

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, June 7, 2018

Board Members Present:

Elmer Barron, Chairman
Bill Fisher
Elise Haig, Alternate

Others Present:

Dan DeSantis, Town Planner
Randy Orvis
Adam Giles
Alison Arguin
Diane Thayer

Board Members Absent:

John Aylard, Vice Chairman, excused
Joe Pitre, excused
Bob Morgan, excused

BUSINESS BEFORE THE BOARD:

Call to Order:

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

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

May 3, 2018- No errors or omissions

Motion: (Fisher, second Haig) to accept the minutes as written passed 3-0.

Any Other Business to come before the Board:

Chairman Barron asked what the criteria are for a completed application to this board. He said he began to think about the issue following the last meeting where there wasn't a surveyor's plan or much documentation for the board to review and asked if there is a set of standards to consider an application complete.

Mr. DeSantis said if the board wants a surveyor's plan it is up to the board to request it as it is not currently part of the application process.

Chairman Barron said it should be considered for some of the cases before them so they at least have the lot lines verified by a surveyor as the board considers the application. He suggested it could be required of the applicant at a meeting and then continue the hearing.

Mr. DeSantis said he would ponder the issue and get back to the board.

Mr. Orvis suggested they look at the Town of Farmington's ZBA application requirements which call for a plan and a series of photos to accompany the application.

Chairman Barron asked Mr. DeSantis to provide copies of the Barrington ZBA application requirements to the board for the next meeting.

NEW CASES:

Appeal from Administrative Decision by Randy Orvis, Geometres Blue Hills LLC: (Tax Map R57, Lot 13-1; James Woodman, owner) to appeal the decision of the Planner that the interpretation of zoning is incorrect. Parcel is located at 1173 Ten Rod Road; Agricultural Residential District.

Application for Variance by James Woodman: To vary Table 2.02 (B) Space and Bulk Standards to reduce front setback requirements to allow subdivision of the lot. Parcel is located at 1173 Ten Rod Road (Map R57, Lot 13-1); Agricultural Residential District.

Mr. DeSantis requested that the board continue these two cases. He explained that he was under the impression that abutters' notices did not need to be sent out for the first case but he subsequently found out that notices are required to be sent out to abutters for an appeal. Chairman Barron said the hearings would have to be continued anyway as he is conflicted with both parties involved with these cases.

Mr. DeSantis proposed that the board hold a special meeting on Thursday, June 21 at 7 p.m. Chairman Barron asked when the board's July meeting was scheduled.

Mr. Orvis said he did not want to wait that long and that by law the appeal must be heard within 30 days of the filing date which would be the next day. He added that Chairman Barron has already said he will have to recuse himself from the hearings and that Vice Chairman Aylard will also have to recuse himself because he is Mr. Orvis' accountant and neighbor.

Motion: (Fisher, second Haig) to continue the applications for Randy Orvis, Geometres Blue Hills and for James Woodman until June 21 passed 3-0.

Mr. DeSantis said he would speak with the Town Administrator regarding this matter.

Application for Special Exception by Adam Giles (MGB Enterprises, Inc.): Article 2, Table of Permitted Uses VL (A) Commercial & Industrial to allow a contractors/storage yard for materials and vehicles. Property located at Main Street (Map R31, Lot 17); CIBO District.

Ms. Arguin said they plan to use the lot for storage of materials and vehicles and there will be no hours of operation or retail activity at the site. She said the lot is located in the CIBO District and they are seeking a Special Exception as this use is not specified on the Table of Permitted Uses for this district.

Chairman Barron asked what type of materials would be stored at the site.

Ms. Arguin said that the materials would include cable reels, conduit and pipe and there would be no hazardous materials stored there.

Mr. Giles said the vehicles stored/parked at the site would include a tractor, mini excavator, bucket trucks and employee vehicles.

Ms. Arguin said they would be sharing the lot with A-1 Firewood and that the vehicles and

materials would be parked or stored so as not block to the entrance road (Precinct Lane) or interrupt the operation of A-1 Firewood.

Mr. DeSantis suggested the applicants give the board some background on why they want to use this lot and their recent purchase of a lot in the Sarah Greenfield Business Park.

Ms. Arguin said this lot would be their temporary home until they can build their new facility on the Sarah Greenfield lot. She said they need a place to store materials and vehicles until they get everything organized on the new lot.

Chairman Barron asked if members knew the location of the proposed storage site.

Mr. Fisher said it is located down behind Honey Dew Donuts.

Chairman Barron then asked the board to review the Special Exception criteria.

Ms. Thayer told the board that she is the new owner of this property and asked about the proper protocol to comment or ask questions.

Chairman Barron said Ms. Thayer would be allowed to comment or ask questions following the completion of the application review.

1). No hazard shall be created to the public or adjacent property on account of potential fire explosion or release of toxic materials.

