

Town of Farmington
Planning Board Meeting Minutes
Tuesday, October 16, 2018

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

Others Present: Town Planner Dan DeSantis, Randy Tetreault, Matthew Blier, Hilary Lamontagne, Tonda Groetzinger, Jeremy Ryen, Kevin Jackson, Susan Nelson, Mark Phillips, Don Martineau

BUSINESS BEFORE THE BOARD:

CALL TO ORDER:

Chairman Kestner called the meeting to order at 6:10 p.m.

PLEDGE OF ALLEGIANCE:

All present stood for the Pledge of Allegiance.

REVIEW OF MEETING MINUTES:

October 2, 2018 – Page 4, 7th line- strike "with" and add "by the" after "decided"

Page 5, 19th line- add "provide" between "may" and "venues"

Motion: (Laferte, second Fisher) to accept the minutes as corrected passed 5-0-2 (Henry, Pelkey abstained)

VOLUNTARY LOT MERGER: Application submitted by Pilot Realty LLC for Tax Map R06, Lot 181; R06, Lot 196; R06, Lot 197; R06, Lot 205 and R06, Lot 206. New lot number will be R06, Lot 206. Mr. DeSantis requested this item be removed from the agenda.

CORRESPONDENCE:

A). Memo from Assessing Clerk Regarding Pending Issues-

1). Aroma Joe's and Farmer's Kitchen - Chairman Kestner asked if it was a matter of Aroma Joe's and Farmer's Kitchen needing to record their deeds and if they had been put on notice that they need to do this.

Mr. DeSantis said they have been notified but they have not done so.

2). Lone Star Avenue Sidewalk Escrow Fund - Chairman Kestner asked if the issue with the Lone Star Avenue sidewalk was a matter of returning the escrow funds.

Mr. DeSantis said there are still some conditions that have to be dealt with.

Mr. Kestner said there are some legal issues involved with this matter including a bankruptcy.

Mr. DeSantis said he was meeting with the Town Attorney the next day and this matter is on the list of issues to discuss with her.

Mr. Laferte asked if anyone from the Town has officially inspected the sidewalk installation.

Mr. DeSantis said that DPW Director Gary Rogers has inspected the sidewalk. He said they are still working on things and that he planned to have a resolution to these matters at the board's next workshop meeting.

B). Excavation Issues Updates –

1). Paulson Road Excavation Reclamation -Mr. DeSantis said the issues are moving along and that the Paulson Road site was hydro seeded so the owner is taking this seriously again. The matter has been turned over to the Code Enforcement Officer (CEO) he said.

2). Map R14, Lot 012, Excavation beyond the 50' setback -Mr. Kestner asked if there is a "sign-off" for the Glidden property in regards to the encroachment by Malcolm Bradsher and if the CEO is satisfied with the response.

Mr. DeSantis said the signed agreement between Glidden/Bradsher has been received and the CEO is satisfied.

3). Map 3, Lot 2, Pike Industries – Mr. Kestner asked if this issue is being addressed by a potential sale of the property.

Mr. DeSantis said that is correct.

ANY OTHER BUSINESS BEFORE THE BOARD:

A). Community Redevelopment Forum -Mr. DeSantis reported that a forum was held on Oct. 10 at the Public Safety Building regarding the old fire house and the downtown. He said about 48 people attended the forum and that he was very pleased with the turnout and the engagement by the citizens. Many ideas and concerns were brought out and the Planning Board should be very pleased that this kind of involvement occurred he said.

Mr. Kestner asked if there were any notes taken of the discussions with the townspeople.

Mr. DeSantis said the forum was video recorded and a report will be presented at the next workshop and will also be posted online.

Mr. Fisher said the meeting went well with a lot of good ideas, good comments and good food. He said one of the major concerns was where people will park and that they heard everything from more restaurants and some type of business that will draw people off of Route 11 to better sidewalks, lighting and more Police patrols which are things they heard during the key informant interviews.

Mr. Laferte said they split the crowd up into 4 tables with 6-8 people at each table and there was someone from UNH at each table who took notes of the discussion. He said they discussed a variety of topics and the discussions were posted so they could see what the other tables discussed. It was a good set-up, the UNH facilitators did a good job and it was a very good meeting he said.

