

Town of Farmington
Planning Board Meeting Minutes
Tuesday, February 6, 2018

Board Members Present:

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

Board Members Absent:

Rick Pelkey

Others Present:

Dan DeSantis, Town Planner
Randy Tetreault, Norway Plains
Mark Phillips
Elise Haig

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

In Memory of Sam Cataldo:

Chairman Kestner asked everyone to join him in a moment of silence in memory of former Senator Sam Cataldo who in addition to being a member of the state legislature was a long serving member and citizen of the Town of Farmington.
Chairman Kestner then expressed condolences to the Cataldo family on behalf of the board.

Alternate Seated:

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

Review of Meeting Minutes:

January 16, 2018- No errors or omissions

Page 11- 7th line from the top - Mr. Laferte said a request by the board for the Planning Dept. Clerk to forward a memo to the Selectmen regarding the reduction of the Town Planner's hours has not yet happened.

Mr. Kestner said this is not an error in the minutes and it was recorded as requested by board.
Mr. DeSantis said he would prefer that any memo on his behalf would come from the board.
Chairman Kestner requested that the Planning Dept. Secretary forward a memo requesting reinstatement of the Planner's hours to 30 hours weekly on behalf of Mr. Kestner as noted in the minutes of Jan. 16, 2018. He said he would follow up with a phone call to the Planning Office the next day.

Ms. Sanger offered to cut and paste the portion of page 11 from the Jan. 16 minutes containing

the request for a memo to Selectmen and send it in an e-mail to the dept. Secretary.

Mr. Horgan suggested if Ms. Sanger was willing, that they ask her to draft a letter on behalf of the board and then Mr. Kestner can sign it and forward it to the Selectmen.

Ms. Sanger agreed to draft the letter and send it to the Selectmen's Secretary to print out for Chairman Kestner's signature.

Motion: (Horgan, second Fisher) to authorize Ms. Sanger to draft a letter for Chairman Kestner's signature to the Board of Selectmen requesting that they reinstate the Planner's hours;

Discussion: Mr. Henry said that previously he had no opinion on this issue because he did not know why the Selectmen decided to cut the Planner's hours. He said that at the presentation of the Town budget to the Budget Committee it was explained that Selectmen felt the Planner's work had been caught up and the new allotment of hours was enough to maintain status quo in the Planning Dept. He said it was his impression that the townspeople wanted a Planner to go beyond the status quo to enhance the Planning process that was taking place at the time. Given that reasoning I endorse this letter now he said.

Vote: The motion passed 7-0.

Motion: (Laferte, second Henry) to approve the minutes as written passed 5-0-2 (Sanger, Horgan abstained)

Conceptual Plan Discussion: Farmington Ridge Mobile Home Park:

Mr. Tetreault said he and Mr. Phillips came before the board to have a conceptual non-binding discussion on a potential plan to subdivide the back 100 acres of land from the 30 acre Farmington Ridge Mobile Home Park and create 2 lots from the property (existing lot -Map U-10, Lot 41-1; proposed second lot- Map U-10, Lot 41-2).

Mr. Tetreault said that Norway Plains did not do the original site plans for the mobile home park and that the original survey was done by Berry Surveying in the late 1980's. He gave a brief history of some the past legal and financial issues involving the property.

He said the two of the most important issues are that the separation must leave the mobile home park lot with enough acreage to meet the density requirements for that zone and the access point for both of the lots. The existing access point is Dick Dame Lane and the Town maintains the road to the end of Dick Dame Lane and the park maintains the roads within the mobile home park he said.

Mr. Tetreault said he spoke with the Assessing Clerk who said the mobile home park road is unnamed and is referred to as the mobile home park road. The access road would provide frontage for the 100 acre lot if the plan moves forward he said.

Mr. Horgan asked if there is only one way in and one way out to the proposed lot.

Mr. Tetreault said there is only one entrance and exit to the property as there is a "crash gate" on Winter Street and on the road leading to the Campbell Commons subdivision. He pointed out the potential new lot lines and noted there are site features included on the plan from

when the previous plans to expand the park were proposed.

Mr. Laferte asked about the cul-de-sac on Bunker Street.

Mr. Tetreault said the cul-de-sac is located on an abutting property and does not belong to Mr. Phillips.

