

Town of Farmington
Planning Board Meeting Minutes
Tuesday, March 2, 2021

Board Members Present:

Charlie King, Chairman
Rick Pelkey, Vice Chairman
Bill Fisher, Secretary
Gerry Vachon, Selectmen's Rep.
Ann Titus
Jeremy Squires
Stephen Henry

Board Members Absent:

Bruce Bridges, excused

Others Present:

Kyle Pimental, Interim Planner
Richard Ellis

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.

Seat Alternate Member:

Chairman King then sat alternate member Jeremy Squires in Mr. Bridges' absence.

Conceptual Consultation:

Richard Ellis said that his corporation which is a church (God the Father, Inc.) is in the processing of purchasing the property located at 23 Ten Rod Road. He said the property used to be a small campground and he would like to remove the 4 mobile homes on it and extend the campground around the pond.

Mr. King asked if the property consists of 2 separate parcels.

Mr. Ellis said it is one parcel but there are two owners and each one owns a 50% interest in the property. He said in 2 months he would have ownership of the second 50% interest in the lot.

Mr. King said some of the land may be in Current Use for tax purposes and asked if it would be taken out of Current Use for this development.

Mr. Ellis said that is correct.

Mr. Pimental said page 29 of the Town's Zoning Ordinance defines campgrounds as a plot of ground upon which 2 or more camp sites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

Mr. King said the Garlands had an active campground permit for this property and asked how

many years the site was approved as a campground.

Mr. Ellis said he didn't know how many years it was legally permitted.

Mr. King recalled that it had to have been more than 5 years where the Code Enforcement Officer was reviewing the site yearly as part of the permit process. He said previous to that there were campgrounds but they weren't being reviewed and approved every year. He asked for the number of sites that were approved there.

Mr. Pimental said 4 camp sites were approved but his understanding is the mobile homes were put on site but were never approved. He said he has not discussed this in depth with the CEO on this but it sounds like the review for compliance and maintenance of the campground use has not been kept up so it is likely they would have to start fresh with this new use and view this as a new site plan for a camp site and forget about what was approved in the past.

Mr. King said the people living in that neighborhood are accustomed to at least some camping on that property.

Mr. Pimental said the 50 sites proposed is a different intensity of the use but the use itself as a camp ground has been there before.

Mr. King asked if the parcel can support the density of 50 camp sites and if he laid out a plan.

Mr. Ellis said he planned to have an engineer do a site plan to see what the property is compatible to. He said his thought was to get rid of the mobile homes and put RV's in there. He added he was also closing on the house at 11 Ten Rod Road.

Mr. Pelkey asked what activities would take place at the campground and if there would be entertainment on site.

Mr. Ellis said they would be religious based and is for people to come for meditation and to go to mass on Sundays.

Mr. Pelkey asked if planned to have a restaurant or a country store on site.

Mr. Ellis said no and that the original campground has a bathhouse on it and he planned to see if he could incorporate that into the new campground and replace another building that is falling in with one with washers/dryers and vending machines.

Mr. Fisher said he checked the zoning map and that the whole area around the pond is in a 250 ft. Special Purpose Zone and asked what that is about as he never heard of it. He said it appears to encircle any water body and could have been the 250' wetlands buffer zone.

Mr. King said the only 250' setback he was aware of is for the Shoreline Protection Act which is only on the Cocheco River.

Mr. Fisher said this is around a lot of the properties in town and it needs to be looked into because either the Town's maps are wrong or there is a buffer zone in there that no one knows anything about.

Mr. King asked Mr. Pimental to research this matter.

Mr. Pimental said if it is something within an overlay district they could deal with it once the site plan review process begins.

Mr. Henry asked if this land goes down to Baxter Lake.

Mr. King said no and that it is on the other side of the street.

Mr. Pelkey asked if Mr. Ellis has discussed his plans with any of the abutters.

Mr. Ellis said no and one property line is on the border with Rochester and Matt Scruton owns the abutting property on that side.

