

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, August 6, 2019

**Board Members Present:**

Charlie King, Chairman  
Rick Pelkey, Vice Chairman  
Bill Fisher, Secretary  
Stephen Henry

**Board Members Absent:**

TJ Place, Selectmen's Rep.  
Bruce Bridges  
Felicia McCowan

**Others Present:**

Kyle Pimental, Interim Town Planner  
Bill Parker, Arnett Development Group, LLC  
Brian Vachon, applicant

**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:**

July 16, 2019 – No errors or omissions

**Motion:** (Henry, second Pelkey) to accept the minutes as written passed 4-0.

**Introduction of New Town Planner:**

Strafford Regional Planning Commission (SRPC) Principal Regional Planner Kyle Pimental introduced himself and said that he and SRPC Senior Regional Planner James Burdin have been contracted to serve as the Town's Interim Planners with office hours in the Municipal Office Building every Tuesday from 9 a.m. to 5 p.m. He said they have been allocated 16 hours a week to provide planning services for the Town and have time available at the SRPC offices to follow up on any additional assistance needed leading up to their Tuesday Town Office hours or the next Planning Board meeting. We are doing the Notice of Decisions for the Planning Board and for the Zoning Board of Adjustment so we can attend the ZBA meetings as well he said. Mr. Pimental said as they continue with the transition and provide the members with their meeting packets if they have any feedback on what would make things smoother for them to continue to move through the applications to let them know.

**Review Final Master Plan Survey:**

ADG Regulatory Reviewer Bill Parker said the board received Draft #4, revised 7/24/19 version

of the survey that will be used to assist with the revision of the Master Plan. He said this draft incorporates the board's comments made in June and some "tweaks" made by the Planner and that it should take about 15 minutes for someone to complete it.

Mr. Parker said the copy before the board was not the full survey because all of the statements will have the same choices for answers (highest priority, important, not so important, not necessary or no opinion) as those shown on the example questions in the packet. He said he hoped this draft addressed the board's concerns that the earlier version did not address.

He said they plan to get the survey printed following this meeting and that paper copies would be available at the Municipal Office Building, the Town Hall (Rec. Center), the Goodwin Library and that an electronic copy would be posted online with links to the survey on the Town website and the official Town and depts.' Face book pages with assistance from Mr. Pimental.

Mr. King asked how they plan to screen out duplicate submissions and that he was concerned that someone may try to "stuff the ballot box" if they have a pet peeve about something.

Mr. Parker said there may be a way to screen the responses through "Survey Monkey" (an online software program used to create surveys) and that he would find out.

Mr. Pimental said that a setting could be included where the user must provide their e-mail address to take the survey which would reduce the likelihood of multiple responses from the same person unless they wanted to create multiple e-mail accounts to answer the survey multiple times.

Mr. King suggested that a disclaimer be added to the survey stating that their e-mail address would not be used for anything other than to prevent duplicate submissions.

Mr. Parker said that in a previous discussion they talked about asking for some basic demographic information such as age, gender, business/home owner or renter, etc. which was not included on this draft.

Mr. King said that any request for demographic information should be in the last section of the survey and should be benign and optional. All of the questions are optional as some people may not feel comfortable providing personal information or may not wish to answer certain questions such as the ones concerning the Village Center (VC) if they are not a resident of that area he said.

Mr. Parker said they would include a statement that answering all of the questions, including the demographic information is optional.

Mr. Fisher asked about how the data would be correlated and if it would be done by Survey Monkey.

Mr. Parker said that Survey Monkey would compile the answers from the statements with the multiple choice answers and that the staff at ADG would summarize the written responses.

Mr. Fisher said the Selectmen requested that the Farmington Revitalization Steering Committee assist with the distribution of the paper survey and they may help with correlating the results.

Mr. Pelkey asked who would analyze the data gathered from the survey and report the results.

Mr. Parker said ADG would analyze and report the results.

Mr. King asked how the responses in the Additional Comments section would be consolidated. He suggested that a summary be made of those responses for the report but that all of the responses be available as part of the core data.

