

Town of Farmington
Planning Board Meeting Minutes
Tuesday, November 5, 2019

Board Members Present:

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

Board Members Absent:

TJ Place, Selectmen's Rep., excused

Others Present:

Kyle Pimental, Interim Planner
Stuart Arnett, ADG
Bill Parker, ADG

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:

October 15, 2019 – No errors or omissions

Motion: (Henry, second Pelkey) to accept the minutes as written passed 5-0-1 (McCowan abstained).

Voluntary Merger of Pre-existing Lots – (Tax Map R6, Lot 67 and Tax Map R6, Lot 68):

Chairman King said the staff brought forward an application for a voluntary lot merger from Ronald & Susan Gill (250 Camelot Shore Drive & Lancelot Road). He said the applicant stated there is no mortgage on the lots and they are the owner of record for both lots. He asked if Mr. Pimental had any comments on the application.

Mr. Pimental said that everything seems to be in order with this application.

There were no questions or comments from the board.

Motion: (Fisher, second Henry) to approve the merger of R06-68 and R06-67 passed 6-0.

Master Plan Survey Results Presentation:

Contractors for the Master Plan revision Stu Arnett and Bill Parker of Arnett Development Group, LLC (ADG) came forward to present the results of their outreach efforts so far.

Mr. Arnett said that they have a fixed rate for attending meetings no matter how many people attend or how long they are there. He said he felt it was a good idea for both he and Mr. Parker to attend this meeting because he is the contract administrator and conducted the Hay Day survey and that Mr. Parker will be the key person for the narratives in the Master Plan.

He added that his group is fortunate to have a contract with SRPC (Strafford Regional Planning

Commission) and it has been great working with Mr. Pimental as he has been a great help. Mr. Arnett said the original schedule called for them to finish the work by the end of this year but for a variety of reasons, some of them to do with the changes here and their decision to conduct more outreach it now looks like it will be the first quarter or first half of next year before the work is completed. He said he understood this would not be a problem because we don't have to worry about Town Meeting or getting a vote. That is something we will talk to the Selectmen about on Nov. 18 because the contract has to be extended and it is a fixed dollar amount so it's not like we are asking for additional funds he said.

He said they also discussed holding another public forum possibly in Jan. or Feb. where residents could react to some of the things they are saying.

Mr. Arnett then reviewed what has taken place so far as follows:

- a). Establishment of the Downtown Advisory Group (Steering Cmt.) who met for about 1 year
- b). Market analysis resulting in 3 potential site designs for the old firehouse property displayed at Hay Day 2018. People were able to make comments on the designs and leave comment cards
- c). Downtown Advisory Group worked with the UNH Cooperative Extension to conduct 26 interviews of about 45 minutes each. The results were tabulated, summarized into categories and compiled into a report by Molly Donovan of UNH.
- d). A community forum was held at the Public Safety Building in Oct. 2018 facilitated by the UNH Co-operative Extension. Discussion included the 3 site design options for the old fire station lot and some of the bigger issues in the Master Plan process.
- e). Discussion of potential zoning changes for the Village Center District. The board voted in favor of the changes but there was an issue with not holding a Public Hearing on one of the proposed changes in time to meet the deadlines for Town Meeting.
- f). A draft survey was developed, then with the board's input was redesigned and went out to the public in paper and electronic form. Over 600 surveys were filled out. There were 4 sections but about 40 respondents thought there was only 1 section and didn't complete all 4 sections. There were 287 written comments most of which were helpful he said.

Mr. Arnett said the board received 2 pages that summarize the survey questions that were intended to be color coded to highlight the items people felt strongly about and those that were not so important but the copies were printed in black and white. You will see the results of all of the questions but this just makes it a little easier to go through at this point he said. He said the board also received a chart showing the responses from the visual survey at Hay Day. He said it was a fair vote in the sense that the photos provided were real life photos and people could cast 5 votes. The total vote count was 223 divided by 5 which meant that 45 people voted he said.

He said the next page depicts the results of the voters' investment priorities which had 27 votes cast. He said this one was harder as they had to choose where they thought the investment ought to be (sidewalks, recreation, transportation, trails, infrastructure). The answers were

weighted with green dots valued as 1 and orange dots valued at 2 and the back of the sheet showed the total dots cast. We had a lot of good conversations on Hay Day he said.

Mr. Arnett asked if the board had any questions about the process so far. He said the next steps would include Mr. Parker providing dialog to the board for their feedback. He said that SRPC is starting to provide them with the base mapping that they will share with the board.

He said that after some conversations with the board and the public Mr. Parker will come back with the narratives, goals, priorities and action steps. The action steps are the most important steps as the Master Plan is meant to be an implementable plan and the goal is to give the town a realistic to-do list that reflects its values he said.

