

Town of Farmington
Planning Board Meeting minutes
Tuesday, April 18, 2017

Board Members Present:

David Kestner, Vice Chairman
Martin Laferte
Sylvia Arcouette (6:42 p.m.)
Bill Fisher
Stephen Henry
Richard Pelkey
Brandy Sanger, Alternate (6:10 p.m.)
Lisa Capone, Alternate
Matt Stormann, Alternate
Charlie King, Alternate Selectmen's Rep.

Board Members Absent:

Jim Horgan, Selectmen's Rep., excused

Others Present:

Packy Campbell, RSA Realty
Scott Lawler, Norway Plains Associates
Robert Belliveau
Bobbie Stormann
Naomi Washburn, Troy Washburn,
Rafael Juliao, 1st Class Tire & Auto
Bill Shields, Holy Rosary Credit Union
Elise Haig
Arthur Capello, Town Administrator

BUSINESS BEFORE THE BOARD:

Call to Order:

Vice Chairman Kestner called the meeting to order at 6:05 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Alternate Seated:

Vice Chairman Kestner asked Lisa Capone to take a seat on the board in the absence of member Sylvia Arcouette.

Election of Officers:

Vice Chairman Kestner asked Mr. King to oversee the nominations for the following positions:

Chairman-Motion: (Laferte, second Henry) to nominate David Kestner as Chairman passed 6-0-1 (Kestner abstained).

Vice Chairman-Motion: (Kestner, second Henry) to nominate Martin Laferte as Vice Chairman passed unanimously.

Secretary- Motion: (Henry, second Laferte) to nominate Bill Fisher for Secretary passed unanimously.

Review of Minutes:

April 4, 2017- No errors or omissions

Motion: (Laferte, second Fisher) to approve the minutes as written passed 5-0-2 (King, Pelkey abstained).

Review Draft Guidance on Application Procedures: Postponed to May 2nd

Representative Update:

Mr. Laferte presented an update on his committee activities as a representative of the Planning Board for the new board members. He said he is currently also a member of the Capital Improvement Plan Committee, Economic Development Committee and the Strafford Regional Planning Committee (which includes the Technical Advisory, Executive and Policy Committees).

He said that he is also “tasked” with calling for a recess and to adjourn each meeting.

Recess-

Motion: (Laferte, second Pelkey) to take a 10 minute recess passed unanimously at 6:20 p.m. The meeting reconvened at 6:30 p.m.

PUBLIC HEARINGS – 6:30 P. M.

Application for Minor Site Plan Review by Rafael Martin Juliao (Tax Map R20, Lot

3): The applicant is proposing tire sales and used automobile sales dealership in addition to the use as a fuel station with auto repair facility. The parcel is owned by Aranco Oil Company and is located at 427 NH Route 11 in the Commercial Business (CB) District.

Naomi Washburn came before the board as agent for the applicant. She said they plan to add tires and used automotive sales to the existing fuel station/auto repair facility. Chairman Kestner asked if the vehicle spaces shown on the plan depict the potential spaces for used car sales.

Ms. Washburn said the plan depicts the planned vehicle spaces.

Mr. Kestner asked if the building is an existing gas station.

Ms. Washburn said it is and that they don't plan to do any construction work inside or outside of the existing building.

Mr. King asked if automobile sales are permitted in that zone.

Ms. Washburn said they were told the use is allowed in the zone on an individual basis.

Mr. King asked if the 25 spaces shown on the plan represent the maximum amount of vehicles on the site.

Ms. Washburn said 25 vehicles is the maximum number of vehicles that will fit on the site. They plan to have about 15 vehicles for sale and use the remaining spaces for customer and employee parking she said.

Mr. King asked if the entrance, exit and traffic pattern will remain as it exists now.

Ms. Washburn said that no changes are planned to the traffic pattern, exit or entrance.

Mr. Henry asked why tire sales would be considered differently than the existing

automotive service and if they would be before the board just to add tire sales.