B). TAP Grant -Mr. DeSantis said the Town has applied for a \$440,000 grant from the NH Dept. of Transportation (DOT) through the Stafford Regional Planning Commission (SRPC). He said he presented the Town's application to the SRPC Technical Review Committee along with 2 other applicants. The committee scored the plan and the Farmington plan scored the highest marks

with 98 out of 100 points received he said.

Mr. DeSantis said the plan calls for traffic calming and improvements to the downtown infrastructure. He said he found it interesting that the number one concern at the community redevelopment forum was to improve the infrastructure there. By the year end or early next year we may be informing the residents that we are on the way to doing that he said.

He said the application now goes to the SRPC Policy Committee and then to the DOT.

RECESS: Motion: (Laferte, second Henry) 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.

Application for Amended Site Plan Review by B & C Automotive Restoration LLC (Matthew Blier/Jeremy Ryen) to allow auto detailing on site. Property located at 1172 NH Route 11 (R64, Lot 003; Nelson Affordable Storage LLC, owners) Commercial/Industrial Business Overlay District (CIBO)

Matthew Blier and Jeremy Ryen came forward to present their application to the board.

Mr. Blier said they are looking to open a detailing facility at the Route 11 address listed. He said they laid out their plan to the Technical Review committee (TRC) and to his knowledge there were no objections to the plan from the TRC.

Mr. DeSantis said they propose to take up 2 spaces in the building, one is 608 sq. ft. and the other is 374 sq. ft. He said they propose to use the 608 sq. ft. for their administrative office. He said in the 374 sq. ft. space they propose to detail 8-10 cars a week for private customers but the bulk of their business is in mobile detailing where they go to the used car dealers to perform the detailing work.

Mr. DeSantis said they have 3 employees and one employee is primarily responsible for the work done at the used car dealerships.

Mr. King asked if everything needed for an office such as a bathroom and running water supply exist in the 608 sq. ft. proposed office space.

Mr. Ryen said the space has everything needed for an office.

Mr. Laferte said the sketch shows a 608 sq. ft. space and a 374 sq. ft. space and that a second 374 sq. ft. space is located behind the first 2 spaces and asked if the third space will also be under the applicants' control.

Mr. Ryen said those are the 2 bays or garages there and that they will use both of those spaces.

Mr. Laferte asked if that means in actuality they will be using 3 spaces instead of 2.

Mr. Ryen said the 2 garage spaces are attached to each other and are not separate buildings.

Mr. King asked if the building is open between the 2 garage bays.

Mr. Ryen said the space is open between the bays with support posts but no dividing wall between them.

Mr. Kestner said when the site is viewed on Google there is a clear view of 2 garage doors to

the entire space and he planned to ask if there is separating wall between the 2 bays which has now been answered by the applicants. He asked if there is a second 374 sq. ft. space or if the total area of both bays is 374 sq. ft.

Owner Susan Nelson was in attendance at the meeting and said the total garage portion of the space is 374 sq. ft. times 2 or 748 sq. ft.

Chairman Kestner said the narrative and the application need to be amended to reflect the correct information.

Mr. Henry noted that nothing in the application identifies the amount of space and that the statement about the amount of sq. ft. to be used is found in the Planner's memo.

Mr. Kestner said the attached drawing does indicate their auto area and they are taking 3 units. Mr. Henry disagreed and said there is no wall separating the second 374 sq. ft. space (bay) from the first 374 sq. ft. space (bay) so the garage portion is one unit.

Mr. Ryen said it is literally a two-car garage.

Mr. Pelkey said since there is no detail describing the amount of sq. ft. on the application they did not need to amend the application. The numbers are being read off the Planner's memo he said.

Mr. Fisher noted the zoning district is not specified on the application.

Mr. DeSantis said he included that it is located in the CIBO District in his memo.

Mr. Fisher said it needs to be included on the application for future reference.

Mr. Kestner asked about the type of chemicals that will be used at the detailing business.

Mr. Ryen said they use DAWN dish soap for washing the cars and some waxes and don't use a lot of chemicals for the business.

Mr. Kestner asked if the landlord provides a dumpster on site for garbage disposal.

