't completely understand how this would be implemented and it's the closest they could find that has assurances that are in place that they would have to meet to be a certified recovery home.

Mr. Pelkey suggested they ask someone from DHHS to meet with the board to talk about this and find out if they do have controls. He said they don't have time now but he didn't want to get into this and then find they have all these problems they didn't address on the way in.

Mr. Pimental said they have 1 more meeting and his goal is at the Dec. 21 meeting they vote to send this to a public hearing for Jan. 4. That gives us enough time to hold a public hearing on the 4<sup>th</sup> and if we need to on the 18th. We have until Jan. 26 to post for the final and hold the last meeting on Feb. 6 he said.

Mr. King said regarding RSA 172-B: 2 Mr. Pimental might be able to have a conversation with DHHS and answer most of those questions about who makes sure they are in compliance, if we get a complaint who they would they contact, how is this is administered, who does what and if there is a consensus of what the questions are he could ask those questions. He said it sounds like they need to pare down the definitions to what fits for us and make changes. Then we have to consider what zones they're in based on the definitions and that would only take 4 or 5 meetings he said.

Mr. Pelkey said he didn't have an issue with the definitions and they could put all the definitions in there that they want as long as they agree that they're adequate. He said they may not use them this particular go-round but they will be in there.

Mr. King said there are definitions for a Sober House and for a Substance Abuse Treatment Facility but the Sober House description says it may provide the care and supervision of delinquent youth, persons with mental health illnesses or substance abuse issues (alcoholism, drug addiction) or person being reintegrated into society following a period of incarceration or institutional treatment. He said if you change the name it's a halfway house, a Sober House, a drug rehabilitation house but the one for substance abuse facility talks just about that.

He said the Sober House definition encompasses all of those types and it also implies rehabilitation for criminal behavior but it doesn't say that but it does talk about following a period of incarceration. I think that's workable because it encompasses all the things we would have a concern with like delinquent youth, mental health issues, alcohol and drug addiction or criminal rehabilitation and I think those potentially pose similar risks in a residential area. I think that category could be one definition with the changes to that he said.

Mr. Pimental said it appears the term halfway house is being phased out. He said the biggest difference between the sober house and the substance abuse treatment facility is that one seems voluntary and one seems mandated because it says sentenced by a court.

Mr. King said they could change that to sentenced by a court or voluntarily as it doesn't matter how they got there.

Mr. Pimental said it gets back to if there is a difference between that and a treatment facility if you want to treat them differently in terms of the zones.

Mr. King said the ones in the sober house encompasses all the areas he would have concern of negative effects on a neighborhood so if that could be approved it would encompass all the areas he would consider the same zoning restrictions for permission on. He said when he looks at the purposes for the sober house he didn't see any he would take out and put less or more restrictions on. He said if they adopted the one for treatment facility they would have to adopt 3 or 4 more to take into account all those other areas not in the treatment facility definition.

Mr. Pelkey asked if they could make RSA 172-B applicable for a place that is there for non-alcohol or drug related housing.

Mr. Pimental said he didn't know.

Mr. King said they could state in the definition that RSA 172-B: 2 may only apply to 2 out of 3 things in the sober house description and in these cases we require that it complies with the statute or where applicable because some don't apply.

Mr. Squires said they should get the sober house definition from Nashua they have the same definition and they point to the RSA.

Mr. Pimental said Nashua lists theirs as a certified recovery home and we would want to define that and they may make take from the sober house and take from something else. He said he

wanted to check to see if RSA 172-B applies to mental health issues or delinquent youth or if you can't apply that to them.

Mr. Pelkey said there is a halfway house in Concord and somebody who is mandated to go there transitioning out of jail as part of their parole has robbed so they're in the news today and he wonders if the Dept. of Corrections has a set of standards for that house not DHHS. He said they may be controlled by a different group of people and have a different statute that applies to that.

