

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, April 2, 2019

**Board Members Present:**

David Kestner, Chairman  
Charlie King, Vice Chairman  
TJ Place, Selectmen's Rep.  
Bill Fisher, Secretary  
Rick Pelkey  
Bruce Bridges

**Board Members Absent:**

Stephen Henry, excused

**Others Present:**

Arthur Capello, Town Administrator  
Stuart Arnett, ADG, LLC  
Rich Huppe

**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:**

March 19, 2019 – Page 2, 14<sup>th</sup> line up from the bottom – add “be” before “accomplished”;  
Page 7, 18<sup>th</sup> line from the top- add “said” after “Mr. Pelkey”;  
Page 9, 11<sup>th</sup> line from the top – change “of lot” to “lot of”; 16<sup>th</sup> line from the top – add “said” after “Mr. Henry”;  
Page 10, 5<sup>th</sup> line – add “sure” after “make”

**Motion:** (Pelkey, second Fisher) to approve the minutes as amended passed 6-0.

**Board Reorganization:**

Chairman Kestner said there was not enough time to complete the review of Master Plan revisions before the scheduled Public Hearing at 6:30 p.m. and moved to the election of board officers. He asked that the members do not include him in the nominations for any of the elected positions as this would be his last meeting. He said he was resigning as of this meeting and explained that he cannot continue to do this due to the extensive amount of traveling and resulting time restrictions for his job.

Mr. Capello said they appreciate all of the work that Mr. Kestner has put into his position over the last several years.

Chairman Kestner said he started in 2005 and has been a member of the board for 14 years. He said he would submit his resignation at the end of the meeting.

Mr. Capello said he could also just not apply for re-appointment to the board instead of resigning as his term is up at the end of the year.

Chairman Kestner then called for nominations for Chairman, Vice Chairman and Secretary.

Mr. Pelkey said they would miss Mr. Kestner's experience a lot and thanked him for the guidance, teaching him what the board is doing and for being a great Chairperson.

**Motion:** (Pelkey, second Fisher) to nominate Charlie King for Chairman;

Mr. King accepted the nomination.

**Vote:** The motion passed 4-2 (Kestner, Place abstained).

Chairman King asked for nominations for Vice Chairman.

**Motion:** (Place, second King) to nominate Rick Pelkey for Vice Chairman;

Mr. Pelkey accepted the nomination.

Chairman King asked if there were any other nominations for Vice Chairman. Hearing none he called for the vote.

**Vote:** The motion passed 4-2 (Pelkey, Kestner abstained).

Chairman King asked for nominations for board Secretary.

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

There were no other nominations for Secretary and Chairman King called for the vote.

**Vote:** The motion passed 4-2 (Kestner, Fisher abstained).

### **Review Draft 3 of Master Plan Revisions:**

Chairman King asked Stuart Arnett to come forward and see what they could get done in 10 minutes before the recess and start of Public Hearing at 6:30 p.m.

Mr. Arnett began by thanking Mr. Kestner for his courtesy to him and said that he had a lot of respect for his knowledge and his service to the community.

He gave the board 2 handouts- one with Phase 1 on the front and Phase 2 on the reverse side and reminded the board that is because his contract is in 2 stages. This was done at the beginning of March and pretty much tells where we are dollar-wise and program-wise he said. Mr. Arnett said the second handout is same information but is shown as a graph including the objectives, policies and goals for the 9 chapters in the Master Plan.

He said that because a few months were lost due to the Planner leaving and waiting for Town Meeting to take place he would suggest that they stay "pedal to the metal" with their comments or questions and that Mr. Capello has agreed to be the conduit between him and the board.

Mr. Arnett said that once everyone is satisfied with all of the bullet points or policies, they can work on the narratives and the graphics to go with it versus completing one chapter at a time and having something in a later chapter affect the first chapter and having to revisit it.

Mr. Arnett said they are trying to develop an implementable Master Plan as requested in the Request for Proposals (RFP) and the board agreed they wanted something that was action step driven. Nothing will be final until you say it's final and we can always go back and change

anything at any time he said.

Mr. Pelkey said reading what they received this week he saw a request for information from the board concerning how they feel about the implementation of the current plan and what they think has been accomplished.

Mr. Arnett said this request was made back in August but he did not know if it ever got to the board. He said it asked for their thoughts about what they liked about the existing plan.

He said the Selectmen and Mr. Capello asked where they were getting some of the statements used in the draft and he said some were obtained from the existing plan, some from the steering Committee, some from the forum and some that they felt were best practices.

