

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, April 3, 2018

**Board Members Present:**

David Kestner, Chairman  
Martin Laferte, Vice Chairman  
Bill Fisher, Secretary  
Stephen Henry  
Charlie King  
TJ Place, Selectmen's Rep.  
Rick Pelkey

**Others Present:**

Dan DeSantis, Town Planner  
Grant Myhre

**Board Members Absent:**

Brandy Sanger, Alternate

**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.

**Annual Election of Officers:**

**Chairman-**

**Motion:** (Laferte, second King) to nominate David Kestner for Chairman;

**Motion:** (Kestner, second Henry) to nominate Charlie King for Chairman;

The nominees discussed their qualifications/experience as board Chairman and members.

Mr. Kestner then called for a vote on the motions.

**Vote:** The motion to nominate Mr. Kestner for Chairman passed 5-2.

**Vote:** The motion to nominate Mr. King for Chairman failed 2-5.

**Vice Chairman-**

**Motion:** (Fisher, second King) to nominate Martin Laferte for Vice Chairman;

**Motion:** (Henry, second) to nominate Charlie King for Vice Chairman;

Mr. King refused the nomination.

The motion to nominate Mr. Laferte for Vice Chairman passed 6-0-1 (Henry abstained).

**Secretary-**

**Motion:** (Laferte, second King) to nominate Bill Fisher for Secretary;

**Vote:** The motion passed 6-0-1 (Fisher abstained).

**Review of Meeting Minutes:**

**March 20, 2018-** No errors or omissions

**Motion:** (Pelkey, second Laferte) to approve the minutes as written passed 6-0-1 (King abstained).

**Any Other Business before the Board:**

**Reappointment of Members-** Mr. Henry asked if Chairman Kestner and Mr. Pelkey were reappointed to the board by Selectmen. He asked if Mr. Kestner could serve as Chairman if he has not yet been reappointed to the board.

Chairman Kestner said he has not been notified about his request to be reappointed.

The Recording Secretary told the Chairman that he and Mr. Pelkey were both reappointed to the board at the previous Selectmen's meeting.

Mr. Henry asked if the members need to be re-sworn in when they are reappointed to the board.

Mr. DeSantis said he would find out if the members need to be re-sworn in.

**Amendment to Planning Board Rules of Procedure** - Mr. Laferte said that the procedures state that the regular meetings will be held from 7 p.m. to 10 p.m. (Page 2, Section 5 A- Regular Meetings). He noted that board meetings currently start at 6 p.m. and suggested the paragraph be amended to reflect the correct start time.

Mr. Pelkey said the Rules of Procedure states that the rules may be amended by a majority vote of the members provided that the amendment is read at two successive meetings (Page 4, Section 7).

**Motion:** (Henry, second Fisher) to amend the Rules of Procedure in Meetings, Section 5A to state that the meetings will be held from 6 p.m. to 9 p.m. passed unanimously.

Chairman Kestner asked Mr. DeSantis to add the second reading of the amendment to the April 17<sup>th</sup> meeting agenda.

**Correspondence:**

**Lone Star Sidewalk Escrow Fund-** The board reviewed a memo from Assessing Clerk Kelly Heon regarding the installation of a sidewalk at the corner of Elm Street and Lone Star Avenue as part of the Conditions of Approval for the Campbell Commons Cluster Development which was approved by the board on Feb. 3, 2005.

Mr. DeSantis said the board at that time required that \$3,000 be placed in escrow until the sidewalk was satisfactorily installed and that Ms. Heon has asked about the status of the fund. He said he found a picture online showing that the sidewalk was installed.

Mr. DeSantis provided the board with copies of a letter he wrote that was sent to developer Packy Campbell asking him to provide documentation that the sidewalk was properly built and maintained. He said it was important to establish a paper trail showing that the project was completed correctly and suggested they wait to hear back from Mr. Campbell before taking any action.

