

Town of Farmington  
Planning Board Workshop Minutes  
Tuesday, December 3, 2019

**Board Members Present:**

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

**Others Present:**

Kyle Pimental, Interim Planner

**Board Members Absent:**

TJ Place, Selectmen's Rep., excused

**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:**

Mr. Pimental reported that due to technical difficulties and the Land Use Assistant's absence none of the members received a meeting packet prior to this meeting.

**Motion:** (Henry, second Fisher) to table the review of the minutes passed 6-0.

**Master Plan Update:**

**Review Draft Maps** – Mr. Pimental said the maps the board received are being developed by the Strafford Regional Planning Commission (SRPC) in conjunction with the consultants from Arnett Development Group (ADG) as part of the process to update the Master Plan. He asked the board to go over the maps and provide their feedback to SRPC's GIS (Geographic Information System) Planner and to ADG.

He said they would like the board to be aware that while a lot of the maps have to do with environmental data layers there will also be economic and demographic components that will be extrapolated from the maps to provide additional data used in conjunction with the outreach and survey results to make their recommendations. They are also considering doing a build out scenario based on the land use data and the town's zoning regulations he said.

**Figure A – Existing Land Use** (2015) – Mr. Pimental said the data set for this map is completed every 5 years and there won't be another one until new imagery is flown in 2020. Polygons are

drawn around the development on the aerial imagery and the development is classified into the categories in the legend which includes agricultural land, forest land, commercial/industrial land, outdoor/built up land, residential land, transitional land, transportation, communication, utilities, and vacant land and water/wetlands areas. Within the Master Plan there will be statistics about this map with the acreage and percentages for each category and there is data that goes back to the late 1990's so they will be able to look at how land use trends have changed over the last 20 years he said.

Mr. Henry asked for the definition of "transitional" land.

Mr. Pimental said this category is for lands "caught in the middle" such as land where the trees are being chopped down because it is going from forested land to something else that hasn't happened yet. He said that Rochester's Ridge Marketplace before the buildings were built would be an example of transitional land.

Mr. Henry pointed out that there is quite a lot of transitional land on this map.

Mr. Pimental said it was not a perfect category and some of the land could have been categorized that way due to mowing, because it was recently logged or it could be open land. The map was done at a regional level and was not done specifically for Farmington he said.

**Figure B – Current Zoning** – Mr. Pimental said this map shows the base zoning and the wetlands, waterfront, floodplains and aquifer protection overlay districts. He said the only one that has changed significantly is the aquifer protection overlay district which was updated 3 years ago to include the 3 Town wellheads shown as the blue crosshatched areas on the map.

**Figure C – Conservation and Recreation** – Mr. Pimental said this map depicts the conservation lands through 2019 as they just did an update with the Conservation Commission to identify several parcels that should be included on this map and if not they will be included on the final version. He said the map also includes several parks, fields, playgrounds, the Blue Job State Forest, the Tebbetts Hill Reservation and the rail trail.

Mr. King asked what the core area delineates.

Mr. Pimental said the conservation focus areas on the map are from the Nature Conservancy and are areas that were identified as wildlife habitats for future conservation priorities. We included it on this map because it is on the Town's conservation priority map he said.

Mr. Henry there is a spot along Route 11 where the railroad track bed ends but it picks up on the other side of Ridge Road and goes toward New Durham and asked Mr. King if he knew where the trail disappears to.

Mr. King said he did not know if the scale of this map would allow them to show where it goes.

Mr. Bridges said the trail drops off near the tower near the Rite Aid store on Route 11.

Mr. Pimental asked if there is a map that shows the whole rail trail which would allow them to stencil it onto this map.

Mr. Bridges suggested the local snowmobile club may have a map of the trail.

Mr. Pelkey asked if the state maintains a set of maps that show all of the snowmobile trails.

Mr. Bridges said this section of the trail is not considered part of the rail trail as it shoots across the highway before Rite Aid and then goes out into private property.

Discussion then included how the snowmobile trail and rail trail make their way from Ridge Road out to the New Durham/Farmington town line.

Mr. Pimental asked if there is a contact person for additional information on the trails.

Mr. Fisher suggested that Mr. Pimental contact Randy Orvis who is working on an ATV trail.

Mr. King said Mr. Orvis may be familiar with the rail trail through his surveying work in the area. He said the map also does not show the conservation trails in town.

Mr. Fisher said there are marked conservation trails on the French property off of Hornetown Road and the McCarthy Trail behind the Public Safety Building and there are unmarked unofficial trails at the Dubois property and at the Tebbetts Hill Reservation.