Mr. Kestner said vehicle sales are permitted with review in the CB District. They are before the board because they are adding a change of use necessitating a Minor Site Plan review he said.

Mr. Kestner asked if tire sales were part of the existing service at the site.

Mr. Fisher said tires were sold there when the Tire Guys occupied part of the site. They left the site and the facility reverted back to gasoline sales and auto service he said.

Ms. Washburn said they were told the facility only sold fuel and auto repair services.

Mr. Capello said the Town advises applicants to include everything they are considering doing at the site so they don't have to return to the board.

Mr. Kestner explained that the Interim Planner recently resigned and this application was in process following her resignation so there are no Planner's notes or Technical Review Committee (TRC) report to assist the board.

Ms. Washburn said that she did attend a TRC meeting and also met with the Code Enforcement Officer (CEO).

Mr. Laferte said the plan shows one existing sign and asked if the applicant plans to install any other signs.

Ms. Washburn said there is an existing "Mobile" sign which belongs to Aranco and they plan to install one temporary banner at this time.

Mr. King said they will have to apply for a sign permit when ready to install a permanent sign.

Ms. Capone said particular care must be taken to clean up oil and gas spills and noted the application only states any spills will be cleaned up immediately.

Ms. Washburn said they discussed the matter with the CEO and they have the proper materials needed to contain a spill. The oil collection bin is inside the building so any spills there will be cleaned up promptly and properly she said.

There were no further questions/comments from the board.

Motion: (King, second Laferte) to accept the application as substantially complete passed unanimously.

Mr. Kestner opened the hearing to public comments at 6:40 p.m.

Hearing no questions or comments, he left the public comment portion open for another 5 minutes and continued the hearing.

Mr. King said the plan shows that additional pavement is planned at the site.

Ms. Washburn said the plan is a copy of the NH DOT plan with old notes from the original plan and they do not plan any changes to the property.

Mr. King asked if the plan depicts what is currently at the site.

She said that it depicts the current conditions.

Mr. Kestner speculated the plan came from when some road work was done to Route 11 and additional pavement was added to that area.

Mr. Henry said the road was widened there at one time.

Mr. Kestner said that 10 feet is shown for each vehicle space and asked if she felt that was enough space for people to enter and exit the vehicles or if they expect to widen the spaces to 12 feet.

Ms. Washburn said the Planner advised them that the spaces must be 10 feet wide and to put the maximum amount of vehicles that would fit there.

Mr. Kestner said that any more than 25 vehicles parked there could have "issues" and advised that the plan would become a "brochure" for code enforcement issues.

There were no public comments.

Mr. Kestner closed the public comment portion of the hearing at 6:45 p.m.

There were no further comments/questions from the board.

Motion: (King, second Laferte) to approve the amended site plan review for Tax Map R20, Lot 3 in the CBIO zone, applicant is Aranco Oil Company as submitted passed unanimously.

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 parcel is owned by Elaine C. Blaney and is located at 359 NH Route 11 in the Commercial Business District.

Application for Conditional Use Permit by Cormier Movers, Inc. (Tax Map R20, Lot 10): The applicant proposes to construct an 11,200 sq. ft. building with associated parking and loading zones for the moving company Cormier Movers, Inc. This renders the lot with more than 15% impervious coverage within the Groundwater Protection Overlay District. The parcel is owned by Elaine C. Blaney and is located at 359 NH Route 11 in the Commercial Business District.

Application for Special Use Permit by Cormier Movers, Inc. (Tax Map R20, Lot 10):

The applicant proposes to construct an 11,200 sq. ft. building with associated parking and loading zones for the moving company Cormier Movers, Inc. The Special Use Permit is requested to allow for construction of stormwater management system and minor site grading and the removal of a shed and concrete pad within the Wetlands Conservation and Overlay District. The parcel is owned by Elaine C. Blaney and is located at 359 NH Route 11 in the Commercial Business District.