Mr. King said RSA 172-B says for the provision of a comprehensive system of alcoholism prevention and treatment services so if you expand that into drug rehabilitation services which he is sure it does but it doesn't talk about mental health so it probably doesn't apply to that.

Mr. Pelkey said DHHS might say you're asking me to look at this but that doesn't apply to that situation so don't ask us to police this for you.

Mr. Pimental said he can get some information and if there other questions to please let him know. He said it sounds like some of the compliance and administration questions are about how this is enforced, who is in charge of administering it, how does the Town get notified and how does that communication work and in applying RSA 172-B how far beyond the alcohol and substance abuse can they go and what is and is not included.

Mr. King said Nashua may say by pointing to the state statute it's going to protect them but there may be a state agency that says they checked all the boxes so it's okay even though there are issues they're still not complying with. We can't assume if we point to this RSA that they're going to make sure that it's not going to impact our community. It's just going to follow these rules and if they check every box they're going to say they can't help us because they're in compliance with this RSA but that may not be addressing the problem we have.

Mr. Day asked what is RSA 541-A that they keep quoting in multiple paragraphs.

Mr. Pimental said it is an administrative procedure act and it goes from 541-A: 1 to A: 41. He said A is the definitions, then it's the joint legislative committee on administrative rules, the procedure for adoption of rules and then it goes on and on.

Mr. King said it says the Commissioner has the authority to adopt rules pursuant to the RSA which gives them the authority to adopt rules.

Mr. Squires said there is also a sliding fee scale.

Mr. King said this is big government on how we define this so we can create rules that act like laws.

Mr. Day said he was just curious if there was something in that that they had to read to cut the cake out so they have to see it in a different way.

Mr. Pimental said he didn't think so and this really gets into the weeds about financial or fiscal impact statements, rule making and the rule making registry and is just administrative stuff. He asked the board if there other questions they would like asked if he can get someone and that he also has a call in to the 2 Planners that are working on proposed zoning amendments in



Manchester. He said he didn't know if they were going to share the proposed language they are working on.

Mr. King asked if that is public information.

Mr. Pimental said he supposed he could make a RSA 91-A request.

Mr. King said if they have brought it to a meeting then its public information.

Mr. Pimental said he didn't think they have gotten that far as they haven't presented their zoning amendments yet. He said they got caught off guard with some of this several years ago and they have been working to address this for a couple of years now so it would be nice to hear from them if possible on what has worked well regardless if we get to see some of their drafts.

Mr. King said if we don't make an improvement in this area we will be caught off guard potentially next year.

Mr. Pimental said to have something in place that is more than what we have now. He said right now it's a toss-up and if this were to happen in the town they would try to find a place where it closely makes sense and is allowed and that would put him and Ron (Building Inspector/CEO) in a tough position.

Mr. King asked if they could boil down and combine the definitions and apply it to what they need.

Mr. Pimental said yes and his guess was they would probably need 2 or 3. He said after hearing from DHHS about how RSA 172-B applies that is going to be somewhat of a definition-what can be couched under that and then they can backfill that with some of these other things.

Mr. Pelkey said they can fall back on RSA 172-B for those issues associated with recovery from substance abuse. He said they could set that out and fairly clearly cover it with the RSA 172-B stuff but the remainder they may have to put more restrictions on them because they don't have as much leverage with them.

Mr. Pimental recommended that they could prohibit it in certain areas and if they want to allow it to allow it by a CUP or by Special Exception. He said the only challenge with the SE is the Town already has the SE criteria so that is set. He said if they were to allow this by CUP they could have their own things they want to concentrate on. He said they could look at the SE criteria and if they feel it applies and its strong enough they could go to the ZBA and have that approved. The SE criteria are broad because it's for everything so if we want to narrow it down the CUP is probably more appropriate he said.

Mr. Pelkey said because they are concerned about impacts and these can have some pretty negative impacts in certain areas if they don't have a good handle on how to "herd the cats" he doesn't want to give it a lot of public exposure so he would be more restrictive. He said if you show him RSA 172-B as a way to put the controls in...