Mr. Parker said it became evident that the survey responses pretty much echoed the draft goals and objectives the board has already come up with. For the most part that draft is being supported by a lot of the public responses he said.

He asked if the board had a chance to look at the issues that came up with the survey results and the written comments. He noted that the public wants the town to be more business friendly, wants the town to not focus on low income housing and to keep the town as a solid working class community. As far as for commercial development, they want to continue developing Rte. 11 and try to attract more business that people will actually stop for as they travel through town and to continue efforts to revitalize downtown he said.

Mr. Arnett added that the numbers on the survey highlights chart are percentages and some of the categories don't add up to 100% because they didn't include all of the possible answers.

Mr. Parker said this chart combines the most important or high priority responses.

He pointed out the responses in the Land Use include questions about residential density in and out of the Village Center District.

Mr. Arnett said the general public was least inclined to answer questions about land use because it is not something they know a lot about. There were a lot of "not applicable", "don't know" or "no opinion" replies for that section he said.

Mr. Parker said public education on issues such as density might be something the board should keep in mind. He said the quality of life issues show they want the town to continue growing and there does not seem to be an anti-growth feeling in town.

Mr. Arnett said it was interesting and hopefully positive that they got a lot of responses saying "why don't we do this better" but that they liked living in this town. It wasn't just cranky negativity but that they have a stake in this place and here's what we need to do he said.

Mr. King asked if the amount of negative comments here were less than they would normally see.

Mr. Arnett said he was pleasantly encouraged when he saw so many we need to improve this and the comments were not full of "they don't know what they're doing". They were more constructive such as I like this place and would like to see more of this or that he said.

Mr. Arnett said he was also encouraged by the 600 participants as that is a really high number

although they would have liked to have seen more of the younger demographic represented. He expressed concern previously about the length of survey as he expected there might be lots of hand written responses but almost everyone took the survey online he said.

Mr. King said one comment he picked up on said the town should strive to revitalize but to remain affordable and not drive out long term residents or businesses and that an intentional investment strategy needs to be made so the town is not "penny-wise and pound foolish".

Mr. Parker said that was actually 2 quotes combined. He said the comment about intentional investing and being smart at the same time struck him too.

Mr. Arnett said one reason they offered confidentiality for the written comments was they wanted to hear what people had to say. He said there were 3-4 negative comments but he didn't see any scathing remarks or people going bananas such as seen on other public forums. He questioned putting the entire comments out publically because they said they would be kept confidential but said he was comfortable with the board seeing anything they want to see.

Mr. King asked if anyone had any questions on the survey summary.

There were no questions from the members.

Mr. King then asked about the additional outreach planned.

Mr. Arnett said the additional citizen forum has not been scheduled yet because he wanted to run it by the Planning Board and the Selectmen first. He said the forum would be more useful after they have given the boards and the public an opportunity to see more of the new plan. Discussion then included possible dates and locations to pick up and drop off materials and venues for the public forum. Suggestions included the School District Deliberative Session on Feb. 1, Town Meeting on March 10 (elections) and March 11 (Annual Town Meeting) and the Public Safety Building.

Mr. King said this would give the board an opportunity to lighten up an area or change the focus of something before the document is finalized.

Mr. Arnett said that he didn't think they need another white board or outreach survey asking about the future of the town.

Mr. Pelkey said he thought that they have gone out and done their due diligence and it is time to start coming up with a response.

Mr. Arnett said they definitely want to give residents a chance to comment on the draft as free form as they would like to do it. Some people don't like coming to meetings and standing up in front of a microphone he said.

Mr. Pelkey said we seem to be good at responding online and suggested they make the documents available online and do the same as they did with the survey.

Mr. King said he hoped that they would make the documents available a couple of weeks before Town Meeting so they would have an opportunity to review it and have any comments made online or in person.

Mr. Parker asked if there is space to set up an informational table during voting/Town Meeting.

Mr. King said there may be space for that between the 2 sets of doors at the Town Hall and suggested voting day may be a good time to pick up or drop off materials.

Mr. Pelkey said he didn't think this would be considered electioneering and that he didn't see why it couldn't be done.

Mr. Arnett said a meeting to get resident comments should be held 1 or 2 Saturdays before then.

Mr. Pimental recommended that Mr. Arnett or Mr. Parker be put on the workshop meeting agendas for Dec. and Jan so they can continue to hear progress and the maps are scheduled to go to them this month so there may be some analysis ready for the Dec. meeting.

Mr. Arnett said they could just give the board updates for their meeting packets and wouldn't necessarily need to tie up the board's time.

Mr. Bridges asked if they should be holding a meeting every week until they get it all done.

Mr. King said he planned to discuss additional meetings as part of the next topic on the agenda. He said he didn't think it was necessary for this subject and they should be able to stay on track with monthly updates. ADG would have a time slot on the agenda whether they came in person for a discussion with the board or the board held a discussion on something provided to them in their packets he said.

