Town of Farmington
Planning Board Meeting Minutes
Tuesday, March 16, 2021

Board Members Present:
Charlie King, Chairman
Bill Fisher, Secretary
Bruce Bridges
Jeremy Squires
Stephen Henry
Gerry Vachon, Selectmen's Rep.

Board Members Absent:
Rick Pelkey, Vice Chairman, excused
Ann Titus, excused

Others Present:
Kyle Pimental, Interim Planner

BUSINESS BEFORE THE BOARD:

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

Pledge of Allegiance:
All present stood for the Pledge of Allegiance.

Alternate Seated: Chairman King seated Mr. Squires in Mrs. Titus' absence.

Review of Minutes:
February 16, 2021 – Public Meeting Minutes - No errors or omissions
Motion: (Henry, second Vachon) to accept the minutes as written passed 4-0-2(Bridges, Squires abstained).

Review/Approve Letter to Gus Rainone (Tax Map U12, Lot 09, 83 Charles St.):
Mr. Pimental said at the last meeting he asked how the board wanted to proceed with sending a letter to the applicant approving the application of the second business and he drafted the letter provided in their meeting packets. He said he felt this captures their discussion and it includes his reasons that an amended site plan was not needed and asked the board's approval to sign it and submit it to the applicant.
Chairman King asked Mr. Pimental to read his determination and the reasons why he is recommending that Mr. Rainone does not need to return to the board into the record.
Mr. Pimental then read aloud his letter to Mr. Rainone regarding his request for the additional use that is contained in his memo to the board dated March 9, 2021 (see attached).
Motion: (King, second Squires) to accept and approve the letter to be sent to the applicant;
Friendly Amendment: by Mr. Fisher and to authorize Mr. Pimental to sign the letter

Mr. King accepted the amendment.
Vote: The motion passed 6-0.

Workshop Ideas for Site Plan and Subdivision Regulations Revisions:
Mr. Pimental listed some things that he noticed in the last year that need to be modified as follows:
Site Plan Regulations:
Section 5.1- Change in Business Use in the **V**illage **C**enter District- He said the language needs to be changed because certain uses can be reviewed more quickly if they meet a certain criteria in all zones.
Section 8 – Submission Requirements & **Section 9** Specific Plan Requirements – Mr. Pimental recalled that the Pike subdivision had 11 or 12 waiver requests and a lot of them were duplicative. He said the submission and plan requirements are very similar and they should be consolidated or one of them should be removed unless there is a reason to separate them.
New Section - 30.2 Agricultural Standard Definitions and 30.3 Agricultural Standards – Mr. Pimental said the board discussed making some changes to the Permitted Use Table and they wanted to tackle some agricultural standards. He said he has a draft of the standards developed by the Town of Durham that has a section on definitions and how they want to allow and encourage agricultural uses in certain zoning districts and they could review it to see which pieces would/wouldn't make sense for Farmington and he would share it at the next meeting if the board would like to review it.
Subdivision Regulations:
Section 7: A (2) and **Section 7: H (1)** – Mr. Pimental said one section says minor lot line adjustments have to be treated like all subdivisions and the other section says there can be an expedited review. He suggested they get rid of the expedited review piece and where it says it should be treated like a subdivision it should refer to RSA 676:4 where it says it still has to come before the board but if it doesn't create a buildable lot it doesn't require a public hearing.
Mr. King said the last discussion they had the board talked about what they wanted to do for notice requirements and the discussion may act like a public hearing as far as the public notice they want to go out to the abutters.
Mr. Pimental said the board can decide they want to notice direct abutters but not put it in the newspaper and the RSA says you don't have to have a public hearing if it's not creating a buildable lot. He said the board should fix section 7: A (2) and H (1) because it is a little confusing as it says there is an expedited review process but there is no such process.
Section 7: A (6) – Mr. Pimental said it says the **T**echnical **R**eview **C**ommittee needs to approve subdivision plans and they have not been doing that but if the board wants them to do so they can do it.
Mr. King said a minor subdivision can have up to 3 lots and no roads and may not need to go to the TRC. He said major subdivisions have more impact and may have newly created roads that

