

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, March 21, 2017

**Board Members Present:**

David Kestner, Vice Chairman  
Bill Fisher  
Jim Horgan, Selectmen's Rep.  
Martin Laferte

**Others Present:**

Randy Orvis, Geometres Blue Hills  
Scott Lawler, Norway Plains Assoc.  
Packy Campbell, RSA Realty  
Ken Cormier, Cormier Movers  
Resident Elise Haig  
Karen Clark-Planning and Codes  
Secretary

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

Vice Chairman Kestner called the meeting to order at 6:10 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Moment of Silence:**

Mr. Kestner asked for a moment of silence in observance of Chairman Charlie Doke's death on Sunday night. He expressed his sympathy and condolences to the Doke family.

**Review of Meeting Minutes of March 7, 2017:**

Members reported they did not receive copies of the minutes of the last meeting.

Mr. Kestner motioned to continue review of the March 7, 2017 minutes to the April 11<sup>th</sup> meeting; 2<sup>nd</sup> by Mr. Laferte. The motion passed 4-0.

**Revisit Voluntary Lot Merger:**

Mr. Kestner requested the board revisit the motion to approve the application for a voluntary lot merger submitted by Jesse and Jennifer MacIssac, Tax Map R06, Lot 111 and R06, Lot 110 located at 326 Camelot Shore Drive due to a lack of a quorum of board members at the last meeting. He suggested the members repeat the motion and vote with all of the current members of the board present at this meeting.

Mr. Laferte motioned to approve the application for a voluntary lot merger; 2<sup>nd</sup> by Mr. Kestner. The motion passed 4-0.

**Addendum to the Agenda:**

**Voluntary Lot Merger-** application submitted by Norman and Kelly Morse for Tax Map R06, Lot 192 and R06, Lot 187 located at 160 Camelot Shore Drive. The new lot number will be R06, Lot 187.

Mr. Kestner briefly reviewed the Notice of Voluntary Merger of Pre-Existing Lots and noted that it was signed by the Assessing Clerk Kelly Heon, Deputy Town Clerk/Tax Collector Rebecca Dickie and Code Enforcement Officer Dennis Roseberry.

Mr. Horgan motioned to approve the voluntary lot merger application for Tax Map R06, Lot 192

and R06, Lot 187; 2<sup>nd</sup> by Mr. Fisher. The motion passed 4-0.

**Planning Applications Guide-** The board received copies of the draft Planning Applications Guidance for the Planning Board and Zoning Board of Adjustment applications. Members said they did not have an opportunity to review the public guide and requested the discussion be postponed until the next meeting.

Mr. Kestner motioned to continue the review of the draft guide to April 11; 2<sup>nd</sup> by Mr. Horgan. The motion passed 4-0.

**Recess-** Mr. Laferte motioned to take a 10 minute recess; 2<sup>nd</sup> by Mr. Kestner. The motion passed 4-0 at 6:20 p.m. The meeting reconvened at 6:30 p.m.

Mr. Kestner said he misspoke earlier when motioning to continue the review of the minutes and the draft of the Planning Applications Guidance. The items will be continued to the April 4<sup>th</sup> meeting he said.

### **Public Hearing – 6:30 p.m.**

#### **Continued Cases:**

**Application for Site Plan Review by Stephen Longmuir and Farmington Donuts, LLC (Tax Map R31, Lots 25 & 26):** The applicant proposes to reconfigure the pavement on the two parcels to allow vehicular access to and from Main Street (NH Route 153) across R31, Lot 26 to R31, Lot 25 to allow customers to avoid NH Route 11. The parcels are located at 471 NH Route 11 and 6 Main Street in the Commercial Industrial Business (CIBO) District. R31, Lot 25 is owned by Farmington Donuts, LLC. R31, Lot 26 is owned by Stephen Longmuir.

Randy Orvis came forward as agent for the applicant. He informed the board that Mr. Longmuir has withdrawn his application for site plan review of the proposed project. He said that when Mr. Longmuir found that something he felt would be a minor site plan review grew into a major site plan review and that the costs for the required permits would cost more than the actual work he decided to withdraw the plan.

