

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, July 18, 2017

**Board Members Present:**

David Kestner, Chairman  
Martin Laferte, Vice Chairman  
Bill Fisher, Secretary  
Jim Horgan, Selectmen's Rep.  
Sylvia Arcouette  
Richard Pelkey  
Brandy Sanger, Alternate  
Matt Stormann, Alternate

**Board Members Absent:**

Stephen Henry, excused  
Lisa Capone, Alternate

**Others Present:**

Arthur Capello, Town Administrator  
Dan DeSantis, Town Planner  
Charlie & Kathy King  
Dana Henderson  
George Sacco

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

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

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Joint Meeting:**

Mr. Capello came forward and asked if the Planning Board representatives to the joint meeting with the Selectmen and Economic Development Committee would be available to meet on Monday, July 24<sup>th</sup>. He said the EDC has determined they are available to meet on July 24<sup>th</sup> or July 31<sup>st</sup>.

Consensus of the representatives was to meet July 24<sup>th</sup>.

Mr. Capello said Mr. DeSantis will also attend the meeting.

**Review of Minutes:**

June 20, 2017- No errors or omissions

**Motion:** (Arcouette, second Pelkey) to approve the minutes as written passed 6-0-2 (Horgan, Sanger abstained).

**Review of Draft Guidance on Application Procedures:**

Members reviewed a draft copy of the Planning Applications Guide.

Mr. Laferte suggested the handout, which is printed on 2 sheets of paper, be stapled in the middle so the pages remain together.

Mr. DeSantis said the Planning Dept. plans to print the pamphlet on sturdier and higher quality paper for distribution to applicants.

The board had no other concerns regarding the set up or content of the guidance pamphlet.

**Correspondence from Assessing Clerk Regarding the 2008 Ellis Subdivision:**

Mr. Kestner asked Mr. DeSantis if he had an opportunity to review Assessing Clerk Kelly Heon's letter to Gail Ellis informing her that the 2008 subdivision of the Ten Rod Road property which was approved by the Planning Board was never recorded at the Registry of Deeds.

Mr. DeSantis said they are preparing a letter to be reviewed by the Town Attorney which will be sent to Ms. Ellis by August 1 as per the board's previous instructions.

Mr. Kestner said the issue involves the transfer of an interest in the property from Stephen Currier to Ms. Ellis making her the sole owner of the property but the 2008 subdivision application is in non-compliance with the Notice of Decision because it was never recorded. It is now well beyond the 5 year timeframe allowing any vested rights to the approved subdivision he said.

The Town Subdivision Regulations, page 13, Section G states the subdivision would then revert back to the original parcel as though the subdivision never happened but the Town does need to send her notification of the issue he said.

Mr. Laferte asked if Ms. Ellis now needs to come back before the board.

Mr. Kestner said that the letter will put Ms. Ellis on notice that the 2008 subdivision plan approved by the board has not been recorded and based upon the Subdivision Rules and Regulations, the subdivision has elapsed. If in the future they wish to go forward as a subdivision they would have to start over with a new application he said.

Mr. Pelkey asked if the applicant would need to first withdraw the 2008 application before submitting a new application.

Mr. Kestner said that after receipt of the letter of notification, the property owner can send a letter acknowledging they are in non-compliance or come before the board to state their case. Either way the application is well beyond the state law and the Town Subdivision Regulations regarding being a viable subdivision.

**Motion:** (Laferte, second Arcouette) to authorize the Town Planner to send notice to Gail Ellis notifying her that the subdivision is in non-compliance passed 6-0.

Mr. Capello then told the Chairman that Mr. Henry was in Minnesota and would not attend the meeting.

**Alternate Seated-**Mr. Kestner asked Alternate Matt Stormann to be seated in Mr. Henry's absence.

Mr. Kestner then asked the board about the order in which they wished to hear the Public Hearings on the agenda. He noted that Mr. Sacco's application has been before the board longer than the other 2 applications and should be heard first.

Mr. Sacco agreed to allow the other applicants to be heard before him.

Consensus of the board was to hear the 2 smaller requests for a Minor Site Plan Review first beginning at 6:30 p.m.

**Recess- Motion:** (Laferte, second Pelkey) to take a 5 minute recess passed unanimously at 6:23 p.m. The meeting reconvened at 6:34 p.m.

## **PUBLIC HEARINGS – 6:30 P.M.**

### **Application for Minor Site Plan Review by: Friends of Farmington (Tax Map U5, Lot 180)**

**Charles King, agent.** To utilize the second floor for up to four start up businesses; and third floor for recreation and community use. Property located at 480 Main Street; Village Center District.

