

Town of Farmington
Planning Board Meeting Minutes
Tuesday, July 16, 2019

Board Members Present:

Charlie King, Chairman
Rick Pelkey, Vice Chairman
Bill Fisher, Secretary
Bruce Bridges
Stephen Henry
Felecia McCowan

Board Members Absent:

TJ Place, Selectmen's Rep.

Others Present:

Joe Pepe

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 18, 2019 – Page 8, Line 13 from the bottom- change the second "Phase 1" to "Phase 2";
Page 10, Line 6 from the bottom- change the vote to "The motion passed 5-1 (Bridges opposed)."

Motion: (Henry, second King) to accept the minutes;

Discussion: Mr. Bridges said he was trying to vote no on the motion to approve the Amended Site Plan for Packy's Investment Properties on Route 11. He said that he had his hand up to speak because he thought there was more to discuss and then pulled it down because there was a call for the vote by Vice Chairman Pelkey (as Acting Chair).

Chairman King said the minutes reflect that Mr. Bridges abstained from the vote and asked him if he did abstain from voting.

Mr. Bridges said he did not abstain from the vote and was still trying to discuss the motion. He said at that same meeting they turned down the previous applicant because the parcel was over the aquifer and noted that Mr. Campbell's property is also over the aquifer and there was no discussion about that issue.

Chairman King asked if the board was comfortable with changing the vote on that motion to show Mr. Bridges was opposed.

There were no objections raised by the board members.

Mr. Bridges said he wanted the minutes to reflect what he was trying to do as he did not feel comfortable voting in favor of the motion without discussing it more.

Mr. King said that although he may have intended to, Mr. Bridges didn't make a statement

about the aquifer at any part of the meeting so it couldn't be put in the minutes.

Mr. Bridges said he was trying to but couldn't get recognized by the Chair. He said he was leading up to the aquifer when he asked about the unregistered vehicles on site which can leak gas and oils into the aquifer but never got to it.

Mr. Pelkey said that was his first experience as Chair and that he was not trying to ignore Mr. Bridges. He then apologized for not recognizing him during the discussion.

Chairman King suggested that in the future if Mr. Bridges finds himself not being recognized to get the Chair's attention verbally and the Chair will recognize him.

Vote: The motion to approve the minutes as amended passed 5-0.

Master Plan Public Opinion Survey Draft #2:

The board received copies of draft #3 of the Public Outreach Opinion Survey as revised by Arnett Development Group (ADG) on 7/08/19.

Chairman King asked if the board had reviewed the draft and if they had any questions or comments.

Mr. Pelkey said the deadline to participate in the survey is August 31 so he assumed that meant it will "go live" fairly soon. He said he thought someone from (ADG) would attend the meeting and discuss the draft with the board.

Mr. King said they were not on the agenda for this meeting and he thought someone would attend the board's next workshop session on Aug. 6. He asked the members to send any comments/questions to ADG before the next meeting or to prepare them for the Aug. 6th meeting as it will be their last crack at it before the survey goes public.

Application Hearing Process and Checklist:

The board also received copies of the proposed Application Hearing Process and Checklist prepared by the Interim Planner to be used for site plan, subdivision, sign permits, home occupations and conditional use applications.

Chairman King said he reviewed the document and found it to be pretty consistent with how they should procedurally handle the applications. He said he didn't know if they need a detailed checklist and asked the board for their thoughts.

Mr. Pelkey asked what the genesis was for the checklist.

Mr. Fisher recalled that a while back the board had suggested there be a checklist for applicants to prepare for a hearing before the board. He suggested it may have been something the previous Chairman requested.

Mr. King said there is a checklist for application preparation. He then read the e-mail from the Planner aloud which said the checklist template was based upon working with several other communities and that the checklist has been helpful in walking boards through the process in a systematical and consistent way. It can be helpful to newer members or when someone with limited experience has to step in and act as Chairman. This will also help with keeping track of

the correct motions and asked if this is something the board would like to use moving forward. Ms. McCowan arrived at the meeting and Chairman King brought her up to speed with what had transpired at the meeting so far.

Mr. King said it would be up to the board as to whether they wanted to try to follow the checklist verbatim or if they just wanted to use it as a reference on future applications.

Mr. Henry said he would be comfortable adopting it as a guideline but he didn't want to put the board in a situation where if they don't follow it to the letter it causes a problem.

Mr. Fisher agreed.

Mr. King suggested they keep the checklist handy for a few meetings as he wasn't ready to adopt it without first having a conversation with the Planner about possibly adopting it as a guideline, removing the checklist boxes and changing some of the wording to state the points that need to be addressed for each section of each type of application.

