

Town of Farmington
Planning Board Meeting Minutes
Wednesday, March 6, 2024
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present:

Rick Pelkey, Chairman
Bill Fisher, Vice Chairman
Stephen Henry, Secretary
Charlie King, Selectmen's Rep
Jeremy Squires
Mike Day
Rebecca Patton-Sanderson

Others Present:

Kyle Pimental, Planning Director

1). Call to Order:

Chairman Pelkey called the meeting to order at 6:03 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Review of Minutes:

February 7, 2024- No errors or omissions

Motion: (Henry, second Day) to approve the minutes as written passed 6-0-1 (Squires abstained).

4). Public Comment: None

5). Old Business:

A). Review and Provide Feedback on Local Land Use Regulations- Mr. Pelkey said they had a homework assignment at the last meeting to review the Business Node Overlay District Zoning Ordinance and Site Plan Regulations which Mr. Pimental had given them at the last meeting and then come back and discuss them. He said he hoped everybody had a chance to look at them and turned the discussion over to Mr. Pimental.

i). Section 4.06 Rt. 11 Business Node Overlay District-Zoning Ordinance-Mr. Pimental said before they jump into both the site plan and the zoning he wanted to pass along these maps because it's going to be related to the work that they're doing with Rt. 11. He said they took some feedback from the board 2 meetings ago and made some changes. He said they looked at the topography and tried to line it up more with the partial base but he wanted to share this first because some of his recommendations are that some of these Business Node District standards, instead of applying them solely to the TIF District perhaps it's a better fit to apply them to these multi-use district nodes.

He said there are other parts of the zoning that he looked at like the access management and the landscaping and there may be components to that as well that make sense in these areas. He said before diving into those he wanted to get the board's pulse on are they heading in the right direction with this because the consultants are going to be back in front of them in April. I want to make sure I'm creating a feedback loop of getting them input from you guys he said. He then put 2 large scale copies of the map before the members for review.

Mr. Pimental said the intent of the map is to show where the existing water and sewer lines are as well as what's existing for commercial and industrial zones which they will see runs along Rt. 11 and then where the commercial area expands a little bit further back and off of that where it gets a little bit closer and then the 2 mixed use nodes that they talked about-one in and around the Rt. 11 area and Rt. 153 and the other one where Tappan St. comes out onto Rt. 11 where there is already existing water and sewer. He said all the way towards the New Durham line that area potentially being an extension of the Urban or Suburban Residential District and not commercial as there's no commercial there now it's all residential on the north side.

He said what they will also see is the steep slopes on there which are the 15 to 24 in orange and then the 25+ in red and the 24 ft. contour lines on there as well to show that ridge area as you head off of Rt. 11 and trying to use that as somewhat of a guide. He said it's complicated because of the way the topography works some areas it goes up quicker than others, sometimes it goes up gradually, sometimes it's a lot closer to Rt. 11 to follow it in a straight line is not realistic but he tried to use it as a guide.

He said the other thing he is looking for feedback on is where they haven't touched anything is the Town owned parcel between the 2 mixed use area where the cemetery is. He said that area right now remains commercial whether or not that should stay that or become something else they've left blank for now and looking for feedback on from the board as well.

Mr. King asked for the location of the Town owned land by the cemetery.

Mr. Pimental pointed it out on the map and said they left that whole area blank and they haven't really done anything. He pointed out the well radius and the location of the cemetery and noted that this is all owned by the Town. He said they want to be careful in that area because of the well so he left that open for discussion.

Mr. Pelkey said the piece that's to the south of Rt. 11 over by where Rite Aid is that section across the road those slopes are actually that high only for a short distance then flattens out for a way up on top of that.

Mr. Pimental said it does and that's why they extended it and they'll see that they took the commercial further back because there is potential once you get past that initial slope. He said that was an area that thought they could extend the commercial further back and follow the property line then towards the back of the lot it gets really steep again. He said that is an example of if they followed the steepness right off the bat that commercial area would be really small but there is room behind it so you can't follow that ridge as a straight shot.