**Recusal-**Ms. Arcouette recused herself from the hearing as she is on the Board of Directors for the Friends of Farmington.

Charlie and Kathy King came forward on behalf of the Friends of Farmington.

Mr. King told the board that the Friends of Farmington is a non-profit organization that was formed in 2016. He said the group's biggest undertaking to date is the purchase of the former Masonic Hall building which was purchased through fundraising and is intended for community uses. He said they currently have an occupancy permit for the first floor which is used for open meeting space and events.

He said they plan to add up to 4 cubicles as new business incubator spaces to the second floor and to provide assistance to the business start-ups. There are 2 forms of egress, one from the street and a second one which leads to an alleyway in the rear of the building.

The third floor will be used for activities such martial arts and yoga as the space is open with 12 foot ceilings and no support poles. The space would also be available for group or family events he said.

Mr. King said the organization uses a simple application process and a rolling calendar and noted some of the recent events that have taken place there such as seminars, theater camp and support services.

He submitted 2 floor plans representing the total proposed build out. A second Americans with Disabilities Act (ADA) bathroom is planned for the second floor located above the current ADA bathroom on the first floor. The building was renovated after a fire and brought up to the building code at that time including a fire alarm system. They were able to obtain an occupancy permit for the first floor without any major changes he said.

He said the current approach to the building consists of 2 steps and they plan to get a building permit to install a handicapped ramp and access to the rear of the building.

Mr. King said that because the front of the building is so close to the sidewalk there is not enough room for a ramp there without constructing it on the sidewalk. There is an 8 foot easement where the alleyway is located for travel to the apartment buildings behind the building. There are 2 parking spaces along the side of the building for people who use the building and could be used for handicapped parking during public events. There is no other parking available on the site as the structure was built in the 1800's. The group has requested a waiver of the parking requirements due to the age of the building and its intended uses. He said events at the building typically fall within the 2 hour window for parking downtown and if someone planned to attend or use the building for more than 2 hours they would need to seek parking nearby such as at the bank parking lot or at the former Fire or Police Station parking lots.

Mr. Laferte asked if the fire alarm has been installed on the second and third floors.

Mr. King said the fire alarm is wired throughout the entire building but is not currently connected to the Fire Dept. It has an outside alarm which was what was required when it was renovated. He added there is emergency lighting on all 3 floors and the Fire Chief has recommended that there are a few things to be addressed to meet the state Fire Code.

He said the power, insulation and siding have been updated and they plan to conduct more fundraising to update the heating and air conditioning systems next year.

Mr. Horgan asked the Planner about ADA requirements for the 2nd and 3rd floor of the building.

Mr. DeSantis said that the Code Enforcement Officer (CEO) would be the one to ask about ADA requirements. He added that he recommended they seek approval from the CEO for improvements made to the second and third floors, parking, hours of operation, etc. in his memo to the board.

Mr. Horgan asked if a written waiver application was included with the Minor site Plan Review application and specifically what waivers were requested.

Mr. Kestner said the written waiver requests were included with the application which members received in their packets for review. He said the group requested waiver of the Full Site Plan Review (Section 6) and the Parking Requirements (Section 21) of the Site Plan Regulations.

Mr. King said they felt that the change of use planned for the building could be done as a staff review but were advised by the CEO that they needed to come before the board for a Minor Site Plan Review.

He said that following the Technical Review Committee meeting they added the request to waive the requirements of Section 21 Parking Requirements based on the fact that all of the uses for the building over the last 150 years have utilized the available on-street parking downtown.

Mr. Horgan asked if the parking spaces along the side of the building would be designated for handicapped parking.

Mr. King said the spaces are for people using the building only and will be designated as handicapped parking spaces during events.

Mr. Kestner asked about the possibility of using a portable sign to indicate the spaces are designated for handicapped parking during events. When there are no events and the spaces are needed for maintenance or patrons the sign can be removed or covered. He suggested they get approval of the sign to be used from the CEO.

Mr. King agreed to the use of a sign for the handicapped parking spaces.

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

Mr. Kestner then opened the hearing to public comment at 6:50 p.m.

Mr. Sacco said he thought the plan is a great idea and offered his auctioneer services for free as a fundraiser for the organization.

Ms. Arcouette said she also thought the plan is a great idea.

Mr. Kestner said he would leave the public comment portion open for an additional 5 minutes in case there were any more comments/questions from the audience.

Mr. Kestner asked Mr. King if he received a copy of the Planner's memo to the board. Mr. King said he received a copy of the memo and added that based upon the Fire Chief's recommendations they need to add fire blocking materials to the hallways for fire retention which will need to be inspected and signed off by the Chief upon completion.

