

Farmington Planning Board Meeting Minutes  
Tuesday, November 7, 2017

**Board Members Present:**

David Kestner, Chairman  
Martin Laferte, Vice Chairman  
Jim Horgan, Selectmen's Rep.  
Rick Pelkey  
Stephen Henry  
Sylvia Arcouette  
Bill Fisher  
Brandy Sanger, Alternate

**Others Present:**

Dan DeSantis, Town Planner  
Brian Vachon  
Dan Cutter, Jr.  
Jim Daley, Jr.  
Jim Daley, III

**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.

**Resignation:**

Chairman Kestner said that Alternate member Matt Stormann submitted his resignation from the Planning Board to the Board of Selectmen who accepted his resignation effective immediately as he is moving out of state.

**Review of Meeting Minutes:**

October 17, 2017 - No errors or omissions.

Motion: (Laferte, second Arcouette) to accept the minutes as written passed 8-0.

**Conceptual Discussion: 203 Paulsen Road (Map R36, Lot 004) -Subdivision Proposal:**

Jim Daley, Jr. and Jim Daley, III told the board that they recently purchased the former gravel pit site located near the former Davidson Rubber facility.

Mr. Daley, Jr. said that Mr. Cutter previously lived in a trailer on a portion of the site and that they would like to subdivide that portion from the 11 acre parcel to create a residential lot for Mr. Cutter. He said they planned to move their storage trailer rental business onto the remaining level portion of the parcel and did not plan any type of gravel work at the site.

Mr. Kestner asked about the zoning classification for the site.

Mr. DeSantis said the lot is zoned Commercial Business (CB) and then asked for the definition of a storage trailer.

Mr. Dailey, III said they are 50' ground level containers that people use for the storage of goods

and that the trailers on site would be empty.

Mr. Kestner asked the Daley's if they are aware that Farmington has a zoning ordinance limiting the use of storage trailers and a permit is required for residential use of storage containers.

Mr. Daley, III said he was unaware of the ordinance.

Mr. Horgan said the intent of the ordinance was to restrict the residential use of storage containers for actual storage of items and this proposal is to store the empty containers for relocation when rented.

Mr. Kestner asked if Mr. Horgan could see an oxymoron with a commercial operation setting up in Town to do something that residents would have to get permission to do.

Mr. Horgan said there is a difference in the use in this case and that proposed site is zoned Commercial Business.

Mr. Henry asked if the use of storage containers is only restricted in residential areas or anywhere in town.

Mr. Kestner said he thought that storage containers are restricted throughout the town.

Mr. Henry noted the difference between storage containers and trailers and asked if the trailers are registered motor vehicles which are permitted.

Mr. Daley, III said some of the trailers are registered motor vehicles and some are not.

Mr. Daley, Jr. said if the trailers are required to be registered then they would only place registered trailers at the site.

Mr. Horgan asked what type of landscaping is planned for the site.

Mr. Daley, Jr. said they haven't gotten that far in their plans and would like to first focus on getting Mr. Cutter back into a home on the subdivided parcel if approved.

Mr. Horgan asked if the subdivided lot would be sold to Mr. Cutter or rented to him.

Mr. Daley, Jr. said he plans to purchase a new mobile home for lot and to rent the home/land to Mr. Cutter.

Mr. Horgan asked about the creek that runs through the property.

Mr. Daley, Jr. said they have not yet decided the exact location for the entrance to the property or if the existing bridge over the creek will be used. He said they are aware that a wetlands permit will be needed to cross the creek area and they would obtain the required state permits.

Mr. Horgan asked about the proposed timeframe to complete the plan.

Mr. Daley, III said they did not plan to begin the development of trailer storage area right away and came to the board to discuss subdividing a portion of the parcel for Mr. Cutter's residence.

Mr. Henry asked if Mr. Cutter is currently living at the site.

Mr. Daley, Jr. said Mr. Cutter is not living at the site now but that he did live there previously and that there is an existing mobile home on the property.

Ms. Arcouette asked if they are looking to subdivide the property to create a house lot or to move in a new trailer to replace the existing trailer.