He said the map provided to the board is an artist's rendition based on the previous plans and if the Planning Board concurs with the proposed plan he will do a real site plan and an official survey to provide the proper numbers for the site plan. All it will be is a 100 acre lot in the residential zone he said.

Mr. DeSantis asked if Mr. Tetreault was aware that the updated regulations require that each new manufactured home has to be on a separate lot.

Mr. Tetreault said that no sites, new lots or expansion of the park is being proposed.

Mr. DeSantis asked if Mr. Phillips plans to do anything with the 100 acre lot.

Mr. Phillips said there are no more trailer parks or expansion of existing trailer parks allowed in town and his land east of the Dame Brook is in Current Use and anything done there will trigger a penalty. He said he planned to isolate the back 100 acres from the front 30 acres as his bank is nervous about the potential hazards to the park from the 100 acre portion of the property.

Mr. Laferte asked about any wetlands on the property.

Mr. Tetreault said the wetlands have all been mapped for the site from the previous expansion proposal which did not meet the wetlands permit regulations and was not done. The site features show an existing crossing over the Dame Brook on the access road and there are enough site features shown to meet the Site Plan Review check list he said.

Chairman Kestner said the proposed lot would have road frontage on a private road but would not have any road frontage on a Class V or better road as required by the subdivision road regulations in order to do a Town maintained subdivision

Mr. Phillips said the private road was built to Class V standards.

Mr. Tetreault said the Town does not maintain the private road now and the proposal is not asking the Town to maintain the road. There are subdivisions with private roads that the Town has not taken over and any road being proposed in town is not a Class V road until the Town takes it over and makes it into one he said.

Mr. Phillips suggested there could be a stipulation on the plan that the Town is not responsible to maintain the private road.

Mr. Henry asked if applicants were allowed to build private roads to get the required road frontage in the past.

Mr. Kestner said it has been done in the past but the subdivision regulations were misinterpreted and additional road frontage can't be created by putting in a hammerhead or a cul-de-sac.

Mr. Henry said this proposal doesn't involve a cul-de-sac.

Mr. Kestner disagreed and said Dick Dame Lane is a Town maintained cul-de-sac road up to the

property line.

Mr. Henry said the private road is not Town maintained or a cul-de-sac.

Mr. Kestner said the Town's responsibility stops at the cul-de-sac. Mr. Phillips' frontage would only be the 50' width of the road which is far less than the required 150' frontage for the SR zone. So he does not have enough frontage on a Town maintained road he said.

Mr. Tetreault asked if a developer came in and wanted to put in a subdivision on a private road if it would be allowed. The private road is what creates the frontage. The Town likes a Class V road because it can support emergency vehicles which this road obviously can he said.

Ms. Sanger said if 10 years down the road they decide to develop the lot and put a house on it they would have to come back to the Town for approval because of that road and would need to get some type of Variance.

Mr. Kestner said there was wording at the time of the proposed expansion of the mobile home park as to accessibility to the lot and it wasn't via Dick Dame Lane.

Mr. Tetreault said that application approval was revoked.

He explained how they would have 150' of road frontage and the park would have 150' of road frontage on a private road if he were to construct a single family home on the separated lot. He said the key is if the road was built to the subdivision standards and it wouldn't matter that it is not Class V road because it would not be a Town maintained road. The building inspector can issue a building permit for a single family home per state statute because it's on a plan approved by the Planning Board with access on a road he said.

Ms. Sanger asked what would happen if he wanted to build 10 houses on the separated lot.

Mr. Tetreault said that would be a bunch of different issues.

Mrs. Arcouette asked if all or part of the 100 acres is in Current Use.

Mr. Phillips said all of the proposed separate lot is in Current Use.

Mrs. Arcouette said in order to develop the lot he would have to take it out of Current Use first.

Mr. Phillips agreed and said that would also trigger a penalty.

Mr. Henry asked if the subdivision would trigger a penalty.

Mr. Phillips said it would not as he is not developing the land.

Mr. Laferte asked for an estimate of the total amount of wetlands on the 100 acre portion of the parcel.

Mr. Tetreault said approx. 40% of the property is wetlands areas.