Mr. Arnett then congratulated the community for their high level of participation and Town Administrator Arthur Capello, the library and Planning Dept. staffs and the committees who helped make it possible and encouraged the residents to participate in the outreach efforts.

Preliminary Conversation on Zoning Ordinance Amendments:

The board received a memo from the Planning Dept. with their proposed amendments to the Town's Zoning Ordinance as required by revisions to the state statutes or recommended by the Town Attorney.

Mr. Pimental said the first section of the memo contains the additional definitions he recommended be added to Section 1.14 Definitions and that 95% of the new wording comes from the RSA included in the text. Discussion included the following recommendations:
Abutter – There is currently no definition for abutter and this would make it easier for purposes of notification as required by state law (RSA 671:3).

Agritourism – This term is not defined in the ordinance and the Town Attorney has recommended it be added along with the permitted uses (wine tasting, hay/sleigh rides, cut your own Christmas tree, festivals, tours, stays and dining) per RSA 21:34-a (5).

Area (Floor Gross) – This area would be defined as the sum of all of the floors in a building as measured from the exterior dimensions not including cellars, attics, porches, decks garages or areas occupied by HVAC equipment. Mr. Pimental said the definition of area has been a challenge for the staff and the applicants as some of the applicants have had a hard time figuring out where to measure the square footage and what is or is not included.

Area (Habitable) – this would be defined as heated areas used for daily living but excludes

garages, circulation areas, storage areas, etc.

Mr. Pelkey asked if the RSA has specific language in it that identifies these terms.

Mr. Pimental said he didn't know and that the floor and habitable area definitions were a combination of 3 other communities and how they defined it. He said he would find out if there is something specific within the statutes.

Mr. King said Mr. Pimental had previously mentioned that the Town's sq. footage requirements for **Accessory Dwelling Units (ADU)** weren't consistent with the state's requirements.

Mr. Pimental said the Town's requirements say it shall not exceed 750 sq. ft and the state says it can't be any less than 750'

Mr. King said if the state minimum is 750' and our maximum is 750' we have a problem. When we set up the ADU requirements we set 750' as an arbitrary number and it was not intended to allow people to construct duplexes he said.

Mr. Pimental said that with the way it is worded it could be misinterpreted. He said after researching several local communities he would recommend that there should be a range of not less than 300' and not greater than 800' and to not go any higher than 800' because it could open the door to multiple bedrooms.

Mr. King said he had no issue with setting a range as long as it is not in conflict with the state.

Assisted Living – There is currently no definition for these facilities in the Town ordinance. The proposed definition defines these licensed facilities per RSA 151-E.

Forestry Activities – Mr. Pimental said this definition has changed due to new legislation (HB 1402) which became effective in June 2018. The RSA says that communities can no longer put together an ordinance that will have an adverse effect on these activities (caring for or cultivating forests, timber harvesting, forest management, etc.) he said.

Net Metering - Mr. Pimental said that because there have been several solar energy proposals in town he thought that at least the state's definition of net metering should be included so people would have some understanding of what that means.

Members questioned the need to include this definition in the zoning ordinance as it refers to an agreement regarding the sale of electricity and what the supplier is paid for it.

Mr. Pimental said this is a suggestion for a definition only which does not have to be included now but depending on what happens at the state level it may become more of a local zoning issue in the future.

Mr. King said if this is not addressed in the zoning ordinance they don't need to add this definition. There is no sense adding stuff they don't need he said.

Section 2.00 Table (2.00 C) of Permitted Uses, Agriculture – Mr. Pimental said the proposed additional uses (wine tasting, hay/sleigh rides, haunted house, cut your own Christmas tree, farm festivals and tours, corn mazes, farm stays, farm to table events) are not defined in the ordinance and that this recommendation came from Town Counsel.

Mr. King said Mr. Pimental is not only proposing these uses be added to the table but to also

classify them as Permitted by Special Exception.

Mr. Pimental said this was recommended by Town Counsel but she did not include if this would be permitted in all zones or in just the AR (**Agricultural Residential**) zone.

Mr. King said this whole section would need to be added and the board would need to have some substantial discussion on that.

Mr. Pelkey said the board has asked applicants with farms if they are going to be doing anything besides farming at their site such as cutting Christmas trees and this would give them the opportunity to put it in writing if they plan to do that.

Section 3.08, Small Wind Turbines (C) (4), Maximum Sound Level- Mr. Pimental said this is a new statute and communities are no longer allowed to determine what the decibel levels are. This will now be determined by the site evaluation rules measured at the property line per RSA 674:63, IV and HB337 which became effective in August 2018 he said.

Mr. Pelkey asked about the site evaluation rules.

Mr. Pimental said it refers to the site evaluation process for a wind turbine.