Mr. Kestner then closed the public comment portion of hearing at 6:55 p.m.

**Motion:** (Horgan, second Laferte) to grant a waiver to Section 6 of the Site Plan Regulations, Full Site Plan Review of the site passed unanimously.

**Motion:** (Horgan, second Fisher) to grant a waiver to Section 21 of the Site Plan Regulations, Parking Requirements in the Village Center passed unanimously.

**Motion:** (Horgan, second Laferte) to approve the change of use for the parcel with the following conditions:

- 1). Any renovations will require approval by the Code Enforcement Officer ;
- 2). Any renovations to the second and third floors will require approval by the Fire Chief;
- 3). Handicapped parking to be designated as needed during all events.

**Vote:** The motion passed unanimously.

Ms. Arcouette rejoined the board.

**Application for Minor Site Plan Review by: Henderson Hydroseeders, LLC (Tax Map R31. Lot 25).** To operate a light manufacturing business (Henderson Hydroseeders LLC) in the Industrial Business District. Property located at 471 NH Route 11 (Farmington Donuts LLC, owner); Industrial Business District.

Danna Henderson represented himself before the board. He told the board he is seeking approval to operate a light manufacturing/assembly facility in its current location. He said he was landscaper for 16 years and found a better way. He started making the machines in a pop-up tent in his backyard and has grown to where he now occupies a big building and sells the machines nationally and worldwide. He said his wife and himself own and operate the company and there are no other employees at this point.

Mr. Kestner said the business is located in the Industrial Business District and his business use is an approved use for that area.

Mr. DeSantis commented that he would like to have 10 more applicants like Mr. Henderson because if we are going to rebuild our manufacturing base it will come from innovation and entrepreneurs. He said that some day he will hire employees and that hopefully they will be from Farmington.

Mr. Horgan asked what the applicant is actually asking for.

Mr. Kestner said Mr. Henderson is seeking approval for a change of use for the property.

Mr. DeSantis said that a change of use requires a Minor Site Plan Review.

Mr. Pelkey added this is because the previous business in the building had a different use from the current use of the building.

Mr. Horgan asked how long the current business has been operating in that location.

Mr. Henderson said he has been there since Sept. 1.

**Motion:** (Fisher, second Arcouette) to accept the Minor Site Plan Review application as



substantially complete passed unanimously.

Mr. Kestner asked about the hours of operation for the business.

Mr. Henderson said his hours are 8 a.m. to 5 p.m. but noted that there some days when the business may not be open related to the amount of work needing completion.

Mr. Kestner said the idea behind knowing the business' hours of operation is to give the CEO some guidance in the event there are complaints filed by the neighbors.

Mr. Kestner asked for the current number of employees at the site.

Mr. Henderson said that currently does not have any employees. He said that they plan to consider hiring some employees sometime next year.

Mr. Kestner said Mr. Henderson has the opportunity to state a potential increase to the number of employees now which will also affect the parking situation. He asked if the board was comfortable with increasing the number of potential employees to four.

Consensus of the board was to increase the number of potential employees to four.

Mr. Kestner noted that there is no delineation of the parking area on the site plan and said that normally the plan would contain specified parking spaces. He asked the board if they were comfortable with no delineation of parking spaces and noted that the space is wide open.

Mr. Henderson said the ground there is level and is suitable for handicapped parking as well.

Mr. Kestner said he looked over the site and agreed it appears level but a site plan review requires delineation of available parking on the site plan.

Mr. DeSantis suggested Mr. Henderson have 4 or 5 stripes painted on the lot surface otherwise employees may park there "willy-nilly".

Mr. Henderson said the business has a lot more shipping out of materials than it does customer pick up so there is not a lot of traffic to the site. He agreed to designate the parking spaces and to include a handicapped parking space.

Mr. DeSantis then asked Mr. Henderson to speak about the materials used to create hydroseed.

Mr. Henderson said it is biodegradable cellulous fiber paper mulch but added that they only sell the machines that apply the hydroseed and do not sell the hydroseed itself.

Mr. Kestner opened the hearing for public comment at 7:15 p.m.

Mr. Sacco said he thought it was a great idea and introduced himself as a neighboring business to Mr. Henderson. He added that Mr. Henderson started out in a similar situation as he did and said that he could relate to what he is going through starting a business from scratch.

There were no other public comments.

Mr. Kestner closed the public comments portion of the hearing at 7:20 p.m.