Mr. Pelkey said he was thinking because they had said that area would be okay for mixed use on

the other side of the road that they might consider a couple of spots there for mixed use and they might be okay to extend that and fill that in. He said that is a place that would be good for a mixed use residential and it has access to water which would be helpful. He asked if it has just water but not sewer.

Mr. Pimental said there is sewer across the street.

Mr. Pelkey said it wouldn't be a big job to extend it over that might be an area where there's potential to attract mixed use there because it does have water and sewer.

Mr. Pimental said he would be happy to answer any questions and they were just trying to think if they were going in the right direction. He said the other thing they talked about is multi-family and how they would potentially allow that in the mixed-use zones. He said 1 thought as they were going through the standards was potentially not allowing it by right but instead allowing it by Conditional Use and within the Conditional Use standards you could say keeping that frontage on Rt. 11 if you have it for commercial viability but you'd be allowed to do multi-family in the back portion of those areas. That might be a way to still leave it in control of the Planning Board thru the Conditional Use Permit process he said.

Mr. King said they have the pink for commercial business and the light purple for industrial business but they have an overlay that basically allows them to be kind of equal and asked if they would change those to be 1 district like the commercial industrial district.

Mr. Pimental said yes if that is the intent of the board to not differentiate between them he would combine them.

Mr. Pelkey said they moved in that direction 2 years ago.

Mr. Henry said 2 years ago they set the rules the same and now they're putting something on the ballot where the rules are not the same anymore because they did something for commercial business.

Mr. Pimental said and they didn't do anything with industrial.

Mr. Henry said they talked about that and they said no and that's the reason they didn't make it 1 zone so they could still treat them differently in the future which they're proposing to do.

Mr. Pimental said there are only 3 areas that are industrial, the Superfund site, the site close to the Rochester line and an area in the Sarah Greenfield Business Park. He said it's up for discussion as to whether or not they want to have that just be 1 commercial industrial district or if they don't they he would say to call out the industrial for what industrial uses they want and keep the commercial with everything else.

Mr. King said when you come up Rt. 11 there is a pink zone which is commercial and right now we have an overlay that allows industrial and asked if they are getting rid of that.

Mr. Pimental the overlay doesn't really function anymore and we got rid of the CIBO that's not in the zoning anymore because of what they did when they mirrored the commercial and industrial zones as the same. He said instead of having an overlay in a portion of the corridor the whole thing essentially acts as that as far as permitted uses.

Mr. King said if the zone is really the same it should be renamed because they're just defining it

by the Table of Permitted Uses because it leads people to say that's commercial I'm industrial so I can't be there but our zoning in the table allows both.

Mr. Henry said unless their amendments pass.

Mr. Pimental said it would allow mixed use in commercial but they did not put that in the industrial so that's the difference.

Mr. Henry asked if their amendments pass that pulls residential and mixed use out of industrial.

Mr. Pimental said mixed use was never allowed in industrial.

Mr. Henry said if industrial and commercial business are the same, both allow mixed use so residential is allowed in a mixed-use building in the industrial zone now and asked if our changes pass it would not be. He then asked or if they are still leaving the industrial mixed use in that unregulated gray area.

Mr. King asked if it is going to be based on the zone or the use. He asked if you have an industrial use that's currently allowed in a commercial zone if they are allowing mixed use in that zone whether that is an industrial or commercial business. He said they have commercial uses in the start of that zone so in his case he'd be allowed mixed use because it's to the zone not to the use.

Mr. Pimental said right now mixed use is allowed in both the commercial and industrial and the amendment that they had was they put the density numbers to the commercial where they didn't do that for the industrial.

Mr. King asked if you have an industrial use in the commercial zone and it's permitted and somebody wants to do mixed use it's also going to be permitted based on the density because it goes with the zone not the use.

Mr. Pimental said yes.

Mr. Pelkey asked if he was going to build some multi-family back there.

Mr. King said it's just a question because we're now saying industrial is going to have less multi-use rights than commercial by a warrant article and they're going to distinguish that by zone not by use.