may eventually become public roads.
Mr. Pimental said the TRC has not been approving minor subdivisions but if the board wants to keep that he will start instituting it.
Mr. King said he couldn't think of a reason why that would be necessary unless it had infrastructure, a roadway or cisterns but if it's a subdivision of 3 lots or less on an existing road we have requirements for frontage, driveway permits and he didn't know what they could add.
Mr. Pimental said the TRC consists of the Water, Sewer, Fire, Police and Assessing Depts. and he didn't know what they would add to a review of a 2-3 lot subdivision on an existing road.
Mr. Pimental said this was the start of a list of potential changes to consider this year and reminded the board that any changes they make here don't require a vote at Town Meeting and when they decide what changes they want to make it just requires a Public Hearing and a board vote to immediately change them. He recommended that the first step is to come with the ones they want to tackle this year, make the language changes and then have one public hearing for all of the changes instead of multiple public hearings on each one. He then added if there are too many changes for one meeting they could do one public hearing for the site plan regulation changes and one for the subdivision regulation changes.
Town Meeting Results -Mr. King then turned to the Town Meeting vote on the proposed zoning amendments and noted that everything passed except for Warrant Article #5 and asked if the staff would be making those changes to the permanent record.
Mr. Pimental passed out copies of the sample ballot and said that everything passed except for the amendment regarding temporary/permanent storage units.
Mr. King said that amendment was pretty "wordy" and when people are not sure what it says they may vote no and this may be something they may want to revisit this year.
Mr. Bridges said he knew 6 property owners that have those units and they had no idea what they were voting on. I think we need to explain it in more clarified language so more people in the community can understand what we're writing he said.
Mr. Pimental agreed the reason the amendment failed was people didn't understand it and that the Land Use Assistant and the Town Administrator both said they heard that people were confused and voted it down. He said the Town staff did not write the amendment and it comes from the Town Counsel with what they feel is needed to satisfy legal requirements.
Mr. King said we (board/staff) could have proposed what we feel made clear sense and then they (Town Counsel) could have word-smithed that.
Mr. Pimental said that for next year they should work more closely with the attorneys to make sure it is clear instead of just giving it to them to write. He noted that the amendment is actually more resident friendly than it is to the enforcement side of things.
Mr. Bridges said the people he talked to thought it meant that now they would be taxed on the storage units so they voted against it.
Mr. Henry said they're either going to remove them or get taxed on them. He said the

difference this was going to make was this was going to grandfather in the existing units without the building permit. The people that have them now can still keep them permanently but they have to get a building permit where had this passed they wouldn't need the permit and they could keep them he said.

Mr. Pimental said that is correct. He returned to Mr. King's earlier question on making the changes to the record and said that the Land Use Assistant has already started to make those changes and the Table of Permitted Uses is going to be a little challenging because of the formatting and she should be done this week.

Mr. King asked that they make sure to have the proper revision dates on the documents and that has sometimes not happened in the past and has caused confusion.

Tiny Homes – Mr. Fisher said this is happening in other towns and it might be something this board should keep an eye on. He said Dover is developing a plan for a Tiny Home community and it looks interesting.

Mr. King asked if the Tiny Homes in Dover have units with wheels and units without wheels.

Mr. Pimental said they have no wheels and they have a foundation. He said he is a member of the Dover Planning Board and they just approved the plan Mr. Fisher referred to last week. He said the community will consist of forty-four 580 sq. ft. units. The applicant works at Harmony Homes and they were having a hard time getting workers so they are offering this new development to the workers over in Durham. He said the one bedroom units are detached and a few of the units are really close to each other but that was more for fire aid.

He said if the board would like to see it he could bring in a copy of the plan.

Mr. Fisher said some people have voiced concerns about this bringing more children into the area and how much that is going to cost at $18,000 to $20,000 per student added to the tax burden for schools. He said he is also looking at the young people graduating from high school that want to get out on their own and there is no place for them to go here in town so they are leaving. We're losing a lot of potential for building Farmington if all of the young people leave town and there is just all of us old people left he said.

He said he wouldn't want it to turn into a tent city like has happened in Rochester and on the west coast. This isn't going to be something where you can build a small place anywhere you want. It's got to be controlled, there has to be rules to go by and is something we can look at for the future he said.

Mr. Bridges said he didn't see it causing a problem for the schools because the units are efficiency or one bedroom units so you are not going to see families moving into them.

Mr. King asked if the small homes were in a cluster subdivision or on individual lots of record.

Mr. Pimental said they are not on individual lots and they are rentals with individual leases similar to a condo association. He said there is a new road with a cul-de-sac, parking and an existing building where the community center will be housed.

Mr. King said that state law prohibits discrimination against forms of ownership and if the units

are currently rentals they could become condominiums like "snap".
Mr. Henry said it could also be like owning a mobile home in a park where you own the mobile home and rent the lot.
Mr. Pimental said that is not what the owner is proposing.
Mr. King said they have run into it several times where some multi-unit rentals became condos and came before the board for site plan review and if nothing has changed on the ground they had to approve it because we can't discriminate on forms of ownership. He gave the examples of Campbell Commons and Ian's Way which changed forms of ownership over time and ended up as fee simple lots below the approved minimum lot size.
Mr. Henry said that generally, ownership is better than rentals as far as upkeep of the property. He said it sounds like the Dover plan has the potential to become a campground-like scenario.
Mr. Squires said it allows them a short cut around the minimum lot size requirement.
Mr. Bridges said they should be careful as there are some communities that specifically do not allow them so there must be some kind of drawback to them.
Mr. King said the Town used to allow additions to and the creation of mobile home parks and in the early 2000's a high percentage of our housing stock was mobile homes. The Planning Board at the time put forth to the voters to no longer allow expansion or creation of mobile home parks but still allowing them on individual lots of record.
Mr. Bridges asked if they owned the property with plans to expand before the regulations were changed if they would be prohibited from expanding.
Mr. King said if the expansion was approved it was still valid.
Mr. Henry said they didn't have to have the approval but had to have the application submitted before the vote.
Mr. Pimental said this discussion came up when they talked about allowing detached **A**ccessory **D**welling **U**nits and they added to that section that as part of the deed transitioning the unit to a condo unit was not allowed. He asked if this (small homes) ever presented itself to the Town if they would be able to prohibit it as part of the deed.
Mr. King asked if they required the detached ADU's to have enough land to be subdivided.
Mr. Pimental said no as long as it was in an existing structure. He said he would get an answer on what Dover did because he didn't think the City would want the ownership to be changing from rentals to condos. He said he would e-mail some information about the Dover tiny homes plan to the board members.
Mr. Henry said tiny home doesn't have an official definition and to some people that is a converted school bus and to others it is a small house on a foundation. He said the units in Dover have to be built to the building code.
Mr. King asked if the owner was applying for the tax credits for workforce housing as part of their application.
Mr. Pimental said he didn't know but as part of the approval for 44 units a high percentage of