Mr. Pelkey said he would like to keep it handy for a few meetings to see how it goes with how they normally conduct themselves. I appreciate him trying to steer the newer members he said.

Any Other Business before the Board: None

Recess: Motion: (King, second Pelkey) to recess the meeting until 6:30 p.m. passed 6-0 at 6:12 p.m. The meeting reconvened at 6:30 p.m.

PUBLIC HEARING – 6:30 P.M.

NEW CASES:

Voluntary Merger of Pre-existing Lots application by David and Debra Walker (Tax Map U8, Lot 027 Tracts 1 & 2: Applicants are seeking approval to merge Tracts 1 & 2 of Lot 027 to create one single lot. This parcel is located at 25 Paulson Road.

Voluntary Merger of Pre-existing Lots application by David and Debra Walker (Tax Map U8, Lot 027 Tracts 3 & 4: Applicants are seeking approval to merge Tracts 3 & 4 of Lot 027 to create a single lot. This parcel is located at 27 Paulson Road.

Chairman King said the board received a memo from Assessing Clerk Kelly Heon on how these applications came before the Planning Board. He said these tracts were involuntarily merged by the Town and the applicants petitioned the Town to unmerge them and got the Selectmen's approval on June 10 to have them restored to their original status.

He said there are 2 residential units on these parcels and their application is combine 2 parcels into one lot with one residential dwelling and the other 2 parcels into one lot with the other dwelling structure. He asked if the board had any questions or need for clarification.

Mr. King explained that from about 1970 – 2000's municipalities would combine separate tracts of land and say that they were one lot when they didn't have permission to do so. There was a state statute passed (2011) that gave the landowners the right to restore them to their original

structure and the applicants came before the Town and had the mergers reversed he said. He said the applicants wanted to change the way their land was structured and this was the best way to do it. There are only 2 things the board can consider- that they are the owner(s) of record and that they have stated on both applications that there is no lien holder on the lot so it requires no permission by the lien holder. They have furnished all of the necessary information as part of their request he said.

Motion: (Henry, second King) to approve the voluntary merger of tracts 1 & 2 Tax Map U-08, Lot 027 located at 25 Paulson Road;

Discussion: Mr. Pelkey said he wanted to make sure that the lot numbers are the ones the Assessing Dept. wants used because they got "schooled" on making sure they gave them acceptable lot numbers.

Mr. King said their application states Tax Map U08, Lot 027 for tracts 1 & 2.

Vote: The motion passed unanimously.

Motion: (Henry, second King) to approve the voluntary merger of tracts 3 & 4 Tax Map U-08, Lot 027 for parcels located at 27 Paulson Road;

Discussion: Mr. Pelkey asked if the new lot number would be U08-027-1.

Mr. King said the new lot number designation is determined by the Assessing Dept. not the Planning Board.

Vote: The motion passed unanimously.

Conceptual Design Meeting with Planning Board for Major Site Plan (Tax Map R-3, Lot 004):

The applicant is seeking to get initial feedback from the Planning Board on a potential major site plan located on 115 Route 11 in the Central Business District. The project will be to demolish the existing building and replace it with a building(s) that will serve several businesses including a motor vehicle sales facility (permitted with review), motor vehicle repair facility (permitted with review) and a small restaurant drive-thru (permitted by review). The applicant also wishes to build several storage bays behind the primary building(s) to be used by local contractors (i.e. plumbers and electricians) to store their equipment. Self-service storage facilities are not allowed in the Central Business District and the applicant will need a Variance from the Zoning Board. The applicant will also need an additional Variance to allow for more than one principal use on the site. The applicant is seeking comments and feedback from the board before final purchase of the property and any major site plan engineering. The parcel is currently owned by Peter Alfe.

Mr. Henry stated for the record that he had a previous business relationship with Peter Alfe when Mr. Alfe owned the property that he rented. He said Mr. Alfe no longer owns the property and he no longer has a business relationship with him and did not believe he had any conflict in this matter.

Mr. Bridges said he also had a previous business relationship with Mr. Alfe as he rented the same property at one time but no longer rents that property so he felt that he does not have any conflict with this matter.

Joe Pepe came forward and told the board that he is in negotiations to purchase the property located at 115 Route 11. He said the existing house and garage on the lot would be demolished and replaced with a new structure in the same footprint. The structure will be an office for a used car lot where "big boy toys" such as 4-wheelers and snow mobiles would be sold he said. He said he planned to have a fish market on the corner of the lot as commercial fishing is his hobby and he just wanted to make sure he can do this before he purchases everything.