Ms. Clark requested that the applicant provide written notification to the Planning Office that he is officially withdrawing the application for site plan review.

#### **New Cases:**

**Design Review: Application for Site Plan Review by Cormier Movers, Inc. (Tax Map R20, Lot 10):** The applicant proposes to construct an 11,200 sq. ft. building for the moving company Cormier Movers, Inc. The building will be used for servicing company vehicles, transient storage and general warehousing of goods. The Zoning Board of Adjustment granted conditional approval of a residential and commercial moving service with a 10,000 sq. ft. warehouse for vehicle services and transient storage of goods on December 1, 2016. The parcel is owned by Elaine C. Blaney and is located at 359 NH Route 11 in the Commercial Business District. Scott Lawler came before the board as agent for the applicant Ken Cormier who was in attendance at the meeting along with Realtor Packy Campbell. He began his presentation by stating that Mr. Cormier intends to purchase the parcel to move his moving business to town and that they appeared before the board to present a conceptual overview of the plan in September 2016.

He said the 5.56 acre property is located in the Commercial Business District and is bounded by

the Cocheco River, Rattlesnake Brook, an auto repair facility, a credit union and Route 11. The parcel is also located within the watershed and groundwater protection zoning overlays. Mr. Lawler said the parcel is currently a residential lot which has had several different uses over the years.

Portions of the lot are within the 100 year flood zone as determined by FEMA maps but the proposed building, pavement and improvements will not be constructed within flood zone he said.

The applicant is proposing to construct an 11,200 sq. ft. steel warehouse building with 3 loading docks in the rear of the building. The building will be used to store commercial and residential goods but will not be open to the public as self-storage type facility he said.

The paved parking lot will be constructed with a total of 26 spaces to accommodate 12-14 employee vehicles, eight moving vans and three tractor trailers. Only 1 to 2 employees will stay at the site during the day while the other employees will go in and out each day.

A storm water management system using several infiltration basins is proposed for the east side perimeter of the property to capture, treat and discharge the water run-off from the parcel. The test pits have been conducted and the soils characteristics were determined to be "reasonably good". A conditional use permit will be necessary to perform grading within the 100 ft. wetlands buffer zone for storm water management purposes.

The existing home on the site has a well and the proposed building will be connected to the town water line at the front of the parcel which will also provide fire suppression to the building. The house will be tied into the Town water line after it is brought onto the property for the new building.

The house has an existing septic system but a new system will be designed and installed below the pavement and will be big enough to handle waste water from the home and the new building.

Lighting will comply with town regulations. A new utility pole will be set on site and the utility conduits will be run underground.

Other required permits include a NH DOT permit for relocation and change of use for the new driveway, approval for the proposed septic system and approval for the site work within the 250 foot Cocheco River Shoreland Protection Zone from NH DES.

Mr. Lawler then asked if the board had any questions about the proposal.

Mr. Horgan asked if the existing driveway to the house will be eliminated.

Mr. Lawler said the existing driveway will be removed. The redesigned driveway will include access to the home and parking for 2 vehicles he said.

Mr. Kestner noted that the ZBA granted a Special Exception from the Table of Permitted Uses to allow a residential and commercial moving service with a 10,000 sq. ft. building but the applicant is now proposing to construct an 11,200 sq. ft. building.

Mr. Lawler said the design request stated they planned to construct a 10,000 "+ or -" sq. ft. building and that the application to the ZBA was for a use variance and not specific to the size of the building. He added that if necessary they could return to the ZBA to amend the approval.

Mr. Kestner said if the ZBA Findings and Decision states the Special Exception was granted for a 10,000 sq. ft. building the applicant may have to get their "blessings" to continue with the plan.

Mr. Horgan said the plans repeatedly states moving company and storage warehouse and asked if the building will contain only 1 entity or any customer-oriented retail uses.