Mr. Pelkey said this would also allow the data to be formatted for different uses.

Mr. King agreed and said the data could be useful in different ways for the Town boards, staff or volunteers for ideas on where there is room for improvement in their individual areas of expertise. He said there may not be as many responses to that section but if someone took the time to write it someone should take the time to read it.

Mr. Parker said they will summarize the written answers and provide the individual comments. Chairman King then asked if the board members had a chance to review the survey and if they wished to go through each statement now.

Mr. Pelkey said he reviewed the draft before the meeting and found that it reflects the comments the board gave them in previous discussions.

Mr. Fisher said the issue of density in the VC district came up during a recent case before the ZBA concerning the conversion of single family home to a two-family house and that this same house had once been a 4 unit residence prior to being a single family home. He said the density regulations have changed since all of this has taken place and no one seems to know why. It would be nice to see what the people think about the density in town he said.

Mr. King said the question could be worded to ask if residents feel the housing is too dense, should be denser or is just right.

Mr. Pelkey said they could make a statement about the density of the VC and ask the respondent if they agree or disagree with the statement.

Mr. King said some people may not be familiar with the term "Village Center" and suggested that a description of the area be included.

Mr. Henry suggested that a map of the area be included if possible.

Mr. King said this question would also be useful in the Land Use in the Future section which is where it would apply to the other zones in town where the zoning, topography and challenges are different than in the VC.

Mr. Parker said they would work up something on this issue.

Mr. Fisher said in Section #5, question F states "Farmington needs to grow with a smart balance of commercial, industrial, residential and open land". He said that some people may question what a smart balance is and suggested that "smart" be removed from the sentence.

Mr. King suggested it could also be worded to ask if these categories should be developed equally or if there should be more commercial, more industrial, more residential or more open lands. A follow up question could ask out of these 4 uses which is the most important he said.

Mr. Pelkey asked if they need to see another draft of the survey and make a recommendation to go forward with it before it goes out to the public.

Chairman King said he didn't need to see another draft and if the comments the board made are added to the individual sections he didn't need to word smith it.

Mr. Henry said he didn't see them getting a lot of useful information from Page 2 which has questions that are easy to say yes to without having to think about how that would be accomplished. He said that in Section #2, statement #1 says "The Village Center (downtown Farmington) should be a vibrant center with shops, restaurants, convenience services and gathering places for young and old" and if some type of tax deferment program were proposed to assist with this people will say we should not be subsidizing businesses or private property.

Mr. King said the respondent has the option to answer that this is not that important to them.

Mr. Henry said he was concerned that the people who say it is important to them are going to vote no on what may be needed to accomplish this.

Mr. King said the people who say it is important have to see that most likely the Town would have to increase its expenditures for this.

Mr. Henry said they don't see that and that the general consensus he sees is that they support every tax they don't have to pay and they will say yes to these things as long they think it won't happen in their backyard and they're not going to have to pay for it.

Mr. Pelkey said there are 10 options and they are trying to determine what the public feels the priorities are. Not what we should do about them but what the priorities are he said.

Mr. Henry said he was afraid they would be led on wild goose chase on the things the people say are the priorities because there is no explanation about how you would accomplish them.

Mr. King said to prevent that from happening it would be the municipality's job that when the proposed changes come forward the people are duly noticed and it is their opportunity to say they don't want to pay for it. If everything is done properly they will have an opportunity to say no with their tax dollars he said.

Mr. Pelkey said saying something is a priority is a goal and is not the how we do it, how we pay for it and how long it will take to finish it. That is for the follow up conversation to this he said.

Mr. King said people need to make the effort to put good information in and we are going to correlate the information which may also lead to where there is no one direction everyone wants to go in.

Mr. Pelkey said if they go through the process of identifying what the people want to do and what it would take to do it and then the public says that is more than we want to do, the next time we roll out the survey in 3-4 years it should fall off the agenda.

