

Town of Farmington
Planning Board Meeting Minutes
Wednesday, January 3, 2024
356 Main Street-Farmington, NH 03835

Board Members Present:

Rick Pelkey, Chairman
Stephen Henry, Secretary
Charlie King, Selectmen's Rep
Mike Day
Rebecca Patton-Sanderson

Others Present:

Kyle Pimental, Planning Director
Cathy Tsiros, resident

Board Members Absent:

Bill Fisher, Vice Chairman, excused
Jeremy Squires, excused

1). Call to Order:

Chairman Pelkey called the meeting to order at 6 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3).Review of Minutes: None

4). Public Comments: None

5). Old Business: None

6). New Business:

Public Hearing to Present the Proposed Amendments to the Farmington Zoning

Amendments-Mr. Pelkey said he will read the proposed amendments aloud and then the board would go through them individually. He said there will be 2 Public Hearings on this and this is the 1st one.

He did so and then opened the Public Hearing at 6:04 p.m.

Resident Cathy Tsiros arrived at the meeting and he asked her if she came to speak to a specific item.

Mrs. Tsiros said she was curious as to what they are talking about when they say residential units and if they were talking about apartment buildings.

Mr. Pelkey said they are talking about changes for density and they are going to go through all of them in detail now. He said if there was something specific she wanted to talk about he was going to let her have the floor first.

Mrs. Tsiros said she owns across the street from here and that she has a couple of rental units

and asked if this is for all over town.

Mr. Pelkey said different districts would have different changes so there are 7 different ones right now because they have to address each one individually and asked her to hang in there as they go through it all right now.

Mr. Pimental said he would walk through each of these with what the primary changes were and he would also go over some minor changes they made to what will go on the ballot. He said they provided the summaries that the Chair just read through and the Town's legal counsel has made some modifications to that to provide some clarification to ensure when residents read they know exactly and he will go through those.

Mr. Pelkey asked if what he just read is the changed verbiage.

Mr. Pimental said it is not the changed version and that is the original version that was sent out for the Public Hearing Notice and to the Village Center and it doesn't change any of the substance it just makes it clearer. What will go out tomorrow for the Jan. 17 meeting will be the revised version they will ultimately vote on to send to Town Meeting at the meeting on the 17th he said.

Mrs. Tsiros said they were going to go through the paperwork tonight and then have another meeting on the 17th too.

Mr. Pelkey said at that meeting they will vote whether to forward these to the Town to be on the warrant.

Mrs. Tsiros said so this is more of a planning and getting it ready.

Mr. Pelkey said it said it won't be approved here it has to be approved by the voters but if she has input on any of them or something she doesn't like...

Mr. Pimental said she received a direct letter and the Planning Board has been looking at these changes for months and they are at the end of this process where they hold these 2 hearings and if the board decides they will move this to put to the voters at Town Meeting. He said some of the changes were specific to the Village Center District and because there are less than 100 properties within the VC they have to do a direct mail out to every property owner and she will receive another one that will have the same language with some minor revisions to it but she can find more details online. You'll see where all the track changes are and what sections they're looking at and what the changes are he said.

Mrs. Tsiros said she didn't need to be here and they could have the final look at it themselves. The board members and Mr. Pimental said she was welcome to stay but Mrs. Tsiros thanked the board and left the meeting.

i). To amend Section 2.01 Agricultural Residential District to clarify that residential development on a lot must be within the minimum contiguous buildable area.

Mr. Pimental said the change to this summary will be to add and general textual clarifications to Table 2.01 (B) Space and Bulk Standards and that is something that will be added to almost all of these. He said other than that nothing is really changing in the bulk standards they are just

getting rid of "New Residential" and the telecommunications towers and wind generators were removed because they are elsewhere in the zoning.

He said the more substantive change is adding under what used to be called Wetlands and Impact on Minimum Lot Size Calculation that the residential development structures need to take place within the contiguous 40,000 SF to the maximum extent possible. He said there are different sizes to this depending on the zoning district so for the AR it's 40,000 SF, for the UR it's 30,000 SF.

He said what this is seeking to address is to close a loophole that somebody could show a contiguous area anywhere on the lot then build the home in an area that may be more sensitive. He said the intent was always if there is contiguous area of 30,000 SF or 40,000 SF that's where the majority of that development should be taking place. The intent here is to ensure that an applicant can't just show that contiguous area way out in the middle of nowhere on an upland part of the lot and then build the house next to a wetland buffer or something like that he said.

Mr. Pelkey said it would be foolish to say you need 40,000 SF of contiguous upland and then let you go anywhere you want to. He asked why you would bother if you didn't care.

Mr. Henry asked since they're adding more restrictive language if 40,000 SF is still the right number or should they reduce it.

Mr. Day 40,000 SF was what they came up with at the last couple of meetings.

Mr. Pelkey said 40,000 SF has been the standard and all this is saying is you have to build within that 40,000 SF.

Mr. King said that was the intent and that is only 30% of the lot area required right now so as far as quality of the land it's the least restrictive based upon volume if you were to go in the UR and you have 1 acre 30,000 SF would be $\frac{3}{4}$ of it so here it's $\frac{1}{3}$ so it's a little bit more restrictive but it's the least restrictive out of the zones.

