

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, September 18, 2018

**Board Members Present:**

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

**Board Members Absent:**

Rick Pelkey, excused

**Others Present:**

Dan DeSantis, Town Planner  
Attorney Mike Dolan  
Adam Giles  
Robert Stowell, Tritech Engineering  
Alison Argum

**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 Minutes:**

August 21, 2018 – No errors or omissions

**Motion:** (Laferte, second Place) to accept the minutes as written passed 5-0-1 (Fisher abstained).

**Voluntary Lot Merger Application** submitted by Jason Muth for Tax Map R06, Lot 30 and R06, Lot 31. New lot number will be R06, Lot 30

Mr. DeSantis said this is a normal lot merger and there is no mortgage on the property.

**Motion:** (Henry, second King) to approve the application passed unanimously.

**Eligible Facilities Request by T-Mobile (represented by Centerline Communications) to modify transmission equipment on a communications tower. Property located at 238 Paulson Road (R46, Lot 003) Commercial Business (CB) Zone**

Mr. DeSantis read the following from the Town zoning ordinance 3.11 Telecommunications Towers/Structure (F) (1) Existing Tower Structures: are subject to the issuance of a building permit that includes review by the Planning Board, carriers may locate a telecom facility on a guyed tower, lattice tower, mast or monopole in existence prior to the adoption of this Article. All the performance standards from this Article shall be met. The provision shall apply only so long as the height of the mount is not increased, a security barrier already exists and the area of

the security barrier is not increased. Otherwise Site Plan Review by the Planning Board is required.

He said he also prepared a memo regarding the federal law known as the Spectrum Act, Public Law 112-96, Section 6409 (a) which states local governments may not deny and shall approve any eligible facilities for a modification or base station that does not substantially change the physical dimensions of such tower or base station.

He said American Tower Corporation (ATC) is going to add an antenna and will not increase the base station. He said his understanding is that the Planning Board shall approve it prior to them applying for a building permit.

Chairman Kestner said they can add additional equipment to the tower and additional cabinets as long as they stay within the footprint of the existing chain link fence and it stays below the existing height of the tower as the federal law supersedes the Town's zoning ordinances. Due to our zoning ordinances the information needed to be provided to the board he said.

Att. Mike Dolan said that is correct and that it is referred to as an eligible facilities request. He said they must prove to the Town and the Planning Board that they comply with the Spectrum Act and are not increasing the height of the tower and there is no expansion to the existing compound area on the ground in order to enjoy the benefits of the federal law superseding the local law.

Chairman Kestner said there is no layout in the information packet showing the existing tower structure arrangement except for a note stating that the tower is 101' and the attachment will be at 87'.

Att. Dolan gave the board copies of the plans, including an elevation drawing and noted that he does not represent ATC but was before the board on behalf of T-Mobile. He said American Tower Corp. owns the tower, T-Mobile is looking to install an antenna on their tower and the Sprint antennas are already located at the top of the tower.

Mr. Kestner said where they anticipate putting the additional piece of equipment appears to be within the chain link fence area of the existing tower. He advised the board that there will also be some additional minor dirt work needed to install and lay the conduits for the electric service from the point of the telecommunications tower over to the new piece of equipment.

Mr. King asked if the electric service goes out across Route 11.

Mr. Kestner said it would not and would be contained within the chain link fence.

Chairman Kestner said the application was not signed.

Mr. DeSantis said that was what held up the review and that they now have a signed application.

Att. Dolan said that Mr. Kestner was correct and that it was pointed out to them and they sent in a signed application.

Mr. DeSantis said he learned that under state law if an applicant does not sign an application it is up to the applicant to sign it. Under the Spectrum Act if an application is not signed it is up to

the Town to make sure that it is signed. This little known phrase in the law held us up and it could have been reviewed in August he said.

**Motion:** (Henry, second King) to approve the installation of the requested equipment on the tower and related grounds located at 776 NH Route 11 passed unanimously.

Chairman Kestner asked Secretary Fisher to note on the plans that they were received at this meeting and will become part of the Town records.

**Correspondence:**

Mr. DeSantis said there was no correspondence other than the letters regarding the gravel pit violations sent out to the property owners.

Chairman Kestner said it appears some of the letters were answered and some were not.

Mr. DeSantis said the excavation issues are now in the hands of the Code Enforcement Officer.

**Any Other Business before the Board:**

**Farmington Revitalization Steering Committee Forum-** Mr. Desantis said a forum will be held on Oct. 10 from 6 to 8:30 p.m. at the Public Safety Building for a community discussion about the redevelopment of the old fire station lot. He said the discussion will include the 3 concept boards displayed in the Selectmen's Chambers and that the concepts can change so they are looking for Farmington residents to attend the forum and get involved in the process.

**Recess - Motion:** (Laferte, second Kestner) to take a 5 minute recess passed unanimously at 6:25 p.m. The meeting reconvened at 6:35 p.m.