Mr. Daley, Jr. said he planned to move in a new trailer to replace the existing mobile home.

Mr. Henry asked if this would be considered a non-conforming use that would need to go before the Zoning Board of Adjustment and how long the existing trailer has gone unused. Mr. Daley, Jr. said the trailer has been unused for about 4 years. He suggested that a previous owner must have gotten a Variance to put the existing trailer on the property and that the Variance would stay with the land by state law.

Mr. Kestner said it would be the owner's/applicant's responsibility to check whether any Variance was ever granted for the site.

Mr. DeSantis said because the residential use was abandoned they would still need to get a Variance or Special Exception from the ZBA.

Mr. Henry suggested the Daley's find out if a Variance or Special Exception has an expiration date and if it has expired they will need to go before the ZBA to get a new one.

Mr. Kestner said surveyor Randy Orvis did the drawing provided to the board in 1988 and there would be a note on the drawing if a Variance/Special Exception was granted for residential use.

Mr. DeSantis said according to the zoning ordinance Table of Permitted Uses the proposed Commercial/Industrial use is not specified so a Special Exception will be needed in addition to the Variance.

Mr. Horgan asked about the road classification of Paulson Road in the parcel area.

Board members then discussed whether the road is Class V or Class VI road and its potential impact on the plan.

Mr. DeSantis said the classification of the road, location of the storage trailers, access to the property and screening could impact the plan and that he would need to see the actual plan to give a more informed answer.

Mr. Henry said if the storage containers are prohibited in town it may not be an allowed use.

Mr. Daley, III said if storage trailers are not allowed there they could do something else with the property and that they need to do some research before coming back to the board with a plan.

Mr. Pelkey said they need to make a distinction between storage trailers for used for storage and storage trailers that are intended to be rented out to another site as part of a business.

Mr. Henry said he does not agree with the ordinance that was passed but it exists. If the owner of the Metal Farm can't have them to run his business then these guys shouldn't be able to have them as their business he said.

Mr. Pelkey said he disagreed because the Metal Farm owner wants to use the storage containers for storage and should be bound by the Town's rules for their use. If he has them for the purpose of renting them for use at another location and that is his business then that is a completely different use for them he said.

Mr. Henry said the ordinance was passed because people didn't want to look at them so we used the power of government to prevent having to look at them. He said whatever the use someone still would have to look at them so he did not see any difference in the uses.

Ms. Sanger suggested the board review a copy of the zoning ordinance regarding storage units.

Mr. Kestner suggested if they are planning any additional subdivisions of the remaining acreage they may want to include them as part of their application for subdivision approval.

Mr. Daley, Jr. said they are only planning to subdivide off the land for Mr. Cutter's home and have no other thoughts of any additional subdivisions of the property.

Mr. Henry asked if it would be appropriate for the board to give an opinion of the proposal.

Mr. Kestner said the members are fully aware that there is an existing trailer there that has been unused for more than one year requiring ZBA approval for a non-conforming use. He invited the members to express their opinion of the proposal if they wished to do so.

Mr. Henry said the land where the existing trailer is located doesn't seem useful to the rest of the property and is not served by a road in order to become a separate commercial lot. He said the abutting lots to that section of the property are residential or wooded and he would not oppose a subdivision for a residential use.

Mr. Horgan said he did not have a problem with the residential trailer or the proposed business. He suggested the board look at the spirit and intent of zoning ordinance regarding storage units which had a lot to do with their appearance and location. He said some areas of concern for the proposal include the creek, the location of the entrance and any potential waivers requested.

Mr. Kestner said the storage container ordinance also involved the timeframe that the units were present at their locations.

Mr. DeSantis said his concerns include landscaping, installation of a new trailer and a potential concern about the access to the property if the road is a Class VI road.

Discussion also included whether the road is subject to gates and bars, access to other properties along the road and who is responsible to maintain the road.

Mr. Henry asked if a mobile home would be allowed on a free standing lot or must be in a park.

Mr. Kestner said it would be allowed on a residentially zoned lot but this parcel is located in the CB District and manufactured housing not located within a park is not permitted. He added that the existing residence was in place before there was zoning in Town.