Mr. Pelkey said there was an existing sound level which was removed from the statute and they have given them nothing else to go by.

Mr. King asked what dBA (sound) level the state has to override the Town's regulation to not exceed 55 decibels when operating under normal circumstances measured at the property line which was based upon what they thought was reasonable at the point of affecting an abutter.

Mr. Pelkey said this could be seen as arbitrary and if there is a rule somewhere that would give them an acceptable sound level then it wouldn't be as arbitrary.

Mr. Pimental said he didn't know what the site evaluation rules are or what the state was thinking when they made this change.

Mr. King suggested he ask some of his colleagues how towns have been dealing with this and still have a consistent approach on varying applications because depending on the site it could be on a large land mass with a few abutters or on a small land mass with a lot of abutters and the impact to the abutters could also depend on where on the lot the wind turbine is located.

Mr. Pimental said he would get clarification on the RSA and how other communities are handling this issue.

Mr. King said they may need to put additional information in the zoning ordinance or make changes to the site plan regulations to guide the board on these applications.

Mr. Pelkey suggested they add some additional wording identifying the actual RSA where the definition of the site evaluation rules could be found.

Mr. King added that the wind turbine ordinance should be reviewed to make sure it is consistent with the state statute.

Section 3.16, Recreational Vehicle Parks or Campgrounds (A) – Mr. Pimental said the recommendation to add this restriction came from Town Counsel following some enforcement challenges faced by her and the **Code Enforcement Officer (CEO)**.

Chairman King read the proposed restriction which says that a recreational vehicle (RV) is not permitted on a vacant lot or on a lot that does not otherwise have an existing permitted principle use. He said this issue would be a topic of discussion for the board as it is saying if he owned a piece of land on Pound Road and wanted to take his travel trailer and camp there in the summer it would not be permitted.

Mr. Pelkey asked if there is a definition of a RV in the ordinance. He said that it does not define when it is allowed and if you can't do it at any time you could never go out in the woods.

Mr. King asked what the issue is they are trying to rectify with this regulation. He said he is concerned about land owner rights and the use of their own property and that a lot of the board members have the same concern.

Mr. Pimental said there is a definition of RV's on page 80 of the Zoning Ordinance (Section 3.16 B). He read that it includes any mobile home, trailer, motor home, tent, lean-to, shelter or other temporary semi-permanent structure normally intended for transient or recreational use. All campers or RV's must be 8' or less in width in its traveling mode he said.

He said that it does say that temporary use cannot be longer than 30 days in any 90 day period so it does offer some flexibility time wise. He said the ordinance states a RV may be occupied by the owner, the owner's family or the owner's friends and a permit from the CEO must be obtained for occupation of a recreational vehicle for any period of time longer than 30 days in a 90 period.

Mr. King said there are people living in RV's year round and if that's the issue they are trying to stave off by not allowing it at all then the definition would have to change because a tent, lean-to or shelter is not a RV as it doesn't have wheels.

Mr. Pelkey said the Town has enforceable rules now that if somebody takes issue with a person living in a RV year round they can report it.

Mr. Henry said he was told people using RV's have prevailed in court against the Town.

Mr. King said he would have to cite an exact case because he was not aware of any during his tenure on the board.

Mr. Pelkey asked if the board could get some additional information from the CEO and/or the Town Attorney regarding why specifically this wording and what specifically they are trying to accomplish.

Mr. Pimental said this may be a case of tweaking what's in item B as it does seem like there is already some good language there. He said one concern with having a RV parked for "x" amount of time is the question is what is happening with the waste on site.

He said he would get more information about the reason behind this proposed change and provide a narrative so the board can decide if they need to look at the way it's written, change the definition of recreational vehicle or look at Section 3.16 and make some tweaks to accomplish what they want to accomplish without putting too much of a restriction on it.

Mr. Henry asked if someone exceeds the 30 days allowed how long it takes to "evict" them to

make them comply. You may be looking at another 2-3 months to do that which would color my opinion on what time frames we set he said.

Mr. King asked how this is monitored and enforced and how they would prove otherwise if someone said they were there for only 29 days. He suggested the issues they are trying to prevent should be clarified and that the RV user should be given a period of use from this date to this date to avoid the permitting process.

He then returned to agritourism and asked if they are seeing other towns add the definition and then follow up by adding zoning restrictions on it to their ordinances.

Mr. Pimental said that within the last 2 years more communities are starting to define it and are seeing more of these activities. They are becoming more creative with their properties and some activities cause issues with police and fire because the events are more than what you would typically think of for a farm he said.

He said the town has a catch all which is "agricultural uses not specified" which are permitted by **Special Exception (SE)** in the **AR**, **Suburban Residential (SR)**, **Rural Residential (RR)** and **Industrial Business (IB)** zones. The way it's currently written is relatively vague where the recommendation the attorney made is to list out some of the top uses that fall under agritourism he said.