Mr. Ryen said they will provide their own dumpster at the site.

Mr. Kestner asked about the proposed location of the dumpster.

Mr. Ryen pointed out on the survey map that the dumpster will be located to right of the building near the tree line.

Mr. Kestner asked if any board members had any issues with the proposed location of the dumpster that would be in plain view of the Route 11 traffic. He advised that he was not trying to make a burden of the issue but that most commercial applications provide some type of screening for dumpsters and that it is part of the site plan review.

Mr. King agreed and said it should be a Condition of Approval that the dumpster has single-sided screening from Route 11 or to be located where it is not visible.

Mr. Ryen said there is some space in the rear of lot where they could locate the dumpster behind the storage building.

Mr. Kestner asked if any of the vehicles would be displayed in front of the building for resale.

Mr. Ryen said there would not be any vehicles displayed for resale.

Mr. Kestner asked if the washing facility would be inside the garage or would take place outside

on the gravel.

Mr. Ryen said there would try to do the majority of it outside except during the winter months when it is below freezing outside. He said the number of cars coming in will be reduced to about 4-5 a week from about December to February and the washing will be conducted inside and they would push the water out with squeegees he said.

Mr. King said it will be Mr. Ryen's responsibility in the use of the building and maintaining a safe work area. If he is pushing water outside the building in winter it will be his responsibility for the safety of other people he said.

Mr. Laferte asked about how washing the cars outside will affect the drainage at the site.

Mr. Ryen said the ground is gravel and grass which would absorb the water pretty well.

Mr. Laferte asked about water ending up on Route 11 from washing the vehicles.

Mr. Ryen said that will not happen as they use a pressure washer so there won't be much excess water. He said he visited the site when it was raining and the site wasn't flooded.

Mr. Laferte said he did not see any elevations included in the plan and wondered how the water accessed the drainage there.

Motion: (King, second Henry) to accept the application as substantially complete passed unanimously.

Chairman Kestner then opened the hearing for public comment at 6:52 p.m.

Mr. King said the impact from this proposal will be small and if the business grows to any significant extent they will have to do something different than what they have at this site. He said the site was developed about 20 years ago so the parking, drainage, etc. already exists and that his only issue with it is the dumpster screening if it will be visible from the road.

Mr. Kestner asked if he wished to specify the type of screening to be required for the dumpster.

Mr. King said he didn't have a requirement on the type of screening and if it is acceptable to the CEO/Planning Dept.'s assessment he would be fine with it.

There were no questions/comments from the public.

Chairman Kestner closed the public comment portion of the hearing at 6:57 p.m.

Motion: (King, second Henry) to approve the Site Plan Review by B & C Automotive Restoration LLC located on 1172 NH Route 11 for the proposed use with the Condition of Approval that if they have a dumpster it is screened from Route 11 or placed where it cannot be seen;

Discussion: Mr. Kestner suggested that a second Condition of Approval prohibiting the use of hazardous chemicals at the site be included in the motion.

Mr. King disagreed and said he would not include the amendment as part of his motion. He said if they choose to bring hazardous chemicals on site they should have a hazardous materials cabinet and the location of the cabinet should be given to the landlord and the Fire Dept.

Mr. Kestner said he wanted the applicants to be aware of the issue and that it is the applicants' and the building owner's responsibility.

Vote: The motion passed unanimously.

Application for Site Plan Review by: Modern Exteriors, Inc. (Jacob Stanley, Owner; Norway Plains, Agent) (Tax Map R32, Lot 022-0005); for property located on Sarah Greenfield Way.

The applicant is proposing a 5,000 sq. ft. warehouse building; 360 sq. ft. office building with appurtenant parking, loading zone; utilities and outdoor storage. The parcel is located in the Industrial Business (IB) district.

Randy Tetreault of Norway Plains Associates Inc. presented the application to the board. He said the applicant proposes to construct a 50' x 100' pitched roof building with the long side of the roof facing the road with 2 overhead doors on the end of the building. There will be an attached 18' x 20' office space in the front of the warehouse building with one door. The owner is considering installing a metal or stick built structure and hasn't made a final decision he said. He said the owners are roofing contractors with 3-4 roofers and 1 office staff person and pointed out parking spaces for up to 10 employees and 3 visitor/office parking spaces which included a handicapped parking space on the site plan.

