

Town of Farmington
Planning Board Meeting Minutes
Tuesday, June 18, 2019

Board Members Present:

Charlie King, Chairman
Rick Pelkey, Vice Chairman
Bill Fisher, Secretary
TJ Place, Selectmen's Rep.
Bruce Bridges
Stephen Henry
Felicia McCowan

Others Present:

Arthur Capello, Town Administrator
Thomas Cox
Packy Campbell
Jim Horgan
Lawrence Stickle
Brian Vachon
Att. Jim Shannon, RSA Realty LLC

BUSINESS BEFORE THE BOARD:

Call to Order:

Chairman King called the meeting to order at 6:05 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

June 4, 2019 – No errors or omissions

Motion: (Henry, second Fisher) to accept the minutes as written passed 6-0-1 (Bridges abstained).

Any Other Business before the Board:

Chairman King suggested the board take a few minutes to review some staff memos regarding the applications before the board at this meeting before the hearings begin at 6:30 p.m.

Motion: (King, second Pelkey) to recess the meeting until 6:30 p.m. passed 7-0 at 6:07 p.m.
The meeting reconvened at 6:32 p.m.

PUBLIC HEARING – 6:30 P.M.

NEW CASES:

Application for Site Plan Review by Thomas Cox (Tax Map R36, Lot 3-1): The applicant is seeking major site plan approval to build a mixed-use building containing a single residential unit and construction business workshop and outdoor storage of equipment, materials and storage boxes. The parcel is located on Pound Road and Paulson Road in the Agricultural Residential (AR) District. The parcel is owned by IP Revocable Trust.

Application for Special Use Permit by Thomas Cox (Tax Map R36, Lot 3-1): The applicant is seeking a Special Use Permit for a driveway crossing and installation of a culvert within the Wetlands Conservation Overlay District for a proposed construction business workshop and single unit residence. The parcel is located on Pound Road and Paulson Road in the Agricultural Residential (AR) District. The parcel is owned by IP Revocable Trust.

Application for Site Plan Review - Tom Cox came forward and Chairman King asked if he received the interoffice memo from Interim Town Planner Kyle Pimental.

Mr. Cox said he received a copy of the memo about 10 days ago. He gave the board copies of an addendum to the site plan which addressed the following issues: solid waste will be disposed through the use of a 2 cubic foot dumpster emptied by a commercial hauler; the snow will be cast to the edges of the gravel surfaces and excess snow will be stored at the west edge of the equipment parking; use of the planned vehicle parking will depend on traffic circulation, the weather and other factors and is likely and the use of the 2 designated areas won't be known until determined by use.

Mr. Cox said vehicle parking was an issue and that he was told to put the possible parking areas on the plan. He said that originally the plan was amended to narrow down the parking to 2 areas and then he was asked how those 2 areas will be used. He said he replied that he won't know which one is the more desirable spot until he actually uses them. It was requested that I explain in a narrative that since I don't have the answer this is my best answer he said.

Items to be Addressed - Mr. King said there are 10 items in the Planner's memo and asked how many of those items were addressed and how many items he had issues complying with.

Item #1 - states the existing state wetlands permit is in accordance with the plans by Stoney Ridge Environmental and if the plan submitted by Mr. Cox has any further alteration to areas subject to state jurisdiction he must submit a new application and permit.

Mr. King asked if there are areas of additional impact past what the original permit was for when it was issued.

Mr. Cox said the state permit covers all of the proposed activity in and related to the wetlands.

Mr. Pelkey later asked if the plans by Stoney Ridge Environmental show the same impact to the wetlands as what is being shown on the site plans.

Mr. Cox said that is correct.

Mr. Pelkey asked if there is another plan somewhere from Stoney Ridge Environmental.

Mr. Cox said there is a state-issued permit.

Mr. Pelkey said he read that the permit is issued in accordance with those plans.

Mr. King asked if they are on file with the Planning Dept.

Mr. Pelkey said the only way for them to determine if the area of impact is beyond the original wetland permit plan that he has is to see the original plan.

Mr. King asked Mr. Cox to submit a copy of the original wetlands plan to the staff.

Item #2 – a signature block for board approval must be added to plan.

Mr. King said Mr. Cox may or may not have already added the block and it could be a Condition of Approval for the Site Plan.

Item #3 – additional information on the proposed parking needs to be provided to ensure that space and design requirements are being met

Mr. King said Mr. Cox answered the narrative regarding additional information on the parking in the addendum given to the board.