Mr. King said he listed RSA 172-B.

Mr. Pelkey said but not for everything in the definition for a sober house.

Mr. Squires said they are assuming that and they don't know that yet.

Mr. King said it's whether or not their concerns are similar to our concerns. He said it talks about criteria for how they may exclude a residence from the list if the frequency or severity of complaints received supports a determination that the recovery housing at issue does not maintain standards or provide an environment that appropriately supports recovery but that potentially has nothing to do with the effect it has on the neighborhood so that may not be anything you could actually make a grievance to them and they could say we don't look at that. He said it talks about medicine storage, proof of insurance, emergency procedures, safety and recovery standards, building and zoning and fire inspections.

Mr. Pelkey said if they're going to act on this completely it will be a flurry at the next meeting.

Mr. Pimental said they are going to have a public hearing on Dec. 21 and it should go quick but Farmington Self Storage will be back in front of the board. He said the board could meet on Dec. 28 but then they wouldn't be ready for Jan. 4 meeting and asked the board if they wanted to meet next Wednesday.

He said there is only one hearing scheduled for Dec. 21 and it will be quick because they had to make some changes to their grading and their drainage plan had to be re-done because of getting their driveway permit so they could probably spend a larger amount of time if he can get all these answers.

Mr. Pelkey said there is a lot to do here and he would rather err on the side of caution rather than do something they're going to regret later. He said at the same time there is something coming down the pike they have to be ready for that's imminent so that's what they need to do.

Mr. Pimental said having something in here is better than nothing so whether they get it 100% right this time around having something in here that can provide some guidance would be better than not knowing what to do.

Mr. King said if they were to get an application for some type of recovery for drugs and alcohol and they went through their provisions they would learn something from that and they probably would have some revisions to bring forth to the town based on having an application. He said they are trying to anticipate applications they have never seen before so they don't know what they're going to see and could realize they didn't take into account for this potential issue.

Mr. Pelkey asked if they get an application where they don't understand the impacts and they are not sure if they can ask for some time.

Mr. Pimental said they can and they have that 65 day clock once they accept the application as complete. He said at the end of the 65 days if they go beyond that to render a decision it has to be a mutual decision. He said if the applicant says no and wants an answer now the board can deny it with prejudice or without and allow them to reapply or appeal your decision.

He said ideally they wouldn't want it to come to that and they would want to work with the

applicant to get some additional information and continue the discussion at the next meeting.

Mr. Pelkey said it would not bode well for somebody that wants to put any kind of a facility in town that they're not interested in working with the Town.

Mr. Pimental agreed it would not look great if they demanded a decision and were not working with the Town.

Mr. Pelkey asked if there was any discussion on the remaining definitions.

Mr. King said Mr. Pimental should pare them down and change some of them to fit with us and we don't need this one.

Mr. Pimental said he put these because the board had asked to see multiple definitions from other municipalities and the idea was to give them some options to read through.

Mr. Squires said he could boil these down to 4 definitions.

Mr. King asked if the one for psychiatric hospitals could be captured in the mental health section under sober house if they rename it.

Mr. Pimental said he didn't know because they had hospitals as general and they added psychiatric hospitals.

Mr. King said there is a big difference there so they may need to have a separate definition for psychiatric hospital.

Mr. Pelkey said residential care facility covers many things and there is some overlap with sober house. He said this definition covers all the things in sober house that don't have to do with provision of alcohol, drug abuse or mental health services. He said he would say a residential care facility is more sober house if you pull out the alcohol and drug abuse stuff.

Mr. King said the other things they have in there is delinquent youth and dealing with rehabilitation from incarceration.

Mr. Pelkey said those things that don't fall under RSA 172-B could be put under the residential care facility.