Mr. Tetreault said the proposed use is a permitted use and that the owners plan to store roofing materials and equipment inside the warehouse building.

He said the lot has good soil conditions and is located in the aquifer overlay zone and that part of the lot is located in the wetlands overlay zone. A drainage analysis including a storm water management plan was developed as required in the overlay zones he said.

He introduced Engineer Hilary Lamontagne who worked with Scott Lawler to engineer the plan. Mr. Tetreault said the area has been quite drastically excavated in places and a series of test pits were done not only for the areas they would be draining into but also for the septic system which was approved by the state. The septic system is a small 300 gallon per day system for the employees most of whom are transient employees he said.

He said the plan shows a screened dumpster on the back edge of the parking lot and the owner has a disposal contract with Waste Management and does not plan any industrial/processing uses requiring the use of hazardous materials.

Mr. Tetreault said the plan has been reviewed by the Technical Review Committee and they asked if the use of outside storage units is planned at the site. He said no outside storage units are planned and other than a truck with materials needed for a job the next day or pickup trucks parked at the end of parking lot all storage/activities will take place inside. The Fire and Police Depts. didn't have any issues and the only state permit required for the project is for the septic system which was approved he said.

He said the project does not need any waivers from the site review regulations. He said the Town regulation setbacks are bigger than the setbacks required in the park covenants so the Town setbacks were used for the site plan. He said there is a lighting plan included and pointed out the green, gravel, paved and wetlands areas and the building location on the plan.

Mr. Tetreault then reviewed the existing features, overall site, drainage, construction, utility, erosion and sedimentary control plans that were submitted to the board.

Mr. King asked why they wouldn't use rain gardens instead of detention ponds.

Mr. Tetreault said they plan to use "dimples" or small cupped areas approx. 3.5 feet deep in the infiltration basins instead of actual retention ponds. They are similar to a rain garden but a rain garden has more plantings and the dimpled area is mostly grass he said.

He said there will be no free standing sign but there will be a sign on the front of the building.

Mr. Laferte asked about snow storage at the site.

Chairman Kestner said the snow storage plan could be found on the Site Layout Plan.

Mr. Tetreault said the snow storage areas are located just off the parking lot and outside of the drainage areas on the plan.

Mr. Laferte asked if the access to the lot would be gated.

Mr. Tetreault said the access would not be gated and the gated area would be on the back side of the building where some materials may be stored.

Mr. Kestner said the site layout plan shows a chain link fence from the building that goes up to boundary line but there is no note as to whether the owner will continue the fence between his property and the Donald Cammett property.

Mr. Tetreault said there is no fence across this boundary and that he asked the owner about it as the land is flat there and someone could drive right into his property from there. He said the owner felt he does not need to continue the fence across the boundary line and does not intend to do so.

Mr. Kestner said he brought it up because there is a proposed 12' x 10' bay door on that end of the building and the wetlands setback is within 2' of the building side setback and the gravel area there may be used as a storage area for roofing materials.

Mr. Tetreault said he did not think the owner would store materials right by the bay door and that most of his storage would take place inside. He said he didn't expect he would store the asphalt shingles outside but may put some of the trailers there. Most of the materials get delivered to the job site with the exception of when he has to order materials ahead of time and he needs to store it inside. The wetlands setback is to the structure itself and they can do work within the setback as long as there is a storm water management plan in place he said.

Mr. King asked if paving the gravel storage area would be permitted in the overlay district.

Mr. Tetreault said the overlay does not limit it but that he would probably need a Conditional Use Permit to do it.

Mr. Kestner said the applicant is applying for a Conditional Use Permit for 32.66% impervious surface for the pavement is currently proposed where only 15% is allowed. Any gravel area that ends up with more impervious surface would kick that number up into the 50% range he said.

Mr. King noted the area is an old gravel pit and that you couldn't pour water on the ground fast enough for it to collect.

Mr. Tetreault said the reason a storm water management plan is done is so the water will infiltrate back into the ground and eventually goes back to the resource. He said in this case

they have done a good job in providing that design. The percentage may be double but you can see by looking at the coverage there will not be any water leaving this site he said.

