

Town of Farmington
Planning Board Meeting Minutes
Tuesday, April 17, 2018

Board Members Present:

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

Board Members Absent:

Brandy Sanger, Alternate

Others Present:

Dan DeSantis, Town Planner

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:

April 3, 2018 – No errors or omissions

Motion: (King, second Henry) to approve the minutes as written passed 7-0.

Committee Reports/Update:

Mr. Laferte gave an update on the committees where he represents the Planning Board or the Town as follows:

Economic Development Committee- Mr. Laferte said the committee meets monthly on the second Tuesday and has recently decided to meet twice a month. He said he provides a general report of the Planning Board activities at each EDC meeting and noted that the committee has come a long way since a few years ago when it was difficult to get a quorum to hold a meeting. He said the committee is enthusiastic about the redevelopment of the downtown and is considering plans to have an artist paint a mural on a downtown building. At the last meeting they discussed the size of the mural and asked if the proposal needs to go before the Planning Board for review. He said he advised them to speak to Mr. DeSantis about their concerns. Mr. Laferte said there has been a lot of talk about whether the Rite Aid drug store would take over the space that was vacated by the NH Liquor Store. The wall between the two spaces is a support wall and can't be removed so they will not be expanding into the liquor store space but there are plans for remodeling the store he said. He said they also publish a monthly newsletter which includes a Business of the Month feature.

Capital Improvement Plan Committee- Mr. Laferte said the committee is chaired by the present Board of Selectmen Chair Paula Proulx and has representatives from the Town (Selectmen, Planning Board, Budget Committee and the Town Administrator) and the School District (SAU Superintendent, School Board). The committee meets monthly starting in early fall in preparation for Town Meeting in March and then usually takes the summer off he said. He said the members discuss the potential budgets for the following year and plans to set aside funds for capital purchases with each Town dept. head, board rep. and the administrators.

Strafford Regional Planning Commission (SRPC) - Mr. Laferte said the commission is made up of 18 cities and towns and each community sends a Planning Board representative to serve on the Technical Committee of which he is the Chairman.

He said that last year he saw a notice that the state would be awarding grants to assist towns with the replacement of less efficient diesel equipment. He said he told the Town Administrator and the Town applied for and was awarded a grant to help purchase a new wheeled loader. Receipt of the grant is pending approval of the Governor's Executive Council he said.

Mr. Laferte said that each town has a representative to the SRPC's Executive Committee and that he was appointed the Farmington representative by the Selectmen. The committee is now searching for a new Executive Director to replace the Director who recently retired he said.

Mr. Laferte said he is willing to continue representing the Planning Board if the board wants him to continue to do so.

Mr. King thanked Mr. Laferte for his participation with the Planning Board and with all of the committees. He said people are needed to do this and he hoped Mr. Laferte continues to do so. Chairman Kestner said he agreed 100% and thanked Mr. Laferte for looking out for the best interests of Farmington at the various meetings.

Mr. DeSantis said he appreciated Mr. Kestner's and Mr. Laferte's support of the staff.

Planning Board Rules of Procedure:

The board received a memo from the Planning Dept. Secretary stating that at the previous meeting the board reviewed an outdated copy of the Rules of Procedure and that the listed meeting hours that were brought to the board's attention by Mr. Laferte were resolved in 2009. Chairman Kestner asked if the documents could have holes punched in them for placement in their binders.

Mr. DeSantis said he would supply documents with the holes punched at the next meeting.

Correspondence:

Letters to Pike Industries RE: Excavation- Mr. Desantis said the excavation permit renewal letters have been sent to the property owner. He said that they have one month to respond and they will follow up on the responses.

Mr. King said that in the 2011 Notice of Decision they were required to return to the board after five years and they have not done so. He said it appears that based on the memos by Mr.

DeSantis that there has been additional excavation that was not part of their original permit and has encroached in additional areas.

He said there have been past issues with some companies and it was quite a task to get their attention and participation. There may be a reoccurrence of that and they may have to go to the Selectmen who have the ultimate authority not to renew their permits he said.

Mr. DeSantis asked the board to exercise some patience with him as he has a finite amount of time to work with here. We also have much on the table that we are trying to accomplish and that he is doing the best he can to get the matter resolved he said.

Mr. King suggested they are as nice as possible initially with the owners but if they are not responsive to take the necessary steps that may have to be taken in the long run.

Mr. Laferte said the letters all end the same way- failure to respond will result in suspension. He asked if they need to file an official complaint with the state gravel appraiser.

Mr. DeSantis said they did not need to file a complaint as the appraiser is aware of the issues. Chairman Kestner said that Pike has 30 days to respond to the notice and typically they allow another 30 day lapse before stronger worded letters go out. He asked when Selectmen would take note of the matter.