Mr. Henry asked if this allows somebody to identify multiple 40,000 SF areas and it's going to be one of these three.

Mr. Pelkey said sure if there are multiple 40,000 SF contiguous areas.

Mr. Pimental said so long as the development takes place in one of those areas. He said Mr. King was right that 130,000 SF of a 3 acre lot dividing that by 40,000 SF is roughly $\frac{1}{3}$ of the lot.

ii). To amend Section 2.02 Suburban Residential District to increase the maximum density for duplex and multi-family housing; clarify density bonus criteria for those properties connected to water or sewer and to clarify that residential development on a lot must be within the minimum contiguous buildable area.

Mr. Pimental said again they're going to add to the last sentence of the summary and general textual clarifications to Table 2.02 (B) Space and Bulk Standards. He said they had an original density set for 1 dwelling unit per acre and we are now to be consistent with the other districts we're breaking these out for single family, duplex and multi-family with the single family at 1

unit per 43,560 SF which is 1 acre so that's not changing. He said the duplex and multi-family is coming down so it would be 1 unit per $\frac{1}{2}$ an acre for a duplex and 1 unit per $\frac{1}{3}$ acre for multi-family. He said the primary reason for this in the SR is this allows if you have a lot that meets the minimum 1 acre lot size you would be allowed to have a single family, a duplex or a 3 unit multi-family on that lot by right without needing any relief from the ZBA which was the goal. He said they have gone back and forth on what is the correct number and they decided this seems to be the right density to apply for these different housing types.

He said they also clarified the density bonus to ensure that the minimum acreage requirements for all different housing types except for single family are going to be reduced by 25% for each utility. He said the language was also added about the structures being within that contiguous area but for this one it's 30,000 SF.

Mr. Pelkey said he gave them a handout with different options on the build outs and asked if the one they are talking about is the first page because they didn't want to go to the most allowable one.

Mr. Pimental said the first one is no density bonuses and they're not connected to water or sewer and the pages after that start getting into what bonuses could be applied.

Mr. Henry asked if this requires that the dwelling units be all in the same structure or if he was allowed 3 dwelling units if he could have 3 cottages in smaller buildings. He said with multi-family he would get 3 dwelling units on an acre.

Mr. Pimental said they would say a multi-family is part of 1 structure.

Mr. King asked if it clearly says that in the Zoning Ordinance.

Mr. Henry asked if it could be 3 mobile homes.

Mr. Pimental said no because a mobile home is defined as a single family home.

Mr. Henry said it says he gets 1 dwelling unit per $\frac{1}{3}$ acre.

Mr. Pelkey said if he had $\frac{4}{3}$ of an acre he could have a 4 unit multi-family dwelling.

Mrs. Patton-Sanderson said they need to clarify multi-family to say multi-family building or dwelling.

Mr. Pimental said multi-family is defined as a single structure containing 3 or more residential units none of which is an accessory dwelling unit and a duplex is a single structure containing 2 residential units according to the Town's definitions.

Mr. Henry asked if he had enough land if he could have 5 or 6 duplexes if the lot sizes were big enough.

Mr. Pelkey said if the land supported it yes. He said they are saying the maximum he could have in a lot in this zone and he would be better served to subdivide if he wanted to do that.

Mr. King asked if he had a 5 acre lot if they would allow 5 duplexes on it. He read it says 1 dwelling per half acre.

Mr. Pelkey said then you could yes.

Mr. Pimental said he would say what would happen is the minute you have more than 1 duplex

it's going to trigger site plan review because the total amount is going to be over 3 units. He said a person can put a duplex on a lot without needing Planning Board approval but if they want to start getting into 2 and 3 duplexes that's going to require a full site plan review so we would have say over parking and storm water drainage and all of that kicks in when you go over 1 duplex.

Mr. King asked where they clearly say that.

Mr. Pimental said the authority of the Planning Board within the Zoning Ordinance says as soon as you go to 3 units or more that needs a site plan and it doesn't matter if it's a duplex it's the amount of units.

Mr. King said he wanted to make sure the language was clear so when we're all not here hopefully it gets interpreted the same way. He asked if they need to ask that question to legal. He then asked if someone were to come in and want to do 2 duplexes which is 4 units on a 2 acre lot or with the density bonus on a 1 acre lot if our zoning ordinance would clearly require them to come under a site plan review or could someone make an argument and a legal challenge that they wouldn't. He said the issues are come in with common areas, limited common areas, parking, access to parking and making sure everything is done correctly as far as deeded rights.

Mr. Pelkey said one of the things Mr. King enjoys saying is if it changes ownership and becomes condo and there are a bunch of different people owning them what controls the common area. Mr. Pelkey asked how they would have multiple ownerships of 2 different buildings on the same lot.

Mr. King said it would be a condo association where they have common areas and limited common areas. He said the limited common area is the area that you own, the structure and the rest is the parking and the common area. He said it needs to be clear in the documents to define the ownership for sale and re-sale and they have seen examples of the limited common area has included land and that's where they get into areas that are problematic. He said he tries to keep people aware of it when it comes up and understanding what can happen based on the way it's presented.

Mrs. Patton-Sanderson asked if it defined somewhere that this does not apply to condos.

