

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, May 3, 2018

Board Members Present:

Elmer Barron, Chairman
John Aylard, Vice Chairman
Bill Fisher, Secretary
Joe Pitre
Elise Haig, Alternate

Board Members Absent:

Walter Morgan

Town Staff Absent:

Dan DeSantis, Town Planner

Others Present:

John Desmarais, applicant
Kristen Lessard, abutter
Sarah Juhlin, resident

Call to Order:

Chairman Barron called the meeting to order at 7:03 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Alternate Seated:

Chairman Barron asked Ms. Haig to be seated in Mr. Morgan's absence.

Review of Minutes:

March 1, 2018- No errors or omissions

Motion: (Pitre, second Aylard) to accept the minutes as written passed 5-0.

Election of Officers:

Chairman – Motion: (Aylard, second Pitre) to nominate Butch Barron for Chairman passed 5-0.

Vice Chairman - Motion: (Barron, second Fisher) to nominate John Aylard for Vice Chairman passed 5-0.

Secretary- Motion: (Pitre, second Barron) to nominate Bill Fisher for Secretary passed 5-0.

Any Other Business before the Board: None

New Cases:

Application for Variance by John Desmarais to vary Table 2.08(B) Space and Bulk Standards to reduce front and side setback requirements to allow the construction of a 100 x 60 building. Property located at 5 Ridge Road (Map R50; Lot 048); Commercial/Industrial Business Overlay (CIBO) district.

Mr. Desmarais came forward and told the board he currently has a millwork shop in Somersworth that manufactures custom plastic exterior trim packages which are shipped to the

customer. He said he is looking to move the business and two employees to Farmington and construct a new building to house the business at 5 Ridge Road. The building has already been purchased to avoid the large price increase on steel due to the recently imposed tariffs he said. He said the parcel doesn't meet the two acre lot size building requirement and the configuration of the lot is unique as it does not have any square corners. To follow the guidelines for a 50 foot front setback and 35 foot rear/side yard setbacks and put up a building he can work out of is almost impossible he said.

Mr. Desmarais said the lot has been professionally surveyed but the surveyor only sent him the drawings for lot and that he did not have a stamped survey. He said the placement of building is also due to the slope of the land off the back corner and to put the building any closer to Route 11 would require a large amount of fill to bring the property to the proper grade at an estimated cost of about \$10,000 - \$12,000.

Chairman Barron asked about the water and septic service for the lot.

Mr. Desmarais said the lot has an existing private well and septic system as part of the residence and that he was advised by the Planner to address those issues after meeting with the board.

He said he planned to remove the existing house and the property will not be an eyesore to the Town and should not affect anyone in terms of visual or traffic issues. There are only two employees and truck traffic should be limited as some projects take a few months to complete with no deliveries/shipments during that time he said.

Mr. Pitre asked about the access to the property.

Mr. Desmarais said the access is the current driveway for the residence off of Ridge Road. He said that the facility would emit a minimal amount of noise as he uses the standard millwork equipment such as table saws and shavers. The vacuum/blower system will be located inside the building and any remaining materials would be recycled or disposed of he said.

Chairman Barron pointed out an abutter to rear of the lot at the top of the hill which is not very far from where Mr. Desmarais is proposing to locate the building.

Mr. Desmarais said he is currently in a mill building with 14 apartments and has never had a complaint about noise from the business and doubted the abutters would ever hear a thing. He said he is not a production shop but a high end custom shop and gave the board a flyer describing his products. He said he would like to keep the quality at its highest level so he can't bring in a lot of help as the quality control is not there.

Chairman Barron then asked the board to begin the review of the facts supporting the request. He read aloud the Town Planner's and Applicant's responses as stated in a memo to the board.

1). The Variance will not be contrary to the public interest.

Applicant response: The location of the property is in the Commercial/Industrial District and with a new structure and the removal of the old structure would enhance the overall appearance as well as increase property value and would not threaten health and safety or

welfare of others.