Mr. Pimental said a trail system might be hard to see on the map and suggested they could put an icon denoting those properties that have a marked trail system. He then asked if the board wanted the snowmobile trails included on this map.

Consensus of the board was to include the snowmobile trails on the map.

Mr. Pelkey said one of their goals in the 10 year plan should be to make people more aware of what is available and to make the trails better marked and more accessible.

**Figure D – Surface Water** – Mr. Pimental said this map depicts the locations of lakes, ponds, rivers, streams, wetlands, the FEMA regulatory floodway and the FEMA 100 and 500 year flood zones (May 2005). He said the flood zones will change within the next 2 years as the new maps have been delineated but that the process for the Cocheco River levee hasn't been completed. Mr. King said he did not see any of the green crosshatches designating wetlands areas on the map as shown in the legend.

Mr. Pimental said they are there but that a lot of the green circles on the map are too small to include crosshatching. He said they may change this to a solid color so it would be easier to see. Mr. King asked who determined the wetlands.

Mr. Pimental said they were from the National Wetlands Inventory which is the best available wetlands data they have. He said that wetlands data can't be used for site specific purposes and it would require a wetlands scientist to delineate the wetlands.

**Figure E – Groundwater** – Mr. Pimental said this map shows the watersheds, the wellhead protection areas and the stratified drift aquifers in town. He said that many towns with a groundwater overlay district use the stratified drift and that Farmington uses the well head protection areas instead but they decided to include both because the stratified drift piece is where there is a lot of groundwater moving through the sand and till in the area.

Mr. Henry asked for an explanation of the stratified drift.

Mr. Pimental said when the glaciers moved back they left pockets filled with sand which allows the water move through them more quickly and when it rains the water soaks into these areas.

Mr. King said that a lot of these areas were rich in sand/gravel deposits which have been mined.

Mr. Pimental said that usually where you see a large amount of water withdrawals it is within the stratified drift area which is why many communities use that as their protection area. He noted that Farmington's wells are within the stratified drift even though the well head protection area is outside of it.

Mr. King asked why the watershed for Axe Handle Brook is delineated exactly by Ten Rod Road and how the boundary line between the Axe Handle Brook watershed area and the Wellhead Protection area are determined.

Mr. Pimental said it is based on the topography and the drainage basins and those wellhead areas are all lands that could drain toward Town wells.

**Figure F-1 – Ecological Resources (Habitats)** – Mr. Pimental said this map is based off of the Wildlife Action Plan (WAP) that was put together in 2010 and updated in 2015. He said these are different types of species and land cover which was taken from a state wide data set that is not the "end all, be all" but will give them an idea of the different resources within the town. Mr. King said the ox bowl on Ten Rod Road is delineated as a northern swamp but it has a large area of open water so he did not know why it wouldn't be designated as open water.

Mr. Pelkey suggested that it may be designated as a swamp due to what is growing there.

Mr. Pimental said that something designated as open water is usually a large body of water such as Baxter Lake and anything less than that and is more of a wetland or swamp area will be categorized as something else.

**Figure F-2 – Ecological Resources- Habitats by WAP Tier** – Mr. Pimental said this data is used by communities when they are thinking about prioritizing their land protection or strengthening their buffers or setbacks. You will see highest ranked habitats around rivers, streams and water bodies and as you get further away from them and from a lot of development you have supporting landscapes in the other regions. The analysis was done on land that has not been developed and provides wildlife habitats as a resource for communities to use he said.

Mr. Henry asked for the difference between the highest ranked habitat in NH and the highest ranked habitat in the biological region.

Mr. Pimental said he did not know except that the highest ranked habitat in NH has a higher score in the analysis.

Mr. King said that according to this map his house is in a highest ranked habitat but all of the back wood lands are just supporting landscape. My lawn is the best around but the 70 acres of woods is just supporting landscape he said.

Mr. Pimental again advised that this is just a guiding tool.

Mr. Fisher said according to Google a biological region is an area of plant and animal distribution having similar or shared characteristics throughout. He recalled a presentation where the speaker said the highest ranked habitats are the areas where the animals live and the supporting landscapes are areas where they could live but are just traveling through them.

**Figure F-3 – Ecological Resources- Natural Resource Co-occurrence** – Mr. Pimental said they

did an analysis where they put the different types of GIS layers on top of each other and the darker colors on the map are the places where there are multiple natural resources on top of each other. They would be the most vulnerable and most sensitive in terms of environmental areas and the lighter the color the less vulnerable and the less opportunity there is for those types of natural resources. It's tool for communities to use when they are thinking about protection as those darker areas have multiple benefits he said.

