

Town of Farmington
Planning Board Meeting Minutes
Tuesday, September 17, 2019

Board Members Present:

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

Board Members Absent:

Stephen Henry, excused

Others Present:

Arthur Capello, Town Administrator
Kyle Pimental, Interim Planner
Sean Gray, Kimberleigh Gray
Chris Glidden, Sheila Glidden

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

August 20, 2019 – No errors or omissions

Motion: (Place, second Bridges) to accept the minutes as written passed 4-0-2 (Place, McCowan abstained).

Any Other Business before the Board:

Master Plan Survey Update - Interim Planner Kyle Pimental said that as of that day there have been 584 responses to the survey up from 366 responses in August. He said this doesn't include 15 hard copies received and 61 responses from Hay Day.

Town Administrator Arthur Capello said this also doesn't include the 7 hard copies in his office. Mr. Pimental said that all told, about 660 (hard copy and online) responses have been received. Chairman King asked for the deadline to submit surveys.

Mr. Pimental said the submission deadline is September 30.

Mr. King said that leaves about 2 weeks for residents who haven't submitted a response to the survey to do so and if they would like to know what the survey is about they should go to the Town website. It is about the Master Plan and is based upon what the members of the community feel is important and if you answer the survey it will address some of the concerns the board is looking for feedback on he said.

Mr. Pimental said the Town's consultants (Arnett Development Group) are thinking about holding an outreach event this fall. He said that initially, they planned to attend a Planning Board/Selectmen's meeting but they are now considering joining in at an event that is already

taking place in town and they are open to any ideas the board may have for upcoming events where there will be a lot of people where they can present the findings from the survey and possibly some draft recommendations to get citizen reactions.

Mr. Capello said there are not a lot public events coming up with the exception of the Christmas Tree lighting in late Nov./early Dec.

Mr. Bridges asked if the Selectmen have any "Whistle Stop" meetings planned.

Mr. Capello said there are no Whistle Stop meetings planned at this time.

Ms. McCowan suggested a home brew/crafting or Halloween running event.

Mr. Capello said the Town has nothing planned for the fall. He said the Woman's Club usually holds a fall craft fair and St. Peter's Church usually holds a Penny Sale and suggested that ADG contact them.

Mr. Fisher said the Christmas tree lighting is on December 6.

Mr. Pimental said he would pass these suggestions on to the consultants.

Application Update -Mr. Pimental said he spoke with Tom Cox that day who applied for a major site plan review for his property located on Paulson/Pound Roads. He said at a previous meeting the board recommended that Mr. Cox obtain engineered storm water plans for the wetland crossing planned as part of a mixed use development for a single family home and Mr. Cox's business.

He said they received engineered plans from Changing Seasons Engineering and that he and Senior Regional Planner James Burdin reviewed the plans and determined that they satisfied the Town's requirements. However, Mr. Cox has expressed concerns about the amount of storm water in the design in that it includes both the residential and commercial sites in the design he said.

Mr. Pimental said there are 2 options for Mr. Cox- 1) build the site to what is being designed or 2) come back to the board and request a compliance with conditions hearing and make a case for using another design because the residential side will not be contributing as much storm water runoff as the commercial side.

Mr. King asked if this should have been addressed by the person Mr. Cox hired to evaluate his site.

Mr. Pimental said Mr. Cox's argument is that the engineer looked at all of the storm water from both residential and commercial sides and he is saying that it is too much and the design work should be concentrated on the commercial side which is enough to handle the storm water as there won't be as much coming off of the residential side.

He said it is up to Mr. Cox if he wants to come before the board to make that pitch to them. He said if Mr. Cox plans to do that he would recommend that he have his engineer provide a design showing only the commercial side so the board could compare the 2 designs.

Chairman King said Mr. Cox hired a professional who is working for him and he feels the plan they have designed is excessive and with him being a lay person as the board members are,

wants to have them except less than that. I think he would have to have some professional supporting advice for us to consider the drainage system that we require is not required he said.

Mr. Pimental said Mr. Cox said he would work with same person that put together the first design plans.

Mr. King asked if plans are for a swale to a detention area or a rain garden.

Mr. Pimental said the plan is pretty substantial with 2 detention ponds and underground retention and is an extensive storm water system.

Mr. King asked if Mr. Pimental thought the design is in excess of what Mr. Cox needs.