**Motion:** (Horgan, second Laferte) to approve the application for Minor Site Plan Review contingent on the following conditions:

- 1). Hours of operation to be revised on the narrative to state 8 a.m. to 5 p.m. Monday through Friday;
- 2). Delineate 4 parking spaces at the site;
- 3). Revise the narrative to show the potential for up to 4 employees.

**Vote:** The motion passed unanimously.

**Recess- Motion:** (Kestner, second Laferte) to take a five minute recess passed unanimously at 7:22 p.m. The meeting reconvened at 7:32 p.m.

**PUBLIC HEARING (CONTINUED FROM JUNE 6, 2017)**

**Application for Amended Minor Site Plan Review by: ACM Specialized Materials, LLC, Applicant, NH Custodial Trust, Property Owner (Tax Map R31, Lot 34):** To allow operation of a metals and automotive parts recycling facility in an existing structure. Parcel is located at NH Route 11 and Paulson Road in the Industrial Business Zoning District.

**Recusal-**Mr. Fisher recused himself as he is also a member of the Zoning Board of Adjustment and Mr. Sacco currently has a related application before that board as well.

Mr. Sacco said he completed all of the actions the board requested at the previous meeting and then gave the members copies of his application for a standard NH Dept. of Environmental Services (NH DES) permit which will take about 2 months to process. He said he was told to keep the engines and transmissions inside the building until he receives the permit. He also provided the list of abutters that were notified and said he provided a copy of permit application to the Town so that any abutters wishing to see it may do so.

Mr. Kestner added the date received in hand to the documents and asked the Planner to see that they were placed in the appropriate file.

Mr. Sacco said he had Norway Plains Associates remove the conditions of approval from the Site Plan, revise the plan to show the paved and un-paved areas on the lot and had a licensed Engineer (Scott Lawler) stamp the plan as requested by the board. Mr. Lawler also included a 2 page narrative containing the results of his inspection and drainage evaluation of the site. He added that the vehicles that were found outside during the June 6, 2017 site walk are now housed inside the building.

Mr. Kestner thanked Mr. Sacco for getting Norway Plains to visit the site to address the board's concerns stemming from the site walk.

He then asked the board if there any questions regarding the plan presented by Mr. Sacco.

Mr. Laferte noted the 2 "proposed" truck scales shown on the plan and said he assumed that the scales were no longer proposed.

Mr. Sacco said one of the truck scales shown has already been installed.

Mr. Laferte advised him to take the other scale off the plan if he is no longer planning to install it.

Ms. Sanger said that below the "car or trailer parking" and in front of the "usable rebar steel stock area" shown on the plan it still says "To Be Hooded" and said she thought he had decided not to hood those existing catch basins.

Mr. Sacco said those eliminator catch basins have internal hoods not the type of hoods that sit on the tops of drains.

Ms. Sanger then asked if the copy of the NH DES permit application that the board had just received was to add engines, because of the oils and gas, to the list of materials that may be taken in at the site.

Mr. Sacco said that he was originally told to get a permit by notification and in the fine print it stated no oily parts. He said he told them he was a core supplier and everyone overlooked it. He said he decided to apply for a standard permit to eliminate that problem.

Ms. Sanger said the application doesn't say it includes those parts and that it seemed like a different type of permit.

Mr. Sacco said it is a standard permit for recycling and although he is not in the paper recycling business they do handle a lot of cardboard and thought it should be included on the permit application.

Ms. Sanger asked if the standard permit covers everything including oil and gas parts.

Mr. Sacco said it covers everything and that it would allow him to take in up to 100 tons of materials a day. He will still have to submit a yearly report detailing how many tons have been taken in at the facility and where the solid waste stream goes. He added that in the recycling business everything is saleable and nothing goes to waste except the regular trash.

Mr. Pelkey thanked Mr. Sacco for providing the board with the drainage assessment as it was one of his biggest concerns with the site. He asked what the permitting process is like with the state now that he has applied for a different permit.

Mr. Sacco said he received a packet of information from NH DES and the first step was to send notification to his abutters by certified mail of his plans, then the signed certified mail receipts get sent back to him and then wait 30 days to allow any abutters to file an objection. He said he completed 2 permit applications-one for the Town and one for NHDES and one month later they will decide to approve or deny the permit request. He said that he was told that in the mean time to keep the engines and transmissions inside the building.

Mr. Pelkey asked if once Mr. Sacco receives the full permit he could bring the engines and transmissions back outside.

Mr. Sacco said that he will then be able to bring those parts back outside.

Mr. DeSantis said he worked very closely with Mr. Sacco because it was important that he get this done right. He said Mr. Sacco was cooperative and though he may have complained along the way, he got it done.

