

Town of Farmington
Planning Board Meeting Minutes
Tuesday, October 3, 2017

Board Members Present:

David Kestner, Chairman
Martin Laferte, Vice Chairman
Bill Fisher, Secretary
Jim Horgan, Selectmen's Rep.
Stephen Henry
Matt Stormann, Alternate
Sylvia Arcouette (6:15 p.m.)

Board Members Absent:

Richard Pelkey
Brandy Sanger, Alternate

Others Present:

Town Planner Dan DeSantis
Residents Elise Haig, Randy Orvis

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Meeting Minutes:

Sept. 19, 2017-

Page 5, middle of the page, "Mr. Kestner disagreed..." add the word "with" after the word "deal".

Page 9, 12th line from the top, add the word "to" before the word "help"

Page 9, 5th line up from the bottom, "Mr. Sacco said..." - add the word "a" before the word "flagger".

Motion: (Laferte, second Horgan) to approve the minutes as corrected passed 5-0-1 (Henry abstained).

Town Meeting Deadlines:

Board members received a list of important deadline dates for the March 2018 Town Meeting for review. Mr. Kestner advised the members to keep these dates in mind if there are any submissions planned for the Town warrant.

Mr. DeSantis said any proposed revisions or additions to the Town Ordinances need to be submitted by Dec. 13 giving the board approx. one month to determine if they plan to propose any warrant articles.

Alternate Seated:

Chairman Kestner asked Mr. Stormann to be seated in Mr. Pelkey's absence.

Follow-up Discussion on Form Based Codes Presentation:

Mr. DeSantis said that at the previous meeting Mr. Horgan asked for more information on Form Based Codes (FBC). He gave the board a handbook called "Form Based Codes, A Step By Step Guide" which he said would provide the members with a good background on the subject.

Mr. DeSantis said that before this meeting Mr. Orvis asked how FBC would work in the rural areas of town. He said Farmington has a large section of rural land and that the board would have to deal with that as they go through the process.

He called the town's "huge" lot size requirements a prescription for sprawl and unsustainable development. He suggested the board have a dialog over the next year about what the town wants in terms of development.

Mr. Laferte said the handbook appears to be somewhat complicated reading and asked for 30 days to read and study it before taking up the discussion again.

Mr. Horgan suggested if there are any additions or amendments planned to the Town Ordinances for Town Meeting it may be better to hold off on them instead of putting the town through it only to change them again the next year. He said if FBC is as good as it appears to be the town may need to change its ways and he didn't want to "jockey around" the residents who typically favor the Planning Board's recommendations at Town Meeting and risk losing their faith in the board.

Mrs. Arcouette arrived at the meeting.

Mr. Kestner said there is nothing going forward to the warrant that he is aware of at this time. He said he still has a lot of questions about FBC and is not sure whether it is appropriate or not appropriate for this town. He said Mr. Orvis had a good question about how it would apply to the rural areas in town as Farmington is still about 70% rural.

Discussion of Town Ordinance Language Regarding First Floor Dwelling Units on Main Street:

Mr. DeSantis said the Planning Dept. has received inquiries about using first floor store fronts as housing units downtown. He said that as a Planner he feels this is a terrible idea that would sound the death knell to a downtown.

Mr. Horgan noted that there are already some existing first floor dwelling units downtown and asked if the existing units would be grandfathered and then we would move forward with the new regulation.

Mr. DeSantis said that is correct.

Mr. Kestner said this would "box out" the property owner who probably tried to rent the space to a commercial user and then fell back to renting it out for residential use as the only way to make money to pay the mortgage payments. He asked if the owner can't rent the space as a commercial use if they would rather see the property foreclosed on.

Mr. DeSantis said he understood this, but in his opinion as a Planner with 45 years experience if this is allowed to occur in Farmington it will not have a downtown.

Mr. Laferte said he had occasion to be in downtown Rochester recently and decided to walk around on Main Street. He said could not believe how many of the store fronts were empty and that Mr. Kestner has a good point about the lack of revenue coming in from empty store fronts.

Mr. DeSantis then said without “action” from commercial uses the downtown will collapse.

Mr. Orvis said that real estate investment is a risk and the owner may lose it to foreclosure. He suggested they go one step further and to not only not allow residential use of the first floor of the building but to only allow residential use of the upstairs when the building is occupied by an owner/manager. He added he would not want to have his office/store next door to a residence.

Mr. Henry said the discussion is about private property and they are talking about placing some pretty extreme restrictions on it. He said property changes with the market and the more restrictions you place on it and limit the options to make a profit the less interest there will be in the property which will drive down property values.