Mr. Kestner asked about the water coming from the back side of the pitched roof over the gravel storage area and noted that there is no swale in that area.

Mr. Tetreault said most of water would be directed away from that area and the small amount of water that would come from the pitched eave into the gravel storage area would dissipate into the ground before it got past the property line.

Mr. Kestner said he was concerned because it is listed as a storage area and what could potentially end up out on the gravel in that area.

Mr. Tetreault said with the bay doors there that eventually they would not be storing anything there in order to leave enough room for vehicles to make the swing into the bays. He said the owner may park a truck there but he is not planning on having pallets of materials stored outside as that is why he is building the building.

Motion: (Henry, second Fisher) to accept the application as substantially complete passed 7-0. Chairman Kestner opened the hearing to public comments at 7:25 p.m.

He asked the board to address the Conditional Use Permit Application that was submitted by the applicant as part of the Site Plan Review Application.

Mr. Fisher said the detention ponds and swales laid out in the plan will be more than sufficient to take care of the water runoff even though they've gone over the 15% allowed.

Mr. Kestner agreed. He asked if the members felt enough information has been presented.

Motion: (King, second Henry) to grant the waiver passed unanimously.

Chairman Kestner closed the public comment portion of the hearing at 7:30 p.m.

Motion: (Fisher, second Henry) to approve the Site Plan Review for Tax Map R32, Lot 022-0005, Lot 5, Sarah Greenfield Way, Farmington, NH plan submitted by Jacob Stanley;

Discussion: Mr. Kestner said some normal Conditions of Approval include that they receive a state approved septic permit and that any DES issues are approved. He asked Mr. DeSantis if he received a copy of the state septic permit.

Mr. DeSantis said he has a copy of the approved septic permit and the storm water management plan.

Vote: The motion passed unanimously.

RECESS: Motion: (Laferte, second Kestner) to take a 5 minute recess passed unanimously at 7:35 p.m. The meeting reconvened at 7:45 p.m.

Application for Major Subdivision by: Farmington Ridge, LLP (Mark Phillips) (Norway Plains, Agent) to subdivide 131.60 acre lot into two lots, 98.87 and 31.93 acres and a .80 acre right-of-way to encompass existing private road. Property located at Farmington Ridge Mobile Home Park, Map U10, Lot 41-1; Suburban Residential/Rural Residential zones.

Mr. Tetreault and owner Mark Phillips came forward to present the plan.

Mr. Tetreault said Mr. Phillips wants to separate the developed park portion of the lot from the

undeveloped property that is in Current Use and located behind the park toward the Milton town line. He said they came before the board to clarify how Mr. Phillips plans to do this with the existing private road that services the mobile home park off Dick Dame Lane.

Mr. Tetreault said originally they proposed a property line just past Dame's Brook on the existing access road. During the preliminary discussions they decided to use the brook for the property line as it creates a natural boundary line between the developed and undeveloped portions of the property. The property would be split into 2 lots- one 31.93 acre lot (the existing mobile home park) and one 98.87 acre lot containing the undeveloped land he said.

He said the private road portion of the property would be named by the Town and has not yet been determined. Dick Dame Lane ends at the cul-de-sac which was deeded to the Town in the 1990's by Mr. Barron. There was a small piece of land between the cul-de-sac and the private road to the park that was purchased by Mr. Phillips and its name depends on what the town decides to do. It is a little less than 1 acre and is 50' wide and will provide road frontage to the park and to the undeveloped parcel he said.

Mr. King asked which parcel the .80 acres proposed right-of-way for the existing private road will be attached to.

Mr. Tetreault said it will be separate with the mobile home park and owned by Mr. Phillips as a private road. He said it could be attached to the mobile home park property.

Mr. King asked if it would be required to be part of the mobile home park parcel due to the minimum lot size zoning regulations. He said a lot of the land boundaries come to the center of the road and there is right-of-way across it.

Mr. Tetreault said that was not required for a road area. Dick Dame Lane is owned by the Town and does not meet the minimum lot size. In this case they can attach it to the park and that it was really just semantics he said.