Mr. Henry said the warrant articles reflect the Master Plan and asked if the warrant articles are voted down if the Master Plan be changed to reflect that vote.

Mr. Pelkey said the Master Plan is based upon the input of the people of the town.

Mr. King said the Master Plan is pointing to a goal and is a non-binding advisory document reflecting the will of the people as best as they can collect.

Mr. Henry asked if pieces of it are voted down if the plan would be changed when they go to

implement it.

Mr. Pelkey said it may be that the way they tried to implement it was not the way the public wanted it done.

Mr. King said the next time there is a survey the respondent would say there were all these warrant articles that I disagreed with so this time I'm not going to choose it as my priority because I don't want to pay for it.

Mr. Fisher said he understood that the Master Plan will be a living document with things added and subtracted and the survey will become a part of it with appendices and online links to documents so people can make more educated comments.

Mr. King said he sat on the last Master Plan subcommittee and recalled that it was kept in the back of people's minds when considering what they might do but that it didn't really spur any zoning changes, warrant articles or action by the Board of Selectmen and it is unlikely that is going to happen. It could be that the survey will point to a big priority that we don't see right now and we shall see he said.

Mr. Pimental asked the board to keep in mind that this survey isn't the only opportunity for public input. There was also the downtown revitalization work that was done, the public outreach events at Hay Day, and the different demographics they are trying to reach with the paper and electronic copies of the survey.

He said Mr. Fisher's suggestion for a question about the density in town is a good idea and they expect to see more applications regarding this issue as there are more people talking about trying to get more units out of their homes and the challenges they are facing with the way that the regulations are currently written.

Mr. Pimental then advised that the raw data from the survey be kept verbatim, maybe as an appendix to the Master Plan and suggested that they think of unique ways to display the summary documents such as using the free software available online to create a "word cloud" which is a graphical representation of word frequency. It is a way to visualize what people are saying and an easy way to summarize the data he said.

Mr. Henry suggested that a question be included asking if private property owners' rights should be considered above the interests of the Town. He referred to Section 2, question #2 which states the VC should have housing units only on the upper floors and businesses at street level and said this is telling people what they can and can't do with their property. He asked how much they would prioritize the rights of the people who own the property and pay the taxes on it.

Mr. King asked how he would format this question and what information he is trying to collect.

Mr. Henry asked if they care about the property owners or if they are going to tell them what they can do with their property. He gave the example of a historic district where you have to get permission to paint the shutters and they don't prioritize private property rights.

Mr. King said that when he was a Selectman there were a lot of complaints regarding the lack of



care of other people's property in their neighborhoods saying there should be housing and rental standards. He asked if the question should ask if the Town should have more or less oversight or be more or less proactive about property conditions.

He added that in 1979 when the voters adopted zoning they said that we need to structure our uses to be better organized and by doing that they gave up some of those rights because they said there will be things you can and can't do on different parcels.

Mr. Parker said when they were going through the goals and policies for each section of the Master Plan there were a few goals or policies dealing with landowner property rights and the information they get through the survey will feed into revising the Master Plan so it reflects what the people want.

Mr. Pimental suggested that they could state that the Town's current regulations are restrictive to housing or the business community.

Mr. King said both sides of the question should be included so that it asks if the Town is too restrictive or not restrictive enough to control what the town looks like.

Mr. Henry suggested the question ask if private property owners' rights are as important as, more important or less important than community interests.

Mr. Pelkey suggested it could ask if the Town strikes a good balance between the oversight of private property and the needs of the Town.

Mr. Henry asked for clarification on if they asking about what exists today or for in the future.

Mr. King said it should be a two-part question so if the answer is no the respondents would then be asked if it should be more or less restrictive to get a feel for what direction the town wants to go in.

Mr. Henry asked if it could be combined into 1 question that asks going forward if the Town should be more or less restrictive or stay the same.

Mr. Pelkey said anytime the word restrictive is used most people will think it should be less.

Mr. Henry said the survey data may show a conflict where people don't want residential units on the first floor in buildings downtown but that the Town is too restrictive on private property rights.