He then noted it is a largely vacant downtown right now and asked what would be the problem with a largely residential downtown.

Mr. DeSantis said the 2005 Master Plan states that residents want a vibrant, active downtown. He said he did not think it is worth spending time applying for multi-million dollar grants to enhance Main Street if the Planning Board’s policy is to turn it over to housing.

Mr. Kestner asked if residential use is currently allowed there by zoning.

Mr. Fisher said residential uses are included as permitted uses on the Table of Permitted Uses.

Mr. Kestner said the 2005 Master Plan is based upon the responses from only about 300 participants out of about 6,000 residents and it is unknown what part of town they were from.

Mr. DeSantis said that is a normal amount of response for this type of survey. He said the point of FBC is visioning and the ability to articulate the desired outcome of what you want to have. If the community does not have a vision on what it wants to be we can’t go toward it he said.

Mr. Orvis said the quickest way to increase taxes is to bring in more residents and more kids in our schools. If the downtown fills up with more apartments the property values will decrease as residential property does not tax as high as commercial property he said. He added new residential units should not be allowed in the industrial zone on Route 11.

Ms. Haig suggested the town apply for grants to restore the historical parts of the town, such as the Eastman House and make it a destination for visitors. She said by creating a “buzz” about something here it would attract patrons and the empty shops would soon become coffee shops, bakeries, etc. She added the town is in a good position to capitalize on its proximity to shopping and to the mountains and lakes regions.

Mr. Kestner said there are pro’s and con’s to both sides of the argument and that each of the board members are only one vote. If the board decides to vote to move forward with FBC it will be up to the voters at Town Meeting to accept it or not he said.

Mr. Laferte said the board will take a hard look at the FBC but it may be about 18 months before the board is ready to go forward with any recommendations for Town Meeting.

Mr. DeSantis said a change to FBC is not intended for the 2018 warrant but more likely for a 2019 Town Meeting vote.

Mr. Kestner said it appears that the Town Planner is intending for the board to consider language to change the Permitted Uses to start moving toward the idea of restricting residential uses in the Village Center area.

Mr. DeSantis clarified that he is looking to keep commercial store fronts from being converted to housing. He said there is a difference and that he would not be opposed to someone wanting to build a free standing apartment building downtown.

Mr. Horgan said the intention is have the members become educated on FBC and nothing would happen until 2019 if then. He said this doesn't prevent the board from cleaning up any of the existing regulations they feel may need to be cleaned up.

Mr. DeSantis said that he sees the proposed change to the ordinance as a clean-up of the ordinance. He said he will provide the board with the exact language he is proposing be used at the next board meeting.

Discussion of Permitted Uses in the Commercial Corridor located on NH Route 11:

Mr. DeSantis said the Planning Dept. is starting to receive inquiries about auto sales on Route 11 and suggested the members ask themselves with all the potential for what can occur there if they want it to become an auto mile or something else.

He said with auto sales there are a lot of asphalt, pennants and balloons and asked if this is what the town has in mind for this area. He proposed the Table of Permitted Uses restrict auto sales in that zone.

Mr. Horgan said the last thing he wants to see move to town is a used/new car lot. He said he didn't want to see a lot of pavement and hoods up with balloons and would look at anything the Planner could suggest to keep that from happening. He said he would like to see more job opportunities and things that lend themselves to the town's rural character and not tear it apart.

Mr. Kestner asked if the intention was to restrict motor vehicle repair, sales or service facilities in the Commercial Business (CB) and Industrial Business (IB) districts.

Mr. DeSantis said he is only focusing on the Route 11 area and what can be done now.

Mr. Kestner asked if the former Davidson Rubber facility on Rte. 11 is in the IB zone.

Mr. Fisher said that it is located in the IB zone.

Mr. Kestner said that area will become a brown field issue and he expected the state would be "hot to trot" to redevelop the area as soon as the clean-up has been addressed. Vehicle repair and service is permitted there and is located in the same corridor currently under discussion he said.

Mr. DeSantis said he would like to see an industrial facility locate there but said he did not know what will happen in the future.

He then discussed his experience with planning and implementing the "Medical Mile" on Route 108 in Somersworth and asked what the town wants for Route 11.

Mr. Kestner said he was also aware of the state's plans to add a third lane to Route 108 and noted many of the turning lanes were added at the developer's expense.