**Figure G – Cultural and Historical Resources** – Mr. Pimental said they wanted to highlight cultural and historic resources but the only data they have was for the Town Pound which is on the National Register of Historic Places.

Mr. Fisher said the First Congregational Church and the Goodwin Library on Main Street are on the state Register of Historic Places.

Mr. Pimental asked if there are any other cultural/historic resources that should be on the map.

Mr. Fisher said the rock with the brass sign near the Farmington Country Club on Main Street that marks Farmington as the birthplace of Vice President Henry Wilson should be included.

Mr. King said the Edgerly Memorial Park should be included on this map.

Mr. Fisher said there are Civil War cannons at the park and noted that they are believed to be the only surviving Civil War cannons left in the area as the rest of them were melted down and sold for scrap to help the war effort during World War II.

Chairman King asked the board which of them have been to the Town Pound.

Some members raised their hands signifying they had been to the pound.

Mr. King then explained that it is a small stone structure where they used to house lost animals and if someone was missing a cow or some sheep they would go to the pound to see if someone put it in there. Pound Road is located off of Ten Rod Road and the pound is about 300' down the road he said.

He said there are other small pounds located throughout the town on private property that consisted of a small perimeter of short stone walls that were used for the same thing.

Mr. Henry said the Old Town Hall is a cultural as well as historic place.

Mr. Fisher asked if the (Ye Olde) Brush Factory should be put on this map.

Ms. McCowan said it is a recognizable landmark for the town.

Mr. King said he did not think commercial businesses should be included on this map.

Mr. Pimental said after the improvements are made the board would have another opportunity to review the maps.

**Figure H – Soils** – Mr. Pimental said the soils data comes from the NRCS (National Resources Conservation Service) that was done for Strafford County years ago. It breaks down farmland into prime farmland, farmland of statewide importance, farmland of local importance, poorly drained and very poorly drained soils he said.

**Figure I – Topography** – Mr. Pimental said they used 20 foot contour lines and showed the locations of 0-15% slopes, 15%-25% slopes and greater than 25% slopes. He said most



communities begin regulating building on the 15% - 25% slopes and most consider anything with a slope greater than 25%-30% as unbuildable. He said they wanted to show the contour lines and some of the steeper slopes in town such as in the Blue Job area and to the north and south of Ten Rod Road.

Mr. King asked how the contour lines are gathered and if the information is available to the public.

Mr. Pimental said the system is similar to radar and they can show the lines at 2 feet. He said if you have GIS capabilities you could download the file and if someone needed a map at that level of detail SRPC could put it together.

Mr. Pelkey said a government satellite is producing this information.

Mr. King said someone could be paying a surveyor to do topography but it is already available at 2' contours. He asked what they are paying for if the information is readily available unless it is not that accurate.

Mr. Pimental said the data is pretty accurate but he did not know if it is survey grade accurate.

**Figure J – Transportation** – Mr. Pimental said this map shows bridges, red listed bridges, Coast bus route #6 and the bus stops, bicycle routes, abandoned railroads and sidewalks.

Mr. Henry said this map shows the railroad trail on the other side of Ridge Road. He said that the trail does jut off a bit but for the purposes of the maps he would use this configuration.

Mr. Pelkey said that the map shows there is a red listed bridge on Route 153 to the southeast of Route 75 and that this bridge was already replaced.

Mr. King said there appeared to be some bicycle routes over private roads off of Ten Rod Road and asked for the meaning of the dashed lines on this map.

Mr. Henry clarified that the green dashed lines are the bike routes

Mr. Pimental said the black dashes signify private roads. The green dashes depict the safest bike routes as designated by the NH Dept. of Transportation and they take into consideration the length of the shoulder and the speed limit when making the designations. I don't think the Town has designated any bike routes he said.

Mr. Fisher said there are 3 roads marked as private roads that aren't private any more. He recalled that Pine Knoll Drive, Cameron Drive and Beechwood Ave. came off of the list of private roads in the late 1990's and the homes in that area were built in the early 2000's.

Mr. Henry asked if they should designate the Coast bus stops with shelters separately.

Mr. King said there are 3 shelters-one at Rite Aid, one at the Old Town Hall and one at the old fire dept. and agreed it would make sense to delineate the shelters on the map.

Ms. McCowan said that some community members have said that they would like to see a bus stop at the Route 11 end of Spring Street and it is something to consider for the future.

Mr. King said that currently Route #6 doesn't go that far north.

Mr. Henry said the furthest that the route goes in that direction is to the stop across from Ridge Road.