Mr. Daley, III asked about the minimum lot size for a residence in that zone.

Mr. Kestner said the minimum lot size in the C B District is 2 acres and that is what will be required if the use is granted a Variance or Special Exception by the ZBA unless they also request and are granted a Variance from the lot size requirement.

Mr. Henry suggested they consider requesting a Variance to the residential lot size because if the remaining parcel were to be paved they may need the additional footage to meet the requirements for the percentage of impervious surface allowed at the site.

Mr. Kestner said they also need to consider the steep slopes on the property as the square footage of the slopes is subtracted from the available usable square footage of the lot as is done with wetlands, water bodies and other unbuildable land.

Mr. Fisher advised that the abutters to the property will need to be noticed about the ZBA and Planning Board hearings on the proposal.

Mr. Horgan asked if any of members had any opposition to the proposal.

No one spoke in opposition to the plan.

**Recess -Motion:** (Kestner, second Laferte) to take a five minute recess passed unanimously at 6:45 p.m. The meeting reconvened at 6:55 p.m.

**Conceptual Discussion-257 NH Route 11 (Map R14, Lot 005)- Site Plan (Change of Use)**

**Proposal:**

Brian Vachon told the board he has been operating a stone countertop company in town for 15 years and is looking to move to a new facility to better suit his business needs. He said the business has grown to employing a 3 to 5 man crew who construct as many as 12 countertops a week in an approx. 1,400 sq. ft. building where less than half of that area is actual usable space. He added that since the reconfiguration of Main Street/Route 11 the property has flooded out regularly with water running from Rte. 11 down the hillside, onto the property and into the shop.

Mr. Vachon said the bulk of his clientele is in the wholesale market so there is usually no more than 2-3 customers coming to the site to view/purchase materials. He said he did not foresee a great increase to the foot traffic but it may be possible as the new site is located on Route 11 and he plans to install a sign in front of the building.

He said his short term goals include providing a safe and dry work space for employees, better organization/utilization of space, update of tools/equipment and indoor storage of inventory.

Long term goals include purchasing the building and to construct a second story on it he said.

Mr. Vachon said he plans to rent the building now and the landlord is looking for a 5 year lease.

Mr. Fisher asked if the parking lot located in front of the building parallel to Route 11 is parking for Mr. Vachon's new space or is parking for an adjacent business.

Mr. Vachon said that currently employees from the adjacent business park there but those parking spaces would be used by his employees. He said he planned to create customer parking on the lower level of the lot so customers don't have to walk down the embankment.

He said there is also enough space to turn a 40' straight truck around in one corner of the lot and that he may include a video showing a truck turning there as part of his application for Site Plan Review.

Mr. Vachon said there is no Site Plan available for the building and that Surveyor Randy Orvis said the building is probably old enough where Site Plans were not required at the time of construction. He said the current owners have made improvements to the building and that he does not plan to make any physical changes to the shape of the building. He then asked if he could submit a hand drawing of the site instead of a full survey done by a professional surveyor. Mr. Kestner asked Mr. DeSantis how he would categorize the type of business use Mr. Vachon has planned for the site.

Mr. DeSantis said he would categorize it as a fabrication business.

The board then discussed if the use is fabrication or light manufacturing, fabrication is not



included on the Table of Permitted Uses, allowed uses for the CB and IB zones and previous uses of the site.

Mr. Kestner noted the Table of Permitted Uses shows a dash line for light manufacturing in the CB Zone which means it is not a permitted use.

Mr. Fisher said Mr. Vachon will need to go before the ZBA to request a Variance.

Mr. DeSantis said he did not notice this during earlier review of the proposal.

Mr. Kestner said the tax card for the lot states it is in the Commercial/Industrial Business Zone (CIBO) and noted the proposed use is permitted with review in an Industrial Zone but is not permitted in the CB Zone.

Mr. Fisher then recused himself from the discussion because he is also a member of the ZBA.

Mr. Fisher left the room and Chairman Kestner seated Ms. Sanger in place of Mr. Fisher.

Mr. Pelkey asked about wholesale sales conducted on site by Mr. Vachon.