Mr. Pimental said they can't because it's illegal to regulate ownership.

Mr. King said you can't say we allow 4 units as a rental but you're not going to go condo. He said if they want to make it a condo they can and the board can convene on it and there are certain things they can have an impact in like making sure the paperwork, condo assoc. documents, easements and so forth are correct. Sometimes it comes back to the Town, sometimes it doesn't and sometimes a rental goes condo and we never see it and I don't know if it is a requirement that it has to come here he said.

Mr. Henry asked how much they can do under site plan review if somebody wants to put up a second duplex and if they can look at things like parking.

Mr. Pelkey said yes and it opens it up to all of the site plan review requirements.

Mr. Pimental said it does talk about condo agreements under open space subdivisions that would have to be approved by the Planning Board but it doesn't comment about something that's built and then changes ownership.

Mr. King said they could do an open space cluster development in the AR because they are allowing them to be below the minimum lot size and have lots that are 1 acre if they conform to the requirements of that ordinance where you have the total amount of area that goes into common space and that's why it speaks to condo documents because you have all this land that's owned by the group and how that's handled.

He said they could do an open space subdivision in the UR and be below the density that's required if you meet the applied density bonuses there. He said typically developers have not migrated to that because it's more involved and not as widely accepted by buyers.

Mr. Pimental returned to the question asking if it's clearly defined that more than 1 duplex on a lot would trigger site plan review and in looking at the site plan review authority that's in the Town's zoning it points to RSA 674:43 that empowers the board to review and approve all site plans for non-residential and multi-family housing developments as well as a change or expansion of their existing use. He said the RSA is worded slightly differently when it says non-residential uses or multi-family dwelling units which the state statute defines as any structures containing more than 2 dwelling units where we define it as 3 or more.

Mr. Henry said 2 duplexes does not constitute multi-family under that state definition.

Mr. King said because it's 4 dwelling units.

Mr. Henry said the structure has 2 dwelling units.

Mr. Pimental said he could not imagine that someone would come in with more than 1 duplex and say they don't need site plan review.

Mr. Henry said he absolutely would say that under that definition.

Mr. Pimental said he would ask about this but he has seen more than 1 duplex and it had to come before the board. He said he would get an official interpretation.

Mr. Pelkey asked if the site plan regulations say if you are trying to put 3 or more dwelling units on a site that it triggers a site plan review. He asked if says dwelling units not structures.

Mr. Pimental said that's correct and for new construction site review and Planning Board approval is required for the development of land for multi-family dwellings of 3 units or more.

Mr. Henry said if he has a single family and he wants to add a duplex or he has a duplex and wants to add a duplex he doesn't see where he needs a site plan review under anything that he read.

Mr. King asked how that is any different than saying I have an apartment house and I want to add a unit. He said he is saying it already exists and you're only adding one but the total is more and asked if it's the total that kicks it or what he is applying to do. He said if they say it's incremental he could say he's only adding 1 unit so it doesn't require site plan review.

Mr. Pelkey said his understanding is it's always been if you're talking putting 3 units on a parcel you're talking site plan review.

Mr. King said they should ask the Town attorney with one scenario where they're adding and one scenario where they are coming in with 2 duplexes.

Mr. Pimental said he would look at it as the total amount of units regardless if they call it multi-family or not.

Mr. King said he just wanted to make sure they ask the question if they can interpret that that way.

Mr. Pimental said he will follow up and get a legal clarification on that.

Mr. Pelkey said otherwise he thinks the language is okay up to this point.

iii). To amend Section 2.03 Rural Residential District to add density bonus criteria for those properties connected to water or sewer and to clarify that residential development on a lot must be within the minimum contiguous buildable area.

Mr. Pimental said he would add that statement about the general textual clarifications and within the bulk standards it was just small text that's changing there, nothing significant. He said the significant change here is they're applying a density bonus to the RR that didn't apply prior and also to ensure the contiguous buildable area of 30,000 SF is where the development takes place.

iv). To amend Section 2.04 Urban Residential District to increase the maximum density for duplex, multi-family and mixed use units; amend the minimum lot size to 30,000 square feet and add density bonus criteria for those properties connected to water and sewer.

Mr. Pimental said this one has a little bit more comments from legal as to being more specific so this summary will now say to set the maximum density for single family residential at 1 unit per 30,000 SF; increase the maximum density and then we'll add per dwelling unit for duplexes and parenthetically say that's 15,000 SF, multi-family is 10,000 SF and mixed use is 5,000 SF. He said those are all minor edits to the summary so when people are reading this and they don't have all of this in front of them they'll know what densities are being set for each of them. He said the thought process behind this was setting a 30,000 SF minimum lot size and then working backwards to allow for each of the different housing types to be allowed without needing relief and also adding a density bonus to this one as well. He said the only other thing they added was clarification on the lot size because we're reducing this one to add in that any lots have to be compliant with the state's administrative codes when it comes to lot size based on soil type and that's for sewerage loading as part of a state subdivision approval. He said when he discussed this with legal counsel they said you don't have to have it but you can and it's good to put folks on notice that they need to keep in mind that if they're going to go below the 30,000 SF they need to be compliant with the state.

Mr. King said its 30,000 SF or it could be higher based upon your soil type as required by the

state.