Mr. Pimental said Coast is holding public input sessions because they are thinking about changing their routes. He said he would ask their transportation Planner if there has been any talk about extending bus route #6 further along Route 11.

Mr. King said that the bus company will hold a meeting on Dec. 5 at the Friends of Farmington building to discuss transportation issues.

Mr. Henry asked if they should enlarge the transportation map because most of the transportation is contained in a small section of the Route 153/Rte.11 corridor so it would be easier to see more of the details such as the sidewalks and bus stops.

Mr. Pimental said it would be easy to pull this area out on a separate map and zoom it in.

**Figure K – Village Center** – Mr. Pimental said this map is an aerial view of the Village Center District and is based on the update conducted by the board at their last meeting.

**Figure L – Strafford Region** – Mr. Pimental said the ADG consultant suggested that a regional map be included to show Farmington within the boundaries of the SRPC, Strafford County and the wider area of southern NH and southern ME. He said the map also shows the major transportation networks in the region.

Ms. McCowan said there has been some previous discussion about a trolley system and suggested there should be a recreational trolley system from the seacoast through Farmington.

Mr. King asked who funds the trolley systems in the other communities.

Mr. Pimental said the funding is split between the communities it serves.

Mr. Henry asked if she meant a trolley on a rail or a bus chassis that looks like an old trolley.

Ms. McCowan said it's like a trolley or a rail car that gives the therapeutic aspect of travel and provides a second option to traveling by bus.

Mr. Pimental said there was some discussion about a trolley but it wasn't going to be on a rail but would be like the buses seen in Portsmouth. He guessed that the funding for it was just like all funding in this state for public transit and not where it should be.

Mr. King said besides the state and federal funding Coast receives the Town of Farmington also subsidizes the bus company at about \$26,000 a year. He said the company also puts advertising on the bus shelters and the revenue from that advertising helps to offset their costs.

Mr. Pimental said the challenge to Coast is when communities that don't have bus service stop contributing to them and they have to find a way to make up the difference. He said he would get more information on the potential trolley system.

Mr. King said that a trolley which would allow more people to take advantage of the recreational opportunities in this area is a good idea but would most likely have to be an offshoot of a bigger system and would not start here.

### **Zoning Amendment Discussion:**

**Warrant Article #2: Amendment #1: Section 1.14 Definitions – Outdoor Recreation** - Mr. Pimental said at the last meeting they discussed adding language stating that "high impact outdoor recreation will only be regulated when the proposed land use activity is the principle

use and shall not apply to the use of motorized vehicles on private property that utilize trail systems to cross or connect to and from other areas”.

Mr. King said this same type of statement should be included under the definition of low impact outdoor recreation. He gave the example of a property owner with a hiking or biking trail on his land involved in a dispute with an abutter who claimed he was impacted by the use and the owner did not go through the site plan review process to obtain permission to have the trails. He suggested that “motorized vehicles” could be removed and be replaced with low impact uses or that it does not apply to the use on private property that utilize trail systems to cross or connect to and from other areas.

Mr. Pelkey asked if someone wanted to open a place similar to the Hilltop Fun Center where the use of go-carts is included if that would be considered a principle use.

Mr. Pimental said something like that where the go-carts are one of several activities would fall under an amusement park which would be the principle use.

Mr. King said that would have to come before the board for a site plan review and would receive the same amount of board review as if it were a high impact use.

Mr. Pimental said he felt the board’s intent was if someone wanted to turn a large parcel of land into a speedway or motor park that this would trigger this piece of the zoning ordinance. Consensus of the board was to add the language as suggested by Mr. Pimental and to add a similar statement to the definition of low impact uses.

Mixed Use – Mr. Pimental said they cleaned up the language in this definition so that it now reads “a building or structure containing at least 2 complimentary and integrated uses in a compact urban form provided that such uses are individually allowed in the applicable zoning district”. We left this definition broad and get more detailed in the actual section he said.

**Warrant Article #3: Amendment #2: Section 2.00 C Table of Permitted Uses – Agritourism -**

Mr. Pimental said they talked about agritourism being allowed in the **Agricultural Residential (AR)**, **Suburban Residential (SR)** and the **Rural Residential (RR)** zones. He said that the Town Attorney advised that state law requires that if a property is already being used or proposed to be used as an agricultural use they must allow it to be used for agritourism and the purpose of this is to specifically state that.

Mr. King asked if they need to include any of the Attorney’s comments shown in the draft.

Mr. Pimental said the comments are for discussion purposes and that he will meet with the Attorney on Dec. 12 to determine the language for this section.