**PUBLIC HEARINGS – 6:30 P.M.**

**NEW CASES:**

**Application for Site Plan Review by: MBG Enterprises Inc. (Tritech Engineering, Agent) (Tax Map R32, Lot 022-0008-0001); for property located on Sarah Greenfield Way.** The applicant is proposing a 2,000 sq. ft. warehouse building; 1,120 sq. ft. office building, 2,000 sq. ft. future expansion with appurtenant parking, utilities and lay down yard. The parcel is located in the Industrial Business (IB) district.

Engineer Bob Stowell said that MBG is an existing business in town and they recently purchased a Town owned lot in the Sarah Greenfield Business Park and are planning to build a new facility on the lot and continue their tenure in town.

He said the overall engineering for developments such as this was taken into consideration when the park was developed. The lot is flat and sandy with established access off Sarah Greenfield Way and Town water is available. There are great soils for the septic system and storm water runoff he said.

Mr. Stowell then gave a brief summary of the plans submitted as follows:

T-2 (Neighborhood Plan) an aerial view shows proposed property improvements and the sandy soil on the lot.

EX-1 (Existing Conditions Plan) provides the topography, location of the municipal water, underground electric and telephone connections and spot grades as the site is fairly flat.

SP- 1 (General Site Plan) shows 1,120 ft. of office space, parking and handicapped space, an attached 2,000 ft. garage/warehouse facility

Mr. Stowell said some temporary storage trailers will be placed behind the warehouse until the transition to the new facility is finished and is also a potential future expansion site. The parking, drainage and septic designs for the future expansion were included to avoid having to go through the process again in the future. Truck parking will be in a gated area enclosed by a chain link fence. The 7 extra long parking spaces are planned so the trucks may be parked without having to disconnect the truck cab from the trailers each day he said.

SP-2 (Site Construction Plan) highlights snow storage areas, handicapped parking signs, striping, placement of the curb stops for the parking spaces that abut the sidewalk and in front of the building, the location of the dumpster and the proposed gravel lay down yard

SP-3 (Utility Plan) shows the underground conduit coming from the existing transformer pad that is located in the Town right-of-way, the new water connection from the opposite side of the road, curb stop and water shut off.

Mr. Stowell said this size building does not require a sprinkler system so a 1 inch water service will be coming in to service the building. The septic system will be located in front of the building and the test pit showed a great perk rate and will be sized for the proposed use and the future expansion he said.

SP-4 (Grading and Drainage Plan) shows proposed contours, spot grades and storm water management

Mr. Stowell said the sandy soil will absorb most of the runoff so drip edges will be installed at the building eaves to get the runoff into the 14" of stone which has a 12" pipe to contain the water until it can be absorbed into the ground. The same will be done at the edge of the parking areas as well. A detailed drainage analysis for a 50 year storm event was provided.

Mr. Stowell said they met with the Technical Review Committee (TRC) and some updates not included on the plans given to the board include the addition of vinyl privacy slats to the chain link fence, motion-sensor lighting, a potential sign location and a note on the plans. He said there were also some minor changes to the drainage plan.

Mr. Laferte asked if the sign will be installed at the same time as the construction takes place. Mr. Stowell said the owner is not sure when the sign will be installed but that the TRC advised them to put it on the plan if there was a potential to have a sign. He said there is no design for the sign but a note stating the sign can't exceed 24 sq. ft. per side will be included on the plan. Mr. King asked if the zoning amendment passed 2 years ago placed restrictions on storage containers there.

Mr. Kestner said restrictions were placed on the use of storage containers in residential areas. Mr. Desantis added that temporary use of storage containers is allowed.

Mr. Fisher said this applicant came before the Zoning Board of Adjustment a month ago and they approved the temporary use of the storage containers at this site.

Mr. King said the ZBA approval should have been included in the board's packets.

Chairman Kestner said the notes don't "jive" with some of the circles on the plan and listed the following discrepancies:

SP-2: the dumpster is listed as C-13 but there is no construction note for C-13 (should be C-11)

C-7 arrow points to chain link fence but the note describes saw cut pavement (should be C-6)

C-11 points to a light fixture but C-11 indicates the dumpster (should be C-10)

circle pointing to the wheelchair says C-10 (should be C-9)

C-8 is pointing to the pavement on Sarah Greenfield Way and note says asphalt sidewalk

C-5 indicates a stop sign and a painted stop bar but the note says install 18" stop bar.

Mr. Stowell said that 18" wide is the standard width for a stop bar and agreed to clarify that it will be 18" x 12' long.

Mr. King asked about the traffic pattern going into the gated storage area and if they planned to have trucks back into the parking spaces. He said it did not appear as if they would be able to pull into the slots as shown on the plan especially for the last 2 spots closest to the fence.

Mr. Stowell said it will take some coordination with the employees for some of the spaces to make sure they can pull forward into the parking spaces.

Mr. King said the space appears to be tight along the fence line and noted that it is also a proposed snow storage area.