Item #4 – to indicate in a note or show the location for snow storage on the plan

Mr. King said this item was also referenced in the addendum and the snow will be stored in the perimeter around the gravel areas

Item #5 – to show the design plans for storm drainage on the site

Mr. King said he would come back to this item.

Item #6 – to state if the proposed dumpster is intended to provide solid waste facilities for both recycling and disposal

Mr. King said Mr. Cox has done that.

Item #7 – to show the protective radius around the proposed well

Mr. King said this is a minor issue but the 75' well radius needs to be addressed.

Item #8 – to provide additional information for the on-site sewage disposal system; the current plan indicates the leach field is located under the storage boxes; the Planner needs to review the existing septic design and permit

Mr. King speculated that based on when he built there, the Town must have a copy of the design on file for the septic system.

Mr. Cox said the Town currently has this information and has had it for about 10 months.

Item #9 – to provide 3 separate plats- one with the existing conditions, one with the proposed conditions and one with the drainage analysis for storm water; the board can require a fourth plan with additional details about the site if necessary

Mr. King said the plan before them is for the proposed uses and Mr. Cox would need a waiver request for this requirement which if the board agrees could be handled after.

Item #10 – the Planner needs more information on the process for the Wetland Conservation Overlay District. There was no discussion on this item at this point.

Chairman King then opened the hearing to the board for discussion about whether the application is substantially complete.

Mr. Henry said the plan calls for 3 storage containers and to his knowledge they are not permitted other than on a temporary basis in any zone in town.

Mr. King said not unless they were grandfathered. He asked Mr. Cox if he has had the storage since before the change in the Town ordinance.

Mr. Cox said he believed they are grandfathered and asked for the date the ordinance was changed.

Mr. Henry asked if there are containers in that location now.

Mr. Cox said there are containers there now but they are not in the location shown on the plan.

Mr. Capello entered the meeting and said there is no “grandfathering” for storage containers and if they are part of the site plan they are allowed. So if he is putting on the site plan and you approved it they are allowed he said.

Mr. Henry asked if this is specified as part of the ordinance.

Mr. Capello said the once the ordinance passed the containers are not allowed unless it is part of an approved site plan.

Mr. Bridges asked if that also applies to commercial uses.

Mr. Capello said they are not allowed at all in town by a vote of the legislative body.

Mr. Henry said that he read they are only allowed for 6 months by a permit from Code Enforcement and the permit can be extended for up to 6 months.

Mr. King said in this case it is part of the Site Plan.

Mr. Capello said they would be allowed if the Planning Board approves the site plan.

Motion: (King, second Fisher) to accept the application as substantially complete for the site plan passed unanimously.

Application for Special Use Permit – Chairman King said based upon the staff notes the board has 2 choices – to accept it as substantially complete and discuss it or to not accept it based on the Planner’s concerns that a few things need to be addressed.

Motion: (King, second Henry) to accept the application as substantially complete so the board can have a detailed discussion on it passed unanimously.

Chairman King opened the hearing to public comments and questions at 6:42 p.m.

He asked the board if they had any questions regarding the overall site layout or if there are any deficiencies the applicant may need to address.

Mr. Cox said the Planner requested a copy of the wetlands review conducted by Fragile Rock Environmental Services and gave a copy of the document to Chairman King. He said the request was prompted by the question about what classification the wetlands are at the crossing.

Mr. King said the company’s review stated that the wetlands areas (on Tax Map R36, Lot 3-1) are classified as Class 3 per the Town of Farmington ordinance and passed the document around for the board to review. He said he felt that it is a Class 2 wetland based on its being connected to other significant wetlands but he is not the official of record.

Mr. Cox said the marsh area is a Class 2 because it stays wet all of the time and there are a lot of permanent wetlands features there such as cattails.

Mr. King said the marsh area runs through an unnamed stream that runs through the area. He said he was pretty sure that the Town ordinance says if a Class 3 wetland is connected to a Class 2 wetland it is considered a Class 2 wetland.

He said this document may have been requested because the **Conservation Commission** didn’t provide any comments on the proposed wetlands crossing because the classification of the

wetlands had not been determined.

Mr. Fisher, who is also a member of the Con Com, said they needed additional information.