He said that Finance Administrator Pam Merrill has also requested that the Planning Dept.

determine the status of the escrowed funds.

Mr. DeSantis said he was unsure if the RSA Development, LLC is still in existence. He said if the LLC has been dissolved he will seek advice from Town Counsel.

Mr. King said it appears that the sidewalk was put in but there is no information as to who installed it (the Town or Mr. Campbell) and to who the escrow funds should be returned.

Mr. DeSantis said he also questioned this issue and that he hoped to have more answers for the board at the April 17<sup>th</sup> meeting.

Chairman Kestner asked Mr. DeSantis to research the NH Attorney General's website to see if it can be determined if the LLC has been dissolved.

**Public Hearing Notice-** Mr. DeSantis said the Town received a Notice of Public Hearing from the City of Rochester Zoning Board of Adjustment regarding a rehearing on an application to request a Variance to permit the installation of a wireless communication tower at 144 Meaderboro Road, Rochester. The hearing will be held at 7 p.m. on April 11 in the Rochester City Hall Council Chambers.

**Eversource Brush/Tree Trimming-** Mr. DeSantis said the utility has notified the Town of their intention to trim and remove trees adjacent to and beneath its power lines within the town. He said some of the tree/brush work will take place on Poor Farm Road which is a designated scenic road. Eversource has requested that a Public Hearing be held as required by RSA 231:158 and to be notified of the time and place of the meeting so that a company representative may be present. He then asked the board to hold the Public Hearing on the matter at the Apr. 17 board meeting.

Discussion included if the abutters have been notified of the intent to cut, proper procedure to schedule and notice a Public Hearing, if Eversource intends to cut trees in just one section of the road or along the entire length of the road, past issues between landowners and Eversource regarding tree cutting and missing information on the chart provided by the company.

Mr. King said the hearing notice requirements are listed in RSA 231:158 which states that the hearing must be noticed twice with second notice at least seven days prior to the hearing.

Chairman Kestner said due to the noticing requirements there will not be time to properly notice the hearing for the April 17<sup>th</sup> meeting and asked Mr. DeSantis to schedule the hearing for May.

### **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 March 6, 2018 meeting).

Chairman Kestner opened the continued hearing at 6:40 p.m.

Grant Myhre came forward and told the board he purchased the property one year ago and apologized to the board for not being sufficiently prepared at the last meeting.

He showed the board a copy of his warranty deed and his NH Driver's License as proof of residence and noted that he has also changed his address for tax purposes and has registered to vote in Farmington.

He said he is applying for an accessory dwelling unit (ADU) on a double lot on Baxter Lake. The ADU is for his son and his employees' use. He gave the board copies of the proposed ADU located in the downstairs of his home and said that he lives upstairs in the residence.

Mr. Myhre said he contacted the Baxter Lake Homeowners' Association (HOA) and that the association president responded with a letter stating there is nothing in the association rules to prohibit an ADU there. He gave the board copies of the letter and the HOA bylaws and rules and regulations for review.

Chairman Kestner asked Secretary Fisher to sign for the date of receipt of the documents as of this meeting and give it to Mr. DeSantis for the application file. He then asked Mr. Fisher to do the same with the photos of the ADU.

Mr. Myhre asked the board if they had any questions or if there is anything else he needs to provide to the board.

Chairman Kestner said the biggest issue in continuing the hearing was the missing information showing the unit meets the requirement that the ADU is within 750 square feet in size. He said included with the board's packets was a depiction of the interior dimension and that the exterior dimensions were provided two meetings ago. Based upon the measurements provided and the tally of the square footage provided for this meeting it appears that the ADU is under the 750 foot threshold he said.

Mr. Henry asked if there is a requirement that the resident of the ADU be a family member of the property owner.

Mr. DeSantis said the ADU resident does not have to be a family member.

Mr. Pelkey said it is his understanding the only residency requirement is that the property owner is required to live in the residence where the ADU is located.