Mr. Kestner then asked the board if they felt there was enough information provided to them to decide whether the application before them is substantially complete.

**Motion:** (Horgan, second Pelkey) to accept the Minor Site Plan Review application as substantially complete passed unanimously.

Mr. Kestner then opened the hearing for public comment at 7:50 p.m.

Mr. Kestner told the board there were 11 conditions on the 2012 Notice of Decision and that they need to decide which conditions should be carried forward, amended or be removed from the 2012 conditions of approval or if there are additional conditions to be added to the NOD for this application. The board reviewed the 2012 conditions with the following revisions:

- 1). Snow storage to be stored as shown on plan – already on the plan- remove from conditions
- 2). If a waste stream is created it is to be recorded and kept on file with the NHDES- carry forward as required by the state



- 3). Tarp any outside containers that contain materials- Consensus of the board was to go with Norway Plains recommendations for hoods and silk sacks- removed from conditions.
- 4). Backflow preventer to be installed and inspected before the certificate of occupancy is issued- carry forward with yearly inspection requirement.
- 5). Catch basins to be hooded and approved by the Town DPW and Water Dept.- condition met as noted by Norway Plains drainage analysis and shown on plan- leave on plan and carry forward
- 6). No junk vehicles may be taken in per application- state law/town zoning allows a maximum of 2 uninspected unregistered vehicles on the property- retail vehicle sales is not a permitted use in this zone- Amend to allow no more than 2 junk vehicles on the property.
- 7). Quarterly inspections to be conducted by the CEO until further notice- Consensus of the board was to require an inspection every 6 months the first and second year and then once a year after that. Mr. Sacco agreed to the compromise.
- 8). Use best management practices for handling raw materials onsite- carry forward
- 9). Show on the plan the location of the loading dock for index packaging- already noted on the plan- removed from conditions.
- 10). Material drop off hours/hours of operation- Mr. Sacco said the material drop off is the actual business hours as there are no drop offs after hours. His DES permit says the hours of operation are 6 a.m. to 6 p.m. - Monday through Saturday-to be noted on the plan
- 11). All applicable federal, state and local regulations must be met- carry forward.

There were no public comments.

Mr. Kestner closed the public comment portion of the hearing at 8:25 p.m.

Mr. Kestner asked the board if they wished to add any new conditions to the NOD.

Mr. Laferte suggested requirements for the catch basin filters to be cleaned monthly, to replace silt sacks yearly and to vacuum catch basin sumps once yearly as per Norway Plains recommendations should be added to the list of conditions of approval.

Ms. Sanger suggested that the standard NH DES permit be submitted to the Town when it is received by Mr. Sacco.

Mr. Sacco said the NH DES is requiring him to put the signs advising what materials can be taken in at the facility back on the access gates to the property and asked if he needed approval from the board to do so. Consensus of the board was to include the 2 signs as required by DES.

**Motion:** (Horgan, second Pelkey) to authorize the approval of the Amended Minor Site Plan Review for ACM Specialized Materials, LLC with the following conditions:

- 1). In the event that a waste stream is developed from the materials being handled at the facility, a record of the waste stream is to be maintained as required by the New Hampshire Department of Environmental Services.
- 2). The back flow preventer installed on the water service to the building shall be inspected yearly.
- 3). The on-site catch basins shall be hooded and maintained.
- 4). No more than 2 junk vehicles shall be allowed on the property.
- 5). Inspections are to be conducted by the Code Enforcement Officer every six months for the

first two years then if there are no findings the inspections will be conducted yearly starting in year three.

6). Best Management Practices shall be followed for handling of raw materials on site.

7). Hours of operation shall be Monday through Saturday from 6 a.m. to 6 p.m.

8). All applicable local, state and federal regulations must be met.

9). Clean catch basin filters monthly and replace yearly or in accordance to the manufacturers' recommendations. Utilize silt sacks at all catch basins. Catch basin sumps are to be vacuumed yearly or whenever the sediments get close to plugging the outlet of the Oil and Grit Debris trap (hoods).

10). Re-filing of the NH DES Standard permit (which includes motors with oil and grease) must be submitted to the Town.

11). The 2 required NH DES signs are to be attached to the access gates to the property.

**Vote:** The motion passed unanimously.

Mr. Horgan left the meeting at 8:40 p.m.

Mr. Fisher rejoined the board.

Ms. Sanger notified the Chairman she will not be available for the August 1 meeting.

**Adjournment:**

**Motion:** (Laferte, second Arcouette) to adjourn the meeting passed unanimously at 8:43 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in black ink, appearing to read 'D. Kestner', written over a horizontal line.

David Kestner, Chairman