Mr. King read the letter from Con Com Chairman Laura Bogardus which stated that they could not advise either for or against the proposal as they could not determine the appropriate buffer zones because the wetland was not classified.

Mr. Fisher agreed with Chairman Bogardus' statement in the letter.

Mr. Pelkey asked how Mr. Cox planned to handle storm water management on the site. He noted that this was also one the Planner's questions.

Mr. King said he spoke with the Planner that day and the topography of the area shows there is approx. 25' of slope from the existing parking all the way down toward the wetlands and the wetland crossing. There is no containment or treatment area and there are no protections to keep any fluids or other materials from getting into the wetlands. He said this needs to be part of the plan and he would not be agreeable to the Special Use Permit for the wetlands crossing until there was some treatment or containment on the site.

Mr. Fisher asked if the proposed parking area would be gravel, concrete or asphalt pads.

Mr. Cox said he proposed that the parking area would have a gravel surface.

Mr. Fisher said anything on the site would soak directly down into the ground or run down slope.

Mr. King said then discussed the configuration of the slope at the site as shown on the plan.

Mr. Pelkey said they would like to see the details of how the storm water is going to be addressed and that it would be a Condition of Approval for him.

Mr. King said that the use at the site has expanded somewhat over time and has now required him to begin the site review process. He said he did not have any issues with the waivers requested for the pre-existing conditions but the biggest issue is the storm water drainage and having some professionally designed protections put in to keep it out of the wetland area which borders the crossing on 2 sides.

He said the parking areas are sufficient as the property is not on a main thoroughfare and most of it is behind the tree line.

Mr. Cox said most of it is either behind the tree line or the slope. He said for the first 600' of the frontage on Pound Road before the driveway, there is such a natural steep slope that nothing can be seen over it.

Mr. King said the wetlands delineation was part of the original site plan and so the contractor should be familiar enough with the property to know what could be added to the site to satisfy the storm water drainage requirements. He said addressing these issues would not prevent Mr. Cox from conducting business on the site and suggested that Mr. Cox go back, address it in a timely manner and then return to the board.

Mr. Henry asked if the drainage issue could set as a Condition of Approval.

Mr. King said that now that they have a determination of the wetlands the Con Com may

choose to comment regarding this which we should listen to. If we continue it to our next regular meeting they would have an opportunity to comment on the delineation by the wetland scientist. We can make it a Condition of Approval that it must be properly addressed he said.

Mr. King asked who they would designate to approve the professional drainage work.

Mr. Henry suggested someone on staff could approve it.

Mr. Fisher said he was a little concerned about the size of the crossing as the 12" pipe tends to clog up and will be a lot of extra maintenance for Mr. Cox to keep clear. He recommended that he consider using a larger pipe but noted there are no size restrictions anywhere in writing.

Mr. Cox said there is an existing 12" culvert out at the street which was installed in 2008 and it was not maintained until he cleaned it out in 2016.

Chairman King said the board also received a memo from the Assessing Dept. stating that the deed indicates the lot owner is Albert Souther Trustee of the IP Revocable Trust and asks if Mr. Cox has an ownership interest in the property or a signed authorization letter from the owner. Mr. Cox said he has the signed consent document but hasn't submitted it to the Assessing Dept.

Motion: (King, second Henry) to grant the Site Plan and Special Use Permit for the applications by Tom Cox, Tax Map R36, Lot 3-1 with the following conditions:

1). That Mr. Cox will provide the additional information from the interoffice staff memo:

Item # 1- furnish the original wetlands impact plans from Stoney Ridge Environmental showing that the disturbance is the same and not additional;

Item # 2 – add a signature block to the plans;

Item #5 – show design plans by a qualified professional for storm drainage and to include any storm drainage designs for wetlands protections on the downhill slope where the wetlands crossing is and the plans will be reviewed and approved by the Town Planner or his designee;

Item #7 – show a well radius on the plan;

2). The applicant will provide copies of all of the state, federal and local permits.

Vote: The motion passed unanimously.

Chairman King closed the public comment portion of this hearing at 7:05 p.m.

Waiver Request- Mr. Cox submitted a waiver request from the requirement for plans to be stamped by a professional Engineer and licensed Land Surveyor.

Mr. Fisher said the plans exist and it seems like he could just take them back to the company and get them stamped.

Chairman King said the board has already said they had no issues with the plan, he submitted the waiver request in writing for that waiver of the documents and they just approved it by approving the application as it was submitted.

