

Town of Farmington  
Zoning Board of Adjustment Meeting Minutes  
Thursday, December 2, 2021  
356 Main Street – Farmington, NH

**Board Members Present:**

Butch Barron, Chairman  
John Aylard, Vice Chairman  
Bob Morgan  
Joe Pitre  
Bill Fisher

**Others Present:**

Nick Isaac, Isaak Design, PLLC

**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:**

October 7, 2021- Public Meeting Minutes – No errors or omissions

**Motion:** (Fisher, second Pitre) to approve the minutes as written passed 3-0-2 (Pitre, Aylard abstained).

**NEW CASES:**

**Variance Request by Chad Hill:**

**Application for a Variance by Brian Crossan, Kodiak Group, LLC Tax Map U-6, Lot 19:** A request has been made for a Variance under Section 2.05 Village Center District; Letter (C) Special Considerations; Number (3). The applicant, Brian Crossan of P.O. Box 25, Middleton, NH 03887 is requesting a variance to allow residential uses on the first floor of the building as part of a mixed use redevelopment proposal. The property is located on 421 Main Street in the Village Center District.

Isaak Design, PLLC architect Nick Isaac of Durham, NH came forward representing Brian Crossan for The Kodiak Group, LLC and said that the name “Chad Hill” shown on the agenda may have been mistakenly included from a previous agenda as he did not know who that is. Mr. Barron said the application has the proper name on it and asked the board to disregard it. He read aloud the notice for the variance request as stated above and asked if the members knew which building the variance request is for.

Members said it for the building where the Palmer Hardware Store was located.

Mr. Barron then read aloud from Planning Director Kyle Pimental's memo that the noticing requirements have been met and the board has copies of those who were noticed and of the notice that was filed publically. He said Mr. Pimental asked the board to consider the following comments when discussing the variance application with the applicant:

"To remove existing barriers to redevelopment in the Village District the zoning amendment approved several years ago that encouraged more residentially density by allowing one dwelling unit per 850 sq. ft. of gross floor area of available residential space. In addition to this amendment the zoning was also revised that required for all redevelopment projects where existing mixed use businesses with non-residential uses on the first floor or any commercial use cannot be converted to include residential on the first floor. The intention was to ensure that the existing commercial uses on the first floor within the Village District were not converted to residential uses that would not have been allowed with the new density maximums.

The variance requested is needed as the Town records indicated that the entire first floor of the building was categorized as non-residential. Relief is needed for units #5 and #6 to be able to serve two purposes: 1) allows for residential on the first floor and 2) provides the applicant with the additional 1,222 sq. ft. of gross floor available for the residential space needed to meet the density requirements for 6 units.

The Planning and Community Development Dept. supports the variance application as this project is proposing 2,613 sq. ft. of commercial space with frontage on Main Street which been one of the goals of the Town in trying to achieve and adding much needed housing units in the downtown. We recognize that the conversion of non-residential to residential in the back of the building is necessary for the overall success of the project and makes more sense to be residential than it does to be commercial.

As a reminder, the ZBA is empowered by state statute to act in 4 separate and distinct categories- appeals to an administrative decision, approval of a Special Exception, the grant of a Variance and grants of waivers for dimensional requirements. The granting of a variance provides an applicant with permission to use a specific piece of property in a more flexible manor than allowed by the ordinance so long as the applicant demonstrates that the 5 variance criteria are met. Issues like parking, open space, landscaping, drainage, etc. should not be part of the board's decision making process. Those items will be addressed during site review."

Mr. Barron then moved to the 5 facts supporting this request as stated by the applicant on the variance application.

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

Applicant response – We would submit that this project would enhance the essential character of the Village District by bringing responsible residents downtown and renovating a historic building back to beauty and function. We see no threat to public safety, health or welfare.

Board comments – Consensus of the board was to agree the variance would not be contrary to

the public interest.

2). The spirit of the ordinance is observed:

Applicant response – Please allow us to point out that the main floor space for the commercial units will remain unchanged in use. We are only proposing to use a small portion on the first floor that historically was used for storage and inventory and not retail. We feel the ordinance purpose remains intact.

Board comments – Mr. Aylard recalled that the back of the building was used for commercial purposes when it was a hardware store.

Mr. Barron said that section was definitely off limits to the general public. He said they took anybody that wanted something that was out there down there with them but it wasn't actually a retail area. You weren't allowed out there and they did pipe threading, etc. in that section he said.

Mr. Aylard said the top of that ramp was for products.

Mr. Barron asked if it is from the ramp area going back or if the ramp is even there anymore.

Mr. Isaak said a little bit of the sloped floor is there which is just inside the retail area and then the residential would begin after that and they would have to raise the floor there to make it level.

Mr. Pitre said he believes the spirit of the ordinance has been met and it is something that is sorely needed.

Consensus of the board was to agree the spirit of the ordinance is observed.

3). Substantial justice is done:

Applicant response – We would further submit that this variance would in to (no?) way harm the public while benefiting the property owner (investor). Without the variance the loss to Kodiak would far outweigh any benefit to the town. Farmington needs housing!