Mr. Pelkey said the Attorney’s comments sound like she is supporting the wording they have.

Mr. Pimental said the board previously discussed ensuring that there is adequate parking and sanitary facilities to support the public and that the traffic and parking doesn’t adversely impact the adjacent properties, streets, sidewalks and the public safety.

He said the Attorney recommended they not have the applicant go through the full application process and to revise the application to ask about parking, sanitary facilities, etc.



Mr. King asked if the Attorney was recommending that when they do that if the applicant should or should not have to come before the board.

Mr. Pimental said the Attorney recommended that they come before the board. He said another option is to let the staff handle the application.

Mr. King said the board did not need to discuss changes to the site plan regulations at this time because those changes can be made without going before the voters for approval.

Mr. Pimental said the revised application for agritourism uses could be handled similar to the ADU application where it is reviewed by the staff and it doesn't come before the board.

Mr. King said the board may choose to review all of the applications or set some kind of cap to determine which applications would be reviewed when making the changes to the regulations.

Mr. Pelkey said there have been instances where the staff has not been comfortable handling the application and have kicked it back to the board.

Mr. King said they would have to give the staff some supporting reason or a certain threshold (i.e. is considered a significant impact) to send it to the board for review.

**Warrant Article #4: Amendment #3: Section 2.00 C Table of Permitted Uses– Recreational –**

Mr. Pimental said changes to this section include: replace "fully enclosed places of recreation" with "indoor recreation"; change prohibiting indoor recreation in the AR zone to allowed by Special Exception (SE); change allowing indoor recreation in the Village Center from Permitted (P) to Permitted by Review (PR) and change prohibiting indoor recreation in the Industrial Business (IB) to being allowed by SE.

He asked the board if they were comfortable with these changes as presented.

Mr. King said he was okay with the proposed changes as 2 of them are less restrictive and one of them is just going from (P) to (PR). He then asked if anyone had any additional changes to the principle uses shown in red (amusement arcade, amusement park, indoor recreation, high and low impact outdoor recreation, movie theaters and drive-ins and youth recreation camp). There were no other proposed changes to this section.

**Commercial & Industrial –** Mr. Pimental said these principle uses (laboratories and research and development facilities) would go from allowed by SE to PR in the VC and Commercial Business (CB) zones. He said this would make it a little easier for applicants by not requiring that they go before the Zoning Board of Adjustment before going before the Planning Board.

**Warrant Article #5: Amendment #4: Section 2.00 C Table of Permitted Uses – Accessory Uses –**

Mr. Pimental said all of the accessory structures- barns, storage sheds, gazebos, picnic pavilion, pool house or cabana, carport and garages would be allowed by SE in the residential districts and prohibited in the other districts. The mixed uses would be PR in the VC, CB, UR and IB zones and by SE in the AR, SR and RR zones he said.

Mr. Fisher asked why barns and garages are not allowed in the business districts if they have multiple pieces of land.

Mr. King said that typically they are an accessory use to a principle use that is already there.

Mr. Pelkey said the reason the board wanted to do this was for situations where there were 2 parcels that weren't contiguous and where someone owns a lot across the street from their residence.

Mr. King said if they owned a business on Route 11 and wanted to put up a garage as part of the business that would fall under a business use. If there wanted to put up a structure for personal use that requires a variance he said.

Mr. Fisher said that currently it isn't allowed at all if someone wanted to put up a barn to store equipment in and it is not a garage where they work on anything.

Mr. Henry said that would be a warehouse.

Mr. Pelkey said then that would be the primary use of the lot.

Mr. Pimental said this was intended to be used at the residential level and that residential uses are not allowed in the CB and IB zones.

Mr. King said it is comparable to someone wanting to build a house on a parcel of land in the commercial zone which isn't permitted unless the owner obtained a variance for it. He asked why they would allow a new residential accessory building to be a primary use.

Mr. Henry asked if there is any harm in permitting barns and garages in the business districts.

Mr. King said that it would be less restrictive to allow a barn for personal use in the commercial zone than it would be for someone wanting to build a house in the commercial zone and is inconsistent because houses are not allowed in the commercial districts. He said the definition of a garage should define the use and whether it would be allowed for personal use.

Mr. Pimental said that all of the accessory uses need to be defined and the board will need to review the definitions. He reminded the board that the intent of this was always for property owners with adjacent properties or property across the street where they wanted to put up a barn and could not and this would allow them to do it. It is not intended to have these types of structures everywhere and would only be allowed under certain circumstances he said.

Mr. King said he would like to postpone discussing the definitions until all of them are in and ready for the Public Hearing and then do the final deliberation on whether they should be permitted or allowed by SE to make the best use of the time available to the board.