Scott Lawler represented the applicant and Packy Campbell represented the applicant and the current property owner.

Mr. King recused himself as he has Scott Lawler and Norway Plains under contract for some site plan work in Farmington. He then left the meeting.

Mr. Lawler said they came before the board to discuss the requests for a Conditional Use Permit to allow the existence of more than 15% impervious coverage of the site, a Special Use Permit to allow minor grading work within 100 feet of wetland buffers and limited development buffer zones and for approval of a Site Plan Review application.

Last month the board conducted a non-binding design review and this application is a continuance of that review with public notice he said.

He said Mr. Cormier is relocating from Southern NH to Farmington and will employ 10-12 employees at the facility. There will be transient storage of client goods and some area set aside for other warehousing uses.

Town water runs in front of the site and the building will be tied into the town water supply which may also be used for fire suppression. Discussion is still ongoing with the Fire Chief as to the feasibility of using a dry fire suppression system at the site.

The site has an existing septic system and they plan to expand it or build a new one he said.

Mr. Lawler said that he met with the Conservation Commission "Con Com" last week to discuss the application for a Special Use Permit. The Commission recommended the request be approved and a letter from Con Com Chairman Dave Connolly was sent to Chairman Kestner notifying the board of their decision. He added that Chairman Connolly agreed to revisit the request if any changes are made to the plan.

Mr. Kestner said he received Chairman Connolly's letter and invited the board to read it.

Mr. Lawler then pointed out the abutting lots, the existing residence on lot, the large gravel area, the shed and concrete pad as well as the Cocheco River, Rattlesnake Brook, Class 1 wetlands and buffer areas on the plan displayed.

He said the "broad view" of submitted proposal shows the proposed driveway access off Route 11, paved area with parking in front of the building and the overhead doors and docks on the north face of the building. The plan also takes into consideration the state's plan to add a center turning lane to Route 11 he said.

He went on to describe the storm water management plan which will include catch basins, curbing, sediment and infiltration basins and the treated water will then be discharged over land to the water bodies. He said currently there is no management plan in place and that this plan will meet state regulations requiring that an equal or lesser volume of water leave the parcel following development of the lot.

Mr. Lawler said a Conditional Use Permit is required because the site has more than 15% impervious coverage, but noted that the proposed plan will reduce the amount of impervious cover from 21% down to 18%.

He said other permits required for the project include a NH Dept. of Transportation (DOT) Change of Use Permit to change the driveway use from residential to commercial use, Dept. of Environmental Services (DES) permit to work within 200 feet of the Shoreland Protection area and a DES subsurface septic system permit.

Mr. Lawler then told the board that within the last week the applicant asked them to consider rotating the building by 90° for better visibility from Route 11 as well as some other design criteria. He said they have not completed the engineering process for the proposed change but felt that his request can be achieved. He added they can submit an amended plan for the redesign or return to the board for a continued hearing if the

board so chooses.

He asked the board to consider approving the requests for the Special Use and Conditional Use permits based on the plan already before them because rotating the building will not increase the amount of impervious cover or affect the storm water management plan.

Mr. Fisher, who is also a Con Com member, said Mr. Lawler told them that the building may increase to 12,800 sq. ft. and asked if that is still the applicant's intention.

Mr. Lawler said the exact sq. ft. of the building is undetermined but it will remain within the footprint of the impervious cover shown on the plan.

Mr. Fisher asked if the building's roof line will be changed from a sloped line to a pitched roof.

Mr. Lawler said the exact roof line is also undetermined but either way the water coming off of it will be collected and treated before being discharged.

Mr. Fisher said he also told the Con Com that the loading dock would be moved to the back of the building which allows the retention pond to move in closer to the building bringing it inside the 100' wetlands buffer.

Mr. Lawler said that is one of the considerations of the redesign but emphasized the revisions have not been fully engineered.