Motion: (Henry, second Fisher) to accept the waiver request passed unanimously.

Mr. King said Mr. Cox should receive a Notice of Decision in about 10 days and advised him to meet with the Planner so he can verify that all of the conditions have been met.

Application for Amended Site Plan Review by Packy's Investment Properties, LLC (Tax Map R03, Lot 008):

The applicant proposes to amend the Site Plan for a property containing a small engine sales and repair business and a self-storage business that was previously approved on March 28, 2000. The applicant proposes to redesign the layout of several previously approved storage buildings and to add outside storage areas. The parcel is located on NH Route 11 and in the Commercial Business (CB) District. The parcel is owned by Packy's Investment Properties.

Mr. King said he is an abutter to this site and recused himself from the board.

Vice Chairman Pelkey took over as Chair for this application.

Mr. Bridges said he wanted to let the board know that he has done work for Att. Shannon who is on staff at RSA Realty owned by Mr. Campbell but that he was comfortable remaining seated on the board if the rest of the board was comfortable with it.

There were no objections from the board members.

Mr. Campbell came forward and introduced Att. Shannon and PIP Rental Manager Jim Horgan to the board.

Mr. Campbell said this is a local business that has been operating in town for 25 years. He said the storage business was added to the former Taylor Rental site and is run by Mr. Horgan.

There has been outside storage, rental and off and on small engine repair at the site he said.

Mr. Campbell said storage was added to the site in 2000 and the Planner reviewed the approval from 2000 and it does not look like they asked for outside storage at that time. He said that prior to 2000 outside storage was going on and that all of the trailers, containers and equipment are stored outside of the rental business. He said the previous owner may have assumed they could continue with the outside storage after site plan was approved in 2000. He said when he bought the storage business he was informed by the Code Enforcement Officer that the approval in 2000 for expansion of the storage area did not include outside storage. He said he got rid of all of the outside storage and told the customers to remove their belongings stored outside and that he planned to meet with the Planning Board to seek approval for outside storage.

Mr. Campbell said after he acquired the rental business which does have outside storage he was encouraged by a previous Planner to just show outside storage on the plan to clarify that there will be outside storage and to show the building layout. He said he hoped the amendment to plan will also clarify that the PIP Rental business also has outside storage.

Mr. Campbell showed the board where the plan they had has Surveyor Randy Orvis' old company name stamp in the lower right corner of the plan which was corrected to the new company name so it would match Mr. Orvis' stamp on the plans.

Mr. Pelkey validated that the company name and stamp matched on the plan.

Mr. Campbell said the last time he was before the board he was requested to add the word "existing" on the plan to denote the current buildings and uses at the site and that he has done so. He said to recap the changes on the plan they included the 2 rows of storage buildings was

changed to 1 row of storage buildings as the Phase 2 of the project was built about 60' lower than it was supposed to be which eliminated their ability to build 2 rows of buildings and it also shows the parking for the outside storage.

Mr. Campbell said he had not seen any recommendations from the Planner as was discussed during the previous application hearing.

Mr. Pelkey asked if Mr. Campbell received a copy of the Interoffice Memo that lists items that need to be addressed as recommended by the Planner.

Mr. Campbell said he has not received any feedback from the Planning Dept. regarding any items they want to be addressed but they had been in contact by e-mail and were requested to provide copies of various items.

Mr. Pelkey gave Mr. Campbell a copy of the memo to review while he reviewed the site plan. He then read the items to be addressed from the Planner's memo which are as follows:

Item #1 – built Phase 1 structures should be shown on the map as existing buildings

Mr. Campbell said the existing buildings are shown on the plan.

Item #2 – 2015 aerial imagery shows a significant wet area in the NE corner of the site which is not adequately shown on the plat; the board should get clarification as to whether this remains or not as parking spaces are proposed in this area

Mr. Campbell said the topography is shown on the plan and the green lines on the plan represent the grading going down to the retention basin. He said the dashed lines on the map indicate a culvert that goes all the way down to the retention area and has not been completely installed yet. That was part of the original approval and the construction plan he said.

Mr. Pelkey said the question is asking if the parking spaces proposed for that corner will impact the wetland in that area because the existing conditions there weren't shown.

Mr. Campbell said they would not as they would be at the elevation shown and it was always paved up to the detention basin even in the old plan.

Item #3 – clarify the two 258' contour lines between Phase 1 (30'x120') and Phase 1 (30'x100')
There was no discussion on this item.