Mr. Pimental said the only difference is they didn't put in a density calculation for the industrial zone they only put it for the commercial. He said mixed uses and this is already there they didn't change any of this, it's allowed by right in both the commercial and the industrial.

Mr. Pelkey said the reason they put it in there was at the request staff they wanted to know what their bounds were when they decided to come forward with a mixed use project in a commercial zone.

Mr. Pimental said if someone wanted to do that they had no way of calculating what they could get for the number of units.

Mr. Pelkey said they still have the same question in the industrial zone.

Mr. King said the old Davidson Rubber parcel is 100-140 acres and is now zoned industrial business that would be restricted from potential multi-use development there.

Mr. Henry said it still has the same multi-use regs that are in place now so still in the industrial

with the example he likes to use you could still have a 50 unit apartment building and the mixed use is a commercial laundry mat on the first floor. Now it's mixed use in the industrial but you couldn't do that in the business he said.

Mr. Pimental said at the staff level they may treat industrial like commercial and they might get challenged on that but they would have to figure out a way to do that. He said if someone were to propose that they would be in the same predicament they're in now with commercial where we don't have any density calculations but if someone wanted to do mixed use on the Davidson Rubber site they could right now we just don't have a way to control it like we will if the amendments pass with the commercial.

Mr. Pelkey asked if the residences would have to be on the second floor.

Mr. Henry said not in the industrial.

Mr. Pelkey asked why not it's part of the mixed use description. He said they allowed it here because they had to come and ask for an exception to do that. He said if they interpreted it that way it would be consistent with the existing zoning in our town.

Mrs. Patton-Sanderson said this is very complicated.

Mr. Pimental said this year they should look at the industrial business district and decide if they want that to be the same as commercial or do they want to drive those 3 areas as they want that to be just an industrial use and maybe limit the number of commercial uses and not allow for mixed use or any residential in those areas. That's up to the board to decide. Right now, we're sort of stuck in a place where they're trying to be the same district but we just put in something that is a little bit different for commercial because we can now calculate the density for those where we didn't do that for the industrial he said.

Mr. Day said this town needs both commercial and industrial business where people will work and for tax purposes so they need to find a happy median where they can balance it out. He said if you have 125 acres and you're going to put industrial in the front you aren't going to see the people that built the house out back.

Mr. Henry said mixed use is allowed in both zones, industrial is allowed in both zones and if their proposals pass, mixed use is still easier in industrial than in commercial business. He said in commercial business they have the requirements for a certain amount of commercial or industrial vs. residential.

Mr. King said it was probably an oversight that they didn't address the density in the industrial at the same time. He said even if it's different regulations or requirements because you could make an argument there shouldn't be the same requirements, whether less restrictive or more restrictive as far as density.

Mr. Pelkey said he didn't think they would want the same requirements in an industrial area as they would in commercial.

Mr. King said they should define it so the staff can administer it.

Mr. Pelkey said that needs to go on their work list for this year. He said when he envisions mixed use in industrial and in commercial it's 2 different things. He said with an industrial or

manufacturing facility he isn't thinking about something where you're putting housing on top of that. You might build some apartments out back if you have room left and call it mixed use to get better complete usage of the land but I would not see it mixed in with an industrial building he said.

Mrs. Patton-Sanderson said she agreed with that.

Mr. Henry asked with the regulations they put on the ballot if the residential has to be in the same building as the commercial or do they still allow it to be 2 different buildings so they could have the commercial building up front and residential buildings in the back.

Mr. Pelkey said they said the residential is above the commercial use.

Mr. Henry said he didn't think they required it to be on the second floor.

Mr. Pelkey said you could put it on the third floor if you want to.

Mr. Henry said he didn't think they required that it couldn't be on the ground floor.

Mr. Pimental pulled up the requirements on his computer and read that for commercial they treated it a little bit differently and it has to be part of the same building and it has to be located on the second floor or above.