the units have to meet the Housing and Urban Development rental limits and can't go above it. Mr. Fisher said there are a lot of things coming down the pike from the state regarding affordable housing. He said if you have some of things in the works it makes easier for getting grants such as if someone wanted to put 15 tiny homes as affordable housing units on the former fire station lot that might help to get a grant to update the sidewalks, parking, etc. around it.

Mr. Pimental asked when the board would like the list to be finalized.

Mr. King suggested that decision be tabled until the full board is present.

Mr. Pimental said he would keep it as a running agenda item until then.

Any Other Business before the Board:

Board Reorganization – Mr. King said that typically the meeting after Town Meeting is when the election of board officers is held but with Vice Chairman Pelkey and Mrs. Titus being absent he would like to postpone it and schedule it for the next meeting that they have the majority of the board present.

Consensus of the board was to postpone the board reorganization.

Master Plan Update – Mr. Pimental said the plan is slowly coming along and that he expected the plan would be ready for the May 4 board meeting.

Planning and Zoning Training- Mr. Pimental said the NH Office of Strategic Initiatives will hold a free half day virtual planning and zoning conference on Saturday, May 15 (from 9 a.m. to noon). He said they also offer a monthly webinar series on planning and zoning topics (every third Thurs. of the month from noon to 1 p.m.).

NH Housing Authority- Mr. Pimental said everything was submitted as part of the community planning grant and he asked the authority to send a letter to that effect. He said the reporting needed to be done for that grant and it wasn't so he asked them to send the Town a letter that it was completed that would be put on file because he didn't want the Town to apply for a grant in the future and have it denied because they didn't meet the reporting requirements for this grant. He said he received the letter and the Town is in good standing and he sent the letter to the Town Administrator and the Land Use Assistant today.

Adjournment:

Motion: (Bridges, second Vachon) to adjourn the meeting passed 6-0 at 6:50 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary

Charlie King, Chairman

Town of Farmington
Planning and Community Development
356 Main Street
Farmington, NH 03835
Phone: (603) 755-2774

A Bicentennial Community
1798 - 1998

Memo

To: Farmington Planning Board
From: Kyle Pimental, Director of Planning and Community Development
Date: 3/23/2021
Re: Request for Additional Use

Dear Mr. Rainone:

This letter, issued by the Planning and Community Development Department on behalf of the Farmington Planning Board, hereby approves your request for the inclusion of a second business on your property located at 83 Charles Street, Tax Map U-12, Lot 9. This decision is based on the following:

1) The additional use meets the criteria for the building to be considered mixed use. The Town's Zoning Ordinance defines mixed use as "*...two or more complementary and integrated uses in a compact urban form, provided that such uses are individually allowed in the applicable zoning district.*" In this case, the proposed second use is for plumbing services, which like electric services, is a specialized trade activity and allowed in this zoning district.

2) The additional use meets all parking requirements that were approved during the site plan review process. The site plan that was approved on July 21, 2020 required eleven parking spaces. There are an additional two bays in the garage for loading and unloading company vehicles that will only be used for the applicant's business. The applicant has indicated that his business will require one space for the owner's personal vehicle and one other space for an employee vehicle on site throughout the day. Both vehicles will be parked using the spaces behind the building. The company vans are driven on site and taken home overnight. The proposed secondary use will require one space for a personal vehicle and one space for a van that would remain on site. Both vehicles will be parked using the spaces behind the building. All loading and unloading for the second use will take place behind the building. This proposal leaves a total of seven spaces, including a handicap space, in front of the building that can be utilized by those visiting either business.

This decision excludes the need for you to apply for an amended site plan at this time; however, if there are changes to your proposed parking needs that would result in the businesses using more than eleven spaces, you will be required to resubmit an amended site plan to the Planning Board.

Sincerely,

Kyle Pimental

Kyle Pimental
Director of Planning and Community Development

The Planning Board reserve the right to modify the Agenda and per RSA 91-A: 3 II to enter into Non-Public Session as needed.