Planner's response- No hazard will be created to the public or adjacent property on account of potential fire explosion or the release of toxic materials.

Chairman Barron noted that the application was signed by the former land owner Arthur Cardinal and asked Ms. Thayer if she gave permission to Mr. Giles for this use of her property.

Ms. Thayer said the property had just transferred to her that day and that she had no problem with the proposed use of her property although she had some questions about the application.

2). No detriment to property values shall be created in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment or other materials.

Planner's response- No detriment to property values will be created, nor will it change the essential characteristics of adjacent properties. With almost 14.2 acres, it is believed that there will be no unsightly storage of equipment or other materials. The site includes a 30' x 30' garage that will house most of the equipment and materials.

Mr. Barron said he assumed that mostly the materials will be stored in the garage and the vehicles will be stored outside.

The applicants agreed with the exception of the tractor and mini excavator which will be stored in the garage.

3). No traffic hazard or substantial increase in the level of traffic congestion shall be created.

Planner's response- There will be no traffic hazard or substantial increase in the level of traffic congestion.

Chairman Barron asked Mr. Giles how many trucks will be run from the site.

Mr. Giles said they have a total of 11 trucks but they only run about six of them a day.

Ms. Arguin said the drivers are at the site between 5:30 a.m. and 6 a.m. to pick up their trucks and try to beat the traffic to Massachusetts where most of their work is.

4). No excessive demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools.

Planner's response- There will be no excessive demand on municipal services.

The applicants said they did foresee any excessive demand on Town services.

5). No significant increase of storm water runoff onto adjacent property or streets shall be created.

Planner's response- There will be no significant increase of storm water runoff onto adjacent property or streets.

Mr. Barron asked if there would be any physical changes to the property.

Ms. Arguin said there will be no changes made to the property.

Mr. Fisher asked if they planned to add any gravel or concrete pads to the site.

The applicants said they were not going to bring in gravel or concrete.

Planner's recommendation: It is recommended that the applicant's request for a Special Exception be approved.

Chairman Barron then asked Ms. Thayer to come forward with any questions or comments.

Ms. Thayer said that under the description of the property Mr. Giles wrote the portion of the property they would be using has a minimum of two acres with 275 feet of frontage. She said that where they will be situated and with the layout of the land she did not believe there are two acres available there.

Chairman Barron said the applicants would only be using a piece of the parcel and if that is adequate room for them then the fact that the whole parcel is more than 14 acres is all that really counts to the board. He said he did not think there is any space restriction involved for this use so even if the portion they will use were only one acre it wouldn't matter to the board.

Ms. Thayer said she does not know where the boundaries are located and that she is having a surveyor come to survey the property and re-mark the lines. She said she did not know if the applicants would be on her property or not.

Chairman Barron suggested they could make it a condition of approval that if the applicants find that they are not on Ms. Thayer's parcel that they would have to move onto Ms. Thayer's parcel and that there be adequate room for the business at that point.

Ms. Thayer then asked if two acres of land is required the proposal.

Mr. Barron said there is no space requirement in this case and that he was not sure why the applicant wrote that on the application.

Ms. Arguin said the application asks for length of frontage, sides and rear under the description of property and they were trying to give an approximate size of the portion of the property they

would be using.

Ms. Thayer said it was also her understanding that the applicants must next go before the Planning Board to be approved.

Mr. Barron said they would need to go before the Planning Board for a site plan review.

Ms. Thayer said she was told that they have missed the deadline for submissions for the next Planning Board meeting (June 19).

Mr. DeSantis said the applicants have already been before the Planning Board and have also received their business use permit.

Ms. Thayer said she did not have a copy of the permit for them to be on the property. She said the permit she has states that it was denied.

Ms. Arguin said the first permit was denied because the Code Enforcement Officer thought they were part of the 3 Phase property which is Lot 13 in front of Lot 17. She said she had to resubmit the permit application and they were required to come to the ZBA for a Special Exception due to the district the property is located in. She said the new permit was approved on May 3, 2018.

Ms. Thayer said she wanted to be sure that everything is in compliance and that she has copies of all of the proper paperwork.

Chairman Barron then asked if the board had any other questions or discussion. He said this will be a temporary arrangement and suggested they grant the Special Exception for this business only and not for any other future use.


Motion: (Fisher, second Haig) to grant a Special Exception to Adam Giles for the use of Map R31, Lot 17 for the temporary storage of materials and vehicles to fall within the boundaries of the lot and that this is a one-time granting of a Special Exception for this business only passed 3-0.

Adjournment:

Motion: (Fisher, second Haig) to adjourn the meeting passed 3-0 at 7:40 p.m.

Respectively submitted

Kathleen Magoon, Recording Secretary

A handwritten signature in black ink, appearing to read 'Elmer Barron', with a stylized flourish at the end.

Elmer Barron, Chairman