Mr. Kestner said that is permitted with review in a CB zone.

Mr. Henry said Mr. Vachon was facing a deadline of the next day to rent the building and wanted to be able to provide him with some direction because "there are all these rules in place to make this stuff difficult".

Mr. Kestner said he didn't disagree and asked if it is the board's obligation to arbitrarily apply the zoning ordinances as the board deems fit or if they should govern under what the town body has given them for guidelines.

Mr. Henry said they need to enforce the rules whether they like it or not but that he was trying to figure which rules they need to be enforcing.

Mr. Horgan said they had determined that the property is in both the Commercial and industrial zones and under the industrial portion the use is permitted with review. He suggested the board lean toward the permitted with review part and to "make it happen".

Ms. Sanger asked if a vote was necessary to determine the zone for the property.

Mr. Kestner suggested it would be best for the board to vote on it because someone could determine the board's action as favoritism because of the existing issues. He said this issue should be addressed at Town Meeting.

Motion: (Sanger, second Henry) to recognize this lot which is in the CIBO Zone but is mostly an industrial type of business so the board would lean toward permitting the use with review;

Discussion: Mr. DeSantis said a Special Exception would be needed for Commercial Industrial uses not specified or permitted with review. He said he would prefer that Mr. Vachon not have to go before the ZBA because the proposed use makes sense for the property. He said the CB, IB and CIBO zones need to be clarified.

Mr. Kestner said he thought the proposal is a good legitimate business that fits with the property but they have come upon something that needs to be addressed. He said Ms. Sanger made a motion to apply the IB zone to this parcel because the tax card states the property is in the CIBO which is Commercial, Industrial, Business and there is discrepancy within the zoning

that the board trying to work out in Mr. Vachon's favor.

Ms. Arcouette asked about the part of Ms. Sanger's motion that contained the words "with review".

Mr. Kestner said the use would be allowed with review and the Planning Board is the reviewing body. He said Mr. Vachon had asked before the motion if he could submit a hand drawn depiction of the site as part of the Site Plan Review and the board is the reviewing body.

Mr. Horgan said Mr. Vachon has the option to request a waiver for the full site plan survey requirement.

Vote: The motion passed 5-1-1 (Laferte opposed, Kestner abstained).

Mr. Kestner said he abstained because he felt that as the Chairman he should not make a decision at this point because it is subject to interpretation. He said the motion passed to consider the zone as an IB zone and the proposed use would be permitted with review.

Chairman Kestner advised Mr. Vachon to put together a site survey giving basic topographical distances for the parcel, to meet with Mr. DeSantis and review the Site Plan Review procedures and the checklist and to put the requested waivers in written form.

Mr. Vachon asked if it would possible to have his application included on next month's agenda.

Mr. DeSantis said the application could not be heard until January.

Mr. Vachon said he was concerned about signing the rental agreement only to be denied by the board.

Mr. DeSantis said during a previous discussion with Mr. Vachon he suggested the building could be used to store his inventory while completing the Site Plan Review process.

Mr. Vachon said he planned to discuss paying a reduced rent to use the building for indoor inventory storage and asked the board if there would be any issue with that plan.

Mr. Kestner said whatever agreement is made between him and the landlord has nothing to do with the board. He said Mr. Vachon had just seen a 5-2 vote in reference to the interpretation of the definition of his proposed facility. One could make a logical assumption that approval to operate at the site once the paperwork is addressed that the board has deal with it will probably move forward he said.

Mr. Henry asked Mr. DeSantis if enough of the submittal process could be completed by the next day to allow the board to determine that the application is substantially complete.

Mr. DeSantis said he would not advise it and noted if they hurry this along there is apt to be more chance of making mistakes. He said the most important thing would be for Mr. Vachon to secure the property and if he can secure it by using it for storage then there would be time to work out everything else.

Mr. Henry asked if using the site for storage require a change of use permit.

Mr. Kestner said it would not be required in that zone. He said outside storage of materials related to business is allowed and that what happens inside the building is not the board's concern.

Mr. Vachon said he has attempted to find a copy of the site plan and has been to the Registry of Deeds Office to no avail.