Mr. Pelkey asked if rotating the building would push it into 100 ft. buffer zone.

Mr. Lawler said that would require variance from the Zoning Board of Adjustment and anything they do with the building will not be within the buffer zones shown on the plan.

Mr. Campbell said the applicant is interested in more street view from Route 11 and having a better looking building. He said they took the plans to some "dirt guys" (excavation/grading services) who said that if the building was turned it would be a little more economical to build and would require some re-engineering but would not change the Special/Conditional Use permits.

Additional discussion included the applicant has not made a final decision on the site plan, whether to approve all 3 applications and then return to the board with an amended site plan if changes are made, approve the permit applications only and return with a revised plan or approve the site plan with conditions.

Mr. Laferte suggested the applicant needs to make up his mind on what he is going to do and then come back to the board.

Mr. Henry suggested the board could approve the permit applications tonight but if they approved the current drawing it will cost the applicant more money to reapply with a revision. He asked if the board was "under any gun" to approve everything tonight.

Mr. Kestner said they are not under any pressure to act.

Mr. Pelkey asked if the Conditional Use permit would limit the amount of work that can be done in that area to a certain number of sq. ft.

Mr. Kestner said the permit allows them to go into a protected area based upon what is presented to the board and not what's behind "door number 1". He added the board has

the opportunity to determine if the application as presented is substantially complete. Mr. Lawler explained that the Conditional Use Permit is required for impervious cover in the aquifer protection zone and the Special Use Permit is for impact to the buffer zones. Mr. Pelkey said the conditions set by ZBA noted on the drawing calls for a deceleration lane and asked if that is Planning Board concern or dealt with by the DOT.

Mr. Kestner said the ZBA approved a Special Exception with a condition they can't mandate as the DOT has jurisdiction over Rt. 11. The applicant will have to apply to DOT for a Change of Use Permit for the driveway and they will approve or deny the application and determine any conditions that may apply to it. He added that receipt of a DOT driveway permit will be a condition as part of the approval of a site plan for what is actually being built there.

Mr. Stormann asked if the applicant plans to apply salt or treat the pavement during winter and if that will cause any water quality issues at the site.

Mr. Lawler said the pavement will need de-icing and the system meets state storm water management regulations for the treatment of water run-off. He added the plan will be reviewed by DES.

Mr. Kestner said the plan before the board is not the final plan and asked if they should consider the plan as substantially complete based on the proposed changes. The Special Use request is based on the application sitting before us tonight he said.

Mr. Lawler suggested the site plan application could be accepted as complete and then move forward with the permit applications.

Mr. Campbell suggested the board has enough information to understand what will go on at the site and can move forward with the permits. He then suggested Mr. Lawler give a 5 minute presentation on the "Plan B" for the site.

Mr. Kestner said it would be better for the board to approve what will actually be built there but they could consider approval of the permits. Final approval of the site plan is a far stretch at this time he said.

Mr. Kestner advised that once the board decides to accept the application as complete it will open the hearing to public comment. The public hearing could be extended to the next hearing as abutters are entitled to see the final plans presented he said.

Mr. Laferte expressed concern about the relocation of the loading dock to the rear of the building, moving the detention pond closer to the building and then bringing in tractor trailer units. He said the applicant should come back to the board with a final plan and until then he will vote no on the application.

Mr. Pelkey agreed and said he didn't like considering a plan that they are acknowledging could be changed imminently.

Mr. Kestner said if the board accepted the application as substantially complete with the addendum that the applicant will come back in 1 month it would allow them to go forward with their permit applications.

Mr. Pelkey asked what would be gained by giving them some approval rather than

approving a finished product.

Mr. Kestner said that would allow them to open the hearing for public input and that the abutters comments may have an effect on the amended site plan. He explained that the application is accepted or denied due to the lack of information presented as stated in the Town Subdivision and Site Plan Review Regulations.