Mr. King said that would tell them that there is no clear answer and that more research needs to be done. He asked the board if they were acceptable to allowing Mr. Parker to make the requested changes and to move on to the final document with assistance from Mr. Pimental.

Mr. Fisher noted that it would also be reviewed by the Selectmen for their final approval.

Mr. Parker said that could be done if that is what the board wants but that was not required of them by the Selectmen. He said they hoped to get it completed and available in time for Hay Day (Aug. 17).

Mr. King said the Planning Board was not putting that requirement on them. He said there is a limited amount of time left and that he was comfortable with the ADG team finalizing the

document with a review by Mr. Pimental.

Consensus of the board was to allow ADG to move forward with the survey.

**Conceptual Design Consultation for Preliminary Subdivision Plan (Tax Map R66, Lot 1):** The applicant is seeking to get initial feedback from the Planning Board on a potential subdivision plan located on Ten Rod Road and Russell Lane in the Agricultural Residential District. The parcel is currently owned by Louis and Catherine Lamarca Trustees who have hired Berry Surveying as their consultant.

**Motion:** (King, second-none) to continue the conceptual design consultation until later in the meeting in case the applicants show up later;

Mr. Pimental said that he received an e-mail from Berry Surveying & Engineering Project Manager Daniel O'Lone informing him that they would not be coming before the board for the conceptual design consultation as they feel they have enough information and plan to survey the property. He said that he recommended that they come and speak with the board but they are going to move ahead with the survey and continue looking into the feasibility of the lot. There was no second or vote on the motion.

#### **PUBLIC HEARING – 6:30 P.M.**

#### **CONTINUED CASES:**

**Application for Site Plan Review by Brian Vachon, Stone Pros Fab. & Install LLC (Tax Map R20, Lot 003):** The applicant proposes to amend the Site Plan for an existing contractor office that was approved on January 24, 2019 to add granite countertop fabrication and sales 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.

Brian Vachon came forward to discuss his application with the board.

Mr. Fisher said that he heard Mr. Vachon's case as a member of the ZBA and asked Mr. Vachon if he would like him to recuse himself from this hearing.

Mr. Vachon said he had no issues with Mr. Fisher remaining seated on the Planning Board for his application.

Chairman King asked if the rest of the board was comfortable with Mr. Fisher remaining seated on the board for this application.

Mr. Henry asked why Mr. Vachon was before the ZBA.

Mr. Fisher said he came before the ZBA to request a Variance for multiple uses at the site. He said the ZBA was very concerned about the proposed U-Haul business and having too many uses for a property that size and about displaying items in the existing grass island along the street. Mr. Vachon then decided to withdraw the U-Haul business from his business plan he said.

Mr. Henry asked with the U-Haul business out of the way if there was any contention among

the ZBA members about Mr. Vachon's proposals.

Mr. Fisher said there was no contention among the ZBA members and everyone agreed with the plan. We could not tell him he could not include the U-Haul rental business and we showed him our concerns and discussed the number of principle uses that would be allowed and then he withdrew it from the plan as it was not going to bring in much money anyway he said.

Consensus of the board was they had no objection to Mr. Fisher remaining seated for this case. Chairman King said the board had not considered if this application is substantially complete or opened the hearing to public comments.

Mr. Fisher said they never closed the public hearing at the previous meeting and continued the case (to this meeting) so that the public hearing was still open.

Chairman King asked Mr. Vachon to update the board on any additions to the plan and if he has addressed the board's previous concerns.

Mr. Vachon gave the board copies of a drawing of the site showing the proposed locations of the granite slabs, 16 parking spaces, snow storage, the dumpster, handicapped parking and traffic flow.

Mr. Pimental asked if the members received his memo written the previous Thursday.

The members said they did not receive copies of his memo.

Mr. Pimental said the memo laid out what Mr. Vachon had done to date which included receiving the Variance and Special Exception from the ZBA on July 11 and he still has a waiver request before the Planning Board to use a hand drawn site plan instead of a professionally prepared site plan.