Mr. Pimental said without this being a public hearing (for this application) he didn't want to get into that other than to say he thinks it more than satisfies the Town's requirements. It's up to Mr. Cox to decide whether he wants to come in but I wanted to let the board know we had this discussion he said.

Mr. Capello asked if Mr. Cox chooses to come back to the board if the board has the right to hire its own independent engineer and pass that cost on to the applicant.

Mr. King said the board can do that and in this case they were concerned about the drainage off of the site and had a conditional requirement for him to have it done by a professional. If there is some issue with that he will have to come back (to the board) he said.

Mr. Pimental said he would "touch base" with Mr. Cox and then update the board. He said the application will have to be re-noticed for a public hearing and all of the abutters will have to be notified again. He asked if Mr. Cox wanted to move ahead quickly if the board would be willing to meet with him at the November workshop (Nov.5) instead of on Nov.19 or sooner if he has his materials submitted on time.

Chairman King said he had no issue with this as long as their schedule permits it. He asked if it will be a full application review with all of the fees or just the notice fees.

Mr. Pimental said Mr. Cox will not have to repay the site plan application fees but will have to pay the notice fees again (newspaper notice and the abutters' notices).

Excavation Permits – Mr. King said at a previous meeting Mr. Pimental told the board he was reviewing the excavation permits and that Mr. Capello was going to straighten this out.

Mr. Pimental said they were tasked to look into the outstanding issues with the permits.

Mr. Capello said he delegated this task to the Strafford Regional Planning Commission (SRPC). He said when they first consulted with SRPC one of the priorities we gave them was to straighten out all of the excavation permits. Pointing at Mr. Pimental he said that is the man they should talk to.

Mr. King said he hoped they were prepared to get out a big stick and a lawyer as this is the third time they have been through this since he has been around.

Mr. Capello said they would be prepared for that and noted that the previous NH Gravel Tax Appraiser Mary Pinkham-Langer has retired.

Mr. King said the state would only provide their interpretation of the RSA and the Town's rights but it will be the Town's responsibility to enforce it and "up the ante".

Mr. Capello said he told the SRPC when the Planners were hired that he is fully ready to do that and that he wants to get this resolved once and for all. These excavation permits and how out of whack they are have been a yearly Christmas present to the Town he said.

Mr. King said until the Town is ready to say no and not give them a permit and go to court not much is going to change.

Mr. Capello said they would be willing to say that providing they have guidance and backup from the SRPC and the Assessing Dept.

Motion: (King, second Pelkey) to recess the meeting until 6:30 p.m. for the first public hearing passed 6-0 at 6:15 p.m.

The meeting reconvened at 6:30 p.m.

PUBLIC HEARING – 6:30 P.M.

CONTINUED CASES:

Application for Site Plan Review by Stickles Enterprises, LLC (Tax Map R-32, 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 and in the Industrial Business District.

Mr. Pimental said the applicant e-mailed the Planners last Friday requesting a meeting. He said the applicant is planning on coming in next Tuesday at 11 a.m. to discuss his options. Mr. Stickles is still looking for financing and intends to roll the site plan development into the financing and I'll have more information for the board at the Oct. meeting he said.

Chairman King asked if this application should be continued to the Oct. meeting because he has made application to the board and if it is not continued it will die on the table.

Mr. Pimental said in Mr. Stickles' original application his waiver request was denied by the board but his application remains open. He advised the board to continue the hearing to a date certain because he did not know if Mr. Stickles' plans would be ready by Oct. 15.

Motion: (King, second Pelkey) to continue the application to October 15 passed 5-0-1 (McCowan abstained).

Excused Absence - Mr. King said that Mr. Henry informed him that he was unable to make it to the meeting and there is no alternate member available to be seated in his absence. He said there are a few openings for alternate members if anyone would like to join them.

NEW CASES:

Application for Minor Site Plan Review by MRC Properties (Tax Map U-1, Lot 24): The applicant is seeking an amendment to an existing site plan to design and construct a canopy structure and catwalk fall protection system to replace the current loading area. The applicant

is submitting a waiver request form to forego portions of Section 18 of the site plan regulations to permit hand-drawn plans of the proposed structure onto an existing engineered plan. The parcel is in the Commercial Business District.