Mr. Stowell said that along the edges of the pavement in the parking areas there are proposed snow storage areas.

Mr. King said the area will get pretty small with the gate and no place to push the snow outside of the fenced area. He said the snow will be plowed up against the fence and soon would have to be removed.

Mr. Henry asked how strictly the applicant would be held to the plans for the fencing and the parking lot area. He cited a scenario where they begin the groundwork and realize there isn't enough room to maneuver and park the trucks and decide to make the parking lot 20' wider.

Mr. Kestner said if the application is approved and then they decide to increase the paved area they would need to apply and return to the board for an amended site plan.

Mr. King asked about moving the fencing on the back and side of the lot back to 10-12 feet off the pavement instead of 4 feet off the pavement as shown on the plan to give more snow storage space and "wiggle room".

Mr. Kestner asked if this change would be considered substantial.

Mr. King and Mr. Henry said they would not consider that a substantial change to the plan.

Mr. DeSantis said he would move the placement of the fence to beyond the depicted snow



storage area instead of going through it as shown on the plan.

Mr. King suggested they could also put in a back gate to allow the snow to be deposited outside of the fence.

Mr. Henry said the owners have plenty of land out behind the parking area and asked how much hassle it would be to expand the fenced area or the pavement.

Owner Adam Giles said he would rather move the fence back than expand the pavement as there is plenty of parking in the plan.

Mr. King said moving the fence back would be a minor change as it would not change the amount of impervious surface and it may be in their best interest in the winter or when trying to jockey a trailer around to park a truck.

Mr. Kestner said if they moved the fence away on the west side of the paved parking area they would need to include additional drainage structures as they have depicted on SP-4. Currently they are proposing to install under drains at the end of the paved parking area as shown on SP-5 and detail 10 he said.

Mr. Henry asked why moving the fence would change the drainage plan.

Mr. Kestner said they are not depicting any drainage catch on the western side.

Mr. King said they are not adding any paved surfaces and asked why that would make any significant change to the impervious surface.

Mr. Kestner said there is a potential for runoff through the snow pile because of the use of salt, sand and other environmental issues. There is a potential it could go farther away from the site over time as the piles build up he said.

Mr. Fisher said there appears to be a slight downward slope to the east on the parking lot and didn't see why they would need to have drainage on the western side of the parking lot.

Mr. King added the land slopes uphill in the back of the parking area.

Mr. Stowell said the western and southern edge of the fence is 5 feet off the proposed pavement and suggested they could move the fence to 12 feet off the pavement.

Mr. Laferte asked if they move the fence if they plan to move the light pole as well.

Mr. Stowell said they could move the light but it is protected by a concrete base 2 feet above grade. It has been placed there to provide good lighting coverage for that area and he would prefer to leave it at its proposed location he said.

**Motion:** (King, second Henry) to accept the application as substantially complete passed 6-0.

Chairman Kestner then opened the hearing for public comment at 7 p.m.

There were no abutters or members of the public present.

Mr. King asked if the requirements regarding the building façade have been addressed. He asked if a waiver of those requirements would come from the Planning Board or the Selectmen.

Mr. Kestner said if the building plans have been submitted to the Building Inspector that he would determine if the park bylaws are being met.

Mr. DeSantis said they would need to request the waiver from the Selectmen. He advised them

if they are constructing a steel building to use a façade that does not look like a steel building. Mr. Kestner said steel buildings can be designed to appear that they were constructed with clapboards as with the design of the building at the golf course.

Mr. King said he just wanted to make sure the applicants were aware of the park requirements.

Mr. Laferte asked if the temporary storage will be with box trailers or open area storage.

Mr. Giles said he planned to use Conex Boxes to keep materials from being stolen.

Mr. Henry noted that the zoning allows use of the containers for up to 1 year (6 months permitted with a 6 months renewal).

Mr. Giles said they planned to use the storage containers until the warehouse is built.

Mr. DeSantis asked how many employees are employed at the business.

Mr. Giles said there are currently 15 employees from Farmington and the surrounding area.

Ms. Argum said a temporary storage unit application has been submitted to the Code Enforcement Officer.

Chairman Kestner closed the public comment portion of the hearing at 7:10 p.m.

**Motion:** (King, second Laferte) to approve the Site Plan Review application with the amendments or corrections to SP-2 (Site Construction Plan) regarding the numbering and any fence position changes that the applicant may want to come back to up to a 7 foot change on two sides passed unanimously.

Chairman Kestner asked Mr. Stowell to work with Mr. DeSantis to see that the appropriate adjustments were made to the plan and to submit the final plans to the CEO and Town Planner.

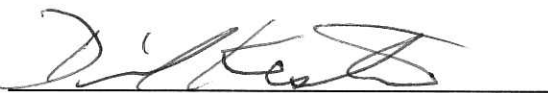
**Adjournment:**

**Motion:** (Laferte, second Place) to adjourn the meeting passed unanimously at 7:15 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