Mr. Fisher asked for the size of the property as there is nothing on the map or in Mr. Pimental's memo stating the size of the lot so they can't even begin to consider how many lots might go in there.

Mr. Ellis said the lot is 80 acres in size.

Mr. King asked for the rough dimensions of the lot and how far it goes back.

Mr. Ellis gave Mr. King a copy of the map given to the board but it did not contain the dimensions of the parcel and he did not know the dimensions. He said he planned to put in walking trails around the perimeter of the property and to put in more fields.

Mr. Fisher said there are a couple of septic systems on the site (used by the mobile homes) and asked if he puts in 50 sites what he planned to do to handle the septage.

Mr. Ellis said he planned to put in holding tanks that would be pumped out regularly because he didn't want to add any more leach fields to the property.

Mr. King said he believes the existing septic system is a single system for the 4 mobile homes and he may be able to pump some of the holding tanks into that septic system.

He then asked about the water source for the pond.

Mr. Ellis said it is spring fed and there is no inlet into it.

Mr. King said there is a lot of engineering work needing to be done and he might want them to do some preliminary work and then come back for an additional conceptual discussion with the board. He asked Mr. Pimental if there were any underlying zoning issues.

Mr. Pimental said by definition recreation campgrounds are allowed in this zone (**Agricultural Residential District**). He asked if the camping would take place in tents, RV's or a mix of types. He said the Town's zoning specifically speaks to recreational vehicles being on campgrounds so it would be good for the board to know the type of camping planned.

Mr. Ellis said he talked to the Building Inspector and the Town doesn't want people living in RV's and he doesn't intend to have seasonal campers as he wants people to come and go and have a turnover with different people having the experience. It will be a mixture of types and I'm not planning on having anyone there in the winter time he said.

Mr. Pimental said if there are going to be 50 sites the board should consider how many will be for RV's and for the tents and how they would be spaced out.

Mr. King asked about the access to the property.

Mr. Ellis said he planned to have a one-way street coming in on Garland Drive and loops around the pond and comes down on the field side and exits where the original campground was.

Mr. Pelkey said the camping he planned is pretty low impact and if he was going to put up a

stage and have all sorts of amenities with it that would bring it to a different level of discussion. There isn't a lot of it above camping and it sounds pretty straightforward to me he said.

Mr. Henry asked if Garland Drive is a private or Town owned road.

Mr. King said it is a private road.

Mr. Pimental said he will have to look into it, but the pond may be big enough that the buffers the Town has have to stay in place.

Mr. King said the threshold may be 5 acres in size and he didn't think this pond was that big.

Mr. Pimental said 5 acres is for the Shoreline Protection Act so this isn't an issue for that but the Town has a waterfront protection overlay district which has different with 2 different zones that allow different things and this will all come up during the site plan review phase. He asked if the Conservation land in Rochester that abuts this property is open to the public.

Mr. Ellis said he believes the fields are in conservation but the rest of the property is not.

Mr. Pimental said a campground next to conservation land might be an opportunity for some trails in there.

Mr. King said that property is in another town.

Mr. Pelkey suggested the board should see Mr. Ellis once he starts to put his plans together but before they get to the point where he is applying for site plan review. He said for a lot of large parcels they don't necessarily see the details of what is not being developed but where he is going to put a lot of it into use he is probably going to need a more defined plan.

Mr. Henry said if the back half of the property is staying wooded and trails they usually don't require the topography for that.

Mr. Pimental said the application will also go through the Technical Review Committee process so it will have a full review. He said he didn't know how many sites the board can regulate and because they are camp sites it doesn't fall into the density requirements.

Mr. King said the initial engineering could determine what the density could be and it will be a negotiation point during the discussion and if they feel it can't support the density they say no.

Mr. Ellis said he would like to have 20' sites and didn't want them squeezed in there and he also planned to have sites on the back side of the road.

Mr. King said depending on the cost he may want to use a phased approach and show the board the max long term density and the density for each phase planned.