Ms. Sanger suggested he contact one of the previous tenants to see if he may have a copy of the site plan.

Mr. Kestner said the tax card also contains the square footage for the front, side and back lot lines.

Mr. DeSantis cautioned that the tax cards are not always correct.

Mr. Vachon said the owner of Dana's Collision may be another source of information as he had the adjacent property surveyed in the 1990's. He said the next property down from him has just been surveyed by the state and the location of the boundary pins may help to determine the property boundaries for his rental property.

Mr. Laferte said he would like to explain his vote in opposition to the motion. He said it was not in opposition to Mr. Vachon or to what he plans to do but was due to an "internal problem". He said he worries about this type of thing coming back to "bite" the board.

Mr. Vachon said he understood as there is a discrepancy in the zoning ordinance. He said he planned to meet with Mr. DeSantis the next day and to keep searching for the property records.

**Proposed Change to Zoning Ordinance Section 1.14 "Definitions" and Site Plan Regulations**  
**Section 3 "Definitions" to add the definition of "Storefront":**

Mr. Kestner asked the board if they wished to first discuss the potential change to allowed uses in the CIBO zone due to the discrepancy found during prior conceptual discussion.

Mr. Horgan suggested that before making one little change that they carefully review the ordinance and to make any necessary changes throughout the Table of Permitted Uses.

Mr. Fisher rejoined the meeting.

Mr. DeSantis said the list of uses may not be extensive enough and the board may want to add uses such as fabrication which is not now included on the list.

Mr. Horgan said a lot of what is currently on the list is based on the members' limited exposure or what was given to them when the list was compiled. He said there were uses and terminology the board was not aware of then and that the list probably needs to be updated.

Mr. DeSantis then asked the board to give him some time to compile a list of potential additional uses they may want to include on the list. He said he didn't understand the reason for the CB, IB and CIBO zones and that maybe the board should consider combining them.

Mr. Kestner said the CIBO was created because there were some uses that were good in the Commercial district that were good in the Industrial zone but there were also some uses that were good in the Industrial zone but not good in the Commercial zone. He suggested it may be necessary to re-visit the definition of Commercial uses as part of the CIBO and the interpretation of the zone should be addressed. He said the issue needs to be addressed quickly as they are running out of time to get issues before voters at Town Meeting.

Mr. DeSantis said any proposed changes must be submitted by Dec. 13 for inclusion on the



ballot. He suggested the board may want to have a special meeting in addition to the regular monthly meetings to focus on the proposed zoning ordinance changes.

Mr. Kestner asked Mr. DeSantis to provide the board with a definition of fabrication and a list of the items currently not permitted in the CB zone with the potential to change them from not permitted to permitted with review (PR) on the Table of Permitted Uses.

Mr. Henry said this would still allow the board the potential to deny the proposed use.

Mr. Pelkey suggested the members review the Table of Permitted Uses and bring their input to the meeting.

Mr. DeSantis said the uses permitted in the CB, IB and CIBO zones are where they would want to have businesses, such as the storage trailer business that hire employees and they have to somehow work out this issue.

Mr. Kestner said the storage container issue was put forward by the Code Enforcement Officer (CEO) 2 years ago and was submitted to Town Meeting and was approved. He said the board was given some direction regarding the resident complaints and the CEO's concerns through previous Planners and they attempted to address it over the last few years. He added that if Mr. DeSantis feels the ordinance needs to be amended further he should present a proposal to the board to recommend or not recommend and then let the townspeople make the decision.

Storefronts- Mr. DeSantis gave the board 2 definitions of storefronts- one from the American Planning Association (APA) and the other from Wikipedia. He said he preferred the Wikipedia definition but would go along with whichever definition the board chose to use.

Mr. Kestner asked if any of the members had a preference for either definition.

Consensus of the board was to use the Wikipedia definition as it is easier to read and understand.

Mr. Henry said the board sought a definition because of the proposal to restrict properties downtown but noted that in addition to storefronts there are office fronts, such as accountants and insurance agencies. He asked if the office fronts would be allowed to change to residential but the retail stores would not be allowed to change to residential uses.