Item #4 – indicate in a note or show the location for snow storage

Mr. Campbell said he was asked to note this but failed to do so. He pointed out on the map that the parking spaces ended so that snow could be stored in the corners next to the end spaces.

Item #5 – provide 2 separate plats – the first should include existing conditions and the second should include proposed conditions; the board can also require a third plat depicting drainage and storm water control details for the site if necessary

There was no discussion of this item.

Mr. Henry asked if it will all be paved and there will be no gravel parking lot.

Mr. Campbell said he was fine with paving the whole thing unless the board wanted him to leave it as gravel for drainage reasons.

Mr. Fisher said it looks like it will have adequate drainage even if it is all paved. He noted there

would be 5 retention ponds on the site.

Mr. Campbell said those are rip rap swales to control the water. He said the drainage comes in and slows down and then dissipates over the length of the swale into the retention pond.

Mr. Bridges asked for difference in what was originally approved and what owner actually did at the site.

Mr. Campbell said the plan is exactly the same as what was previously approved and the drainage plan is exactly the same as what got approved. We're not are not changing anything other than the layout of the buildings he said.

Att. Shannon said that the square footage will change as it was over 3,000 sq. ft. and this is less.

Mr. Henry said the outdoor parking was not in the original plan.

Mr. Campbell agreed and said the new Planner asked him to show it on the plan. He said that where one group of 9' x 25' parking spaces is shown was previously proposed to be a 25' x 250' building.

Mr. Pelkey asked the board for a motion regarding the completeness of the application.

Motion: (Fisher, second Henry) to accept the site plan as substantially complete passed 6-0.

Mr. Henry asked if the site is paved now.

Mr. Campbell said that all of the areas that are built are paved.

Vice Chairman Pelkey opened the hearing to public comment at 7:25 p.m.

Mr. Henry asked if the proposed outdoor parking areas are currently paved.

Mr. Campbell said those areas are not currently paved.

Att. Shannon said what is proposed is to pave around the new buildings and the outdoor storage areas which are not paved now.

Mr. Henry asked if the outdoor storage would not be permitted until it is paved.

Mr. Campbell said he is not seeking approval for outdoor storage but was acquiescing to the Planner who asked for it to be included as part of this plan because on the record it hasn't been approved. He said he thought that when the Taylor Rental business was approved 25 years ago is when the outdoor storage was approved. They did not ask for approval for outdoor storage in 2000 but that site already had outside storage and they were adding mini storage units to their outside storage facility he said.

Mr. Henry asked if the 50' x 100' two-story building would be a new building and for the purpose of the building.

Mr. Campbell said that would be a new building and that he was proposing that the first floor would be for PIP Rental with approx. 3,000 sq. ft. for the mini storage business and about 2,000 sq. ft. for storage.

Att. Shannon explained the upper level would be used for PIP Rental business and their materials and below that could be part of the company space or would be rented as part of the overall 30,000 sq. ft. of rental space that was previously approved.

Mr. Henry asked if it needed to be noted on the plan that the building could go for either use.

He said he did not want to put Mr. Campbell in a position where he would have to come to the board again because he didn't specify its use.

Mr. Bridges asked if all items stored outside have to be registered.

Mr. Campbell said he requires items stored outside to be registered and it is in the rental application.

Mr. Henry said there are ordinances regarding the number unregistered vehicles allowed on your property but it only applies to motor vehicles so it wouldn't apply to construction equipment you put there.

Mr. Campbell said he did not want to be too fine with the plan as this is an existing business in town and they are amending the layout and clarifying it.

Mr. Horgan said that with regard to the outside storage, they do have registered vehicles and non-registered vehicles on trailers that registered.

Vice Chairman Pelkey closed the public comment portion of the hearing at 7:33 p.m.

Mr. Henry noted that none of the outdoor parking is visible from the road and is all downhill.

Mr. Fisher said he believed that the prohibition against more than 2 unregistered vehicles refers to someone's personal property and that the owner storage facility can't be held responsible for people's items stored there.

Mr. Henry disagreed and said he could be held responsible because he owns the property and lets the people store them there.

There no other questions or comments from the board.

Mr. Pelkey suggested the following Conditions of Approval: 1). the construction of the detention basin would be conducted in conjunction with the Phase 2 & 3 buildings; 2). to add snow storage to the drawing.