Mr. Pimental said the design review is a good time to get feedback and this was a good preliminary discussion to get the board's initial thoughts. Then come back with some initial sketches and let the board hash that out as opposed to doing it at a public hearing he said.

Mr. King said the pitfall with that is he make get further along with the engineering and if it has to be redone it's a cost issue.

Mr. Ellis said he could plot it out and sketch it and bring it before the board before they get to that point.

Mr. Fisher recommended if he plans to have a store in the future to mark it on the plans now

and plan for future growth.

Mr. Henry said he was told it doesn't matter if you say you might do it you still have to come for approval because you didn't say you will do it. He said he thought it would be better to say you will do it and there's nothing to compel you to do it.

Review of Community Planning Grant Reporting:

Mr. Pimental said several years ago the Town got a grant through the NH Housing Community Planning Grant Program to look at potentially changing some zoning ordinances and ways to promote housing options and a report was put together by Jeffrey Taylor & Assoc. in 2014-15. He said he spoke to someone at NH Housing and they said the program was successful in helping to identify some local land use regulation changes that would help meet their goals. As part of the grant Farmington agreed to do a certain amount of reporting for several years after the grant wrap up to show what changes were made after the audit so NH Housing could track their progress and determine if the money given to the Town actually resulted in any changes. He said that wasn't done so NH Housing contacted him and said we need to go back to 2016 to the present and fill out as many of the questions as possible and then submit the report to their online portal and then it will be exported as a Word document to get the board's feedback. He said there are some questions where the answers are just numbers and don't require any comments but he would like to go through it with them and see if there is any additional input they would like to be included. He said he told them that 2019 and 2020 will be a little more accurate because he was involved in some of the land use changes and the applications that came before the board then and the further you go back the less accurate it might be. He said they understand trying to go back 5-6 years and pull out all this information is difficult but it's the best that we can do and it was agreed upon as part of the grant so for future funding you want to make sure the Town has met the state requirements so they don't use it to disqualify the Town for future funding.

Mr. Pelkey asked what the grant was meant to accomplish.

Mr. Pimental said there were 2 main goals-1) to look at potential regulatory changes that would increase housing options and increase development along Route 11 and the downtown area and 2) to look for inconsistencies with the Master Plan. He said 2 examples are the Town allowed for detached Accessory Dwelling Units which increases housing options and increased the density allowed downtown which increases housing options which is what the Housing Authority is most interested in.

He said there hasn't been quite as much change in the Rte. 11 area though we did see some commercial development there and they wanted to see what development was, on what size lots and the density. Some of the lots were gigantic but the commercial development was really small so the density doesn't look great but those are some situations that will pop up he said.

Mr. Pelkey asked if the grantor had the metrics that they wanted the Town to look into.

Mr. Pimental said it was a little subjective in that the questions that were asked could be

answered by any community that did this and they broke out certain things such as density and land use regulations. We were concerned with what was specifically in Farmington's grant application which was the Master Plan, housing and development of Rte. 11 and the downtown. We didn't capture every single ordinance change or list the definition changes because that didn't touch on anything that project was attempting to accomplish he said. Mr. King said the report talks about development and asked if there was no requirement to report residential development.

Mr. Pimental said they weren't interested in single family homes.

Mr. King said page 11 talks about the Public Safety Building and states ground was broken for the building in 2016 but it isn't noted anywhere that the building was completed in 2017.

Mr. Vachon said on page 10 in the "2017" comment section the second sentence says the Public Safety Building was completed in March.

Mr. King said it doesn't reference that and suggested that it be noted on page 11 in the 2017 section that the Public Safety Building was completed in 2017.

Mr. Vachon said page 11, question #3 asks for projects under development and question #2 on page 10 asks for projects that been constructed.

Mr. Pimental suggested that "(completed in March 2017)" be added after "expected to be completed in Feb. 2017" on page 11.

Mr. Pimental said they read through the Town Reports and tried to get as many relevant municipal projects as they could.

Mr. Fisher asked if the RSA 79-e program that gives tax breaks (for rehabilitation of downtown areas) was part of this grant.