Mr. DeSantis said Mr. Henry's point has been debated by Planners for years. He said that one could argue that accountants and lawyers, etc. could be considered storefronts even though they do not create much pedestrian action. Housing is a "whole different animal" he said.

Mr. Henry said the accountant's office is not a store front under the Wikipedia definition so it could be changed to residential but the antique shop could not be changed to residential if the proposed regulation moves forward. He said they look pretty similar to each other although one is retail and one is a service and asked Mr. DeSantis if under this definition that the accountant's office counts as a storefront.

Mr. DeSantis said he would consider it a store front.

Ms. Sanger suggested using "shop front" instead of "store front" in the definition and to remove "retail store" and replace it with "commercial building" as stores, accountants and

attorneys are considered commercial uses. She asked if there are other non-commercial uses permitted downtown besides housing.

Mr. DeSantis said he could not think of any other non-commercial uses that are allowed downtown.

Mr. Pelkey said that the idea is to retain the form of the building and not what is going on inside of it.

Mr. Henry said that the purpose of the proposed change to the zoning was to prevent the conversion of first floor commercial space to residential space downtown. He noted that there is commercial space on the first floor that is not retail.

Ms. Sanger then suggested that "of a retail store" be stricken from the definition as "commercial building" is already included in the sentence. She also suggested removing the phrase "typically including one or more display windows" and placing a period after "building".

Mr. Pelkey said they are not only trying to preserve retail space but also to retain the façades and the display windows. Someone could remove the windows and put in a door he said.

Mr. Henry said the proposed change to the ordinance only prevents converting the space to residential use and if the accountant could change the windows to a steel door if desired. This definition wouldn't prevent the owner from changing the look of the commercial building he said.

He then suggested adding "or services" to the end of the second sentence as an accountant doesn't have merchandise for sale.

Mr. Kestner said the board tasked Mr. DeSantis with providing a definition of store front with the longer term goal of not allowing the first floor store fronts or shop fronts to become residential units.

Mr. Pelkey said they wanted a definition so they would know what buildings the restriction would apply to in the Village Center (VC) area.

Mr. Kestner said the CEO would also need a definition as he will be the enforcer of the ordinance.

Mr. Pelkey read the amended definition aloud and included the portion of the first sentence stating the shop front typically has one or more display windows.

Mr. Henry said including that phrase gives someone who doesn't have display windows in their shop a little "wiggle room" to claim the restriction doesn't apply to them.

Mr. Pelkey said he wanted to include the part about the display windows because of a business like the candy shop that is in a house and doesn't look like a shop front but is a commercial enterprise.

Mr. Henry said that building is not a commercial building.

Mr. DeSantis said the windows are important because they define the character of the structure. He asked the board if it would be attractive to the town if an accountant or lawyer came in, took out the display windows out, bricked them up and put in house windows.

Mr. Pelkey said if someone turns their house into a business it becomes a commercial building and if the business fails and they want to go back to residential use it would not be allowed even if no changes were made to the building as it is now a commercial building. He disagreed that the proposed regulation would apply to a house that looks like a house or a business that doesn't have a store front façade to it. He said that is why he wanted to leave the window part in the definition so it looks like the front shape of a business from "Main Street USA".

Mr. Henry said the building owner change the window façade to a solid wall façade while still operating a retail store and then could change it to a residential use.

Mr. DeSantis said one would normally see windows walking down "Main Street USA" and if they saw them boarded or bricked up it would tell you to stay away. What we are trying to do is to begin to define what we want in our downtown he said.

Mr. Henry said Mr. Pelkey wants to let someone with a residence to try commercial and then convert back to a residence if the commercial use fails.

Mr. DeSantis said we only talking about the Village Center.

Mr. Henry said the VC includes some houses.

Ms. Arcouette said the definition defines what a shop front is and not a house. She asked if someone desiring to convert a house into a business would need to convert it into the definition of a storefront.

Mr. Horgan said the goal is to prevent the first floor of commercial buildings from becoming residential units and to do that you need to define a shop front and whatever else you want to retain. He added that whatever the people expect the downtown to look like needs to be defined in the Master Plan.