Planner's Response: The property will not negatively affect the public interest and will develop as intended according to the Zoning Ordinance and the current Master Plan.

Chairman Barron asked if there were any abutters in attendance.

Ms. Lessard identified herself as an abutter across Route 11 on Trotting Park Road. She said she came to find out what is planned for the lot and that she did not have any issues with the plan.

Ms. Juhlin said she is not an abutter to the lot but is also a resident of Trotting Park Road.

Chairman Barron invited them to ask questions about the plan at any time during the meeting.

Board Response: Consensus of the board was that it will not negatively affect the public interest and it will develop as the Zoning Ordinance intended.

2).The spirit of the ordinance is observed.

Applicant Response: Light manufacturing would not affect the spirit of the ordinance for it falls into the light industrial. Set back adjustments would not affect the public. The setback adjustments would not affect the abutters or the public.

Planner's Response: The setback adjustment requests are due to the configuration of the property. The use will become a conforming use in which the spirit of the ordinance will be observed.

Board Response: Chairman Barron said it is a conforming use but the board needs to look at the setbacks. He said it would be appropriate to allow some discussion of the setbacks at this point as the applicant mentioned the setbacks as part of his response. He said that the plan shows that the applicant proposes to put up a building at less than half of the present required setbacks on Ridge Road.

Mr. Desmarais said that is correct and then gave the board an alternative proposal drawing where the building could be placed further off of Ridge Road. He said the drawing was based on having frontage on Route 11.

Chairman Barron said the lot has frontage on two roads which creates a double problem with the property.

Mr. Desmarais said he was advised by the Planner that the frontage and the 50 foot setback requirement is for the Ridge Road side of the lot.

Chairman Barron said he was not sure if that was correct.

Mr. Fisher asked if the longest side of the property along a road was considered the road frontage for the property. He pointed out that the lot has 310 feet along Ridge Road and 220 feet along Route 11.

Chairman Barron said they have always considered corner lots as having frontage on two sides of the lot. He estimated that the proposed building would be situated approx. 70 feet from Route 11 as shown on the drawing so there is no issue with the setback on that side of the lot. He said the second drawing proposes to move the building closer to the abutting lot which is also in the CIBO District. He said if he had to infringe upon a setback he would rather do it

against another commercial lot than on Ridge Road.

Mr. Desmarais said there is a 35 foot right-of-way on the abutting six acre property to allow access to that parcel. The owner of that lot would not be able to build any closer to the lot line than that because it is the access to their lot unless they access the lot from Route 11 he said. No documentation of the right-of-way was presented to the board.

Consensus of the board was the spirit of the ordinance would be observed.

Mr. Desmarais showed the drawing to the residents and gave a brief explanation of his plans.

3). Substantial justice is done.

Applicant's Response: Granting a Variance would improve overall property value which would increase tax value which would also supply employment for several people. Due to unique lot and size and shape denying the Variance does not allow for any reasonable use of the property.

Planner's Response: The approval of the Variance will allow for use of the property according to the use as stated in the Zoning Ordinance as well as recognize the unique configuration of the property.

Board Response: Ms. Haig said she agreed as long as the rear abutter has no issues with building being so close to their property line.

Chairman Barron said they were notified of the meeting and that they could deduce that they had no problem with the plan as they did not attend the meeting.

Consensus of the board was that substantial justice would be done.

4).The value of surrounding properties are not diminished.

Applicant's Response: The Variance would allow for the removal of the old unsafe structure replaced with a new structure which increases overall value of said property as well as curb appeal to land.

Planner's Response: The Variance will not diminish the value of surrounding properties.

Board Response: Consensus of the board was that surrounding property values would not be diminished.

5). Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Applicant's Response: Due to the unique setting and shape with existing setback, the property cannot be used in strict conformance with the ordinance. Approving the Variance would allow me to make reasonable use of said property. Not approving this Variance would prevent any reasonable use of this property under CI guidelines.