Mr. Laferte reminded the board that it took 2 years to get the TIF District approved on Route 11 and of the need to tie that into the plans for the corridor area. He said they also should keep in mind that the town has plans to install a \$ 4 million water/sewer line extension down Route 11 as part of the TIF District. He agreed that they should not let the area become a "junkyard" but that they need to be careful about how they do it.

Mr. Kestner said his earlier question had to do with allowing vehicle repair and service facilities in the IB zone and not allowing it in the CB zone which are adjacent to each other on the same road.

Mr. DeSantis said he could include the IB zone as well if the board wished him to do so.

Mr. Orvis said he did not favor getting rid of vehicle repair/service facilities on Rte. 11 and suggested that concerns over large areas of pavement could be dealt with by requiring that pervious pavement be used during the board's site review process.

Mr. DeSantis said he would provide the language for this proposal at the next board meeting.

NH Municipal Technical Assistance Grant Program:

Mr. DeSantis said he applied for a \$20,000 grant from the program to conduct a study showing what a FBC approach can do for potential development of the former Fire Station site.

Mr. Horgan asked if the grant was a "clear" \$20,000 or if the town was required to provide any matching funds.

Mr. DeSantis said an individual has already provided some matching funds. He then asked the board to provide a letter of support for the grant application.

Mr. Kestner asked Mr. DeSantis to write a letter on behalf of the board and present it for review and approval at the next board meeting.

Mr. Horgan asked if there is a deadline for submission of the letter.

Mr. DeSantis said the application deadline was Sept. 29 and the application was submitted on time. The program center is now asking for letters of support from the town he said.

Mr. Kestner said he favored sending a letter of support but would like to read what is being approved before signing it.

Motion: (Horgan, second Laferte) to authorize the Town Planner to write a letter of support for the NH Technical Assistance Grant and authorize the Planning Board Chairman to sign it;

Mr. Henry asked if the letter will indicate support from the entire board or just from the Chairman.

Mr. Kestner said it would indicate support from the whole board.

Mr. Henry pointed out that the whole board is not going to read the letter before the Chairman signs it.

Mr. Kestner said he was a little concerned about that and would prefer to have everyone read the letter and to approve it before signing it.

Mr. DeSantis offered to retrieve the letter he wrote for Selectmen from the Planning Dept. files and show it to board for their approval.

Mr. Kestner asked for a recess to allow Mr. DeSantis to obtain the letter for the board to review.

Motion: (Laferte, second Arcouette) to take a five minute recess passed unanimously at 7 p.m.

The meeting reconvened at 7:15 p.m.

Mr. Kestner said Mr. DeSantis was unable to find the letter the Selectmen signed in support of the grant during the recess. He said he did receive a copy of the program proposal and read it aloud to the board and viewing audience.

The proposal seeks to use the town owned two and a half acre former Fire Station parcel as a test case to show to the public that a higher density mixed use development is the key to a vibrant village. It notes that residents now pay nearly 84% of the property taxes while businesses pay just 14%, the existing zoning ordinance allows a maximum of one unit per 10,000 sq. ft. of property with a minimum lot size of a quarter acre and the height standards allow for 55 ft. or three stories.

The property is within the limits of the village center and is of sufficient size to construct higher density apartments with mixed use retail and office space on the first floor. The current zoning ordinance makes it illegal to do so and a regulatory review and zoning change will be necessary to allow an increase in density.

The study would also look at establishing an FBC overlay district to insure the change is consistent with the overall historical village design and architectural characteristics.

Mr. DeSantis said grant will be awarded in Dec. 2017 with a report due to the program center in one year. He said this will allow him to have the resources to begin the process as he does not have the capacity to conduct the study alone.

Mr. Kestner said if the board was agreeable he would be willing to sign a letter similar to the one signed by Selectmen in support of the proposal on behalf of the board.

Mr. Henry asked if the board was being asked to support the creation of a zone with high density units or in support of the grant application for a study to determine if this is good for the town.

Mr. DeSantis said the purpose of the letter is to support the grant application for funds to conduct the study.

Mr. Kestner said the board would be adding support for the application for the grant and called for a motion to move forward with a letter of support if they were ready to do so.

Motion: (Laferte, second Henry) that the Chairman be authorized to sign a letter on behalf of the Planning Board that the Town Planner will put together in support of the application for the NH Municipal Technical Assistance Grant Program passed unanimously.

Mr. Orvis, who is the Chairman of the Economic Development Committee, asked Mr. DeSantis to e-mail him a copy of the letter so that he may discuss it with the EDC members.

Any Other Business Before the Board:

Next Meeting- Mr. Horgan asked for the date of the next meeting and what is on the agenda.