Mr. King said in the **AR** zone it should be permitted with no review with some requirements to address off street parking. He said it also depends on how the uses are classified as a farm to table meal event could be a restaurant and a farm stay could be an Air bnb. It will be interesting discussion and hopefully we can reach a reasonable consensus he said.

Mr. Pelkey asked if an applicant with a farm in the **AR** zone receives approval for an agricultural use not specified for farm stays and it becomes an inn if he would have to come back before the board if they then want to have farm to table meals.

Mr. King said they can't get blanket approval for all uses not specified and he would have to come back to the board.

Mr. Pimental said they could lump some of the uses in as part of the definition of agricultural uses not specified ("things like hay rides, etc.") so folks would know if they want to do one of these things it falls under agricultural use not specified and is not allowed in the **Village Center District (VC)**, **Commercial Business (CB)** and **Urban Residential (UR)** zones.

Mr. King said the uses could be broken down into 3 categories with requirements for each category. He suggested hay/sleigh rides, corn mazes, tours , cut your own Christmas trees could be put in one category, wine tasting, dining, farm stays in a second category and festivals and weddings in a third category. He asked if they could make parking requirements for these uses instead of making the owner come in for a **Special Exception**.

Mr. Pimental said that the way it is set up now they would have to get a **SE** from the **Zoning Board of Adjustment (ZBA)** which automatically triggers a requirement to come before the **Planning Board**.

Mr. King said the current establishments have been operating without issues for about 20 years and he didn't want to start putting restrictions on someone wanting to do something similar and not put restrictions on the existing establishments because they are grandfathered. We should try to be as least restrictive as possible he said.

Mr. Pimental said that he didn't read the attorney's proposal for this section as being more restrictive because everything she listed is allowed by SE which falls under agricultural uses not specified.

Mr. Henry said it gives them the opportunity to be less restrictive than they were.

Mr. King said if they put this in it now has a definition and the next guy in has to get a SE and jump through these added hoops which is not their intention. He said they should be as least restrictive as possible except for areas where it might be a concern such as not allowing a corn maze in the Village Center except by SE and let the guy come in and plead his case.

Mr. Pimental said he would request a narrative from the Town Attorney and ask her if there is something specific about why these recommendations were made to the board and if there are specific issues other communities have been running into that maybe the board should know about before making any decisions.

Section 6.00 Accessory Dwelling Units (B) Administration; (D) Provisions (5) Detached ADU, (6) ADU area; (F) ADU Approval and (H) Owner Must Reside on the Property – Mr. Pimental said he would like the board to discuss the way in which this part of the ordinance should be administered. He said that currently the Planning Board has the authority to administer this section which is fine if that is what the board wants but there are other options.

He said the ordinance requires a completed application to be submitted but up until about 2 weeks ago but there was no Town ADU application form so there was nothing the applicant could bring to the board. The staff put one together which the board will see in 2 weeks he said.

Mr. Pelkey recalled seeing some paperwork related to ADU's from previous applicants.

Mr. Pimental said there was a Certificate of Occupancy and a permit from the CEO but no specific ADU application. He said they can continue to do it this way but if the board wished to "get this off their plate" it could go directly to the CEO where it would become part of the building permit process.

He said there are a bunch of provisions in this section none of which really need to be changed with the exception of the provisions regarding whether to allow detached ADU's and creating the range of area required. Otherwise the provisions meet all of the state requirements and if you want the board to still administer it I would make it a special use as the state has done or you could push it to a zoning administrator such as the CEO he said.

Mr. King said if somebody came in for an ADU it would be for additional living space on their house but if somebody planned to do a duplex they would not come before this board and the ADU has less impact but they have to come in to the board. He said he would be okay with revising some of the requirements and letting the staff administer it.

Mr. Henry asked if duplexes are allowed in every zone in town.

Mr. Pimental said they are permitted in every zone except for the CB and IB zones. All residential zones allow it and you would not need to go in front of the board. The ADU's are permitted in any zone as long as it is part of a residence he said.

Mr. King said in some ways the Town is a little less restrictive on the ADU's than the duplexes as if someone wanted to convert a single family home to a duplex it wouldn't be allowed in the CB district but if they have a house there and wanted to put in an ADU that is allowed.

Mr. Pimental said that is correct.

Mr. Henry asked if they could make the revision but still give the property owner the ability to make an appeal to the board if they get denied by the staff.

Mr. King said an appeal on a zoning interpretation would go to the ZBA.

Mr. Pelkey said the board would still set the requirements for an ADU. He asked if the state statute has changed to allow detached ADU's.

Mr. Pimental said that current RSA allows for both attached and detached ADU's.

Mr. Pelkey said the board has had some questions about detached ADU's located over a garage which caused some issues when the property transfer was about to take place.