Mr. Fisher suggested it should also include outside storage on the approval to clarify it for "20 years down the road".

Motion: (Pelkey, second Fisher) to approve the Minor Site Plan for a change in the building layout and clarification including outside storage at the rental and storage business with the following Conditions of Approval:

- 1). The construction of the detention basin will be in conjunction with the construction of the Phase 2 & 3 buildings;
- 2). To add snow storage to the drawing;
- 3). Include outside storage on the drawing.

Vote: The motion passed 5-0-1 (Bridges abstained).

Vice Chairman Pelkey turned the meeting back over to Chairman King.

Application for Site Plan Review by Stickles Enterprises, LLC (Tax Map R32, Lot 22-7): The applicant is seeking site plan approval for a contractor storage facility with accessory outdoor storage. The parcel is on Sarah Greenfield Way in the Sarah Greenfield Industrial Park in the Industrial Business (IB) District. The parcel is owned by Stickles Enterprises, LLC.

Mr. Bridges recused himself from the board.

Lawrence Stickles came forward to discuss the application with the board.

Mr. King asked if Mr. Stickles received the interoffice memo from the Town Planner.

Mr. Stickles said he received the memo.

Mr. Stickles said they purchased the lot about 11 months ago. He said the lot was being used as a dump site and a shooting range and after blocking access to the site with poles and cables they have been able to get the dumping to stop and have been cleaning up the site.

Mr. King said this lot is located at the end of the access road and has frontage next to the Farmington Children's Center.

Mr. Stickles said that is correct.

Mr. King said they propose to build a contractor storage facility with outside storage. He said the applicant is also requesting a waiver of the requirement for a survey prepared by a licensed surveyor.

Mr. Stickles said his brother Russell Stickles drew the drawing submitted with the application but was unable to attend the meeting.

Chairman King asked if Mr. Stickles had reviewed the Items to be Addressed as recommended by the Planner in his memo and was prepared to address the Planner's concerns. He asked when he received the Planner's memo.

Mr. Stickles said he received the memo about one week ago and would answer the board's questions the best that he could.

Mr. King then read aloud the following items from the memo:

Item #1 – due to the plat not being prepared by a licensed surveyor the Planner is unable to determine if the requirements of the Site Plan Regulations Section 18, Existing Site Conditions are being met.

Item #2 – the Planner does not recommend the waiver request to forego the professionally prepared survey be granted. Cost of preparing site plan should not be primary cause for granting a waiver and GIS data shows the presence of wetlands on this site indicating the need for wetlands delineation by a licensed soil or wetlands scientist. The Planner recommends the board find the application incomplete pending submission of a surveyed site plan with wetlands delineations by a licensed soil or wetland scientist.

Mr. King asked if Mr. Stickles was aware this property sits atop a regional aquifer which feeds the Town of Farmington's and the City of Rochester's municipal wells. He said the lot is in a wetlands protection zone and on top of the aquifer which is the reason for the Planner's concerns about having a licensed professional help him with the site plan.

He said the Planner also mentioned the dumping issues as stated earlier by Mr. Stickles and that he was glad to hear that they seem to have the matter under control.

Chairman King then opened the hearing for board questions/comments regarding if the application is substantially complete to go through the review process.

Mr. Pelkey said being that this lot is located on top of the aquifer he would like to see a drawing that shows what protections will be put in place to make sure there is no run-off going into it. He said they plan to put paving equipment at the site and some of the stuff associated with paving equipment we would not want to have getting into the aquifer that potentially could have a big impact on a couple of places. He said it may be a burden for the applicant but it is their job to protect that for the town and he personally would not accept the application as complete without that information.

Mr. Stickles said he understood.

Mr. Fisher agreed with Mr. Pelkey and that much of the site is gravel and he would hate to see the fluids from construction equipment leaking through the gravel and into the aquifer. He said they were nice drawings submitted but he needs to see the barrier that will prevent that, the slope of the land, the wetlands delineation and more information about the dimensions of the pond on the property.

Mr. King said this wetlands area is connected to wetlands area in the first application at this meeting on Pound Road. He said similar to their concern on that application they are saying it is a requirement to have adequate protection for the adjacent wetlands in this area. The only way you will be able to address that is with a licensed professional who understands what your business is and how he would recommend design of the site to have those protections he said. He said there are also regulations governing the Sarah Greenfield Business Park and that he hoped Mr. Stickles had read them.