Mr. King said there is usually a certain time of year, usually May or June, when permits are considered for renewal by the Selectmen. He suggested that Mr. DeSantis make a recommendation to Selectmen about the status of the properties and what needs to be done. Mr. DeSantis suggested the board allow the 30 day timeframe to occur and then ask the state gravel appraiser to discuss the board's options.

Chairman Kestner said the board would wait for further advisement from Mr. DeSantis as the correspondence proceeds.

Lone Star Sidewalk Escrow Fund:

Mr. DeSantis said he sent a letter to Packy Campbell but has not yet received a response.

Chairman Kestner asked Mr. DeSantis if he was able to find out if Mr. Campbell's LLC for the project is still in existence.

Mr. DeSantis said the LLC was dissolved. He said he spoke with the Town Attorney and she advised that the escrow funds for the sidewalk work should be returned to Mr. Campbell. He said he would not recommend that the board release the funds until he receives documentation that the work was completed even though he has seen satellite photos of the sidewalk.

Mr. Pelkey asked if this means they now know who put the sidewalk in.

Chairman Kestner said that is the missing documentation that the board is requesting from Mr. Campbell regarding when it was built and inspected. He asked Mr. King if the DPW or the Town's engineering firm conducted the inspections when Campbell Commons was constructed.

Mr. King said there was an outside engineering firm overseeing the subdivision but he did not think that included the sidewalk. He said it may have been delegated to dept. staff but he did

not recall who actually installed and paid for the sidewalk installation.

Chairman Kestner recalled there was a lengthy compliance hearing in regards to Campbell Commons but did not recall if the sidewalk was one of the items on the list to be addressed by Mr. Campbell.

Mr. Laferte suggested Mr. DeSantis contact the former DPW Director Dale Sprague and ask him if he recalled if the Town or Mr. Campbell put in the sidewalk.

Mr. DeSantis said it is up to Mr. Campbell to perform his own due diligence if he wants his money returned.

Mr. King said at that time Mr. Sprague was not in charge of the Highway Dept.

Mr. DeSantis said he would send a second letter to Mr. Campbell.

Any Other Business before the Board:

Richard's Way Subdivision - The board reviewed an e-mail from Candid Arcidy to Mr. DeSantis regarding the installation of the final wear course on the subdivision road. Ms. Arcidy asked if the board still requires the wear course to be installed by June 2018 since there has been no further construction in the subdivision and about the status of the more than \$57,000 being held in escrow by the Town.

Mr. King said that even though there has been little development on the road she has to stay within the approval and get it done by June or she would have to come back before the board to amend the approval. He said this project had oversight from its beginning by FST, there is money in escrow to complete the road work and that when the engineer says it has been completed per the plan, inspected and signed off the funds would be released.

Mr. DeSantis said that is correct and it is his understanding that the escrow is in a Planning Board sub-account under the Planning Board's control.

Mr. King said what happens with the funds depends on the Notice of Decision as to where you have to escrow the money until the infrastructure is put in and by the date to do it. He said the individual doing this development did everything they were asked to do to the best of their ability with oversight and this is really just the end of the program.

Chairman Kestner said there should be a lengthy list of conditions in the Town files because she was in front of the board multiple times and has had multiple extensions. She has been rock solid on doing what she stated she was going to do he said.

Mr. Henry said Ms. Arcidy said she needs the money to pay the contractor to build the road and asked if the Town can pay the contractor to do the work.

Chairman Kestner said that is not allowed.

Mr. DeSantis said he can affirm to the contractor that the money is in escrow.

Mr. Henry asked how long it would take to release the money after the work is done by the contractor.

Chairman Kestner said once the engineer signs off on the work and provides an approval letter to Mr. DeSantis he would notify the board and the board would approve the release of the

funds. He then asked if Mr. DeSantis could release the funds.

Mr. DeSantis said he would prefer to come to the board with the proper documents and have the board approve the release of the funds.

Mr. King said he did not know if the issue needs to come back to the board but he did not mind calling a special meeting to release the money as soon as possible. He said if the history of this project was that each phase of the plan was approved and signed off by the engineer and Town staff (Planner) then he did not see any reason to change that procedure.

Chairman Kestner said he didn't recall that any of the steps had to come to the board to release the funds.

Mr. DeSantis said he would find out about the process for this plan.

Public Hearings – 6:30 P. M.

No hearings scheduled.

Adjournment:

Motion: (Laferte, second Henry) to adjourn the meeting passed unanimously at 6:41 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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

David Kestner, Chairman