VC Sub-District -Mr. Pimental said he was unsure if they could legally identify streets within the VC and apply different standards to the properties on those streets without creating a sub-district. He said he would find out if this goes against equal opportunity laws from the Attorney. He said if the answer is that they can have a sub-district the board would have to create a clearly delineated zone within the VC. The big difference with those areas is they would be more restrictive with the mixed use criteria where the rest of the district would not be he said.

Retail Uses -Mr. Pimental said that right now retail use is defined as larger than 2,500 sq. ft. but less than 7,500 sq. ft. in the Table of Permitted Uses. He said the Attorney suggested that the board consider if the 2,500 sq. ft. minimum should be decreased as it is a big space for retail. Mr. King said that number was created regarding new construction and not for changes of use

and agreed it was something they should take a look at.

**Warrant Article #6: Amendment #5: Section 2.05 Village Center District** -Mr. Pimental said the board decided to bring 2 options to the voters: to use a percentage cap of the gross floor area of the 1<sup>st</sup> floor reserved for commercial space or to not allow residential uses on the 1<sup>st</sup> floor.

Mr. King said this is going to be a drastic change with the density being increased as much as 6 times what it is currently and trying to do this as well on the first floor without any experience with the new density is potentially going to make a mess they won't be able to undo in some of the situations. He said he was not comfortable with trying to juggle uses on the first floor on top of the density increase and was leaning toward saying no residential uses on the 1<sup>st</sup> floor.

Mr. Bridges said that he has said all along that they should take baby steps so they don't cause a big problem. He said when he had his store downtown a big problem was the residents were taking up all of the retail parking on Main Street and nobody could find any parking.

Mr. King said they should consider what the impact is going to be of increasing the density four fold, what issues will be created and how they will plan their way out of it in the future. He said a lot of his time on this board has been where they started with making a change to get a desired effect and getting an unanticipated undesired effect.

Mr. Henry said parking problems will exist or not exist regardless of what floor people live on. He said Mr. Pimental mentioned having no density requirements and when the board started talking about this they discussed having density requirements based on the sq. footage of the building and he suggested having minimum unit sizes. He asked if they have gone away from that and will just allow however many can be crammed in there.

Mr. King said they still have to have a minimum unit size but he did not know where they are at with this without some further research.

Mr. Pimental said currently it is 1 unit per 5,000 sq. ft. of land and during the brief analysis they found the average lot size is less than 10,000 sq. ft. so a maximum of 2 units would be allowed. He said it may be possible to put 3-5 units in some of the buildings but they are unable to do that at this time. To encourage more possibilities for units and more rental opportunities for reinvestments in some of the buildings we could lower the density requirement to zero but you would still have size limits based on the housing standards. He said many communities let the developer figure out the number of units as long as they meet their site plan regulations.

Mr. King asked how they would prevent someone from building 1 bedroom micro-apartments.

Mr. Pimental said if that is what people want to live in and there is a market for it he didn't see any issue with it.

Mr. Pelkey said the board's interest would be that the developer would provide the parking to go along with those units no matter what density he is building at.

Mr. Pimental agreed and said if the developer has the space to meet whatever they require for parking then the Planning Board shouldn't necessarily have to regulate the number of units.

Mr. Henry asked if the 1.5 parking spaces requirement in the regulations now is tied to the

number of bedrooms or the number of units.

Mr. Pimental said it is tied to multi-family housing and is 1.5 spaces per unit.

Mr. King said that requirement is in the site plan regulations and the board should review them to determine if that is a realistic number or if it should be tied to the number of bedrooms.

Mr. Pimental said that if the zoning amendments pass at Town Meeting he would recommend that the board reviews the site plan regulations to adjust them to what may happen as a result of that.

Mr. Henry said the site plan regulations should be changed before Town Meeting.

Mr. King said the changes should be in rough draft form and there should be a Public Hearing on the potential changes before Town Meeting to give the voters more information about the impact the changes will have on the regulations. He said they may want to make some changes even if the amendments don't pass such as tying the parking to the number of bedrooms.

Mr. Henry said he felt that for the density in the VC they need to have either so many units per sq. ft. of the building or a minimum unit size.

Mr. King said he wasn't opposed to that because it would make them a little more cautious.

Mr. Henry said he didn't think they would get the kind of downtown they are trying to build with a bunch of 250 sq. ft. studios.

Ms. McCowan left the meeting at 7:50 p.m.

Mr. Henry said the board asked for some information on bathroom sizes, etc. which they have not received.