Mr. Place said he agreed with Mr. King's statements.

Mr. Henry said he loved new businesses coming to town but paving is a dirty business and expressed concern about making sure that the contaminates are contained.

Mr. King said properly addressing this will be money well spent because if it ever came up there was any pollution around there he has already addressed it.

Mr. Pelkey asked if they planned to continue the hearing on this application.

Mr. King said the applicant met all of the public notice requirements and paid all of the related fees so if they did not accept the application as substantially complete and continued the hearing it would allow Mr. Stickles an opportunity to address the Planner's concerns. He suggested that he discuss what is needed for the site plan with the Planner so that when he gets a professional, he is not paying for stuff he doesn't need.

Mr. Pelkey said for other people considering doing something like this they have the ability to come before the board for a conceptual discussion on what they would like to do and that way they're not tied into anything until they've gotten feedback from the board.

Mr. King said that typically that when they have considered this type of waiver it has been for sites with existing buildings and no changes to the site. He said this is all new and the board has always required it to be done by a licensed professional at this size and scope to his recollection.

He said the board must continue the hearing to a date certain. He advised if Mr. Stickles is not ready to return to the board to let them know how much additional time is needed.

Mr. Fisher asked Mr. Stickles when he would be ready to return to the board to continue the hearing.

Mr. Stickles said he thought he would be ready by Sept. 1.

Mr. King said the hearing would have to be held at the second meeting of the month (Sept. 17) as the first monthly meeting is a workshop meeting.

Mr. Henry said the monthly public hearing meeting closest to Sept. 1 would be on August 20.

Mr. King said if he is not ready for that date he can request another continuance by e-mailing the Planner. He said the abutters and the public must be given notice that the hearing will be continued and if Mr. Stickles is not ready on August 20 they will state they will be meeting here at another date so they can be here.

Mr. Henry said the other option is for the board not to accept the application and he would have to pay again to submit another application and go through the process again.

Motion: (King, second Pelkey) to not accept this application as substantially complete and to continue this Public Hearing to a date certain of August 20 passed 5-0-1 (McCowan abstained). Mr. Bridges returned to the board.

Application for Site Plan Review by Brian Vachon, Stone Pros Fab & Install, LLC (Tax Map R20, Lot 003):

Mr. Fisher recused himself because he is also a member of the Zoning Board of Adjustment and this application will also go before the ZBA in July.

Brian Vachon told the board that his brother currently operates his HVAC business in the office section of the former Mobile gas station on Route 11 and the 2-bay garage is currently empty. He said they propose to run his granite countertop fabrication business there and are considering operating a U Haul rental center there as well.

Mr. Vachon said there are multiple layers to his proposal because the Planner has determined that if approved the site would have 4 businesses- HVAC contractor, U-Haul rental center, Stone Pros Fabrication and Installation (retail and commercial industrial).

Mr. King said he sees it as 3 businesses would be operating at the site and that the Planner may have separated it into 4 businesses because the manufacture of the stone requires a Special Exception from the ZBA.

Mr. Vachon said the Planner listed the fabrication business as commercial industrial non-specific (Commercial Industrial Uses Not Specified) which is allowed by Special Exception.

Mr. King said at this point he has not yet been before the ZBA

Mr. Vachon said he thought he was going to the ZBA first but the Planner insisted that the site plan application and drawings be ready for the Planning Board.

Mr. King asked if he didn't make the submission deadlines.

Mr. Vachon said he met the deadline for the ZBA but he didn't have the site plan application

submitted in time for the June meeting so he was bumped to the July ZBA meeting. They wanted me to get the process started and get before the Planning Board this evening he said. He then apologized for his “childish” drawings and assured the board that when he returns he will have something more professional.

Mr. Pelkey asked if there was any modification planned for the existing building or if any pavement or anything would be added to the footprint of that area that was already reviewed by a Planning Board in the past.

Mr. Vachon said he was not making any modifications and noted that there has been stuff taken away from what was on the old plan on file with the Town. He said Aranco Oil Company has removed the fuel pumps and the awning is still there but there is no longer any fuel service of any type available there.

Mr. King asked if Mr. Vachon was currently operating his business out of this site.

Mr. Vachon said he is operating his business there currently.

Mr. King suggested that he didn’t know that he had to have the correct permits, etc. to operate his business there.