Mr. Pimental said it's more helping the applicant to have a better understanding as a reminder. Mr. King said developers may understand that but people looking to do a small development for family members may not know that and this would help point them in that direction.

Mr. Pimental said they call out the specific environmental code that they need to go to to understand that and there is a table that tells you by soil what you need for minimum lot size.

Mr. Day asked if the note at the bottom of the page was there before.

Mr. Pimental said yes its right in the middle where you see Minimum Front Setback Principal & Accessory Buildings and that is just getting moved down.

Mr. Pelkey said the note on the bottom has the number 1 in front of it and asked if there is number 1 on the table that it ties to.

Mrs. Patton-Sanderson said there is a 1 next to Minimum Front Setback in the table.

Mr. Pimental said there is a 1 where it says 25 feet so instead of having the sentence below that he just put a footnote.

v). To amend Section 2.05 Village Center District to codify the maximum density for single family, duplex and multi-family units and clarify residential development restrictions on specific streets.

Mr. Pimental said instead of saying codify which he agreed they should just say to amend so in the prior version where it says codify those are all going to change to amend. He said the attorney recommended they put the actual square footage per dwelling unit in parenthesis so it will say for single family (8,000 SF), duplex (4,000 SF), multi-family (2,500 SF).

Mr. Pelkey said that's because that is what's in the table but the tables don't go on the warrant.

Mr. Pimental said her suggestion was to put those numbers there so people understand what the density is. He said instead of codify it will say amend residential development restrictions on specific streets and general textual clarifications.

Mr. Pelkey asked if they can get a few copies of this for the Town Hall when they get ready to do this. He said at some point someone will ask what all this is about when they're ready to vote so it would be good if they had something to show them.

Mr. Pimental said this one because originally they were thinking of re-development at the time, they just had that 1 unit per 850 SF that has stayed as part of mixed use but they didn't have single family, duplex or multi-family called out so those have been called out specifically. He said they also made some changes to Special Considerations to make it more specific so it says lots that rely on Main, Central or Spring Streets to satisfy their street frontage requirements will have the following restrictions: residential uses are prohibited unless they are considered mixed use and are located above commercial or non-residential uses on the first floor and any existing commercial or non-residential uses on the first floor can't be converted to include residential on the first floor. That has always been the intent but it wasn't written out specifically like that so we are being very clear with what the intent is with this amendment he

said.

Mr. King said they also reduced the area affected to just the ones that have frontage on these streets.

Mr. Pimental said that's correct it's not the entire district it's just the ones satisfying their frontage requirements on those 3 streets.

Mrs. Patton-Sanderson asked if there would be no residential allowed behind a storefront.

Mr. Henry said not without a variance.

Mr. King said they did have that on 1 application but they got a variance for that on the first floor.

Mr. Pimental said for that particular case they talked about a long building where they were keeping their storefronts out on Main St. but it didn't make sense for them to extend the commercial all the way back it made sense to stop that and make 2 of those 6 apartments almost like a townhouse where they were 2 floors. They still had to get a variance but the ZBA granted it so the process worked he said.

Mr. Pelkey said not that one variance is setting precedence but it does show what the ZBA understands about what we're trying to do.

Mr. King said before that point he didn't believe that space was being used as open commercial. He said it may have been used for storage but it wasn't active open commercial.

Mr. Pimental said in that case they did a good job of showing they were still keeping the storefronts and meeting the intent of what the zoning is trying to accomplish while still allowing the project to be feasible.

Mr. Pelkey said the mixed use has the ratios of business sq. footage to housing too.

Mrs. Patton-Sanderson said if somebody has a single level building that's big enough and they don't want to build up to put their living unit on top maybe they might want to use the back portion of the building.

Mr. Henry said the setback for the VC is 25 ft. which means that if somebody were to acquire the old fire station property they couldn't continue that commercial storefront look down that property because there is a 25 ft. setback.

Mr. King said they would require a variance. He said if somebody were to buy a small lot that was vacant say like next to Farmington House of Pizza and they wanted to build a house there they would have to meet that setback or get a variance.

Mrs. Patton-Sanderson said that does seem pretty big and all the ones on Main St. are pretty close to the street.

Mr. King said they're not changing it to this, this is existing.

Mr. Pelkey suggested they remember this for next year's amendments.

Mr. Henry said they are calling out specific streets and asked if they could they have a different setback on Main St.

Mr. King said that would be a substantial change and they would be required to have 2 public

hearings on that.

Mr. Pimental said he has to fix this table because some of this information is incorrect. He said the minimum street frontage in the VC is not 150 ft. it's 50 ft. He said that's a typo but this was a carryover from...

Mr. King asked what the front setback is in the VC.

Mr. Pimental read where the existing buildings have a uniform setback relationship to the streets any new building or alteration of an existing building shall maintain the existing relationship. He said this has happened before where you can match the buildings up and if the building is closer then you can come closer so this part is incorrect.

Mr. Henry said it's not necessarily wrong there is something that could potentially over ride it. Mr. Pimental said it's wrong and that is for front, principal and accessory buildings. He said there are no minimum side and rear setbacks in the VC, the maximum height is 55 ft. and the minimum unit size is 500 sq. ft. and when he carried this over from a previous table he didn't make the changes to those pieces because we weren't looking at those.