Board Comments – Mr. Barron said he was not sure that was the answer they were looking for. Mr. Pitre said what they are looking for in the town is to develop a balance of residential vs. commercial and this does that which is justice. He said if you are going to get that building developed you are going to need something like that and to allow that to happen as a variance would be beneficial.

Mr. Barron said Mr. Pitre is probably right.

Consensus of the board was to agree substantial justice would be done.

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

Applicant response – Using our other properties as an example we would promise and guarantee that the renovation and beauty and function restored back into this historic property will increase surrounding property values. Please note that Kodiak also owns 415 Main Street.

Board Comments – Mr. Fisher said he agreed and anything they do to that building is going to improve the downtown and add value to the other buildings around it.

Mr. Barron agreed and said he didn't believe it would diminish anybody else's value.

Consensus of the board was the value of the surrounding properties would not be diminished.

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

Applicant response – Kodiak has already and is still in the process of liquidating other properties in surrounding towns to fuel this project. We are essentially going all in for Farmington. Also there is plenty of commercial space, the building is huge, Farmington needs good housing and finally without the variance we feel reasonable use for the building cannot be met.

Board Comments – Mr. Pitre said if it is not done then you're going to lose the property because it needs a balance of both residential and commercial. If we don't do it, it is just going to deteriorate even further. That's one of the big problems we have in town which is a hardship more so for the townspeople than the businesses he said.

Mr. Fisher said this would bring a balance to the town with commercial, housing, the Master Plan and all the special Town meetings we've had over the past several years on what to do with the old fire station. He said one of the main priorities is to get affordable housing into the downtown area and still keep the commercial properties viable.

He said taking the extra square footage for these 2 extra apartments downstairs is not going to hurt the viability of the front of building being used for commercial and still allow for housing. I can't agree with the reasonable use of the building cannot be met as it was reasonably being used it as a hardware store up until 6 months ago it just wasn't viable in today's economy.

Overall what Kodiak is trying to do here will be a benefit to the town and the building he said.

Mr. Barron asked when the Planning Board did the revamp of the zoning if their intent was to try to preserve the frontage.

Mr. Fisher said the intent was to keep the storefronts along Main Street and along Central Street and the first floor as primarily commercial uses. He said when they developed this ordinance they discussed using part of the back of the buildings for residential use and they agreed that was a good idea as long as some commercial property was maintained up front. He said when the zoning ordinance went through the wording from the lawyers came out as the first floors must remain commercial if that is what they wanted to do.

He said there is a process in place that they are using tonight and they could grant if warranted a variance to use part of the first floor for residential.

Mr. Barron asked what their primary concern was.

Mr. Fisher said keeping the Main Street frontage commercial.

Mr. Aylard asked if this is the type of housing Farmington wants. He said it always seems like a big paint brush covers everything and these units are only 600 sq. ft. one room dwellings. He said he didn't have a problem with it but questioned if this is the housing Farmington is looking for

Mr. Fisher said yes in the downtown area and they would like to see larger housing out in the rural areas. He said it has been discussed at many meetings that there is nothing affordable

downtown for a new family and they are moving out of town.

Mr. Aylard said there is nothing here that says the units will be affordable. He asked if anybody at the Planning Board asked about snow removal on the property.

Mr. Barron said this application has not been before the Planning Board yet and that is one of the things that are not in this board's purview.

Mr. Fisher said snow removal, parking, dumpster location, etc. are all part of the Planning Board's site plan review.

Mr. Isaak said the units are two story units and have 600 sq. ft. on each floor like townhouses. He said you would enter on the bottom floor and have the kitchen and living room there and the bedrooms are on the second floor.

Mr. Barron said in one of the units on the plan he sees a study but no bedroom.

Mr. Isaak said that was originally going to be a one room studio apartment and they were trying to provide a mix of units.

Mr. Aylard said that makes a big difference to him and he now sees the proposal as feasible.

**Motion:** (Pitre, second Morgan) to grant the variance as presented;

**Discussion:** Mr. Isaak asked if this now goes to the Planning Board with the ZBA approval.

Mr. Barron said yes and Mr. Fisher started to explain the next steps in the process when Mr. Barron asked the members to first vote on the motion on the table. He asked if there were any more questions/comments on this application.

Mr. Morgan asked if this project would involve a facelift for the entire building.

Mr. Isaak said yes.

Mr. Morgan said that can't help but be good all the way around for the town.

**Vote:** The motion passed 5-0.

Mr. Fisher said there will be a meeting with the Planner, the Code Enforcement Officer and the Fire Dept. (Technical Review Committee) to review any safety concerns and once that is taken care of there will be a meeting with the Planning Board for a site plan review with a public hearing for people to come in and talk about their concerns about what he proposes to do.

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

**Adjournment:**

**Motion:** (Aylard, second Morgan) to adjourn the meeting passed 5-0 at 7:25 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary



Elmer "Butch" Barron, III, Chairman