Chris and Sheila Glidden representing MRC Properties came forward to discuss the application. Mr. Glidden said the structure plans were done by Budel Construction Corp. and the site plan submitted was previously done by Norway Plains Assoc. and this is a request to permit a hand-drawn addition to past plans.

He said the plan shows the footprint of the proposed structure and that it would not go outside of the existing layout or protrude on any part of the property. The main part of this is for safety-spill prevention and fall protection he said.

Mr. Glidden said they are located in a water district near a Town well and they want to protect it against anything. One of our biggest dangers is falling off the top of the truck so we're putting in a catwalk so we can climb up and down without falling he said.

He said they provided an idea of what the structure would look like from an architecture company and copies of the roof layout. The flat roof will be pitched away from dike area so the water will not shed off the roof into the dike that is the spill prevention area for the fuel tanks he said.

Mr. Pimental said the applicant did have the original site plan but the plan before the board is an updated plan that was put together as part of the adopted spill prevention plan and they wanted the board to see what was actually built there because the original site plan is a little different.

He said there is also a small discrepancy in the application. The application (Page 3, Business Information, #3) says the structure would be 25' x 60' but what they see on the drawing is 27' x 57' and asked for clarification on what the actual dimensions of the structure are.

Mr. Glidden said the dimensions are 50' x 20' and are on the original plan from the architect. The outside dimensions of the roof will be over that by 7 feet for a total of 27' x 57' he said.

Mr. King said the applicant is requesting a waiver to forego portions of Section 18 of the site plan regulations to permit hand-drawn plans of the proposed structure onto an existing plan but he has also included additional details of the structure being built so he is somewhere in between. He asked if the waiver was needed with all of the additional information provided.

Mr. Pimental said the drawing of the proposed structure that they see on there is where the waiver is needed. He said he would still require a waiver because it is hand drawn where the footprint is. I would keep it in there but what the applicant has provided is more than sufficient he said.

Motion: (King, second Place) to accept the waiver to Section 18 for an engineer submitted layout of the site plan and the reason is the applicant has shown the approximate location and provided sufficient details of what is going to be done by the builder to show the details and the structural integrity of the proposed improvement passed unanimously.

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

Chairman King asked Mr. Pimental if he had any other concerns regarding this application.

Mr. Pimental said he had no concerns but that on the site plan review application the applicant didn't check off an answer to question #5, Page 2 (Are any portions of the property within an Aquifer Protection Overlay District) and noted that this property is within the Aquifer Protection Overlay District.

Mr. King requested that the application be updated to include the correct footage of the structure and the answer to Question #5 on Page 2. He then asked if there were questions or concerns from the board.

There were no questions or comments from the board members.

Mr. King said he was glad to hear that Mr. Glidden changed the pitch of the roof to increase the protection to the drainage area. He asked Mr. Glidden when the construction would take place.

Mr. Glidden said he would like to start construction 10 weeks from today and have it in place for this winter. He said that currently there are mechanical stairs that come down but they are tricky to use. As everyone ages a year it is better to have more protection so I'm trying to get ahead of the curve he said.

Mr. King asked if there are any federal or state requirements they must comply with for this type of structure for this type of business.

Mr. Glidden said they will have to update their SPCC plan (Spill, Prevention, Control & Counter measures) to show the structure as part of the plan and to have OSHA (Occupational Safety & Health Administration) inspect it to make sure that everything fits.

Chairman King opened the hearing to public comments at 6:45 p.m.

There were no questions or comments from the public.

Chairman King closed the public comment portion at 6:47 p.m.

Motion: (Fisher, second Bridges) to approve the application;

Discussion: Mr. Pelkey asked if they needed to list the conditions for approval.

Mr. King asked if they had any conditions.

Mr. Fisher said that he needed to update the square footage and check off on the Aquifer Protection Overlay.

Friendly Amendment: (King, second Bridges) contingent upon updating the square footage of the structure to be correct and to note on the application that it is in the Aquifer Protection Overlay District which is not currently checked off

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

Application for Minor Site Plan Review by Alpha and Omega Painting (Tax Map R-14, Lot 5):

The applicant is seeking an amendment to an existing site plan for a change of use to operate a sandblasting and painting business. The applicant is submitting a waiver request form to forego portions of Section 18 of the site plan regulations to permit aerial photography plat plans. The

parcel is in the Commercial Business District.