Mr. King said he was concerned that if it remains as a separate piece of land and Mr. Phillips were to sell it there could be an issue in the future because access to the park is part of the site plan approval for the mobile home park.

Mr. Tetreault acknowledged that someone other than the mobile home park owner could get title to that piece and that Mr. King raised a good point. He said they could attach it to the park. Mr. Phillips said he thought it should remain with the park so everyone knows the park owner is responsible for the maintenance of the road. He said he would sign a covenant to that effect if they wished him to do so.

Mr. Tetreault said he has seen cases where the road was attached to 2 properties so it couldn't be detached as it serves as an access to both properties but if the board was more comfortable with attaching the .8 acres to mobile home park the line could be shown as a dashed line and it would remain as a right-of-way.

Mr. DeSantis asked Mr. Phillips why he wanted to separate the 2 portions of the property.

Mr. Phillips said the total parcel is approx. 130 acres of which only approx. 30 acres is usable for

the mobile home park. He said a previous owner planned to expand the park to 280 units and then the Town ruled no more mobile home parks and no expansion of existing mobile home parks so the future of the undeveloped property as a mobile home park does not exist. He said he wanted to segregate the undeveloped portion from the park as it is family park with kids with motorized vehicles and having 100 acres next door is a magnet for someone that is going to get into trouble. He said he was advised that if it was a separate piece of land it would lessen his liability.

Mr. Phillips said that several years ago there was problem with trash dumping on the site and that he had to clean it up and then put a cable across the entrance. He said that portion of the property is in Current Use and every 5 years the Assessor asks for the location of the Current Use line and that it would be much easier if there was a boundary line down the middle to go by. I can't even donate it to conservation because it is not a single lot he said.

Mr. DeSantis said if he chose to build a house on the undeveloped lot he can only build one house unless he wanted to spend the money to put in a road.

Mr. Phillips said he didn't think his pockets were deep enough to start over from square one and bring the subdivision and drainage up to today's standards to start the project again.

Mr. DeSantis said if the property is taken out of Current Use there would be a huge penalty. He said this explains his reasons and that there have been some questions about Mr. Phillip's motives with this proposal.

Mr. King said once the property is split off into a separate lot it could be sold to anyone that could choose to develop it and that is not for the board to decide. It's his land, it has value whether he chooses to develop it or sells it someone else who chooses to develop it or to build a road there they just have to follow the rules he said.

He said he appreciated Mr. Phillips' intention to preserve it for the future but the reality is if what he is proposing meets the zoning and is permitted. He said the only issue he has with it is making sure the right-of-way goes with the trailer park as it is part of their site plan and they need to maintain that access in perpetuity.

Mr. Tetreault suggested if the board approves the application they can include as a Condition of Approval that the 50' access way be made part of the fee title and part and parcel of the park property. He said the private road would also provide access to the other parcel but for someone to do anything with it they would have to "make" frontage.

Mr. Laferte said it sounded to him like Mr. Phillips is "between a rock and a hard place" as the undeveloped acreage is a liability with the park there. He is not talking about doing anything in the future and just wants to do this now. If he decides to do anything in the future with this lot that is being created he will have to come back to us and deal with the abutters, etc. he said.

Mr. Tetreault added that would be same for Mr. Phillips or anyone else who owned the property. He said they tried to do that in the 1990's and the reason he asked for waivers to site conditions on the larger piece because there are existing wetlands, topography, maps, etc.

which were discussed during the conceptual meeting this summer. He said it is true if you subdivide a 100 acre property in that zone the only development allowed is one single family home which he has no intention of doing.

Mr. Kestner asked how any future development would happen out there with the requirements for street frontage on a Class V or better road.

Mr. Tetreault said they would have to build a Class V or better road for any lot that was created.

Mr. Kestner said the only access there now totals 78.75 feet which is half of the 150' of frontage needed on a Class V or better road that is Town identified. He asked if Ivy Lane and Sycamore Boulevard are private roads and if Mr. Phillips maintains the plowing of the roads. Mr. Phillips said that is correct.

Mr. Kestner said the private access road would also be maintained by Mr. Phillips and not by the Town. He asked how the application meets the street frontage requirement.