Mr. Pelkey asked if Mr. Arnett still wanted this information from the board.

Mr. Arnett said that he still wanted the information and they would still be able to do it as they move forward and when they see all of the bullet points are completed.

Mr. Kestner asked if they have gone through all of the 2020 Vision from the 2005 Master Plan.

Mr. Arnett said they had but they can come back to it if needed.

Mr. Kestner said many of the points in it were in the 2005 plan and he didn't know if they caught their wording mistakes on some of the forms. He said one example is where the word "easement" was incorrectly substituted for the word "lands".

Mr. Arnett asked for a copy of the corrections noted by Mr. Kestner. He said the board could e-mail their comments to him or discuss them at the next meeting.

Chairman King asked what else Mr. Arnett hoped to accomplish at this meeting. He asked if he planned to have a discussion about what they have done to date.

Mr. Arnett said they could circle anything they didn't like or have questions about from the materials they have received so far and that he would return with draft 4 and keep filling in the missing sections.

Chairman King asked if the board wanted Mr. Arnett remain at the meeting for further discussion after the Public Hearing or for him to go home and continue on to the next draft.

Mr. Pelkey said he read through to draft 3 and didn't see anything he has a problem with. He said the concept of a "live" document that is updatable is interesting because their hands are not being tied for 10 years.

Mr. Arnett said they are not going to include a lot of data but will include links to where that data can be found that is updated from a website that is current.

Consensus of the board was to move forward and have Mr. Arnett return with another revision.

Mr. Capello said that in about 1 week he would begin advertising for a Town Planner and that the Selectmen approved a contract with Strafford Regional Planning Commission on a temporary basis for 8 hours of planning consultation a week.

Chairman King asked if the Town will pick the Planner from the SRPC or if they will assign someone.

Mr. Capello said he is working with SRPC about what type of expertise the Town is looking for.

Chairman King asked if the position will be a part time or full time position.

Mr. Capello said it would be up 30 hours a week similar to what it was. He said he will be bringing the ad posting to the Selectmen for their review on Monday.

Chairman King asked if they plan to ask the Planning Board or staff for feedback as part of the interview process.

Mr. Capello said he asked the staff to sit in on the interviews and he will notify the Chair so that a Planning Board member can sit in on the interview process before it goes to the Selectmen.

Chairman King asked Mr. Capello to keep him abreast of the situation and he will ask the board to choose the representative to interview process.

Mr. Arnett said he has been coordinating with the Planning Dept. Secretary as to what needs to go into the board's meeting packets for review prior to their meetings.

Chairman King asked Mr. Arnett to let them know when he is ready to return to the board and to try to get any handouts to them prior to that meeting. He then thanked him for coming.

Mr. Arnett said he planned to attend the workshop meeting next month.

**Correspondence:** Mr. Capello said there was no correspondence for the board.

**Recess: Motion:** (King, second Pelkey) to take a 5 minute recess passed unanimously at 6:35 p.m. The meeting reconvened at 6:40 p.m.

#### **PUBLIC HEARING – 6:30 P.M.**

#### **CONTINUED CASES:**

**Application for Minor Site Plan Review by Rick Huppe, Middleton Equipment Sales, DBA. (Map R64, Lot 006) property located at 1204 New Hampshire Route 11, Commercial Industrial Business Overlay (CIBO) District,** Owner of property, DA Development, LLC, c/o Phil D' Angelo.

Applicant proposes to use existing building fronting on NH Route 11 for Equipment Sales, servicing/repair of equipment, with retail show room and new outside display of equipment/machinery. Conversion of pre-existing residential garage into commercial storage/shop for fire wood processing

Chairman King asked Richard Huppe to discuss the progress made on his application with the Town staff over the past 2 weeks.

Mr. Huppe said he provided a map of the grades and contours of the site.

Chairman King asked for the date this map was done.

Mr. Capello said it was a copy of the original septic system plan on file with the Town and he did not know the date it was completed.

Chairman King asked if this was when the septic plan was applied for but the site was developed differently than what this layout shows. The building layout doesn't fit this but that was part of the permit before it was built he said.

Mr. Capello said that is correct and that back when this septic was done you didn't have to have

the building set up you only had to have the layout where now with septic (plans) you have to have the building before they will give you the approval for the septic.

Mr. Huppe presented a drawing of the site layout showing the location of the existing structures, telephone pole and utilities, and the well and pointed out their locations on the drawing. He said he included the footage from building to building and to the road as best as he was able to measure it.