Ms. Sanger noted that the most beautiful building downtown has a residential unit on the first floor. She said the owner removed the display windows from the front of the building and asked if he would need to put in shop front windows if he wanted to turn it back into a business.

Mr. Pelkey said he is trying to preserve the shop fronts that we have in town so we can continue to attract people and business to the downtown area. He said he is also trying not to put undo restrictions on people who have a house whether they make it a commercial business or not just because they do not have the form that he would like to have preserved. He said that is why he wanted a definition so they could say "this looks like a house" and "this looks like a shop front"

Mr. Henry said someone could take a commercial building that is a store, make it conform to the look you want to protect, and then let it become residential because it matches the form you want to protect. There is nothing preventing me from changing the façade on my shop front he said.

Mr. DeSantis said he proposed the restriction to prevent the downtown from dying from

turning into first floor residential units and suggested some members may be confusing the arguments for the definition of a store front and for Form Based Codes.

Mr. Fisher said he did not see how they would stop first floor residential units in the VC with a definition of a store front and suggested they simply put a rule in the zoning ordinance prohibiting first floor residential units downtown. He said the existing residential units would have to be grandfathered in but there would be no new first floor residential units in existing or new buildings in the VC. Other towns have already done this same thing he said.

Mr. Kestner then said this would create non-conforming uses for those grandfathered lots. He said that the board needs to draw a line somewhere in regards to eliminating potential conversion of first floor store fronts to residential units. The Master Plan specifically states the people want a vibrant downtown and at some point we've got to look a little farther down the road to revitalize the downtown. If the first step is to define store fronts the board should do so and limit residential conversions because once it goes residential it doesn't come back he said. Mr. Henry suggested adding language about a shop front being immediately accessible from the public sidewalk.

Ms. Arcouette asked if what is there now would be grandfathered in.

Mr. Kestner noted there has only been one residential conversion downtown and that the rest of it is still store front. That is what needs to stay he said.

Mr. Henry said the front doors of most homes downtown are not immediately accessible from the public sidewalk as they are setback and have lawns and trees, etc.

Ms. Arcouette said this definition will not affect the current residential properties in the VC.

Mr. Pelkey said it would protect them by defining what is and isn't a store front.

Mr. Kestner advised not to forget the VC goes up Central Street to the bridge and that is why he suggested that the VC District may need to be divided into VC1 and VC2.

Motion: (Sanger, second Pelkey) to define that a shop front is a façade or entryway located on the ground floor or street level of a commercial building, typically including one or more display windows. A shop front functions to attract visual attention to a business and its merchandise or services.

The motion passed unanimously.

#### **Form Based Codes Follow-up:**

Mr. DeSantis asked to postpone the discussion of Form Based Codes (FBC).

Mr. Kestner asked if the members had reviewed Steps 1 and 2 of the FBC handbook and if they have any concerns or questions. He then asked if they would prefer to postpone the discussion.

Ms. Sanger asked Mr. DeSantis if there other communities similar to Farmington that have successfully used FBC that she could check into for more information.

Some members suggested other communities where FBC was used successfully included Dover, Littleton and Franklin.

Mr. DeSantis he would research the matter and provide an answer to Ms. Sanger.

Mr. Kestner asked when Mr. DeSantis would like to revisit the FBC discussion.

Mr. DeSantis suggested the board discuss the proposed ordinance changes, Table of Permitted Uses, VC1 and VC2 at their Dec.5 meeting.

Ms. Sanger asked if the board could get potential wording for the changes by the Friday before the meeting.

**Next Meeting:**

Mr. Laferte said the next board meeting scheduled for Nov. 21 will have a full agenda and asked all of the members to try to be present for the meeting. He said he planned to meet with Mr. DeSantis that afternoon to review the agenda as Mr. Kestner will be on vacation.

Mr. DeSantis said 4 cases are scheduled for that public hearing.

**Adjournment:**

Motion: (Laferte, second Arcouette) to adjourn the meeting passed unanimously at 8:25 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

  
\_\_\_\_\_  
David Kestner, Chairman  
VICE CHAIR