Mr. Vachon said he came into the office 18 months ago and it wasn’t necessarily that he didn’t know any better but that his back was against the wall and he did what he had to do and come to the board with hopes and prayers that they would understand that. He said his last interaction with the office was easy and went well but he was put in a rough spot in Jan. and had to make a quick decision when things didn’t work out.

Mr. Pelkey asked if Mr. Vachon received a copy of the interoffice memo from the Planner that states some of the things that should be addressed.

Mr. Vachon said he did not get a copy of the Planner’s memo.

Mr. Pelkey gave Mr. Vachon a copy of the Planner’s memo

Mr. King said the memo is dated June 11, 2019 so if it was received he has only had a couple of days to look at it. He then went through some of the Planner’s concerns.

He said what was presented doesn’t really meet the requirements and that one of his concerns is that the application is contingent on a Special Exception and if he doesn’t get that his application will be different so in some ways convening on this application is somewhat premature because his use may change.

Mr. King said there are bunch of things in the Planner stated in his memo that could be addressed such as parking spaces but the number of spaces is dependent on the business use and density. He said he went through it with the staff but there is not enough information to determine the number of spaces required. He said he did not think the application was substantially complete enough to proceed and opened the discussion to the rest of the board. He suggested that Mr. Vachon go before the ZBA first as his application could change and the requirements would then change. He said he was led to belief that Mr. Vachon didn’t meet the timeframe for the public notice requirement.

Mr. Vachon said that he did but that he didn't have some sort of a drawing for the site plan and the Planner said that he wanted it done and to get him before the Planning Board so he was essentially trying to appease the Town Planner who wanted him to get the process going.

Mr. King suggested there may also have been some prodding by the Code Enforcement Officer to get this through (the system).

Mr. Vachon said the CEO wanted him to be actively pursuing the approvals.

Mr. Pelkey said he did not think Mr. Vachon would be adversely impacted if they ask him to see the ZBA first as he is in the system.

Mr. Vachon said he has already paid the related fees and asked where that would put him.

Mr. King said if they continued the hearing to a date certain he would not be charged again as the abutters have been notified and they will be on notice if there any changes to his site plan.

He recommended that Mr. Vachon meet with the Planner and discuss what is needed for the plan such as the square footage of the building, dimensions of the site, if a boundary survey is on file at the Registry and that he may find some of this information on an old site plan on file.

Mr. Henry said the Planner's memo talks about square footage for a showroom and asked if it is up to the board to determine what is considered a showroom on the plan. He said the plan shows the office building and the fabrication area in the 2 garage bays.

Mr. Vachon said he didn't have a showroom planned and that his plan was to take the remnant stock and put it under the awning in a neat and orderly fashion so folks can see it. There is no room in there to put a showroom. I'm going from almost a 9,000 sq. ft. of space to about 900 sq. ft. of space so there is no room for anything additional there he said.

Mr. Henry said that is what's used to determine some of the parking.

Mr. King said when Mr. Vachon does a little more work on the layout and then meets with the Planner he can decipher the parking requirements for the area and come up with a theoretical number of spaces based on the uses. For example, if it comes out that you need 14 spaces and you have 12 you will need a waiver he said.

Mr. Henry said this is a small site and you are trying to do a lot of things in a small site.

Mr. Vachon said that his brother was excited about the U-Haul proposal but he felt that if the board "let it, they let it, if you don't, you don't". He said his "bread and butter" is his stone business as is the HVAC business for his brother and that he was not 100% sold on the U-Haul business.

Mr. Henry said he was not telling Mr. Vachon to pick and choose his businesses but was saying that it was going to be difficult at that site.

Mr. King said when they figure out the parking requirements it may answer the question for them as to whether there is enough space for the parking to do it or not. If there was not enough parking the board would then have to consider if it would be reasonable to grant a waiver to that requirement he said.

Mr. Henry asked if a waiver stays with the site or goes with the businesses that are there.

Mr. King said the waiver stays with the site.

Mr. Pelkey said a change of use at the site would require another minor site plan review.

Motion: (King, second Henry) to not accept this application as substantially complete and continue it to July 16;

Discussion: Mr. King advised Mr. Vachon to seek help from the staff and if he is not ready for July 16 meeting to notify the board and they will give him another extension.

Vote: The motion passed 5-0.

Adjournment:

Motion: (Pelkey, second Bridges) to adjourn the meeting passed unanimously at 8:15 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Charlie King, Chairman