Mr. Fisher said that is now allowed and that the ceiling is considered an attachment to the main structure.

Mr. King said this would fall into land area requirements and this isn't like when they allow 2 dwellings on the same lot as long as they meet the dimensional requirements. He said if you allow a detached ADU on the same lot without consideration as a separate home you could open a back door to issues such as density requirements and various forms of ownership which can't be discriminated against.

Mr. Pimental said he thought the proposed language in provision #12 would address this as it prohibits the conversion of the single family dwelling to any other form of legal ownership and requires the property owner to issue a restrictive covenant to the Town. He said the language he is proposing is the exact wording in use by another town and that he would follow up with the Town Attorney to check on its legality. If this provision has legal standing it will inform the board's decision on whether to allow detached ADU's and if not they may want to retain the current provisions he said.

Mr. Pimental said this proposal will be reviewed by Town Counsel soon and asked the board for some direction on the provisions for sq. footage and switching the administration of ADU's over to the zoning administrator/Planning Dept.

Consensus of the board was to turn over the administration of ADU's to the CEO.

Ms. McCowan left the meeting at 7:30 p.m.

Board members then proposed the following revisions for consideration:

Area (Habitable) - Mr. Henry said that under this definition it says storage areas are excluded from the habitable areas used for daily living and asked if a closet would be included as it is

heated and located inside the home. He suggested that "storage areas" be clarified to state "unheated storage areas" because a closet is a storage area but it is part of the living space. Mr. Pimental said another reason to consider extending the maximum sq. footage to 800 sq. ft. is because the breezeway to connect the ADU to the main residence is taking up some of the sq. footage that counts toward the area of the ADU itself.

Members suggested this could be addressed in the revision to state that the sq. footage of the connection does not count toward the sq. footage of the ADU.

Mr. Pelkey said he would like the sq. footage to be as generous as possible allowed under the state statute.

Mr. Pimental said he was not sure if the state has set a maximum amount of sq. ft. allowed.

Mr. Fisher said the board talked about this issue last year but it didn't make it to a vote and there may be some records of the work done by the previous Planner available.

Mr. Pimental said that he would follow up with the Town Attorney on it.

Accessory Structures - Mr. King said that accessory structures are currently not allowed unless there is a primary structure on the same lot. If someone had an abutting lot and wanted to build a garage or barn on it with their house on the other lot it would not be permitted he said.

Mr. Henry asked how a barn to house animals was not considered a principle use.

Mr. Fisher said it is because of the way the ordinance is written there must be a structure on that piece of land that you are living in.

Mr. King asked that the staff look into what would be the downfalls of allowing an accessory structure on an abutting or separate lot without a primary dwelling.

Mr. Bridges said it may be due to the amount of tax revenue that would be collected.

Mr. Henry said that when you take 2 buildable lots and merge them into 1 buildable lot the tax revenue decreases as a result. The fact that the lot is buildable is the bulk of its value and the acreage is a small part of its value so tax revenues went down because of our restrictions on this he said.

Consensus of the board was to ask the staff to look into this issue.

Rear Lot Subdivisions - Mr. King said the Town used to allow rear lot subdivisions off of the parent lot and about 5-6 years ago the Planning staff that said this was a violation of state law and the board took it out.

He gave an example of someone with 3 lots that meet the road frontage requirements would be allowed to put in a 50' right-of-way into the back parcel that the owner wanted to sell or build on. This was allowed to be done once off the parent parcel with some restrictions so it wasn't abused he said.

Mr. Henry said that they should leave enough room to create a road in the future so that the lot could be divided more in the future and the driveway could be brought up to road standards. If we need 65' for a road then the strip to access the back lot should be 65' he said.

Mr. King suggested they look into if what they had was legal and if not what could be done to

make it legal.

Consensus of the board was to have the staff look at this issue.

Temporary Storage Units - Mr. Bridges said that he would like to look into changing this regulation so that temporary storage units are allowed in residential zones. He said from what he read it is allowed but that he has been told differently.

Mr. King said this was enacted a few years ago when there was knee-jerk reaction to get rid of all storage containers in town. He said it needs clarification as the provision calls for it to be allowed for a temporary period which can be extended and then on the next page (of the Zoning Ordinance) it says the CEO can determine if it is permanent storage.

Mr. Henry said he would like this to be less restrictive as there are many places in town where storage units are not going to bother anyone if they're not visible from the road or by the neighbors.

Mr. Bridges said there should be certain zones such as the VC where they should not be allowed because of the small lot sizes but outside of that there are areas where they are very usable.

Mr. King said that a box trailer or an empty school bus being used for storage is the same as a storage unit and asked what is being done about that. He said he was concerned about being overly restrictive with this and about who determines what is permanent and by what requirements.