Mr. Kestner said the next meeting is scheduled for Tuesday, October 17, 2017 and that he did not know what is on the agenda for the meeting.

Woodman Subdivision- Mr. Orvis asked if the board recalled the Woodman Subdivision on Ten Rod Road. He said he requested a continuation in November 2016 until he was able to pay the fees to get the project back on track. He said the board requested the plan be sent for outside engineering review or to have an engineer of his choice to stamp the plans.

Mr. Kestner asked if this was the plan where he was proposing to split the lot and change the configuration of the proposed hammer head shaped access to the lots.

Mr. Orvis said he came before the board about 18 months ago with a conceptual plan to replace

the usual cul de sac road design with a hammer head configuration to gain the frontage needed for the subdivision plan.

He said the road frontage was short by a few feet and the board said the hammerhead design was acceptable. He said the board accepted the plan as complete which was about the time he started having health problems. The plans have been engineered and he would like to get on the board's agenda and finish the project he said.

Mr. Orvis said the Planning Dept. Secretary has informed him that the hammerhead is unacceptable because the 250' of road frontage has to be all on one road and the frontage from two roads can't be combined to meet the frontage requirements. He said that is a decision for the Planning Board to make.

Mr. DeSantis said there are a few other issues with the plan as well. The town attorney said this plan is not a Minor Site Plan Review and requires a Major Site Plan Review, the abutters have to be re-noticed because of the amount of time that has passed and the proposed street, Jim's Way, is not contiguous.

He said he would like to present all of the facts to the board in a more professional way at their next meeting. He added that he feels that 250 ft. of frontage is an unreasonable requirement and he planned to bring this forward to the board at that time.

Mr. Kestner said Mr. Orvis was on the docket prior to his health issues so there has been one preliminary notification to the abutters. He asked Mr. DeSantis if there is time to re-notice the abutters in time for the Oct. 17 meeting.

Mr. DeSantis said he would talk to the Planning Dept. Secretary about re-noticing the abutters.

Mr. Orvis said he could attend the Oct. 17 meeting if he could bring the final plans with him to that meeting. He said if the plans must be submitted ahead of the Oct 17 meeting then he would not be ready until the Nov. public hearing meeting but wanted to make sure it won't be cancelled because of the Thanksgiving holiday.

Mr. Kestner said the public hearing meeting is scheduled for Nov. 21 with Thanksgiving that week on the 23rd. He said he will be out of state that week and that there would probably only be a "skeleton crew" at that meeting.

Mr. Orvis said he would rather meet when the members who heard plan at conceptual meeting would be present as the other members are new to the board without a clue as to the proposed plan. He then said he could be ready by Nov. 7 to present the plans to the board.

Mr. Kestner advised him to plan on meeting all of the requirements for the first board meeting in Nov. He also asked him to submit the revised plans appropriately to the Planning Dept. Secretary and Planner in time so a package can be mailed to the board members for review.

Mr. DeSantis advised Mr. Orvis to be aware that the attorney said the new road is not contiguous and that he would have to overcome this.

Mr. Orvis said he felt some of opinions expressed by the Dept. Secretary pertaining to the subdivision regulations were "nonsensical". He said she advised him that he would need to request a Variance from the Zoning Board of Adjustment to waive Subdivision Regulations while he contended that the Planning Board has the ability to waive the regulations. He said he

would need to go before the ZBA if he was asking for a Variance for a zoning issue.

Mr. Orvis then said that attorneys don't make these decisions for you but advise you or tell you what they will defend in court. He said the Planning Board makes decisions about the Subdivision Regulations, the Code Enforcement Officer can make zoning decisions but the Planning Dept. Secretary can't make these decisions or change the interpretation of the zoning regulations.

Mr. DeSantis said each lot must have 250' of road frontage and the plan only meets the requirement if the hammerhead is included in the calculations.

Mr. Orvis said they will build the hammerhead to the Town specifications for that purpose.

Mr. Laferte then suggested the board deal with the matter on Nov. 7.

Mr. Kestner said this is no different than a developer putting in a road except that instead of it being 100's of feet long it is only 60 or 70 feet long and creates road frontage within that subdivision. It is nothing out of the ordinary and has been done multiple times for those cases extremely close on the frontage issue he said.

Mr. Kestner said he would see Mr. Orvis on Nov. 7.

Adjournment:

Motion: (Laferte, second Arcouette) to adjourn the meeting passed unanimously at 7:40 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in dark ink, appearing to read "David Kestner", written over a horizontal line.

David Kestner, Chairman