Mr. King said he wouldn't agree with that because residential care talks about needing medical and nursing care and supervision but excluding drug and alcohol treatment and he would say excluding drug and alcohol treatment, rehabilitation from incarceration or delinquent youth.

Mr. Pimental said some of these offer medical care and treatment and some of them don't so a residential care facility might be one if they change the definition might make sense in a residential neighborhood because of what that is. That is different than a sober house and some of the other definitions. I think we want to have at least 3 to 4 distinct categories of what these things are so you can say this is for this group of people which may or may not be covered by RSA 172-B, this is another facility that's a little bit different and doesn't provide medical care and services this and maybe 1 or 2 other ones and that might be it he said.

He said he would work on that and hopefully have this more flushed out with some specific recommendations for the next meeting. He said he was going to rely more heavily on the board for where they would like to see this as part of the Table of Permitted Uses.

Mr. Pelkey said he didn't think there would be a consensus on that and it would come down to what they approve and what they don't approve.

Mr. Pimental said this is not an easy issue and over 3.5 years they've had disagreements about things but the board is more split on this issue than ever.

Mr. Pelkey said this is the least amount of consensus on something and people just have different experiences with those different groups of people and that plays into what they're willing and not willing to do.

Mr. Pimental said they haven't talked about this so he wanted to bring up whether the board wants to allow multi-family dwellings in the Suburban Residential District. He said they are not allowed in the AR, SR and RR and they are only allowed in the UR and the VC. He said the SR is relatively densely packed and to not allow any apartments seems funny to him but maybe it was done for a reason and asked if that is something they want to allow by right in the SR.

Mr. King said he would have to look at the zone on a map.

Mr. Pimental said multi-family is 3 or more units as long as it meets the density. He said they didn't have to decide it now he just wanted to put it on their radar as allowing for a 3 unit apartment in the SR if they can meet the density seems like a good thing to allow.

Mr. Pelkey said they would have to come before the board and they would have to be satisfied that they had adequate parking, etc. He said based on the fact they would have to come before the board he didn't have a problem with allowing it in the SR because it would open up the opportunity for additional housing which we need.

Mr. King excused himself from the board to attend another committee meeting.

#### **Any Other Business before the Board:**

**Old Fire Station Lot Assessment-** Mr. Pimental asked Mr. King to stay a moment to hear this and said they submitted a final application to the EPA Brown Fields Program today seeking \$58,000 of funding for a Phase II assessment on the former fire station lot. He said it was brought up at a recent Select Board meeting and they were supportive of us doing that.

Mr. King asked when he thought that would be.

Mr. Pimental said he didn't know and as soon as they know he would keep the board apprised.

**Housing Academy-** Mr. Pimental said in their packets there was a sheet that UNH Cooperative Extension put together that deals with the Housing Academy. He said the Housing Academy is part of the Housing Navigator that the Town is getting and he wanted to let the board know they have posted that position and have received 7 or 8 applications so they are setting up a time for the Planning Commission and both New Durham and Farmington to review some of those applications and maybe short list a couple of names for interviews.

He said the Housing Academy is part of this program and each community can bring up to 3 people to the training provided by UNH and if you receive one of these grants you have to participate in it. He said he didn't know who that would be and asked if there was anybody on this board that was interested in participating.

Mr. Pelkey asked if the schedule on the right hand side of the page is the entire program.

Mr. Pimental said that is correct. He said some of the sessions are in person and some of them are webinars and participants will receive a \$250 stipend.

Mr. Pelkey asked Mr. Pimental if he was part of that.

Mr. Pimental said he didn't know yet and he thinks that decision will be made by the Town Administrator on whether he wants him to participate as a staff member for the Town. He said the Town has to be represented whether it is him, the Town Administrator or board/committee or other volunteers. He said if someone is interested in this to let him know and hopefully it's not a huge lift. He said there are 7 meetings, all in the morning, 3 of which are webinars, 2 are in-person training (and 2 community visits).