Mr. Henry asked if designating it as permanent storage would change the taxability of the unit so that it becomes a taxable structure. He added they require dumpsters to be screened from the road but if it's a big parcel and the dumpster can't be seen from the road it's not required.

Mr. King said that if an applicant includes a storage container as part of the site plan for his business he can have it but if he just drops one there he can't have it.

Discussion also included if storage units are addressed elsewhere in the ordinance and potentially replacing "temporary" with "portable" and include the requirements for that. Consensus of the board was to ask the staff to provide additional information to the board including their concerns about making this provision less restrictive and the code requirements that come into play if the temporary unit is determined to be a permanent structure.

Residential Density – Mr. Bridges said he would like to increase the density in the VC and that currently they are requiring too much square footage on the lots downtown. He said the property owners need to make enough capital to warrant owning the property and fixing it up. Mr. Pelkey said the results of the survey show 60% of the respondents were against increasing the density of the VC and 10% were in favor of it.

Mr. Henry said they said it was not important to them or not a priority which is not the same as being opposed to it.

Mr. King said this issue warrants discussion by the board and that the Planner had mentioned possibly making some adjustments to the density requirements.

Mr. Pimental said a recent applicant had the room to have 3 units on the top floor of his

building but the parcel is only 7,200 sq. ft. and he needed 15,000 sq. ft. to meet the requirements. He went to the ZBA and they gave him 2 units but that could have an impact on the rental rates for the units to make the numbers work for that developer he said.

Mr. Fisher said that current density level is 1 unit per 5,000 sq. ft. and suggested that the requirement should be cut in half to 1 unit to 2,500 sq. ft. in land area.

Mr. King said increased density will increase development downtown but you need to be careful that it is done well so that you get the results that you want instead of closets with faucets. He asked Mr. Pimental to come up with some thoughts on the matter.

Mr. Henry said if as a community we want a vibrant downtown the more people that live there the more people that will walk around there and visit the shops and the more viable those shops become. He said as a community and a Planning Board we cannot compel development but we can create an environment where someone with money in the bank will say they can put their money to better use developing this property or we can make sure that environment doesn't exist and the land stays vacant because there is no profitable use of the land.

Mr. Pelkey asked how we compare to the density requirements in other towns that have vibrant downtowns.

Mr. King said he would like to have Mr. Pimental look at Dover, Newmarket and Portsmouth as what they have done has been well received.

Storefronts -Mr. Bridges said he did not think there should be sidewalk front apartments as those should be storefronts but there absolutely should be apartments upstairs in those buildings. Having big footage (requirements) doesn't help he said.

Mr. Pimental said that as the board looks through the survey results they should look at some of the other topics such as the comments that the VC needs to be revitalized, small businesses encouraged, it needs to be made more attractive and a destination and new development will generate more property taxes. He suggested they try to read through the lines that people want something but they might not know the avenues to get there.

CDBG - Mr. King said the previous Planner applied for a **Community Development Block Grant** and Farmington lost out to a bigger town. He said there needs to be a yearly push from the Town to reapply for that grant which would fund some of the infrastructure improvements the town would have trouble affording such as lighting, sidewalks, traffic calming measures, etc. Mr. Pimental suggested they make a specific recommendation in the Master Plan that they investigate all potential funding sources for infrastructure improvements so that it is tied directly to and supported by the Master Plan when they apply for funding. The SRPC can also help with grant writing he said.

He then asked the board to think about the discussion at the previous ZBA meeting that was site specific about parking requirements, permits and green space and should have been happening at the Planning Board. He said if the density requirements allowed 3-4 apartments the ZBA wouldn't have been part of that application and the Planning Board would be able to

come up with some flexible options to satisfy those things.

Mr. Henry suggested he may want to check some of the regulations that give a lot of the decision making in the VC to the CEO. A lot of stuff does not come before us he said.

Mr. King said that a previous board put it back to the CEO because some applicants were coming to the board with no significant changes or for uses that are permitted and they didn't want to see them for that and hold up their progress.

He said the other side of that is the ZBA is addressing the requirements and it is reasonable for them to ask some questions. He asked if the applicant can't even come close to meeting the zone's requirements why on Earth they would get a variance.

Mr. Pimental agreed that some of the discussion is warranted. He said he couldn't find the reference that was made to where that 5,000 sq. ft. per unit requirement came from.

Mr. King said he thought it evolved over time as people have had different visions. It has been discussed several times over the years but has never been changed significantly he said.

Mr. Pimental suggested that if the board plans to lower the density requirements they should think about the other issues that constrain sites and how the applicant will make that work in the VC where this is most applicable.

Mr. Henry asked if they could set a minimum unit size for an apartment.

Mr. Pimental said he thought there is a size regulation but that it is more of a codes question. He said with the recent application the owner had someone come in to evaluate the space and he was told that he could have 3 units based on the number of bedrooms the units would have.