Mr. Pimental said on page 5 there is a section on "Route 11 High Density Development Plan and RSA 79-E District" but there was never a question specifically about that so there was no place to include that the Town did have a 79-E request in 2019 or 2020. He said it was more about site plans, subdivisions and commercial/residential mixed use projects and never asked a question about how many were in the 79-E program so he didn't know where to fit it in.

Mrs. Titus asked if the Tax Increment Finance District should be put there.

Mr. King said at about the same time as the 79-E the town created a TIF District and asked if that was reflected in the report.

Mr. Pimental said it was not included and asked for the most appropriate place to list it.

Mr. King noted the 79- E district is the downtown area and is not on Rte. 11.

Mr. Fisher said it could also be noted under question #2 (no. of mixed use buildings/sites approved) on page 6 as the 79-E request was for a mixed use building. He then recalled that it was changed to commercial use as the owner changed his plans and decided not to put in apartments in the building.

Mr. King said the time period that applies is when he actually applied for the 79-E program.

Mr. Henry said the owner bought the building in March 2019 and requested the 79-E that year.

Mr. King said a note should be added that the town created a TIF District from the Main Street Bridge to the intersection of Main St. /Rt. 11 and for a short distance on each side of the intersection on Rt. 11.

Mr. Pimental suggested that be added as a note to question #1 under "Objective: Economic Development –Commercial/Industrial on page 6. He also suggested on page 6 adding a note to question #2 add either in 2019 or 2020 the one 79-E project.

Mr. King said he believes that Hattie's Place falls in the TIF District.

Mr. Pimental said he would research the boundaries for the TIF District.

Mrs. Titus said the EDC was involved with TIF District and suggested that he look through their minutes from 2014. She said there is also a TIF District Advisory Committee that may have more information available for review.

Mr. King said the Assessing Dept. should have a list of the parcels in the TIF District as the taxes on any property improvements would go into the TIF District account.

Mr. Pimental asked if there were any other big ticket items that should be added to the report.

Mr. Fisher asked if the temporary bridge on Hornetown Road would qualify for this report and if any of those funds were used in the planning phase or for the engineering study for the bridge.

Mr. Pimental said he did not know and would look into it.

Mr. Fisher said there was also a study conducted on the levee and the new flood plain areas.

Mr. Pimental said the bridges and the levee could be added under 2019-20 planned projects.

Mrs. Titus said page 9 lists the red-listed bridges on River Road and Hornetown Road as planned projects in 2017.

Mr. Henry said on page 11 for 2016 it says planned: Main St. bridge replacement and that is the state bridge and suggested it should be stricken because it is not Town managed.

Mr. Fisher said there was some involvement from the Town for that project as it required a temporary bridge that took land from the Town.

Mr. Pimental said he could clarify that the project was coordinated with the DOT. He said if the board was comfortable he would incorporate and submit the comments on behalf of the Town.

Motion: (King, second Titus) to authorize and have Kyle finish the changes to the NH Community Planning Grant Reporting as we've mentioned and submit that to NH Housing passed 7-0.

Any Other Business before the Board:

Clarification: Minor Lot Line Adjustments – Mr. Pimental said he wanted to clarify a previous statement he made regarding minor lot line adjustments to state that they cannot be reviewed by Town staff. He said RSA 676:4 I (d) states they may not require a public hearing but they still have to give notice that the board is considering such a request. He said there is language in the subdivision regulations that there could be an expedited process but he didn't know exactly what that means. It could mean a public hearing is not required if it doesn't create any new lots

but it can't be something that doesn't come before the board he said.

Mr. King asked if "noticed" means it has to be a public notice or public notice and notice to the abutters.

Mr. Pimental said it doesn't have to be published in a newspaper but the abutters must be notified.

Mr. King said he is stating what the RSA says and asked what the Town's regulations say the applicant is going to pay for.