Mr. King said there was some previous discussion about removing the storage buildings to the left of the plan and asked if they were to remain on site.

Mr. Huppe said the pump house will leave and the remaining components will be buried underground and the tank will be placed inside the storage building.

He said the survey states there are 3 storage buildings but there are only 2 storage buildings with one in the front and one in the rear of the property. He said the building in the front is in good shape but the one at the rear of the lot is in "iffy" condition and would probably be taken down in about a year.

Mr. Capello said it was also determined that the driveway to the back portion of the lot is on Lot 006 as Mr. Huppe found the boundary pin on the right hand side of the driveway. He said there is also a Google Earth shot of the property that shows the surveys and clearly delineates that the driveway is on Mr. Huppe's lot.

Mr. Huppe pointed out the location of the boundary pin on the drawing and said the pin is about 25' from the other side of the driveway.

Chairman King asked if this is the access that he intends to use to bring logs onto the site.

Mr. Huppe said that is correct.

Mr. Kestner said he had a Google photo of the driveway and asked Mr. Huppe to mark the location of the boundary pin on the photo.

Mr. Capello said Mr. Huppe also filled out the application for a Dept. of Transportation (DOT) driveway permit and although the driveways already exist, sometimes the DOT requests notification when businesses change so just to be safe he filled out the application.

Mr. Huppe said he received the paperwork from DOT District 6, filled it out and planned to send it by certified mail to the district office the next day so that both he and the Town would have proof that the application was submitted to the DOT.

Mr. Capello said that based on the minutes of the last meeting the board had a concern about the storage of gasoline and other chemicals on site so Mr. Huppe will contract with Clean Harbors for waste disposal and give the waste oil to local businesses that use it for heating fuel. He added that the Town also collects and sells used oil at the Transfer Station.

Chairman King said the plan was updated to show the parking, snow storage areas, the retail space inside the building, the small engine repair area, the office and the marked handicapped parking space in front of the building. He asked if the staff reviewed the requirements for parking spaces.

Mr. Capello said they did and going by the parking study that was conducted and approved for the previous business there Mr. Huppe's plan meets the requirements as he does not intend to change the existing number of spaces or square footage for parking from what was approved. Chairman King asked if there was site plan review done before the Planning Board for the previous business.

Mr. Capello said the current business that is leaving the site did not have a site plan review before the board but the business prior to that did have one.

Mr. King asked if he knew what year that occurred.

Mr. Capello said he did not know.

Mr. King said he did not recall a board review for this site so it was probably done before 2000.

Mr. Huppe said there has been a business there at least since he worked there in 1972.

Chairman King said it looks like 10 parking spaces plus one handicapped space are included on the drawing, the entrance is listed as 37' which seems more than adequate and the sign location is noted. He said the retail space in the front is where the sales and display will be conducted and asked where the machinery and equipment for sale will be located on the site.

Mr. Huppe said in the past he has had equipment stolen from him and plans to finish the existing stone wall and put in a locked gate to restrict the access to the back of the lot and put those items within that area. He said some of the equipment has to be put under cover and will be put in the garage once he gets it cleaned out.

Chairman King recalled that at the last meeting Mr. Huppe said he planned to set up 1 or 2 items for display near the road.

Mr. Huppe said it would be 1 item and that he would like to set up a saw mill for a few weeks and run it off and on during the day to catch people's eye and then maybe bring in a loaded trailer and throw a log into it for people to see. It will be in the back not near the road he said. Chairman King asked if the display area will be on the existing grade and about the surface materials there such as if it would be gravel or grass.

Mr. Huppe said it will be on the existing grass surface and that it is pretty well grown in with some small shrubs. There are a couple of debris piles containing rocks which will be used to finish the stone wall and about 6-7 yards of materials that will be used on the lawn he said.

Chairman King asked about the use of the building at the rear of the property.

Mr. Huppe said that building will be used for storage of the waste oil and old gasoline barrels, a tractor and some wood processing equipment.

Mr. King asked if the floor of that building was constructed of concrete.

Mr. Huppe said it is a concrete floor.

Chairman King asked about the area in the back planned for fire wood operations.

Mr. Huppe said he would put the wood processor in that area so he could be running the processor and still be able to watch for someone coming into the site.

Chairman King asked if there any business or residential uses near that area and for distance to

the closest of either of those uses.