Mr. Horgan asked Mr. DeSantis if there is anything to prevent Mr. Phillips from completing his proposed separation of the property as he is not proposing any future development and is simply creating another lot with sufficient frontage.

Mr. DeSantis said that he thinks there is sufficient frontage for the proposal but internally in the office there is a debate about it and he would like to have Mr. Tetreault come into the office and debate the staff.

Mr. Horgan said once that is accomplished if Mr. Phillips wanted to create a development there

would be nothing to stop him from doing that.

Mr. DeSantis said that is true.

Mr. Henry said Mr. Phillips is trying to separate a liability or create two entities so one entity doesn't create a liability for the other entity. Separate your entities for liability and protection he said.

Mr. Henry asked how to make the issue clearer so someone can open a book and say it clearly states that this is the rule.

Mr. DeSantis said that is why he wants to have Mr. Tetreault talk with the office staff.

Mr. Henry said Mr. Phillips will have to pay Mr. Tetreault to do that and that we should be able to do that from a book.

Mr. Tetreault said if you take the regulation literally it would mean anyone who wanted to subdivide a lot in Farmington would have to be on a main road and that is not what the subdivision regulations are for. He said the subdivision regulations should say there must be frontage on a road built to Class V standards not that it's Class V status because that is a "different animal".

Mr. Kestner said the subdivision regulations could be reviewed and made more advantageous but the board must deal with the existing regulations. He asked Mr. Phillips if he has access to the cul-de-sac on Dick Dame Lane.

Mr. Phillips said he has deeded access to the cul-de-sac.

Mr. Kestner noted the access is only for 50'.

Mr. Henry said that every lot in Campbell Commons was on a private road.

Mr. Kestner said the original parcel before the subdivision was built had enough road frontage on Rte. 75 to qualify for the subdivision.

Mr. Tetreault asked if the Class V road requirement was in the subdivision regulations or in the zoning ordinances.

Mr. Kestner said it is in the subdivision regulations.

Mr. Tetreault said the reason the requirement is in the subdivision regulations is to allow the board to waive the requirement if the road is built to Town specifications and it's a private road. If it was in the zoning you couldn't waive it and everyone would have to get a Variance to do it he said.

Mr. Fisher read from the subdivision regulations that the lot must front on an existing or proposed Class V road or better and suggested Mr. Phillips may meet the requirement by categorizing the existing private road a proposed Class V road.

Mr. Henry said anyone building a new subdivision that builds a road to Class V specs can propose that the town takes it over but can't compel the town to do so.

Mr. Tetreault said that during the 1980's when some of the existing subdivisions were built the Selectmen said the Town was not going to accept any more roads so the subdivision roads were to be built to Town spec and the developer was responsible to maintain the roads. None of

those roads were Class V status municipally but the Planning Board reviewed them and made sure they were built correctly and the Town didn't have to pay to maintain them he said.

Mr. Kestner asked for a consensus of the board members.

Consensus of the board was that the plan is "workable" and they had no issues with Mr. Phillips' proposal as presented.

Mr. Kestner asked if anyone was concerned with the potential for additional lots on the newly separated lot if Mr. Phillips moved forward with a subdivision plan.

Mr. DeSantis said it would be a major project due to the wetlands on the lot and to work around all of the wetlands areas would be very expensive.

Mr. Laferte said if Mr. Phillips wants to make any changes to the lot he will have to come back before the board. He added that all that is really being done is changing property lines.

Mr. DeSantis said he would move forward with proposal and work with Mr. Tetreault to develop a plan that will work for the board.

Mr. Horgan suggested that while they are discussing separating the lots and any changes being made to the entrance if there are any issues that may impact future use of the property that they discuss them and lay the groundwork for what may lie ahead.

He then asked if the 100 acre portion of the lot is land-locked or if there is another access to a main road at the back end of the lot.

Mr. Tetreault said the property abuts the Milton Town line on the back side and there is no other access to the property.

He said he planned to meet with Mr. Phillips and Mr. DeSantis to discuss how to move forward with the plan and thanked the board for their time.

Recess- Motion: (Laferte, second Kestner) to take a 5 minute recess passed unanimously at 7:08 p.m. The meeting reconvened at 7:22 p.m.