Mr. King asked if he had met with the Code Enforcement Officer (CEO) to go over the permitted uses and if he said the proposed uses were permitted in that zone.

Mr. Pepe said he spoke with the CEO and he said the proposed uses are permitted in that zone.

Mr. Henry and Mr. Bridges noted that storage is not permitted there without a Variance.

Mr. Henry said that the information the board received says that Mr. Pepe planned to install mini storage units for contractors to use.

Mr. Pepe said there are 6 acres of land there and 2 driveways. He said that in the future he would like to construct 30' x 40' buildings for general contractors to rent for office space.

Mr. King said it sounded like an industrial condominium similar to one on Rte. 33 in Greenland.

Mr. Pepe agreed it would be similar to that building.

Mr. King asked if Mr. Pepe discussed this use with the CEO even though he didn't intend to construct the units right away.

Mr. Pepe said the CEO advised him to bring up this proposal at the board meeting in case the board has objections to the plan.

Mr. King said that that one concern will be the potential for contamination from the outside storage of vehicles given the property is in the aquifer area.

Mr. Pepe said that was not planning any outside storage for the office rental spaces to be constructed behind the building and any storage there would be inside the building.

Chairman King said that whatever he does there must be consistent with the zoning in that area or he will need to get a Variance. He said the initial plans as presented for this site include the demolition of the existing structures, construction of a new building for motor vehicle sales and retail sales of fish products.

Mr. Bridges asked if the uses would include motor vehicle repairs.

Mr. Pepe said he would only be doing repair work on the vehicles and utility trailers he sells.

Mr. King said he personally didn't see any issues with what was proposed but advised Mr. Pepe that this is a conceptual hearing only and that it is non-binding. He said he could come back for the site plan review and one of the 6 other members could have an issue with the proposal.

Mr. Pepe said the CEO told him that at one time another vehicle sales facility was located there and that he could put an ice cream stand or a fish market there.

Mr. Bridges asked if he planned to sell fresh fish or to operate a restaurant.

Mr. Pepe said he planned on having a fresh fish market as he does fishing as a hobby.

Mr. Pelkey said one thing they wanted Mr. Pepe to be aware of is that if he is planning for more than 1 primary use at the site he must go before the Zoning Board of Adjustment (ZBA) and get an approval for more than one primary use of the site. We are not saying you can't do it, it's just one the hoops you have to jump through before you come to us with the site plan he said.

Mr. Pepe asked what he would need to present to the board if he does purchase the property.

Mr. King said if he plans to demolish the existing buildings and build a new structure he will need a plan for the building permit.

Mr. Pepe said the new building will go on the same footprint as the current building.

Mr. King said that in addition to the information for the building permit he will also need information that the Planner can help him with such as the dimensions and locations of the buildings and uses. He said that typically the maps have been supplied by a professional but they have considered maps supplied by the landowner as long as they include all of the pertinent information.

Mr. Pelkey said if it is a continuation of a use that was already permitted there, there should be a drawing on file if it was used to grant the initial application. He said he would like to see something that showed the topography there especially since they are talking about an aquifer area to make sure that the drainage and the way it is managed is going to be consistent with protecting the aquifer.

Mr. Pepe said that eventually he wants to pave the grassy area in the front of the lot.

Mr. Pelkey said that will increase the amount of impervious surface there.

Mr. Henry asked if Mr. Pepe could get a plan approved before he purchases the property or if he had to be the landowner.

Mr. Pelkey said he could do it prior to purchasing the land if the owner of record gives permission for him to go ahead with his plans.

Mr. King said Mr. Pepe could make it a condition of purchasing the land that he gets all of the approvals he feels he needs to purchase the property.

Mr. Pepe said he felt comfortable with what he was hearing from the board as he plans to use the same footprint as the previous use.

Mr. King recommended that when he gets to the site plan that he get some professional help because there will be some concerns that will need to be addressed regarding drainage and groundwater protection as he is redeveloping the site.

Mr. Bridges said he visited the site that day and that there is a big drop-off quite a ways back behind the building. He said there is a parking lot next door in back of the old Mike's Small Engines facility and that Mr. Alfe's property goes back as least as far as that parking lot does.

Mr. Pepe said there are 6 acres there and that he has walked the property. He said if you follow the right side property line back that is where he found 2 oil drums with oil in them.

Mr. Bridges said there is also a piece of equipment with about 20 tires on it in the woods.

Mr. Henry said that using the existing footprint is not likely to be a requirement to be set by the board and asked if this was because the foundation is in good condition and he wants to re-use it or if he thought there is rule requiring him to do so.