Mr. Huppe said there is a transmission repair business 2 lots over from his site and the lot on the left side of Lot 006 is owned by Mr. D' Angelo and is currently empty. There is a storage facility a little further down the road he said.

Mr. Capello said at one point there was a trailer on that back lot but it was torn down and removed.

Mr. Bridges asked if Mr. King knew where this lot was located.

Mr. King said he knew where it is located but didn't know if there is a business or residence in close proximity to where he would be processing fire wood.

Mr. Huppe explained that the processor runs off a 30 horse power motor so it isn't a big motor with an open muffler.

Chairman King said he wanted to be sure and to have it as part of the record that it wouldn't be adjacent to a business or residence where it could cause an issue.

Mr. Huppe said he would have about 20-25 cords of log length wood on hand and it is somewhat difficult to picture how it will be stored until he gets the machine set up for flow. He pointed out an area on the drawing at the rear of the lot where the wood would most likely be stored. There won't be any piles of 16" wood there as I process it and then I deliver it he said.

Chairman King said the hours of operation were included in the original application but that he would not be held to that as there is no requirement for hours of operation and they could be changed as business demands. He said as stated in the application the business would be open 5 ½ days a week. He then asked if Mr. Huppe had anything else he wished to add.

Mr. Capello said that Mr. Huppe was requesting 2 waivers- one in regards to the traffic because it's an existing business and driveway cut and there has never been a time when a business has not been there. The second waiver is on the site plan requirement for a survey based on what he has presented here tonight he said.

Chairman King said one of the reasons for the second waiver is that Mr. Huppe is not proposing any changes to the existing site. He will be using the site as is as previously approved he said.

Mr. Huppe said the only change is to take down the pump house now and the storage building on the rear of the lot at a later date.

Mr. Capello said he would be losing buildings and creating more pervious surface.

Chairman King asked if the entire parking area is currently paved.

Mr. Huppe estimated that parking area is about 70% paved and the handicapped parking in front of the building is completely paved.

Mr. Capello said that he and the staff met with Mr. Huppe the previous day and apologized for getting the information to the board late. He said they had a successful meeting and he hoped everything the board requested was included so Mr. Huppe can move forward with his plans.

Chairman King opened the public comment portion of the Public Hearing at 7 p.m.

There were no members of the public in attendance at the hearing.



Chairman King said he would entertain a motion as to if the application is substantially complete.

**Motion:** (Fisher, second Bridges) to accept the application as substantially complete;

**Discussion:** Mr. Fisher said he believed that Mr. Huppe has answered all of the board's questions and has made an outstanding effort to complete this in a short amount of time. It is a pre-existing business area with no change to the land other than removing some old dilapidated buildings which will be an improvement to the site not a detriment. So I believe this plan is substantially complete he said.

Mr. Pelkey said that as the guy who "waved" the checklist at Mr. Huppe at the last meeting he wanted to tell him how much the board appreciated the effort he put in to working with them. Mr. Huppe said he appreciated all the help he received from Mr. Capello, CEO Dennis Roseberry and Planning Dept. Secretary Diana Proulx.

**Vote:** The motion passed 6-0.

Chairman King opened the hearing to questions/comments from the members and asked Mr. Pelkey if he had any questions for the applicant.

Mr. Pelkey said he had a lot more information in front of him than he did last time and felt more comfortable about what it is they are looking at.

Chairman King asked if Mr. Huppe submitted the requested waivers in writing.

Mr. Capello said the written waivers were submitted to the board.

Mr. Fisher said he had no further comments and he was satisfied with what was presented to the board.

Mr. Kestner commended Mr. Huppe for his due diligence effort in getting the information to the board. He recommended that where the boundary pin was found out near Route 11 that it should be flagged and/or a grade stake be put near it to locate it as the DOT will need to know where it is. They also require a survey as part of the permit process and this will help them locate it he said.

Mr. Capello suggested that if the board chooses to approve this application they could make it a condition of approval that some type of marker be put next to the boundary monument.

Chairman King said there must be a survey of record for this property at the County level. He suggested he start with the map and lot number to research it.

Mr. Kestner suggested Mr. Huppe start with the septic designer where he obtained the copy of the septic design for the lot and see if they have the deed information in their files.

Mr. Huppe said he has a copy of the warranty deed for the property.

Mr. King said that the warranty deed or Mr. D' Angelo's transfer of ownership may have the book and page number of the drawing, plan or survey that was recorded at the Registry of Deeds. He said that the information is on file somewhere and he may have to do some investigation to find it.