Mr. King said that doesn't mean it couldn't become permissive in the future.

Mr. Pelkey said they talked about that as being the first step.

Mr. Pimental said they also said as part of the mixed use zones in those zones you could have a multi-family building as a standalone potentially by Conditional Use but it has to leave the viability of the frontage on Rt. 11 and that has to remain commercial.

Mr. Henry said they had those discussions but they didn't propose any regulations.

Mr. Pimental said that's what they have been thinking about in the mixed use zones because that would be more flexible than what is here now where you'd be able to have that multi-family building that doesn't have to be on top of a commercial building.

Mr. Pelkey said they are going to take all of that discussion and come back with recommendations for amendments at the end of it all. One of their charters is to come forth with recommendations for changes to our zoning to help accomplish whatever it is we give them for a vision he said.

Mr. Pimental said if they want them to stay the same and this is going to be a commercial/industrial zone and combine it he would want to make sure that what they put in there for this one unit, 1,000 sq. ft. of gross area in the commercial zone if that is okay for them in the industrial zone.

Mr. King said conceptually it is but the board may migrate through discussion in the next amendment to allow that density to not be in the same structure, maybe in a secondary building and they may say depending on the industrial use they don't want it above that in certain instances. He said they used to have definitions for light industrial and heavy industrial.

Mr. Pelkey said that's still in the code.

Mr. King said if they say they're going to treat them the same and then in the next step they consider through the housing allowing that residential density to be in a separate building then

it could be up to the applicant to decide whether or not it makes sense. He said for example if somebody was going to do a multi-unit building, say it's a 6 unit on the bottom and it could be anywhere from a plumber, a small machine shop, to a guy who works on cars and the owner could say he could put residential above each one of them because they're the same potential conflicts or impacts between the residential on the 2nd floor and the commercial on the 1st floor. He said when you have commercial and industrial uses in a strip mall and there are plenty of examples of that like in Greenland and Somersworth which have mixed uses between commercial and industrial in the same building. They don't have any residential above it but you could make a case depending on what it is it would work and it's really up to the owners to decide if it works or not he said.

He said if they migrate in the future to allow that density in a separate building in the back of the lot and some of these lots start with commercial business and end in the agricultural zone so they would have to flush that out on how that could work. He said they could make them the same but to make it work for some of the industrial uses you'd have to allow the residential use to be not in that building.

Mr. Pelkey said there are a lot of ways they could that. He said they could say there's only a certain percentage of the lot that can be used for residential so that would limit it. He said if you're going to build 25,000 sq. ft. and you've got enough room in the back to put up a multi-family with parking and everything clear you could do that just to make full use of your lot.

Mr. Henry said with some of the slopes it's easier to slot in residential structures than commercial or industrial structures on a hill.

Mrs. Patton-Sanderson said it makes sense too because there's such big lots there so you'd probably want to utilize them to their fullest capacity if you could and she didn't know why they wouldn't let them.

Mr. Pelkey said he didn't know it works with the large tracts of land but he imagined if you were a landowner and somebody wanted to buy 100 of your 200 acres you would subdivide and sell it and still be able to maintain some of it. He said it would be a big project for something going in for 200 something acres.

Mr. Henry said of the corridor there really isn't that much zoned industrial it's mostly commercial business.

Mr. King said you have the industrial park which is pretty much built out and you have Plank Industries across the street which is built out and you have Davidson Rubber.

Mr. Pimental added and Sarah Greenfield and that's it.

Mr. Pelkey asked if there are any lots above the industrial park.

Mr. King said that's in his neck of the woods and he owns a bunch of it and it's pretty challenging slope-wise. He pointed out the locations of the various lots, parcels that were for sale, access roads and some of the higher ends of the slopes. He said you really can't follow the topo line because it changes pretty drastically in some spots.

Mr. Pimental said there were 2 parts of this discussion, one is the industrial/commercial piece

and asked if it is the board's general consensus to merge this into a commercial/industrial zone but we need to look at how potential residential would be utilized as part of a mixed use application and it may be treated a little bit differently in commercial uses as opposed to industrial uses.