Mr. Pelkey said so this doesn't reflect the actual.

Mr. Pimental said they are not changing any of that but he will put the correct table in there so they have it for the next meeting. He said there are no setbacks for the side and rear and the front is where the uniformity of the existing buildings are.

Mr. King said so it's not a change it's an error and there is no proposed change in that.

Mr. Pimental said no and apologized for the error and that he will make that change.

Mr. Henry said he liked the changes restricting it to Main, Central and Spring Streets.

Mr. Pelkey said they have been trying to come to this for a couple of years and he thinks they've finally got it this time-hopefully.

vi). To amend Section 2.07 Commercial Business District to codify the maximum density for mixed use developments and to set a minimum unit size.

Mr. Pimental said again they are going to change the word "codify" to amend and then they will add after minimum unit size 800 SF so people know.

Mr. Henry asked if that is the right number and he thought it was too big.

Mr. Pimental said we have mixed use is allowed in the Commercial Business District but we did not have a density for it so what was discussed at the last meeting was 1 dwelling unit per 1,000 SF of gross floor area of available commercial space within the same building that must be located on the second floor or above and a minimum unit size of 800 SF.

Mr. Henry said he would rather see that minimum unit size go to 750 SF.

Mr. Day asked why he was arguing over 50 SF.

Mr. Henry said the bigger the units the more bedrooms the more impact on school infrastructure. He said smaller units fewer bedrooms probably less impact on the school infrastructure.

Mr. Day asked if he knew how small 800 SF is and if he ever looked at an 800 SF apartment.

Mr. Henry said yes and that you can get a couple of bedrooms in there.

Mr. Day said with 750 SF you cannot and 800 SF is the smallest he'd want to go.

Mr. Henry said the minimum downtown is 500 SF and the impact on schools is something to consider.

Mr. Pelkey said he hates to not be amenable to the idea that they're going to put housing out there for young families.

Mr. Henry said he is not setting a maximum he is letting the market decide but if the market is there for single people or couples.

Mr. Day said if he is worried about the school system then our school system needs to beef up with the Town's building if we're going to have 10,000 people walk in here then we have to build a school system to sustain that or we ship kids out of here to a different town for sustainability.

Mr. King said the population of the schools has slowly been dropping like all schools in NH so currently we lose 1% or 2% per year so the school has capacity. He said 25' by 30' is 750 SF.

Mrs. Patton-Sanderson asked if out of 1,000 SF you could have a dwelling of 800 SF so the other whatever the mixed use is would only be 200 SF.

Mr. King said no it's saying you're going to get 1 unit per 1,000 SF but the unit size can be 800 SF and the rest could be consumed by hallways, access to those and egress.

Mr. Pelkey said the common areas don't count in the calculation for the unit size.

Mr. King said if you have a 10,000 SF building and you could get 10 units you may want to have a minimum size and have some area on the 2nd floor that's office space that's not residential.

Mr. Henry said all the residential is on the 2nd floor so if you have a 10,000 SF on the ground floor you could have 10,000 SF on the 2nd floor which is where your residential would be so you still have 10,000 SF of commercial underneath.

Mr. King said but you're allowed 10 units and those units could be as small as 800 SF allowing you to put them in 8,000 SF leaving 2,000 SF for other purposes on the 2nd floor.

Mr. Pimental said on a 10,000 SF commercial building it's unlikely you're going to get 10 units even at 800 SF because you're going to need room for hallways, staircases, elevators all of that so it's going to limit that but what that is trying to accomplish is to ensure that there's ample amount of commercial and it's not out of whack with the amount of residential that is there.

Mrs. Patton-Sanderson said it's highly unlikely but if you built a 1,000 SF of commercial area that allows you to have an 800 SF dwelling unit.

Mr. King said she was correct.

Mrs. Patton-Sanderson said then your commercial space would only be 200 SF.

Mr. Pelkey said not on the same floor.

Mrs. Patton-Sanderson said they were saying that because it's on the second floor-that's the key.

Mr. Pimental said yes it has to be on the floor above.

Mr. King then said he would agree with the 750 SF and he was okay with it. He said they may need some additional space to put those hallways and accesses in.

Mr. Pelkey said part of the discussion Mr. King was opposed to is he said per floor so if you had 2 floors above a 10,000 SF commercial space you could have 1,000 SF per floor so you could in theory have 20 units over a 10,000 SF commercial space but they couldn't agree to that.

Mr. King said because that's not really the purpose of the zone. He said the zone is for commercial/industrial so to allow it to be equal sq. footage it's reasonable, but to allow you to have 4 times the density in residential in a commercial/industrial zone undermines the intent of the zone.

Mr. Pimental said this is not to be dismissive of this change but we needed something in here short term because we did not have anything to account for if someone wanted to do a mixed use coming up this year we had no way to apply how many dwelling units that person would be allowed to have. He said this is sort of a Band Aid for now until what is likely going to come out of the Rt. 11 study that he thinks is going to provide much more guidance to this group and they'll talk more about this in Feb. He said he thinks the recommendation that will come out of that is there may be a mixed use district that is possibly around the Rt. 11/Rt. 153 intersection that is focused more on mixed use and then the commercial moving south towards Rochester and north towards New Durham will not have any residential at all. It will get rid of mixed use and it will strictly go back to commercial and concentrate your mixed use and potentially your multi-family in the area that's around the Rt. 153/Rt. 11 he said.