Chairman King turned to the first waiver requesting that Section 18, Specific Plan Requirements



be waived. He read the applicant's justification was that prior to his application a specific plan had not been submitted and this would require a property survey with undue cost which cannot be done at this time. He said that he would like to state that the applicant doesn't have any changes to the current site structures, the existing grades or the current boundaries and that he would be in favor of granting a waiver.

**Motion:** (Fisher, second King) to grant the waiver under Section 18 for the Specific Plan Requirements;

**Friendly Amendment:** (by Mr. King) to waive those items in that section that are not on the application;

Mr. Fisher accepted Mr. King's friendly amendment to his motion.

**Vote:** The motion passed 6-0.

Chairman King said the second waiver requested is for Section 19, Traffic Impact Analysis. He said that the applicant wrote that the justification for the waiver is that the location has been a retail facility for many years and to his knowledge has never had a negative impact. He asked Mr. Huppe what the amount of daily traffic would be or he hoped to have at the site.

Mr. Huppe said with the types of items he sells that he expected 4 or 5 customers a day.

Mr. King asked if he had an item on display he might have 20 people on site.

Mr. Huppe said he would love it and that would be a really good day.

Mr. Capello said that is the amount of traffic on a Saturday at the current Picker's store.

Mr. King said Mr. Huppe's business will have less impact than the previous business.

Mr. Huppe said that is correct.

Mr. Fisher asked about deliveries of raw materials to the site.

Mr. Huppe said the deliveries would not even be once weekly and that a tractor trailer holds 16 cords of wood and that he expects to have about 15 deliveries a year. He said during firewood season his typical daily output is about 2 cords of wood as he has a lot of other things to do.

Mr. Kestner said he could potentially end up with more cord wood sales than retail sales.

Mr. Huppe said he would also like to sell bagged and bundled wood.

Chairman King said that would be consistent with what he is doing for business there and if he were to get into buying/selling wood pellets too he did not see that as any change.

Mr. Kestner said they are still an agricultural product. He said some homeowners have successfully sold bundled wood and the projected that the bundled wood would increase Mr. Huppe's sales as Route 11 is a main corridor through this area.

Chairman King asked if Mr. Huppe is aware of the Emerald Ash Borer problem in this county and the requirements and restrictions that go along with that.

Mr. Huppe said he is aware of it and that he can't ship wood products out of state. He said this county is quarantined but it is his understanding that the problem is lessening as some of the local birds have developed an appetite for the borer.

Mr. Kestner said that UNH has been monitoring the problem and they are reporting picking up

less of the insects.

**Motion:** (Fisher, second Place) to waive the requirement for a traffic impact analysis in accords with Section 19 passed 6-0.

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

Chairman King said Mr. Capello raised as a potential condition of approval that the boundary marker on the driveway side should be flagged and staked so the DOT could find it and asked if the board saw any other items to consider as conditions of approval.

Mr. Capello said Mr. Huppe has already met with the Code Enforcement Officer regarding the dilapidated building and the signage and that the signage meets the current sign regulations.

Mr. Kestner asked the board if Mr. Huppe should update the site plan to add the retail sale of bundled and bagged wood so that it is in writing as part of the application.

Mr. Capello suggested this could be included as part of the conditional approval.

Chairman King closed the Public Hearing at 7:15 p.m.

**Motion:** (Fisher, second Place) to approve Mr. Huppe's site plan review with the following conditions of approval: mark the location of the pin for the property line adjacent to the driveway and for his site plan to include sales of camp wood, bundled wood and associated wood products passed 6-0.

**Any Other Business before the Board:**

Chairman King said he recalled the first time David (Kestner) came to a Planning Board meeting where they were discussing some critical lands overlay in 2004. He joked that he was hollering and screaming from the back of the room about how they were ruining the town and wouldn't sit down. He said someone encouraged him to get on the board and that he answered "I think I will!" It has been an interesting 14 years and I have enjoyed working with David he said.

He thanked him for his dedication and service to the community and wished he was staying on but that he understood his reasons for leaving.

Mr. Capello echoed Mr. King's statements and advised the viewers that the board now needs a full time member and alternate members.

Chairman King said they would take up the need for more board members at the next meeting.

**Adjournment:**

**Motion:** (Kestner, second Bridges) to adjourn the meeting passed unanimously at 7:20 p.m.

Respectively submitted

Kathleen Magoon, Recording Secretary

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Charlie King, Chairman