Mr. Pelkey noted they are all on Wednesdays and asked Mr. Pimental to tell them that he is interested in participating.

**Old Fire House RFP-** Mr. Pimental said at a previous Selectmen's meeting the board wanted to investigate opportunities through the Brown Fields Program for the Phase II assessment but they also said they wanted to move forward with a Request for Proposals to solicit developers and not wait on the assessment that could take some time to do.

He said the Town may not be selected for funding and if we are to have the consultant go out there and do it we may be looking at June or July to get those results if everything is perfect. He said he was unclear about whose responsibility it is to develop the RFP and issue it. He said he didn't know if the Town Administrator is taking that on or if it is in conjunction with the Economic Development Committee that has recently gotten back together or if the Planning Dept. is supposed to be doing that.

He said they already issued a Request for Quotes for third party review that ends at the end of Dec. and a couple of consulting firms have said they are going to apply. He said he didn't know if it is his responsibility to take on the RFP for the old fire station lot because right now it doesn't seem like anybody has picked that up yet.

Mr. Fisher said he thought it would be more for the Town Administrator because he is the one that picks Town owned properties to be bid on for sale. He said selling that property would be up to the Town Administrator and the Board of Selectmen.

Mr. Pelkey asked about the scope of the proposal that they want.

Mr. Pelkey said that is unclear. He said what he prefer which may not be in line with the Selectmen is to use what was accomplished in 2018 and 2020 where we have 3-4 options that came from public participation of what people want to see in that lot and to use that as a guiding document to go to a developer with this is what we're looking for-a mixed use development that doesn't have to look exactly like this, keep some parking available for municipal parking but have a mixed use of commercial and maybe residential uses in the back and come back to us with a proposal that meets some of this criteria. If that looks good they could sell them the property, do a land agreement and that will be what they will build he said.

He said he also understands there is pressure to just sell it but the concern he would have if they just sell it and walk away they would have no control over what could come in as long as it meets the zoning.

Mr. Pelkey said the EDC went through the whole process of getting public input.

Mr. Pimental said the Town has some really good information on what people want and it would be in the Town's best interest to try to get a developer to implement that in some way.

Mr. Pelkey said a lot of the thought that went into that was a way to develop that and enhance the economy of the Village Center.

Mr. Pimental said all this stuff takes time and he understands that there's pressure to have someone come in and do something but he would recommend that the Selectmen at least consider the way that he would approach it. He said he would be happy to help but he hasn't been given any guidance as to whether or not he should be involved and he needs to have some sort of direction.

Mr. Pelkey said they had their hands in a lot of that with the charrette and that came through Planning to the EDC back when it happened.

Mr. Fisher said there was a special board set up to do that and they had 5-6 meetings and there were several public meetings and the results are on the bulletin board in the Planning office.

Mr. Pelkey said his recommendation would always be to take the public input and go with that. He said there have been many times where this board has been asked to make a recommendation or an opinion to the Selectmen and they spent a considerable amount of time coming to a conclusion to be told it wasn't what they wanted to hear thank you very much.

Mr. Pimental said the makeup of the Select Board is different now and if this board feels strongly that redevelopment of the old fire station lot should consider the public input that was provided it would be wise to make that clear to them and make a recommendation that any RFP incorporates that so a developer has guidance on what the town is looking for.


Mr. Pelkey said if the Select Board wants their opinion on this all they have to do is ask and they will give it to them. I don't have a problem doing it but I would prefer to have the entire board here to make that call and I would like them to ask for it rather than give it to them unsolicited he said.

Mr. Pimental said since this board has a Selectmen's rep they could send Mr. King back to the Selectmen and say this is what we're thinking and get the temperature of the board.

**Adjournment:**

**Motion:** (Squires, second Day) to adjourn the meeting passed 4-0 at 7:12 p.m.

Kathleen Magoon, Recording Secretary

  
Richard "Rick" Pelkey, Chairman