He said he has reviewed the site plan and met with Mr. Vachon that morning and that he did not have any issues with the plan. Mr. Vachon followed the parking requirements to what the regulations say but the parking standards aren't necessarily supposed to be applied in that way for more than one use per lot. He said there is excessive parking on this lot and the board may wish to discuss reducing the number spaces by 3 spaces (to 13 spaces).

Mr. Pimental said they determined that 3 spaces could be removed because two of Mr. Vachon's employees drive company vans into the site and do not have personal vehicles and that even though the retail sales and stone fabrication are considered as two uses it is really one business so you could pull out another space to get to the 3 spaces that could be removed. Mr. King said the parking requirements are included in the Town regulations and not in the zoning ordinance so the board can consider reducing the number of spaces to a lower number. Mr. Pimental said they calculated the spaces based on the parking standards and the number of employees which is how they got to 16 spaces. He said that the 3 spaces can easily be removed and added that the material unload area seems a little tight.

Mr. Fisher agreed and said that he would recommend removing the last 3 spaces behind the building adjacent to the material unload area. If a truck entered the site from the southern entrance and tried to make a left turn with cars parked there it might be a little tight and there



may be the same issue coming out and making a right turn he said.

Mr. King said he disagreed because he would assume that the spaces in the back would be used by staff and not by the customers who would park in the front of the lot. If those spaces were eliminated the owner and staff parking would be pushed up front and take up some of the customer parking he said.

He said he agreed with reducing the parking but he did not feel they should tell Mr. Vachon where they need to be and allow him to use the space to the best advantage of what he has.

Mr. Henry asked for the definition of a parking space and how the parking enforcement works.

Mr. King said he expects the spaces would be lined so that the **Code Enforcement Officer (CEO)** can determine if it meets the number that was approved on the plan. He said the board could reduce it to whatever they feel is reasonable such as a certain number of delineated customer parking spaces and the rest of the lot to be used for where they want to park.

Mr. Henry asked if any of the lined spaces as shown on the plan were used for another purpose if he would be found in violation by the CEO.

Mr. King said he was not aware of that happening here. He gave an example of parking spaces being used for snow storage in a big snow year and that Mr. Vachon may have to do that unless he has it hauled off site. To my knowledge Dennis (CEO Dennis Roseberry) doesn't go out and police parking spaces he said.

Mr. Henry then suggested that they set a required number of parking spaces and allow Mr. Vachon to put them wherever he wants.

Mr. Pelkey said he would not give Mr. Vachon carte blanche but would have him take the number of spots needed and put them within the footprint of the site plan submitted to the board. You have shown us where you are willing to put 15 spots and if we say you need to have 10 choose the 10 spaces you want within that space so that way we don't start moving everything around (snow storage, dumpster, etc.) he said.

Mr. King said he would suggest 8 customer parking spaces at the front of the lot and the rest of the parking would be designated for the staff the way Mr. Vachon sees fit.

Mr. Henry said that Mr. Vachon would not necessarily know where he would want all of the parking located until he started using the lot more.

Mr. Vachon said the lot is not set up according to the site plan yet but that typically people would park along the right side of the building although they do have to occasionally kick people out of the area under the canopy because they want to park in front of the door and run in. Most of the employees park to the left side or in back of the building he said.

Chairman King asked if the members felt Mr. Vachon had failed to provide any written waiver requests needed or information required by the application process.

Mr. Pelkey asked if the dumpster would be screened and not visible.

Mr. Fisher said he drove by the site that day and could not see the dumpster.

Chairman King said screening is required unless the dumpster is blocked or in back of the

building. He said Mr. Vachon is a little challenged by this as he can't put the dumpster behind the building as the trash truck would not be able to get to it.

Not hearing anything the board feels was lacking Mr. King made the following motion:

**Motion:** (King, second Henry) to accept the application as substantially complete passed 4-0.

Chairman King opened the hearing to public comments/questions at 7:10 p.m.