Planner's Response: The configuration and size of the property make it difficult to conform to existing regulations. Therefore, literal enforcement would result in unnecessary hardship to the applicant.

Board Response: Chairman Barron pointed out that the applicant said enforcement of the ordinance would "prevent any reasonable use" and that the Planner stated it would "make it difficult". He said he agreed it is very tough lot but did not agree that it precludes any sort of

development but would preclude a building of this size.

Mr. Pitre said the applicant is trying to get the most use out of the property as it is limited in uses and he would also want to maximize the value of the property if he can.

The board discussed possible building locations and potential setbacks, current and previous location of the driveway and certification of the setbacks by a licensed surveyor would be required.

Consensus of the board was the literal enforcement of the ordinance would result in an unnecessary hardship for the applicant.

Chairman Barron then asked the members to discuss the setbacks for the building. He said he would be more comfortable with placing the building so that it would infringe on the abutting lot than to allow a 22' setback on the Ridge Road side as that is very close to the road.

Mr. Fisher said he would also like to see more room on the Ridge Road side and that he did not have any issue with the building being closer to an abutting commercial property.

Mr. Aylard asked if the applicant could make it work with a smaller building such as 40' x 100'.

Mr. Desmarais said a smaller building wouldn't work due to the length of the materials used.

Chairman Barron asked where the materials coming into the site would be unloaded.

Mr. Desmarais said the materials used are 16 inches wide by 18-20 feet long and the deliveries would be similar to those from a lumber company. He said that many times the materials are delivered on a smaller truck one unit at a time and the truck would have enough room to pull right up to building to unload them. He said he receives a delivery once a month and if he had the storage space he could get away with deliveries once every two months.

Chairman Barron expressed concerns about the amount of traffic at the intersection of Ridge Road and Route 11 and the rate of speed of vehicles when entering Ridge Road. He said he would stipulate that there would be no parking or unloading trucks on Ridge Road.

Mr. Aylard asked if a semi-trailer truck would never deliver to the site or would only deliver to his lot infrequently.

Mr. Desmarais said it would depend on the product being delivered.

Mr. Aylard said that the access to the site did not seem large enough for a semi to turn around.

Mr. Desmarais said the delivery vehicles are 24' flatbed lumber trucks and are not semi trucks.

Chairman Barron said they must also consider the possibility of buying new equipment for the business which could require delivery on a tractor trailer.

Mr. Desmarais pointed out where the trucks would enter, the location of the delivery area and how there would be enough room to back in next to the building and drive back out to road.

Chairman Barron suggested the building could be moved a few feet to allow for some additional room for the trucks to maneuver onsite.

Mr. Pitre requested the drawing presented to the board be marked as Exhibit A to distinguish it from the drawing received in their packets.

Ms. Juhlin said there is also the issue of coming out of the driveway onto Ridge Road when the

traffic is stacked up at the intersection with Route 11. She said Mr. Desmarais may not be aware of this issue and suggested that it may be something he needs to work out.

Mr. Desmarais said he was aware of the traffic flow there and there are weeks when he doesn't have any traffic flow coming out of his shop.

Consensus of the board was that the second plan presented to them was more to the board's liking and Chairman Barron asked if they would like to request more information on the plan. Discussion also included the "buildable envelop" of the lot and the potential need to grant three setback variances. No additional information was requested by the board.

Motion: (Pitre, second Fisher) to grant the Variance requests as outlined on Exhibit A with the setbacks to be no closer than 11 feet on the northerly side, no closer than 20 feet on the westerly side and no closer than 37 feet on the southerly side (Ridge Road) with absolutely no parking or unloading of trucks on Ridge Road passed unanimously.

Any Other Business before the Board: None

Adjournment:

Motion: (Pitre, second Aylard) to adjourn the meeting passed 5-0 at 8 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Elmer Barron, Chairman