Mr. Laferte asked Mr. DeSantis if he received any information regarding the septic system at the residence.

Mr. DeSantis said he spoke with Code Enforcement Officer Dennis Roseberry regarding the septic system. Mr. Myhre has approval for a two bedroom septic system and there is one bedroom upstairs and one bedroom downstairs. There is also a study upstairs that could become a bedroom he said.

Mr. King said that if Mr. Myhre wanted to increase the number of bedrooms he would need a three bedroom septic design approved by NH Dept. of Environmental Services (NHDES).

Mr. Myhre said he has an approved septic design for the current system and gave a copy of the approval to Mr. DeSantis.

Mr. King asked if the system was installed in 2016.

Mr. Myhre said the septic system was inspected in 2016.



Mr. Pelkey thanked Mr. Myhre for working with the board to answer their questions and for coming back to the board for the continued hearings.

Mr. Myhre said the board has been good to him and that he wished to maintain a good relationship with them. He added that Mr. Roseberry has scheduled a visit to the residence to make sure that the ADU is meeting all current building codes.

Chairman Kester asked if Mr. DeSantis had a copy of the septic system inspection report that was required as part of his mortgage application when Mr. Myhre purchased the property. He said the inspection report is the documentation of the plan view drawing done on Nov. 21, 2016 and asked Mr. DeSantis to make a copy of the report and place it in the application file.

**Motion:** (King, second Laferte) to take a five minute recess to allow Mr. DeSantis to make copies of the septic system inspection for the Town files passed 7-0 at 7 p.m.

The meeting reconvened at 7:05 p.m.

Mr. Kestner asked Mr. Myhre if there was anything else he wished to submit to the Planner.

Mr. Myhre said he had submitted all of the relevant materials to Mr. DeSantis.

Chairman Kestner asked if the board members had any further questions for the applicant.

Mr. King asked if the ADU has separate access/egress from the downstairs level.

Mr. Myhre said there are two accesses as there are sliding doors on two sides of the unit.

Mr. King said there may be some additional building codes the unit will have to meet but that is under the purview of the Building Inspector.

Mr. Myhre said he has submitted an application with the Building Inspector who will meet with him at the site and determine if the codes are being met.

**Motion:** (Henry, second Pelkey) to accept the application as substantially complete passed 7-0.

Mr. King asked if this hearing was publically noticed so the abutters would have an opportunity to commit on the proposal.

Chairman Kestner said the application hearing was started in February and the meeting was properly noticed each time.

Mr. King asked if any abutters had come before the board to speak at any of the previous meetings.

Mr. Kestner said there have been no abutters in attendance at any of the hearings.

Chairman Kestner then closed the public portion of the hearing at 7:07 p.m.

**Motion:** (Henry, second Laferte) to approve the revised application for an accessory dwelling unit at 231 Camelot Shore Drive passed unanimously.

#### **Any Other Business before the Board (continued):**

**Committee Reports-** Mr. Laferte requested to be placed on the agenda for the next meeting to allow him to give his annual report on the activities of all the committees he is a member of.

**PLAN NH Steering Committee-** Mr. Pelkey reported that the Steering Committee recently held its second meeting and they developed a list of people to contact to interview about redevelopment of the former fire station/downtown area. The interview questions will be

provided to the committee by the UNH Cooperative Extension based on the questions posed by members at that meeting. We are now awaiting the input from UNH he said.

**Board Vacancies-** Mr. Henry said there are two vacancies for Alternate board members of the Planning Board and that he would like to get the word out to the public that if they are interested in becoming an Alternate member to submit an application to the Town.

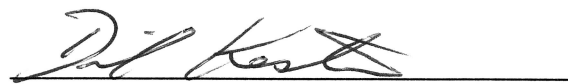
**Adjournment:**

**Motion:** (Laferte, second Place) to adjourn the meeting passed unanimously at 7:12 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