PUBLIC HEARING (CONTINUED) – 6:30 P.M.

Application for Minor Site Plan Review by Grant Myhre: to install an accessory dwelling unit. Property is located at 231 Camelot Shore Drive (Map R06, Lot 143); Agricultural Residential District (hearing continued from December 21, 2017 meeting).

Mr. Kestner reconvened the continued hearing at 7:22 p.m.

Mr. DeSantis said that 2 weeks ago he met for about an hour with Mr. Myhre and told him that he had to submit an amended application to the Planning Dept. Mr. Myhre came to this board meeting with the amended application but Mr. DeSantis told him this was not the time to be submitting the application to him. He said he told Mr. Myhre he would ask the board to continue the hearing again to allow him to submit the application. Mr. Myhre left the meeting.

Motion: (Horgan, second Laferte) to continue the Public Hearing for Grant Myhre to February 20, 2018;

Discussion: Mr. Henry asked Mr. DeSantis if Mr. Myhre gave him the application.

Mr. DeSantis said Mr. Myhre did not give him the application.

Mr. Kestner suggested the hearing be continued until March 6 to give Mr. Myhre more time to submit the application.

Ms. Sanger said that would also give the dept. staff more time to review it and supply the board with any other information necessary for the hearing.

Amendment - Mr. Horgan amended his motion to reflect that the hearing be continued to March 6, 2018.

Mr. Laferte accepted the amendment to the motion.

Vote: The motion passed 7-0.

Any Other Business before the Board:

Old Fire Station Property-Mr. Horgan asked for the status of the Steering Committee for the potential redevelopment of the former Fire Station property.

Mr. DeSantis said at their last meeting the Selectmen signed a contract to work with PLAN NH and that he has asked for the establishment of a Steering Committee. He said at the last Planning Board meeting Mr. Pelkey volunteered to represent the Planning Board on the committee and suggested the board motion to officially appoint him as their representative. He added that Mr. Horgan will be an at-large member of the committee. An initial meeting with UNH will be scheduled when they are available to attend a meeting in Farmington he said.

Motion: (Horgan, second Arcouette) to authorize Mr. Pelkey to represent the Planning Board on the Steering Committee passed unanimously.

Mr. DeSantis then explained the Town received a \$25,000 grant from the state to do the planning for the potential redevelopment of the old fire station property. He said there is also a warrant article on the Town Meeting warrant to update the Master Plan. The Steering Committee will be responsible to engage the public about what they would like to see on the old firehouse site and for the Master Plan.

Intent to Excavate- Mr. DeSantis said they have been working with the state regarding the Intent to Excavate concerns. He said review of the files is in process and the representative is scheduled to return on Thursday. As soon as the review is completed a report will be provided to the board he said.

Mr. Kestner suggested once the status of the all of excavation permits has been established that the state rep be asked to meet with the board to discuss her findings.

Road Regulation Revisions- Mr. Henry asked how they could revise the road regulations so there would be less confusion and more clarity to the regulations.

Mr. Horgan suggested it be brought up at a workshop meeting and the members could discuss it and figure out if there are any changes needed. He added there are certain changes that can be made by the Planning Board and others that must be made by the Town. He advised that there is a spirit and intent to allow people to do what they want with their property as long as they don't impact their neighbors and that once it is put in writing the board is committed and

so is the applicant. He suggested there be a paragraph at the end that says it can be changed if the situation dictates it.

Motion: (Henry, second Fisher) to place the discussion of subdivision road regulations on the agenda for the March 6 workshop meeting;

Discussion: Mr. Kestner asked if all of the members have the most recent version of the subdivision regulations (June 7, 2016).

Ms. Sanger said there may be new board members after the March Town Meeting and asked if it would be better to begin reviewing the regulations at the April workshop meeting.

Amendment - Mr. Henry amended his motion to reflect that the discussion on subdivision road regulations be placed on the April 3 workshop meeting agenda.

Mr. Fisher accepted the amendment.

Vote: The motion passed unanimously.

Mr. Laferte requested all of the members receive the latest revision of the subdivision regulations in their next meeting packets.

Adjournment:

Motion: (Arcouette, second Horgan) to adjourn the meeting passed 7-0 at 7:40 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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

David Kestner, Chairman