Mr. Pimental said that the Town Administrator sent out the minimum housing standard sizes but they were inaccessible due to technical problems with the Land Use Assistant's computer.

Mr. Bridges said with the efficiency units they wouldn't be getting children to fill up the schools but they would get tax revenue from the buildings.

Mr. King said that doesn't mean there wouldn't be a single mother with a child/children filling up that space. He said you can't regulate children but it would be reasonable to have an average or minimum unit size.

He then polled the board as to whether there should be a minimum unit size in place with the zero density.

Mr. Pelkey said his biggest concern is with the parking and that is the one impact he worries about more than anything else. If we go to zero density we need to look at the parking regulations as part of the site plan review. He said he did not have a problem with going to zero density but he did have a problem with doing it without addressing the parking issue.

Mr. Fisher said it would be hard to set a minimum unit size because every building there is different and it wouldn't work if we say 1,000 sq. ft. for a minimum unit size and the building only has 800 sq. ft.

Mr. Henry said he favored having a requirement for so many units per sq. ft. of the building such as 1 unit per 500 sq. ft. or 2 units per 1,000 sq. ft. He added that this could include one 700

sq. ft. unit and one 300 sq. ft. unit in a 1,000 sq. ft. building.

Mr. King said he was on the fence about this issue at this point and that not all of the members were present to give their opinions. He asked Mr. Pimental to provide the board with a recommendation on some type of minimum unit size that would make sense to go with the no density requirement and the board could vote yea or nay at that point.

Mr. Pimental asked if the board still wanted to give voters the option to use a gross floor area percentage cap for commercial uses on the first floor or to not allow residential uses on the first floor of buildings or if it was still up for discussion.

Chairman King asked the board if they preferred to have all commercial on the first floor or allow residential uses on the first floor.

Mr. Henry asked if this would allow residential units only in the back of the first floor.

Mr. Pimental said that is correct and there would be a percentage of the bottom floor that would have to be commercial on the street frontage side. He said they have not determined what that percentage would be yet and if it is a long building the back part could be used for parking, utilities or residential.

Mr. Pelkey said he was not in favor of residential on the ground floor. He said he would also like to move a little bit slower and stick with strictly commercial on the first floor for now.

Mr. Fisher and Mr. King agreed with Mr. Pelkey.

Mr. Henry said the third option that was missing is no restrictions at all. He said he favored allowing residential units in the back of the first floor.

Mr. Bridges said he would not allow residential units at all on the first floor.

Mr. Pimental asked if the board was saying with a long building that the entire bottom floor has to be commercial or if it could be broken up into other uses other than residential.

Consensus of the board was it could be broken up into other uses besides residential.

Mr. Pelkey said he liked the idea of allowing other uses in the back as it gives some flexibility to the owner and if they decide to move to residential in the future there would be space that could be converted to that use.

Mr. Henry asked if residential storage would be allowed in the back of the first floor for the upper floor apartments in the building.

Consensus of the board was they would have no issue with that use.

Mr. Henry suggested they propose that there would be 1 residential unit allowed for every 500 sq. ft. of the building to start the discussion at the Public Hearing.

Mr. King said under that provision if a building was 800 sq. ft. in size one unit would be allowed unless the owner obtained a variance and met the other site plan requirements.

Mr. Pimental said he would give the discussion some thought and return to the board with a draft of his recommendations.

Mr. Henry advised the board to keep in mind that there is also property that is ripe for new buildings on Mechanic Street and the former fire station lot.



**Warrant Article #9: Amendment #8: Section 3.16 A-6 Recreational Vehicle Parks or**

**Campgrounds** – Mr. Pimental said this section is missing the threshold to incidental use. He said it seems as if the board was okay with the Attorney's proposal to allow a RV on a vacant lot for temporary and recreational purposes only and that they would have to get a permit to do so. He said he changed the number of days the RV may be occupied from 25 days to 35 days at a time but this was still up for discussion by the board. What isn't addressed here is the incidental use where the recreational vehicle is parked on someone's lot and the kids want to sleep in it for the night or the weekend and not having to get a permit for it he said.

Mr. Pimental said that is not enforceable at all and he didn't know if they need to put something in this section or how they would define incidental use.

Mr. King said it should state this is for incidental use and if someone is abusing it, it will be obvious. The Town is not going to take someone to court for having their in-laws living in it for 36 days during the summer but if they were living in it for 6-9 months and through the winter season the Town may say that is more than an incidental use and to cease or they will take them to court he said.

He said they don't need to put a limit for this use on a lot with a primary residential use but he was okay with limiting it on a lot without a primary use.