Mr. King said some of the examples that were given in prior discussions were in Dover and if you look at downtown Dover where they have the old mills it makes sense there. He said we have old mill buildings here that are multi-story that if they applied for residential the current zoning allows them to be every floor above it but this is something we really don't define on Rt. 11 so we're trying to define it and trying to have a reasonable balance to start with.

Mr. Pimental said they needed something because the Planning Dept. was going to be put in a difficult position interpreting it if we didn't have something.

Mr. Pelkey said this is something they didn't consider when they allowed mixed use in the area.

Mr. King said they started adding mixed use 2 years ago.

Mr. Pimental said mixed use and commercial has been there for a while.

Mr. King said they made it more permissive with more than 1 primary use and did some things that allowed it to be more likely.

Mrs. Patton-Sanderson said this might come out of the Rt. 11 study but that all will account for businesses, office space and storefronts.

Mr. Pimental said he viewed this as it needed to be done so they could have something to apply but he would bet that after the Rt. 11 study there is going to be more guidance with recommendations.

Mr. Pelkey asked if he wanted to put a change in there and if he wanted them to vote on the

change to 750 SF.

Mr. Pimental said he would like a consensus of the board as to whatever they want to put.

Motion: (Henry, second King) to change the minimum unit size to 750 SF leaving the 1,000 SF counter in place passed 5-0.

vii). To amend Section 3.04 Development of Rear Lots to allow for a duplex to be built on land subdivided using the rear lot provision in all residential zoning districts except for the Agricultural Residential District.

Mr. Pimental said one change to the rear lot that they need to make is a substantive change. He said when they discussed removing the duplexes as being allowed in the AR district he eliminated the AR in the top and when legal reviewed it they interpreted that as no rear lot subdivisions in the AR and that is not what the intent was. He said he eliminated that part and not touched the top part of the zoning which says "Upon subdivision approval by the Planning Board and in accordance with the provisions of this subsection rear lots may be created in the following zones: AR, SR, RR and UR".

He said that stays the same and what has changed is in #7 it said the use of rear lots created under this section are limited solely to single family and we added in "or duplex" the sentence he added after that is "Duplexes as part of a rear lot subdivision are prohibited in the Agricultural Residential zone". He said that makes it so they are not saying rear lots are not allowed in the AR it's just duplexes that are not allowed in AR on a rear lot. He said all of the other density amendments they made this year or are proposing are in the SR, RR and the UR and there has not been any change to the density in the AR. That was the justification he said. Mr. King said that is substantive change and made the following motion:

Motion: (King, second Henry) to accept the substantive changes to proposed Warrant Article #8: Amendment #7 as recommended by staff passed 5-0.

Mr. Pimental recommended that the board make a motion to hold a second public hearing on Jan. 17 with these amendments.

Motion: So moved by Mr. Henry and seconded by Mr. King.

Mr. Pelkey said the motion is to hold a second public hearing on Jan. 17 for a second review of the zoning amendments.

Vote: the motion passed 5-0.

7). Any Other Business before the Board:

Economic Revitalization Zone Update- Mr. Pimental said the board received copies of the letter he submitted to the NH Dept. of Business and Economic Affairs last week after the board approved having the staff write a letter on behalf of the Town. He said the letter provides a justification on why the Sarah Greenfield Business Park area and the downtown area should remain within the program and it also recommended the change to the boundary areas they discussed.

Mr. Pelkey asked if there is some reason they wouldn't accept that once they told them what we wanted to do.

Mr. Pimental said he didn't think so.

Annual Town Report-Mr. Pimental said he wanted to quickly run through something that they put together for the Town Administrator of what the Planning Board and the Planning Dept. has accomplished in 2023.

Grants- He said they will receive funding through the Great Bay 2030 Initiative to update the Town's storm water drainage study. That is a 90,000 grant that we have been selected to receive funding for and hopefully we'll have that money by Feb. to start on that effort he said. He said there were 2 Invest NH grants that they applied for-one was for the Housing Navigator that has been working with him on a lot of these amendments. He said that \$117,000 grant was split between Farmington and New Durham for that staff person for 2 years and we also received a \$135,000 grant to do the Rt. 11 study.

Mr. Pimental said the Strafford Regional Planning Commission applied for and received a \$33,000 grant to write a management plan for the Cocheco River. He said the Cocheco River is a designated river by statute it should have a corridor management plan it doesn't and it's never had one. He said SRPC has received the funding to write that management plan so that is something that is going to come up.

Mr. Pelkey said Mr. Fisher is currently the Planning Board rep to the Cocheco River Commission and he is talking about leaving his post so if anybody is interested in that it would be good to start thinking about that commitment now.

Mr. Pimental said \$58,000 from the USDA will be used to hire a consultant to perform structural space needs and an assessment of this building and the old Town Hall. He said that was a grant that was put together in conjunction with Milton they had 3 buildings they were looking at and Farmington was part of that and Farmington's share was around \$58,000.