Consensus of the board was he had that right.

Mr. Pimental said the other piece as part of the mixed use node, so the 2 that are in that blue color and asked if the board was open to allowing for multi-family as part of a standalone application that would only be allowed by Conditional Use and some of the restrictions would be that it had to be in the back portion of the lot and that the applicant would have to show commercial viability if that lot is taking its frontage off of Rt. 11 or Rt. 153.

Mr. Pelkey said he agreed with that and he also thought that they might consider extending it across Rt. 11 in the northern section up where River Rd. is, the orange piece in between 2 blue ones, that they might want to consider putting that piece into it as well because it has water and sewer running right to it so it would be an attractive place for a mixed use development.

Mr. Henry said Mr. Pimental mentioned taking frontage off of Rt. 11 so the lot on the corner of Ridge Rd. and Rt. 11, he didn't know where it takes its frontage from but he didn't think they would get access off of Rt. 11 and if they ever develop it more commercially their access would still be off of Ridge Rd. He said there is a paving company there now with a residential building but they have no curb cut on Rt. 11 and he didn't see the state giving them one so he was thinking that lot has enough frontage on Ridge Rd. He said the frontage to make it a lot is on Rt. 11 but he wondered if throwing the frontage term in there could be problematic if they have to take access off another road.

Mr. Pimental said he was trying to mimic what they decided to do in the village district with saying if it was corner lot like on Mechanics St. and Main St. but they took their frontage off of Mechanics St. they were going to be less restrictive about the commercial than if they took their frontage off of Main St. He said he raised an interesting point because there may be a lot on here that doesn't take its frontage at all and asked if they still wanted to apply that same logic that it has to be commercial in the front and if that's the case then leave it as the whole zone. He said if the intent is the entire district, that no matter what, even if they don't take their frontage off of Rt. 11 you still want commercial to be in the front portion then you don't have to say Rt. 11 or 153.

Mr. Henry said if he built his own road it gives him the frontage now he is not taking his frontage off Rt. 11. He said he still wants the Rt. 11 facing properties and they need to have that be businesses as much as possible.

Mr. Pelkey agreed and said that's the face they want to show in that area of town.

Mrs. Patton-Sanderson asked if there was a difference between saying having frontage on Rt. 11 and taking frontage off of Rt. 11.

Mr. Henry said you need a certain amount of frontage to qualify for certain things.

Mrs. Patton-Sanderson said so they are saying having the frontage off Rt. 11 would qualify it.

Mr. Pimental said they could leave it as just the zone so the Conditional Use Permit criteria would apply to both the mixed use zones any property within that would have to provide that commercial front portion of their lot if they wanted to do a multi-family in the back portion.

Mr. Henry asked how they define the front and the back of a lot.

Mrs. Patton-Sanderson said that goes back to where he said if he built his own road would he have to take his commercial frontage off the road he built and she wouldn't think so.

Mr. Henry asked where the front of the lot would be and that he might use a cardinal direction (the main compass points-N, S, E, W) instead and maybe say the north side of the lot.

Mr. Pimental said they would have to figure that out. He said the intent of the board is that they want the areas closest to Rt. 11 to remain commercial and if they are going to allow for multi-family not allow that up there, they want it off of that and even if they don't build it right away, they want to ensure there is viability for commercial in the future. We might have to word smith it so there are no loopholes where you could build a road and take frontage off of that and then you're skirting what the intent is. I just want to make sure you're open to that idea he said.

Mr. Pelkey said they're going to give them a draft to comment on. We don't have to draft this they're going draft it and bring it to us based on the input that they're giving them he said.

Mr. King said he wanted to bring up the old Davidson Rubber property and right they have it zoned for industrial and he thinks they should zone it for mixed use commercial/industrial. He said the town would like to see that property redeveloped, the industrial use and the building are no longer there. He said what is in that zone is the old storage building which is now owned by a moving company and asked why they wouldn't allow more flexibility on that entire parcel.