Mr. Tetreault said it meets the frontage requirement because it is a road built to Town specifications and doesn't have to be Town maintained. He said multiple properties have been subdivided in front of this board with maintenance agreements to maintain the roads and if that were the case the only place you could subdivide lots would be on existing Class V roads which is just not true. It's not about whether it's a Town road or a Town maintained road but the nature and the structure of that roadway. We can put a 50' right-of-way around it for maintenance purposes and that provides the frontage he said.

Mr. King said the private access road built to Town specs was a requirement for approval of mobile home park site plan so he has the frontage off of that road.

Mr. Fisher said Dame's Brook empties into the Cocheco River and asked if it is part of the Cocheco River watershed area.

Mr. DeSantis said he did not know.

Mr. Tetreault said the Cocheco River is a designated river but it only goes to the banks of the river in certain areas and it goes up to the headwaters in Middleton. It's to the banks of the properties that actually border the Cocheco River and doesn't run up to the tributaries he said.

Motion: (Henry, second King) to accept the application as substantially complete passed unanimously.

Chairman Kestner opened the hearing to public comments at 8:15 p.m.

Mobile home park resident Tonda Groerzinger said she came to the meeting to find out what is going on and that a lot of the residents are worried about more buildings and more traffic. She said that a lot of the park residents use that land for hiking trails and they appreciate that there is a place to go that is quiet and without traffic. She said she approved of the plan as long as Mr. Phillips was not building there.

Mr. Kestner said the potential exists that Mr. Phillips may not own it indefinitely based upon this application and access to it could change if he decides to sell it.

Ms. Groetzinger added that is also a worry that if someone decides to buy the property and to not let the residents through that access.

Mr. Kestner said he was referring to the resident's use of the undeveloped property for hiking trails.

Don Martineau said he was in favor of the proposal and asked if once the undeveloped land is separated from the park if it would be open to public use.

Mr. Phillips said the property was open for 15 years and then 2 years ago he received a demand letter from the Town to clean up the debris dumped on the lot. He said he spent 3 days hauling stuff to the dump so he put a cable up to cordon it off so people can't drive out there. He said he did not have a problem with people walking out there.

Mr. Kestner said that part of the problem with easy access to undeveloped properties is that people take advantage of it and end up spoiling it for everyone else.

Mr. King said it is up to the landowner as to whether to allow public use of his property and the easiest thing to do is to contact the land owner and ask permission to do whatever it is you want to do.

Mr. Phillips noted that the land is not posted and that he could have posted it at any time to prohibit any use of the property.

Mr. Kestner said this issue is outside the course of business for the Planning Board.

Mr. Laferte said it is unfortunate that someone left debris on his property and that it is a common occurrence. He said the board can only approve what happens to it right now and what happens to it 10-15 years from now can't be seen.

Mr. Pelkey asked if the board needs to address the waiver requested prior to approving the proposal.

Motion: (Pelkey, second Laferte) to approve the waiver for Section 9. C. 1-15 based on the fact that there is no development proposed on this property at this time passed unanimously.

Mr. Henry asked why this is considered a major subdivision versus a minor subdivision when it is 2 lots.

Mr. Kestner said it is because the plan presented includes 3 lots if the right-of-way piece is included.

Mr. Tetreault said the subdivision will be 2 lots as the line for the right-of-way will be dashed and the road will be made part of the mobile home park.

There were no other comments/questions from the public and Chairman Kestner closed the public comment portion of the hearing at 8:25 p.m.

Mr. Laferte asked if the .8 acre piece will be deeded to the mobile home park lot.

Mr. Tetreault said the piece will remain as part of the mobile home park and pointed out the boundary lines and the dashed line for the right-of-way on the plan.

Mr. Phillips suggested the private road be called "Dick Dame Lane Extension" for 911 purposes.

Mr. King said he could request the name and the Planning Dept. would get approval for the

name from the E-911 system coordinator.

Motion: (King, second Henry) to approve the 2 lot subdivision with the condition that the .8 acres of the private road be part of Map U10, Lot 41-1 and the plan to be revised showing the meets and bounds of the 50 foot right-of-way through that parcel passed unanimously.

Adjournment:

Motion: (Laferte, second Place) to adjourn the meeting passed unanimously at 8:30 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