He said we applied for a grant through the Great Bay Partnership which was for \$7,500 that would be used to help with reimbursement of the expenses that were part of the Cartwright property acquisition for attorney fees, title searches and other legal expenses.

He said there are 3 different Brown Fields Grants one had to do with the Cartwright property twice to do a Phase I environmental assessment for certain liability for the Town to be able to show. He said the 1st one was \$9,700, the 2nd one was \$5,000 and then we received \$80,000 for a Phase II assessment for the former fire station lot which they are currently at the end or getting close to a final report as they just got their soil sample data back and they are finalizing that piece. That's it for grants but I would say overall we've been pretty successful he said.

The board applauded Mr. Pimental and Mr. King thanked him for all his hard work. He said this has been a pretty successful if not the most successful grant application and awards this town has ever seen and he is the main person responsible for help pulling it all together.

Mr. Henry asked if there is a dollar total for all of those.

Mr. Pelkey said he was also going to thank Mr. Pimental for all of his hard work and because of that work the Town has gotten \$476,000 plus in grants to help us do the things we need to do in this town and that is not an insignificant amount of money. The taxpayers in the Town of Farmington should be grateful for that he said.

Mr. Henry said about \$7 million is the whole Town budget.

Mr. Pelkey said it's not just about the grant money it's about the guidance and work that he puts in, the preparation for the meetings and all the things they've been doing this year.

Mr. Pimental said he had a lot of help and Farmington is in a unique position in that while he serves as a Planning staff member he can also utilize the Planning Commission and there was a lot of help with a lot of these grant applications. He said overall he was really happy when they put this list together that this was a really good year.

He said the accomplishments they saw in terms of commercial development were Silver Paw Farm which is an outdoor event venue was approved, a commercial 60' by 45' addition at Dana's Collision Repair has started to go up, the Torr excavation is estimated to have 41,000 cubic yards of material coming out of that 31 acre site, 603 Self Storage added 2 more self storage units and ultimately will be 3, the 500 Club site improvements to drainage, appearance, access to parking and reclamation of materials for sight distance, the Kodiak Group having 6 residential units and 2 commercial properties in the VC, DFR Farmington propane storage and distribution facility and the ACE Transmission Automotive Repair was the 4,800 SF cold storage building that was heard in December.

Mr. Pelkey added the successful execution of the excavation on Rt. 11 and the recovery that looks like they did a great job with that.

Mr. Pimental said that was approved in 2022 but the reclamation happened in 2023 and the Town has a consulting engineer that could do the inspection and then we held them to exactly what was in the Notice of Decision. He said our process of having that bond in place and being able to release the bond after the work was done and getting a letter that went into the file that said they are compliant in everything is how that process should work. That was a good pilot of what we set in place in 2021-2022 he said.

He said that was the first one that came in and now they've seen what reclamation should look like and how it was processed. That owner is now looking to redevelop that property so that's another thing that we'll hopefully see in the future he said.

Mrs. Patton-Sanderson noted that the Town also got a consulting engineer this past year too and asked if he included that in his report.

Mr. Pimental said Tighe & Bond and Dubois & King were both brought on after an intensive recruitment RFQ process at the beginning of last year.

Mr. King said the Town has tried to utilize them for their different strengths where it could help the Town.

Mr. Pimental said there were 4 boundary line adjustments, 3 subdivisions and other Planning

Board activities include they approved Special Use Permits for wetland buffers, a request for tree removal on designated scenic roads, all of the different zoning amendments, the Design Reviews, they had an incidental to construction exemption, the proposed amendments to the ERZ boundaries and the board's involvement with the Rt. 11 corridor study. The ZBA had 3 variances and 1 special exception he said.

Mr. Pimental said some of the other larger activities include the RFP that was put out for the old fire station lot, the Cartwright land acquisition project which was a huge project with 350+ acres with frontage on Bay Rd. and Spring St. with riverfront access. He said at some point in the future that property is going to be a gem for the town and it has potential to be a draw for recreational opportunities for Farmington citizens and residents of the region.

He said they also provided some assistance to the Conservation Commission and the Economic Development Committee, approval of change of use applications, approval of business use applications, communicated with applicants, members of the public and developers and then the on-going coordination of a potential solar project that we may see this year.

He said the Planning Dept. has been busy along with this board and the ZBA and he wanted to give a rough breakdown of the things that were accomplished in 2023 and that a lot of this will go into the Town Report.

Next Meeting: Wednesday, January 17, 2024 at 6 p.m.

Mr. Pelkey asked there would be anything other than the zoning amendments at the next meeting.

Mr. Pimental said they have not received any new applications so the next meeting will just be the zoning amendments. He said he would get a response from legal on the multiple duplexes and how that triggers a site plan review.

Route 11 Improvements-Mrs. Patton-Sanderson asked what the Town can do to get the state to do something to improve Rt. 11 if we're going to build stuff on there.

Mr. Pimental said the SRPC Transportation Planner has been in talks with several different locations that could benefit from a safety audit and safety improvements so there was a couple of those that are already being moved through the DOT but none of those are going to solve the long term issue of the corridor in general. He said a corridor study beginning in Rochester all the way though to New Durham needs to be done as a whole and it is his understanding that that is not on the DOT's priority list at the moment.