Mr. Pimental said that the **Code Enforcement Officer** and the Town Attorney said with people living and staying in it, it is no longer a RV which is supposed to be moved to somewhere else and not be used as a way to get around the density issue.

Mr. King asked that if the CEO and Attorney feel there is a need for a time limit for incidental use on a residential lot they should make a recommendation of what the limit should be.

Mr. Pimental asked if the board was okay with requiring a permit to occupy a RV on a vacant lot and the number of days it would be allowed.

Mr. King suggested it should be allowed for 14 consecutive days with a total of 90 days in a year.

Mr. Fisher suggested taking out the word "consecutive" and allowing for a total of 90 days a year. He said that way when 90 days is up the RV has to be out of there or get another permit.

Mr. King said they could use a 60 day permit that is renewable if they are in compliance with the regulations.

Mr. Fisher said there is no way to enforce stopping someone from living in it unless you watch them move in and then 5 days later you're out of there or on day 6 we take you to court.

Mr. King suggested they ask the CEO for his recommendations on a total time frame for use of a RV on a vacant lot and for incidental use on a lot with a primary residence.

Mr. Pimental said his professional opinion is that 90 days consecutively on a vacant lot is not something the CEO and the Attorney are going to want as it is a long time for an RV to be used on a vacant lot and will open the door to other problems.

Mr. Henry asked how they would enforce the "consecutive" piece of the ordinance.

Mr. Pimental said that is a challenge and that he didn't think they could enforce it.

Mr. Henry said with the way this is written if Mr. King had a piece of property across the street from his house he couldn't store his RV on that property as the ordinance says they can park on lots where there is a primary use. He said they need to differentiate between "park" and "occupy".

Mr. Pimental said you could park it there but you could not occupy it there.

Mr. Henry said that is not what the ordinance says and if he is a neighbor mad at Mr. King he would expect the rules to be enforced unless there is an RSA that supersedes the ordinance. He said that they have also potentially made storage sheds a principle use.

Mr. King said it needs to say a primary "residential" use which eliminates garages, barns, etc. and putting a camper next to your business.

**Warrant Article #10: Amendment #9: Section 6.00 Accessory Dwelling Units** – Mr. Pimental said he wanted to highlight that provision #6 was changed so the ADU can't be greater than 1,000 sq. ft. and that they got rid of provision #12 which was the requirement to obtain a certificate of use every year and brought back letter I Discontinuance of an ADU which was previously there.

**Warrant Article #11: Amendment #10: Section 3.04 Development of Rear Lots** – Mr. Pimental said that this section contains the Attorney's comments about rear subdivisions and that what she has provided now meets state law. He said the biggest piece of this new section includes provisions that the parent lot must have frontage and access on a class V or better road and that the minimum access to the rear lot is 30 feet.

The Attorney also commented that the back lot must have fee simple owned frontage on an approved road or else this violates RSA 674:4.

Mr. Henry asked for the meaning of "fee simple".

Mr. King said it means that it is completely owned without limitations or restrictions and is not an easement to pass and re-pass across the property or a right-of-way which has shared rights.

Mr. Pelkey said there is a missing number in letter d (right-of-way access location to either lot must be specified in metes and bounds). He said the front lot should have a minimum of whatever is required by the zone it is in and it doesn't give that number here.

Mr. Pimental said he would change the zoning ordinance adoption date in letter (a) from March 2006 to March 2019 and discuss changing letter d to read the minimum requirement of that particular zone with the Attorney.

He said he had hoped to set a date for a Public Hearing at this meeting but he did not think they were ready yet. He said the meeting must be posted 10 days prior to the hearing date and contain the language for all of the proposed amendments. He said he was trying to keep the Public Hearing on a Tuesday which is the board's usual meeting night but they are running into delays where he does not meet with the Attorney until Dec. 12 and both Christmas Eve and New Year's Eve are on a Tuesday.

Discussion then included the members' schedules and the other Town boards meeting schedules.

Mr. Pimental said he would have the feedback from the Attorney and a final draft ready by their next regularly scheduled meeting on Dec. 17 and suggested that they set the date for the first Public Hearing that night.

Mr. Fisher suggested they hold the hearing on Jan. 7.

Consensus of the board was to hold the Public Hearing on Thursday, Jan. 9 due to Mr. King's unavailability on Jan. 7.

**Any Other Business before the Board:** None

**Adjournment:**

**Motion:** (Bridges, second Fisher) to adjourn the meeting passed unanimously at 8:34 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary

  
\_\_\_\_\_  
Charlie King, Chairman