Mr. Pelkey asked if the board needed to address the waiver before moving forward.

**Motion:** (Henry, second Pelkey) to grant the waiver for the hand drawn site plans as allowed in Section 18 of the Site Plan Regulations;

**Discussion:** Mr. King said this is an existing site with no changes to the topography, paving or the building and that he is agreeable to the waiver.

Mr. Pelkey said those were the reasons Mr. Vachon gave for the waiver on his application.

Mr. Pimental said the drawings were based on and traced from the previously surveyed plan.

**Vote:** The motion passed 4-0.

Chairman King asked if any other waivers were needed for this application.

Mr. Pimental said if the board decides to reduce the number of parking spaces from what the site plan depicts then a waiver request on the parking requirements would be needed.

Mr. King said they could make the approval of the site plan contingent upon Mr. Vachon submitting a written waiver for the number of parking spaces.

Mr. Vachon said he had a copy of the waiver request with him as he wasn't sure how to fill it out.

Mr. Fisher said that on Page 22, Site Plan Review Regulations, Parking it states that 1 space per employee, 1 space per 1,000 sq. ft. of the first 20,000 sq. ft. of gross floor area and 1 space for each additional 5,000 sq. ft. of gross floor area and 1 space per company vehicle operating from the premises is required for manufacturing uses. He has more than enough spaces he said.

Mr. Pelkey asked if they could motion to grant this waiver as the application is to the Planning Board and the board has the ability to grant a waiver.

Mr. King said they could approve it contingent upon Mr. Vachon submitting the written waiver request to the Planning Dept. staff.

Mr. Henry suggested that they ask Mr. Vachon if he wants to reduce the number of spaces.

Mr. Vachon said he agreed with Mr. Pimental that it is very "sticky" in the area along the back fence.

Mr. Henry asked if he planned to submit a waiver request to reduce the number of parking spaces.

Mr. Vachon said he would do that if that was the easiest solution.

Mr. Pelkey questioned the need for Mr. Vachon to submit a piece of paper and asked as long as they know what section they are granting the waiver to why they needed the paperwork.

Mr. King said waiver requests have been required to be in writing.

Mr. Pimental said it is documentation for the Town files.

Mr. King said the applicant could draft a written waiver request stating the reason(s) the waiver is needed for the file. He asked if there were no parking requirements what Mr. Vachon would have for parking that would be delineated and designated.

Mr. Vachon said it would be fairly close to what is shown on the map and that he would get rid of the 3 spaces along the back fence to allow more room for trucks to make the turn.

He said his decision to sign a waiver goes back to Mr. Henry's question about if he would get in trouble if he put something else in those spots and that has adequately proved that he has enough parking to run both businesses on this lot. He said if they are all in agreement on that he would agree to line the spaces with the understanding that they may or may not get used.

Mr. Henry said if the spots are lined someone may park there.

Mr. Vachon said he may put a piece of his equipment in one those spots.

Mr. King said after reviewing the site plan he came up with a minimum of 8 marked and delineated customer parking spaces he would like to see there. He said if the waiver is that he needs to provide 13 spaces 8 of them must be delineated for customer parking along with the handicapped parking and where he puts the rest is up to him. They need to be marked and striped with signage he said.

Mr. Vachon said if 8 is the "magic number" they he will have to maintain the 16 spaces to be able to provide spaces for employees, etc.

Mr. King said the intent is not to police that there is a company vehicle in the customer parking. The intent is that you provide a reasonable amount of parking for customers as delineated and designated he said.

Mr. Pimental said the applicant makes a good point that the site plan shows that he can meet the parking requirements. We calculated that the site can handle 16 spaces and if the applicant feels that he doesn't need that then maybe a waiver is not necessary. The board could motion or put it as a Condition of Approval that the applicant has shown the site can handle 16 spaces and that you would like to see "x" amount striped he said.

Mr. Henry asked if then he wouldn't need a waiver.

Mr. Pimental said he didn't think a waiver would then be necessary because he can show the 16 spaces on the site and if over time he needs the additional parking then he can put it in.