He said so whether that needs a State Rep to push things along or someone that is a higher position than Town staff maybe needs to happen, but that corridor needs to be looked at holistically. The safety improvements we are looking at are Band Aids and they're going to address issues that have happened with serious collisions and fatalities that have happened at certain locations but are not going to do anything with what potential development may occur over the course of the next 15 years he said.

Mr. Pelkey said the long term layout of the road, where it's located and what's adjacent to it

doesn't lend itself to shedding any of the residential traffic off of the road so it could be a higher density commercial uses.

Mr. King said we currently have 18,000 cars a day entering Farmington on the south side and 11,000 leaving Rt. 11 on the top side that means there's 7,000 people coming onto Rt. 11 in Farmington and going south or coming and going.

Mr. Pelkey said he hears Mrs. Patton-Sanderson's concern and it has been voiced by a lot of different people in town at the Town Administrator level, the Selectmen and Planning Board levels.

Mrs. Patton-Sanderson asked if they should call a representative in like Mr. Pimental suggested.

Mr. King said our current 2 reps are Joe Pitre and Jim Horgan and Mr. Horgan has indicated he and Mr. Pitre may not run for re-election so there may be an opportunity for somebody to put their hat in the ring and try to pick up the torch regarding the Rt. 11 improvements.

Mr. Pelkey said if you go to the House of Representatives' web page there are links to their phone numbers and their e-mail addresses. He said they are responsive to phone calls and messages and he has communicated with both of them using the state website and by calling them.

Rail Trail Discussion-Mr. Pimental said he and the Transportation Planner met with 2 members of the Powder Mill Snowmobile Club 2 weeks ago to talk about the Rt. 11 study and get their thoughts on if the Town were eventually make some improvements to it to make it more pedestrian friendly and work with the state on a safe passage under it at Places Crossing. He said they were in overwhelming support of it and this should be a multi-use trail and that is how they always envisioned it even though it is predominately used and maintained by the snowmobile club.

He said the talked about from Meetinghouse Hill Rd. south, it gets more complicated when you go past the former Davidson Rubber site and the ownership changes but between Spaulding High School (in Rochester) and Johnson's Restaurant (in New Durham) that 15 mile stretch is some the most popular in all of this area. He said they're the 10th or 11th largest snowmobile club in the state with about 300-400 members and they had a grant along with their dues to purchase a \$275,000 groomer.

He said they went into great detail about the number of volunteer hours that they provide crowning the trail, drainage, and tree movements. He said it was really a good partnership to bring them in and we said we want to keep the communication with you guys open as we have discussions about the Rt. 11 corridor study because the rail trail is a part of that and there's no way to get around that so it has to be part of the discussion. I think they appreciated being invited to participate and give us their feedback. It was interesting to hear what they've done and how successful they've been with the Bureau of Trails and they said they don't really deal with the DOT he said.

Mr. Pelkey asked if they had recommendations on changes and improvements too.

Mr. Pimental said they have specific widths they would like to see on both sides so you would have cross country skiers or snow shoe users on the side and leave the middle area open for the sleds. He said their big comments were signage is probably needed for warnings that it is a multi-user trail and there may need to be some widening in a few areas but in most places it's good and they've done a pretty good job with it. They just said as you add more users, different users may have different opinions about that trail and to keep the peace he said.

Mr. Pelkey said some sections of the trail are great for snowmobile use in the winter but they don't support the other seasons because they are wet.

Mr. King said or they're not encouraged. He said one of his beefs is they only focus on their snowmobiles instead of trying to be a little bit more supportive of the ATV groups in the area which some of that land is accessible for both uses and some of it is not whether it's wetlands or some land owners don't want both of them.

Mr. Pimental said they were saying ATV's were allowed on the state side.

Mr. Henry said he didn't think they were allowed on the state side.

Mr. King said but they are allowed on other parcels of land where the property owners allow those recreational uses. He said in the long term a more cohesive group working together would benefit both sides and the Town.

Mr. Pimental said this was a way to bring them in and that he said as they go through the corridor study let's stay in touch and hopefully what might come out of that is a partnership with that group and the Town to maybe think about the long term vision of the trail.

Mr. Pelkey asked if that is a conservation function and be more appropriately discussed at the Conservation Commission if they had a quorum and could meet on a regular basis.

Mr. Pimental said ideally staff would want to do that but he would kick it to recreation. He said he thought the Rec. Dept. would take the lead on the long term vision of what that would look like.

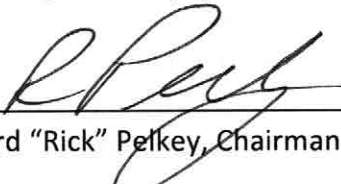
Mr. Pelkey said that is way outside of what they do currently.

Mr. Pimental said in Dover the community trail falls under Planning and the Rec. is underneath that and there is a trail group. He said it may fall under Planning at some point but he would think that Rec. would play some role whether it's the lead or not is up to the town to decide.

8). Adjournment:

Motion: (Day, second King) to adjourn the meeting passed 5-0 at 7:32 p.m.

Kathleen Magoon
Recording Secretary


Richard "Rick" Pelkey, Chairman