Mr. King suggested that another community may have addressed a minimum size requirement.

Mr. Fisher said they have gone through trying to change definitions of store front, window size, etc. to make it so the first floor in the VC is business only and not apartments and second floor and above can be housing but it's not clearly defined in black and white.

Mr. King said some clarification of the ordinance is needed as the interpretation has changed over the last 2 years as before residential units on the first floor wasn't allowed. He said he was not in favor of residential space on the first floor downtown because he did not see that as accomplishing the goal of making the downtown more vibrant.

Mr. Fisher said the survey results show that 65% of the respondents said business only on the first floor and housing on the upper floors was important to them and 30% said it was not important to them. It looks like people want the downstairs to remain as businesses he said.

Mr. King suggested they could specify where this would be applicable such as portions of Main Street and Central Street without changing the VC district.

Mr. Bridges said he thought they should not go too far outside the central square strip with increased density requirements for apartments because we don't want someone to come in and take advantage of this by chopping up lots and stuffing apartments in them.

Mr. King said they are going to have to review the footprint of the VC and if they want to make restrictions inside of it such as storefronts only in certain areas it will have to be clearly defined.

Mr. Henry noted all of the vacant store fronts on Main Street and asked if Mr. King would invest his money to build more empty storefronts because all you're allowed to have is storefronts on the first floor so you leave that empty so you can have some apartments upstairs.

Mr. Fisher said if they allow the first floor to become apartments the downtown is going to go away.

Mr. Pelkey said the board made an effort to address this and save the storefronts last year by defining storefronts but it didn't make to the Town Meeting vote.

Mr. Fisher said that would save the store fronts but it doesn't prohibit someone from putting an apartment behind it. That is why I want it in black and white that you can't put apartments on the first floor within this specified area of the VC he said.

Mr. Pimental asked if this requirement would not apply to the entire VC how the board would determine the specific area it would apply to.

Members suggested it would specify certain streets from one specific point to another such as for example on Main Street from the Cumberland Farms store to the old fire station.

Mr. Pimental advised the board to box it in very specifically and to think carefully about what the dimensions of this requirement will be so that it clearly states that the businesses on the first floor and apartments upstairs cannot be changed in those buildings.

Mr. Fisher said this provision would not prohibit someone from putting in a first floor storefront for a business where an apartment is currently located. He added they may want to consider extending this requirement along Main Street as far as the Cocheco River Bridge.

Sign Ordinance- Mr. Henry suggested that the board look at the sign ordinance in regard to Rte. 11 and possibly reconsider the size and number of signs allowed in relation to the size of the parcels, the number of exits/entrances for each lot and the speed of the passing traffic. What makes sense for the VC or Rte. 75 may not make sense along Rte. 11 he said.

Mr. King suggested they also look at areas with multiple businesses on the same lot and multiple businesses accessed from one entrance.

Mr. Pimental said he would ask the CEO for his thoughts on the matter and that the state has also reworked their sign ordinance following a Supreme Court case last year.

Chairman King said that as a result of this discussion they have added a lot of work to their plates and now have a scheduling problem and a staff time problem. He asked about the dates for Public Hearings as part of the March Town Meeting calendar.

Mr. Pimental said the first date to accept petitions to amend the zoning ordinance is Monday, November 11 and the last day to accept petitions to amend the zoning ordinance is Wednesday, December 11. The last day to post and publish notice for the first Public Hearing on proposed amendments to the zoning ordinance is Wednesday, January 8 he said.

Mr. King said that means they have to have the proposal ready to go by Jan. 1 and there are only 3 scheduled meetings left until the end of the year.

Mr. Pimental said the board could hold a workshop on the potential zoning amendments

following the next regular board meeting on Tuesday, November 19.

Mr. King asked Mr. Pimental to forward whatever information he has to the board on these issues so that they can be prepared to discuss them and start determining which of issues will move forward to Town Meeting. Most likely additional meetings will be necessary he said.

Mr. Bridges asked if any of the information will be ready by next Tuesday and suggested they divvy up some of the work by having a meeting that night.

Mr. Pimental said he would not have all of the requested information by then but they could begin discussing the VC and bring in a map to begin figuring out what streets or areas would be included in the proposed storefront areas. He said due to the Veteran's Day holiday on Monday the earliest he could have materials to the board is on Friday (Nov.8) and that he would have to check with the Town Administrator about getting extra hours each week for the next few weeks.

Consensus of the board was to hold a work session on the proposed amendments on Tuesday, Nov. 12 at 6 p.m.

Any Other Business before the Board: None

Adjournment:

Motion: (Fisher, second Bridges) to adjourn the meeting passed unanimously at 8:50 p.m.

Respectively submitted
Kathleen Magoon
Recording Secretary



Charlie King, Chairman