Mr. Henry said he was fine with this suggestion which would allow them to save time and paperwork.

**Motion:** (Henry, second King) to approve and require eight marked spaces in addition to the one handicapped space;

**Friendly Amendment:** (by Mr. King) and that the official plan will need to be signed by the creator with the date.

Mr. Henry accepted the friendly amendment to his motion.

**Discussion:** Mr. King also advised Mr. Vachon that the Town's sign ordinances need to be followed and suggested that he consult with the CEO about the requirements if he planned to

have additional signs.

**Vote:** The motion passed 4-0.

Chairman King closed the public portion of the hearing at 7:22 p.m.

Mr. Pimental asked if the board wants to see the 8 customer parking spaces depicted on the site plan or to leave it as 16 spaces as presented.

Mr. King said someone on staff will have to say that this has been addressed for him to sign the approved plan. If no one says so I'll go out there and see that there are 8 marked spots he said. Mr. Pimental said they would put the board's decision to require 8 striped spaces and note that the lot can handle 16 spaces in the Notice of Decision. He said he didn't want the CEO to see 16 spaces on the approved plan and see only 8 spaces on site.

**Any Other Business before the Board:**

**Review of Excavation Permits** - Mr. Pimental said that he and Mr. Burdin have been tasked with gathering all of the excavation permits and determining any compliance issues with the excavation operations in town. He said one option is to have a future workshop with a presentation from a Dept. of Environmental Services (NHDES) on RSA 155:e and general compliance and permitting regulations.

Mr. King said the expert for this area is NH Gravel Tax Appraiser Mary Pinkham Langer. He said he has sat on many excavations and they have continued to do a better job on the requirements for compliance and reclamations. The compliance issue has been a struggle and that this is probably the third revision they are working on. The staff can probably tell you about where 80% of the non-compliance issues are he said.

Mr. Pimental said it gets a little complicated with determining who is grandfathered and who is not. He said they received a letter that day from someone who got a permit and now wants to revert back to being grandfathered because they should have been so designated originally. He said they plan to get a better idea of who is and is not grandfathered, who has a RSA 155:e permit, who must file reports and when the last time was that they did so for the excavation operations in town. It sounds like the Town has taken some steps but not followed through with it he said.

Mr. King said a few property owners have been before the board for non-compliance issues and they have tried to get them into compliance but unless you are going to bring a big stick to the table such not renewing their permit or taking them to court not much is going to happen and we will be wasting our time he said.

He suggested that Mr. Pimental speak with the CEO and Ms. Pinkham-Langer who has gone through this with the staff at least twice in the last 7-8 years. He invited Mr. Pimental to advise the board as to anything they did wrong or could have done better after reviewing the cases and possibly provide them with more tools for their tool belt so maybe they can turn the tide.

Mr. Pimental said from the discussions that have taken place it sounds like a tall order but it has come from the Town Administrator. He wants us to really look at this he said.

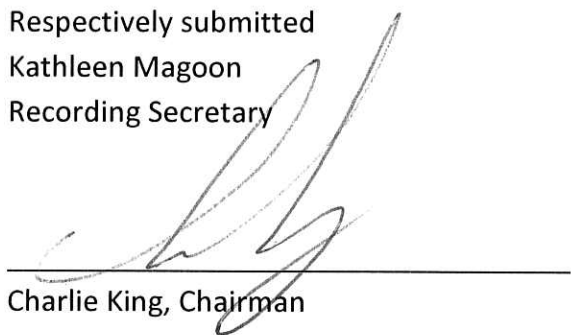
Mr. King said he should tell Mr. Capello that until they are ready to tell people they are not getting their permit renewed there won't be enough reaction to remediate the situation.

Mr. Pimental said this is not going to happen overnight and that they would keep the board updated on their progress.

**Adjournment:**

**Motion:** (Pelkey, second Fisher) to adjourn the meeting passed 4-0 at 7:35 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary



Charlie King, Chairman