Mr. Fisher recused himself from the board as he is also a member of the Zoning Board of Adjustment and Mr. Gray has a continued application before the ZBA at this time. He then took a seat in the audience.

Applicant Sean Gray came forward and told the board he would like to do some sandblasting at this site and gave some examples of the types of items he sandblasts.

Mr. Pimental said the updated site plan review application was included in the members' meeting packets and there were several parts of the original application that were not filled out that were addressed at a meeting with the applicants the previous day.

He said they found an older site plan drawn by Brian Vachon and recommended that the applicants use that site plan as opposed to the aerial photography as originally requested on the waiver request. The waiver request was changed to request the use of the previous site plan which would provide much more information about the site to the board than an aerial photo he said.

Mr. Pimental said the ZBA met on Sept. 12 and the applicant did get his special use permit (Special Exception) approved at that meeting.

Mr. King asked if the applicants have another application before the ZBA.

Mr. Gray said they did not have any other applications before the ZBA.

Mr. Fisher said his earlier statement was wrong but because he sat on their application before the ZBA he would rather not sit on the Planning Board at this hearing on their application.

Mr. King said they did not get a copy of the ZBA decision and asked if they placed any conditions on their approval of the Special Exception.

Mr. Gray said they did not place any conditions on his Special Exception approval. He said he will not be doing any wet blasting inside the building so there will be no run-off and they are not changing anything on the outside. The only parking necessary will be for us and people will be dropping off items and picking them up or he will pick up and deliver with his trailer he said.

Mr. Bridges said there are dangerous chemicals involved in chroming and asked if he does any chrome work.

Mr. Gray said he does not do chrome work and that he does the blasting and then brings the item over to a powder coating company in Barrington and they do that. He said the only type of painting he does there is if he is working on an I-beam that might oxidize over night he will put a coat of primer on it but he won't be painting cars like Dana next door.

Chairman King asked the members to consider the waiver request to Section 18 where the applicant is asking to submit an older hand drawn plan from a previous applicant on a site that has no structural changes or any parking changes on the outside.

Motion: (King, second Place) to accept the waiver to Section 18 based upon no changes to the building and using a pre-existing layout of the outside of the building passed unanimously.

Motion: (King, second Pelkey) to accept the application as substantially complete passed 4-0-1

(McCowan abstained).

Chairman King opened the public comment portion of this hearing at 6:55 p.m.

Mr. Pelkey asked what is done with the remains of the rust, paint, etc. and blasting materials.

Mr. Gray said that the majority of the material gets "T-clipped" and they send it out to Eastern Analytical in Concord and they test it for hazardous materials and if it does contain dangerous materials it is barreled up and is sent off for proper disposal. If it is not hazardous it can go to any landfill he said.

He said he recycles the sand and 3 pallets of sand (9,000 lbs.) would last about 3 months. I get my materials through Enzo Resources in Bow, NH he said.

Mr. King asked what types of chemicals Mr. Gray works with.

Mr. Gray said he did not work with any chemicals for stripping but that he did use mineral spirits and Rust-Oleum.

Mr. King asked if he has a chemical storage cabinet at the site.

Mr. Gray said he did not have a chemical storage cabinet but planned to get one.

Mr. King said he was glad to hear he planned to have one because he intended to make it a condition of approval and to include the location of the cabinet on the drawing and give a copy of the drawing to the Fire Dept. so if there was a fire there they would know where the chemicals are.

Mr. Gray said there may come a time where he will do some 2 part epoxy work or paint a part for someone but it is not a common thing for him.

Mr. King said these chemicals are common in this industry and he would not expect for Mr. Gray to not use them but he needs to follow safe procedures and conform to air quality and storage regulations especially if he has employees.

Mr. Pimental said the board may want to put as a condition of approval that any regulated substances in containers be stored to meet the Town's general performance standards in the zoning regulations because this parcel is within the Aquifer Protection Overlay District.

Mr. King said if he has less than 5 gallons of material in a sealed container in a storage cabinet he would be in compliance with the regulations.

Mr. Pimental agreed but that once there is over 5 gallons of a substance in an individual container there are additional measures that must be taken.

Mr. King said if he were to have any substances in 55 gallon drum he would have to take proper spill protection measures and would have to look to OSHA for what is specifically required. He said he may need to have a provider for a fluid waste stream and that as the tenant the landlord could hold him liable for any contamination at the site unless he could show he was in compliance with the regulations and followed best management practices.