Mr. Lawler said Mr. Cormier goes to the customer to determine what is needed and that the customers do not come to the business.

Mr. Horgan then asked if the moving company is basically the business office.

Mr. Lawler said that is correct and that very few people would go to the site.

Mr. Laferte asked about the setbacks of the building from the property lines.

Mr. Lawler said the sides and rear setbacks will be 30 feet and the front setback line is 50 feet. He said the setbacks are dependent on the height of the building where the building must be moved back 1 foot from the property line for each foot in height over 30 feet. He said the front wall of the building will be 25 feet high and the roof will slope back toward the river.

Mr. Laferte said a proposed amendment to the Town sign ordinance is going to Town Meeting and may change the sign requirements if approved by voters. He advised the applicant to keep an eye on the results as it may affect the signage plans for the business.

Mr. Fisher asked what will happen to the existing house.

Mr. Lawler said the first floor of home will remain as a residential use and that an overflow office may be installed in the basement.

Mr. Kestner asked if the applicant received a copy of the Planner's comments from the review by the Technical Review Committee.

Mr. Lawler said they did receive the committee's comments.

Mr. Kestner said the design review plan does not contain any building elevations, what will happen to the existing shed/concrete pad, locus, cross sections for driveway and the parking area, test pit information, snow storage or dumpster areas. He advised the applicant to make sure the utility service pole and the underground utility conduits are on his property and not within the state right-of-way as the DOT will be using part of the break down lane of Route 11 to shift the travel lanes to create a center turning lane.

Mr. Lawler said the adjustments to the formal plan have been made and included in the materials that were submitted last Friday for next month's meeting.

Mr. Horgan asked if the drainage system will be based on the 100 year flood plain.

Mr. Lawler said it is based on the 50 year flood plain.

Mr. Laferte said that page 2 of the letter to the board from Mr. Lawler states the utilities will be installed underground.

Mr. Lawler said this may be subject to change.

Mr. Fisher noted the screen house and foot bridge on the plan and asked if there will be public access to the Cocheco River through the property. He said he was concerned about potential liability to property owner and to the Town if public access was allowed there.

Mr. Lawler said the parcel is private property and no public access to the river is planned.

Mr. Kestner opened the hearing to public comment.

There were no comments from the public.

Mr. Kestner then closed the public comment portion of the hearing.

Mr. Lawler said they have already submitted the application and plans for Site Plan Review in hopes of being placed on the agenda for the April 18<sup>th</sup> meeting.

Ms. Clark said the application package for Major Site Plan Review was received after the March 10<sup>th</sup> deadline for the April 18<sup>th</sup> meeting so the proposal would be placed on the agenda for the May 16<sup>th</sup> meeting. She noted the schedule for submissions is posted on the Town website.

Mr. Campbell said they received information from the former Planner as to the deadline for



submissions and that he could produce e-mails with that information. He said they are trying to bring a business to town and have made great efforts to do 2 things in tandem (Design Review and Site Plan Review) to be here and that this is the kind of "small town surprise" that hurts his efforts to bring businesses to town.

Ms. Clark repeated the submission deadlines are on the website so it is not a "surprise".

Mr. Campbell said that in the past with other applicants they have been able to turn information in and drop checks off to reserve a spot on the agenda. He said they had an understanding with the former Planner that they would be at the April meeting.

He went on to stress that the 1 month delay is a "kick" they can't afford to take and noted that they will also have to get an administrative decision or clarification from the ZBA regarding the building size. He suggested the Code Enforcement Officer be consulted for an administrative decision and that they be given an exception to submission deadlines and be placed on the April 18<sup>th</sup> agenda. That would allow them to keep the planning process moving forward at the same time so they can begin construction in June as planned he said.

Mr. Kestner said the ZBA paperwork plainly states that approval is for a 10,000 sq. ft. building so that will have to be revisited by the applicants. It is not up to the Planning Board to interpret it he said.

Mr. Campbell repeated his request for an administrative decision by the CEO.

Mr. Kestner said that he was not afraid to put the application on the April 18<sup>th</sup> agenda.