Mr. Pepe said they liked that footprint and that the foundation is solid.

Mr. Henry said the agenda says Mr. Pepe wants to have a small restaurant with a drive-thru.

Mr. Pepe said it would not be a drive-thru but would be an ice cream stand with a few picnic tables and a fish market combined.

Mr. Bridges asked if he would be selling cooked fish.

Mr. Pepe said he plans to sell raw fish.

Mr. King said the uses in addition to the vehicle sales may require a Variance and/or a Special Exception from the ZBA because he is proposing multiple commercial uses on this site.

Mr. Pepe said he would be selling ATV's and cars, and the fish and ice cream. He said the Zoning Board already told him he could do it.

Mr. Fisher clarified that Mr. Pepe had spoken with the Code Enforcement Officer and not with the ZBA.

Mr. King said the CEO interprets the zoning ordinance and would determine what the applicant needs for approvals.

Mr. Pelkey said the write up from the Planning Dept. is advising the Planning Board that there are multiple uses planned for the site and in their opinion that he will have to go before the ZBA and that he would agree with them. He said one of the proposed uses is allowed with review so that would need review by the ZBA also.

Mr. Fisher said the closest allowed use in the Table of Permitted Uses is a grocery store which is permitted in the Commercial Business (CB) zone with review (PR).

Mr. Pepe asked who the ZBA is and how he would go about meeting with them.

Mr. Fisher said the CEO and the people in the Planning Office will lead him in the right direction.

Mr. Pepe asked if he needs a permit to tear down the existing buildings.

Mr. King said he would probably need a demolition permit.

Mr. Pepe said he was told by the real estate agent that the Fire Dept. would burn the building down as training for the Firefighters.

Mr. Henry said that does not mean the Fire Dept. would be interested or would burn it down.

Mr. King advised him to speak with the CEO about the need for demolition permit.

Mr. Bridges said he knew of people who tried to get the Fire Dept. to do that and were told they didn't do that anymore because the shingles have to be stripped from the building first in addition to other preparation work before it can be burnt down.

Mr. Henry said he could see that the ice cream stand could generate some significant traffic and asked if a traffic study would be required and how that would work being that it is a state road.

Mr. King said when the site plan is presented to the Planning Dept. it would go for review by

the Technical Review Committee and they would estimate what the traffic impact would be and based upon the road they may or may not recommend that a traffic study be done. The road has about 50,000 cars a day and his business is not going to add to that and is only going to have turn-off and turn onto the road and that typically traffic studies are done for additional impact to the road he said.

He said the NH DOT may say with the coming off and on the road there needs to be a deceleration and acceleration lane added to the road. There are 2 existing driveways and the state may render an opinion that the driveways are approved he said.

Mr. Henry said the ice cream stand will generate more on-site traffic than the ATV sales.

Mr. King said he will need to consider how the traffic will come onto and leave the site so that it doesn't get congested and create a safety problem.

Mr. Pepe said he doesn't like doing things "Mickey Mouse" and that he would hire the right people to make sure these things are done right the first time.

Chairman King advised him to see the Planning Dept. and wished him good luck with his plans.

CONTINUED CASES:

Application for Site Plan Review by Brian Vachon, Stone Pros Fab & Install LLC (Tax Map R-20, Lot 003): The applicant proposes to amend the Site Plan for an existing contractor office that was approved January 24, 2019 to add granite countertop fabrication, outdoor display and sales and onsite display and rental of U-Haul vehicles to the site. The parcel is located on NH Route 11 and in the Commercial Business District (CB). The parcel is owned by Aranco Oil Company.

Mr. Vachon was not present at this meeting

Chairman King said he was not notified and that the board has the ability to continue the hearing again.

Motion: (Henry, second Bridges) to continue the hearing to August 6, 2019 passed 6-0.

Chairman King said he would e-mail the Planner to let him know that Mr. Vachon did not attend the meeting and to find out how he is doing.

Mr. Pelkey said he hoped Mr. Vachon is working with the Planner to be ready for his next meeting with the board.

Mr. Henry said he is operating in the building now and that was stated at the last meeting.

Mr. Fisher said Mr. Vachon is not operating the stone works but his brother is operating his HVAC business there. He said that Mr. Vachon was before the ZBA last week and voluntarily withdrew his request to have a U-Haul business. Both the Variance and the Special Exception were granted with the stipulation that there would be no storage of materials in the grassy area in front of the facility as it is state property and would impair the vision of people entering and leaving the property he said.


Adjournment:

Motion: (Fisher, second Henry) to adjourn the meeting passed unanimously at 7:03 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary



Charlie King, Chairman