Mr. Pimental said the spill prevention regulations don't kick in until he has any 55 gallon containers or 660 lbs. of dry weight. He said the spill prevention plan is relatively simple and requires a description of the physical layout and facility diagram where any surface water or

wellhead protection areas are, a contact list with phone numbers, a list of all regulated substances, a description of the containment and a list of positions within the facility that require training.

Mr. Gray said he has all of the necessary MSDS (Material Safety Data Sheet- information on potential hazards and how to work safely with chemicals) on site and available to employees.

Mr. King suggested that if he planned on having anything that would not be kept in the hazardous materials storage cabinet that he may want to include the location of the potential future spill containment area on the site plan.

Mr. Pimental said the board may also want to consider that there will be some noise generated from an outdoor compressor which could range from 70-85 decibels and this will not necessarily be a 9 a.m.-5 p.m. business.

Chairman King asked about the proximity of the nearest residence and the other abutters.

Mr. Gray said the abutters consist of Dana's Collision Repair and then "empty, nothing".

Mr. Pelkey asked at what distance the 70-85 decibels could be heard and noted that 70-85 decibels at 10 feet is a whole different thing than 70-85 decibels at 100 feet.

Mr. Gray said the diesel engine in his FL70 Freightliner truck is louder than the diesel engine in his John Deere 185 4-cylinder compressor.

Mr. King said he did not have a problem with this and that he is located next to a business with similar equipment and similar noises.

Mr. Gray said the compressor is boxed in between a wall and the building and can barely be heard from across the street.

Mr. King said this type of noise is usual and customary for this area.

He closed the public comment portion of the hearing at 7:08 p.m.

There were no additional comments from the board.

Mr. Pimental said Mr. Gray would be provided with copies of the Notice of Decision, the meeting minutes and the Aquifer Protection Overlay District, Section 4.1 (G), Performance Standards of the zoning regulations so if he has containers over 55 gallons or uses regulated substances he will know what to do with it. He said this property is located in the aquifer overlay district zone but is not in the wellhead area.

Mr. King said the aquifer there feeds Farmington and Rochester and the Town's major water producing well, Well #6 is behind Mr. Gray's business on Pike's property so we need to make sure it's protected.

Motion: (King, second Bridges) to approve this application and we granted the waiver with the following 2 conditions: 1). Hazardous chemicals storage is on the site and denoted on the plan to be given to the Planner and the Fire Dept. 2). Conform to the Aquifer Protection General Standards (G) for handling of chemicals in the Aquifer Protection zone passed 5-0.

Mr. Gray asked how long he needed to wait before putting up a sign.

Mr. King said the application has been approved and the Notice of Decision needs to be signed

but that should not hold him up from installing a sign.

Mr. Pimental said he just has to comply with the sign ordinance.

Mr. Fisher rejoined the board.

Chairman King asked that Mr. Pimental also provide Mr. Gray with a copy of the sign ordinance.

Mr. Pimental said he would include it in the Notice of Decision.

Mr. Pelkey advised Mr. Gray to call the Planning Office if he has any more questions.

Mr. Pimental said the Code Enforcement Officer would be the best person to talk to regarding the sign.

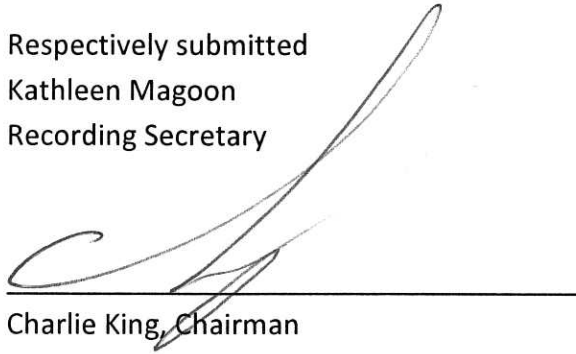
Adjournment:

Motion: (Place, second Pelkey) to adjourn the meeting passed unanimously at 7:15.

Respectively submitted

Kathleen Magoon

Recording Secretary

A handwritten signature in dark ink, appearing to be 'C. King', is written over a horizontal line. The signature is fluid and cursive.

Charlie King, Chairman