Mr. Lawler said it is not uncommon for a board to accept an application, make suggestions as to how to make the plan better and then he would take the recommendations back to the client. He asked the board to accept application as complete, open up discussion and then consider the permit applications as they are tied to the application but as separate applications.

Mr. Henry asked what is needed to move forward with the state permit applications.

Mr. Lawler said they could submit permit applications to the state concurrently with the town process but he would like to get conditional board approval first before submitting to state agencies as it shows it's something the town wants.

There were no further comments from board.

Motion: (Henry, second Fisher) to accept the application as substantially complete;

Discussion- Mr. Kestner clarified the motion is to accept only the site plan application and not the use permits.

Vote- The motion passed 5-1 (Laferte opposed).

Mr. Kestner opened the hearing for public input at 7:35 p.m.

There were no comments from the public.

Mr. Lawler asked to give a presentation of the concept the owner is "leaning towards" and get feedback from the board.

Mr. Kestner advised the board that the permits are tied to the first site plan review application and not to combine the permit applications to the two plans.

Mr. Lawler said the revised plan would increase the building size to 80' x 160', rotate the building 90 degrees, relocate the overhead doors to the front of the building and move the loading dock to the building rear. The rear basin would come out of the buffer area and be moved closer to the building with only a minor possible change to the side basin.

Mr. Kestner asked about the proposed building roof line for "Plan B".

Mr. Lawler said Mr. Cormier is favoring a hip roof as it is less expensive than a shed roof. He said he recommended using a shed roof which sheds water to the rear of the building but no matter which roof is used all of the water off the roof will be collected directly into the management system with no sheet flow off site.

Mr. Kestner noted the building is up against the south edge of the setback and asked if a walkway or door is planned for that side of the building.

Mr. Lawler said that is one of the small details not yet determined but noted the building could be shortened or slid over if an entrance is needed there. He said Mr. Cormier is not excited about Plan A and is trying to get a handle on the overall costs for the project.

Mr. Kestner said he preferred Plan B as it decreases the impact on the buffer zone. He

said he expected that a door/walkway on the right side of the building may be required by the fire codes.

Mr. Fisher said a non-permanent structure such as fire escape or exit can intrude 6 feet beyond the setback by the overlay district regulations.

Mr. Kestner asked if the public present preferred Plan A or Plan B.

There was no response from the public.

Chairman Kestner closed the public comment portion of the hearing at 7:50 p.m.

He then asked Mr. Lawler if they wished the board to discuss the site plan application or the permit applications.

Mr. Campbell said the negative aspect of having the board approve the permit applications tonight is that they would be tied to the approved description and suggested the language for the permits needed to be changed so that the description of the conditions does not include the exact sq. footage of building, the building orientation or a certain percentage of impervious coverage. He suggested the Conditional Use permit could be worded to require no more than 19% impervious coverage and the Special Use permit could allow limited development not more than 75 ft. from the wetlands buffer.

Mr. Kestner said that he would not advise them to ask the board to vote on the permits until the development of Plan B is completed. They can then return to the board in one month and the board can vote on an amended plan where the permit applications match the plan.

Mr. Campbell said the best course of action seems to be to ask for a continuance and come before the board in a month with a final plan from Mr. Cormier.

Mr. Fisher asked if they plan to do any ground work or remove shed and concrete pad between now and next month.

Mr. Campbell said they would not do any work there until they close on the property and receive the final town and state approvals. He added they would need to wait 30 days from the approval as the approval can be appealed within that time.

Mr. Lawler then asked the board to continue the hearing until next month.

Motion: (Laferte, second Henry) to continue site plan application to May 16 passed unanimously.

Motion: (Laferte, second Pelkey) to continue the Special Use and Conditional Use permits applications until May 16 passed unanimously.

Adjournment:

Motion: (Laferte, second Fisher) to adjourn the meeting passed unanimously at 8:05 p.m.

Respectively submitted

Kathleen Magoon, Recording Secretary



David Kestner, Chairman