Mr. Pimental said it says that a minor lot line adjustment needs to follow the process for any public hearing. Later on it says the board can also have an expedited process but it doesn't describe what that expedited process is. Whatever that process is it can't be done by the staff and it still must be properly noticed and by RSA it doesn't have to be a public hearing he said. He said this is a little confusing and the board may want to consider going by the RSA and strike the expedited process piece of it and then just follow whatever the noticing requirements would be for that because the requirements are slightly different for a public hearing and a public meeting.

Mr. King said the 2 differences are they don't have to be noticed in the newspaper and it doesn't have to be a public hearing but it has to be considered and approved by this board. Our policy says there will be a public hearing and a mailing and if the board wanted to consider changing that to the minimum state standards we could he said.

Mr. Pimental said that is correct. He said another difference is the requirement to schedule the hearing 10 days after the notice is printed in the newspaper doesn't have to be followed and there is no cost for the newspaper notice. He asked the board to let him know if they want to change it and he will provide them with the draft language. He suggested they start developing a list of any changes they may want to make to the site plan and subdivision regulations.

Mr. King said he didn't want to add items to the list until they finish what is being worked on now such as the Master Plan and the proposed changes to the zoning ordinance.

Mr. Pimental said a public hearing would be needed to make changes to the regulations and suggested they determine all of the changes needed and do it at one public hearing instead of individual public hearings for each regulation.

Planner's Planned Absence - Mr. Pimental said he will not attend the April 20 Planning Board meeting and he will provide any materials needed for the meeting prior to that date.

Rainone Electric Update- Mr. Pimental said he met with Mr. Rainone to talk about his site plan and how many parking spaces the employees would need and it does not seem to be an issue. He said they have a carpool service and the employees come to work in a van and then the van leaves. He has 11 spaces but only Mr. Rainone and one other person have cars which they park behind the building which leaves 9 spaces and same thing for the plumbing company-the employees carpool in by van, they are dropped off and the van leaves and they have 2 cars on site. They have plenty of spaces so I didn't see it being an issue and he doesn't need to come

back for an amended site plan unless the board feels otherwise. He asked if this needs to be provided to Mr. Rainone on an official letterhead.

Mr. King asked him to draft a letter to the board stating Mr. Rainone doesn't need to return for an amended site plan and the board would solidify that with a motion and make it official.

Mr. Henry asked if this decision is time sensitive for the applicant.

Mr. Pimental said he didn't think it was time sensitive as Mr. Rainone is still working out the lease agreement with the plumbing company and the building is still under construction.

Mr. King asked Mr. Pimental to supply the board with the information and if the board agrees they would solidify that he doesn't need to return because the change is insignificant. Then it will be official and recorded in the minutes and would be available for the next owner should it change hands down the line he said.

Mr. Pimental said this matter will be put on the agenda for the March 16 meeting. He said Mr. Rainone was looking for some guidance on if he needed to put anything in the lease agreement with his tenant on if they grow or need more parking spaces and how that would work. I would say that as long as he stays within the 11 spaces we don't need to see him but if he goes beyond that he needs to put it in writing and come back to the board he said.

Mr. King said he needs to put in writing whatever he needs to do with his tenant to make sure he's in compliance because if he's not in compliance it's on him not his tenant.

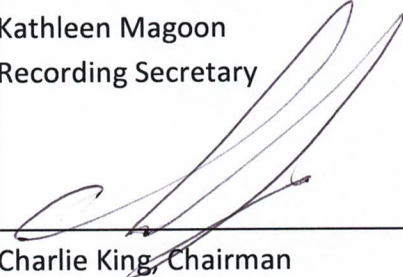
Mr. Henry said the regulations are in regards to the number of cars and we don't care which business they're attached to and if he starts riding his bike to work his tenant can bring in another car.

Adjournment:

Motion: (Titus, second Henry) to adjourn the meeting passed 7-0 at 7:10 p.m.

Respectively submitted

Kathleen Magoon
Recording Secretary

A handwritten signature in dark ink, appearing to read 'Charlie King', is written over a horizontal line. The signature is stylized with a large, sweeping loop.

Charlie King, Chairman