Ms. Clark advised the board needs to be aware of noticing deadlines and that once an exception is made for one applicant they will be asked to make exceptions for others.

Mr. Fisher noted that the board does not have any information in writing that Mr. Cormier was told he would be included on the April agenda.

Mr. Lawler said the board meeting is on Apr. 18<sup>th</sup> and that is why they submitted on March 17<sup>th</sup> to adhere to the 30 day rule for application submissions.

Ms. Clark said she was using the calendar that was created before she became employed with the town and that it says the application deadline for the Apr. meeting is March 10<sup>th</sup>.

Mr. Fisher said that would be 37 days ahead of time and that he didn't agree with posted deadline.

Mr. Horgan suggested Ms. Clark "make whatever phone calls were necessary and make it happen for (April) 18<sup>th</sup>". He added that the public notice procedure only requires 14 days.

Ms. Clark added that there is no Planner right now.

Mr. Campbell said there are other things on the April agenda that haven't been noticed yet.

Mr. Fisher added that the former Planner only gave 1 week notice when she resigned the position. He said he didn't think it was fair to penalize the applicant or the board because the company the town contracted with couldn't hold up their end of the bargain.

Mr. Horgan said the deadlines were set up to the board's benefit to make sure there is ample opportunity to review the materials and make corrections if needed before they come before the board so they are not wasting everyone's time. If we have to burn a few extra hours to make something happen I think we should do that he said.

Mr. Campbell said that as acting Chairman Mr. Kestner has absolute authority over the agenda. Mr. Kestner agreed and asked for the board's packets to be mailed out to the board members including Mr. Cormier's application for Apr. 18<sup>th</sup>. He said he assumed the public notices for the hearing has already been done.

Ms. Clark said all of the abutters would have to be re-noticed for the April 18<sup>th</sup> Public Hearing meeting of the board.

Mr. Kestner asked her to re-notice the abutters appropriately and include Mr. Cormier's application in their packets for April 18<sup>th</sup> meeting.

Ms. Clark said she will have to confirm that it meets any and all regulations and guidelines to make sure they are not violating any laws or regulations by doing so.

Mr. Kestner asked Mr. Campbell to provide any e-mails from the former Planner indicating that the applicant would be included on the April 18<sup>th</sup> agenda.

Mr. Campbell said they paid for re-notice of abutters for the April meeting by check which was turned in on March 17 with an abutters' list and address labels. He said the notices go out 10 days before the meeting and that nothing for that meeting has been noticed yet. He said the board made the rules and they have the flexibility to allow them to "get in". He added the request was reasonable as long as the Town gets the notices to the public and the abutters out in time to meet the state statute.

Mr. Kestner said they will do the best they can to get it done for the 18<sup>th</sup>.

Ms. Clark she will attempt to comply with the request without opening the door to legal complications down the road.

**Any Other Business:** Resident Elise Haig said she would like to say something about Charlie Doke. She said that when she moved to town he saved her furnace when it was under water because the home was foreclosed and abandoned. She said he had an oil tank installed and only charged her for the parts. She wanted to throw a party for him for helping her out and thought he would get better so she could do that. She said that is what she wants the spirit in this town to be- to make it a better place. She said she would like to be involved with a Main Street revitalization project. She said she has followed peoples' comment on the Face Book Community Forum page and was looking for something to get the people off the page and into reality. She added they don't seem to making much progress there and that they just complain. I think they should get up and do something so that is what I'm doing she said.

Mr. Kestner said he didn't disagree with her and noted the board is running on a "minimal program". He thanked her for her comments and for the kind words about Mr. Doke.

She added that he was a good man.

Mr. Fisher said that he will be missed.

**Adjournment:**

Mr. Laferte motioned to adjourn the meeting; 2<sup>nd</sup> by Mr. Kestner. The motion passed unanimously at 7:22 p.m.

Respectfully submitted

Kathleen Magoon

Recording Secretary



David Kestner, Vice Chairman