Mr. King said we know that it's on a Superfund site and that eventually there will be some remediation and that is going to be located where it needs to be located. He said that parcel is 140 acres and asked why they wouldn't be open to whatever somebody would want to redevelop the site to. He said they still have to work with the state and the feds regarding that area that needs to be treated and there's a spot right there that the way its zoned puts it less likely to be redeveloped.

He said one of the reasons is a lot of the land that's readily developable, the flattest land, is the area there may be some cleanup but the rest of it is not bad. He said some of it slopes to the back as it gets up to the well but that entire parcel is close to that node center and asked why they couldn't put it as commercial/industrial business with a mixed use overlay on that.

Mr. Pimental said mixed use is already allowed but no residential is allowed other than the mixed use so there's no multi-family, two family or single family.

Mr. King said but in the rear of that lot it falls into the Agricultural Residential zone so that lot is split by a zone. He said in some of the other ones he basically changed the zone to be the entire parcel.

Mr. Pimental said he believes that does follow the parcel line.

Mr. Pelkey said to Mr. King's point he would be amenable to the same.

Mr. Henry said if they're going to do that, they should just get rid of the 2 different zones and

have a commercial/industrial zone for everything. He said because now all they've got that's just industrial is this and a little bit of Sarah Greenfield.

Mr. Pelkey said with no real buildable area in it.

Mr. Henry said but there could be a change of use.

Mr. Pelkey said they're looking to put it into a position to attract new businesses and industries.

Mr. King said Sarah Greenfield is pretty much built out but there is nothing here (Davidson Rubber). He asked how they encourage the redevelopment of that because right now they're restricting it to industrial use where because of the issues there that's the least attractive.

Mr. Henry said they're not restricting it to industrial you can build a grocery store there today.

Mr. Pimental said the industrial mirrors the commercial so everything that's allowed in commercial is allowed in industrial.

Mr. King asked why they wouldn't take that parcel and put it as commercial/industrial business along with the rest of them.

Mr. Pelkey said because it's got the word commercial in front of industrial it might be more attractive and it would come up on somebody's search.

Mr. Pimental said if they do that it would be an opportunity to look at all the uses again to make sure that if they're going to combine them they are comfortable with industrial and commercial uses comingling throughout both zones and if they're okay with that then there's no point in having two.

Mr. Pelkey said 3 or 4 years ago they talked about opening this up, making it more permissive and letting the market sort it out what was going to go in there.

Mr. Pimental said he was glad they were having this discussion because it leads to some parts of the zoning that would apply to this and if they are going to have those uses comingle, having some landscaping or to break these pieces up is going to be important. He said he was not saying they were conflicting uses because commercial is close enough but if you have a restaurant next to something that some landscaping would be nice to have there, that's the piece we would want to make sure that we have that applies to the whole commercial corridor.

Mrs. Patton-Sanderson said she thought that was in there already.

Mr. Pimental said it is but the problem is that some of it is in the business node district which is only the TIF District which is more specific and then there's very general landscaping that's part of the zoning. He said he thought they could scrap a lot of what's in the business node district and apply some of them to the corridor itself and some of them to the mixed-use nodes.

He said the architectural design standards, the color, the types of windows on it, awnings and signs he didn't think was appropriate and doesn't need to be regulated in that way and it doesn't fit in the area along Rt. 11. I could see that downtown if you want to control to that level of specification but I think if you're more open to letting the market drive some of these things I wouldn't put that type of limitations on it and the TIF District those standards as they're written now are relatively restrictive. You have to comply with a lot of different requirements to build in that area he said.

He said he focused more on things like are there parking elements that might be good in the mixed-use zone, the landscaping, there might be parts of it that they can tailor and bring over but a lot of it can go away. When I looked at it, I think a lot of it can be removed he said.

Mr. Henry asked past the colored mark heading toward New Durham what that zoning looks like.

Mr. Pimental said that whole area is pretty dense residential. He said the other thought for that area is to potentially extend the suburban residential area just down that corridor and behind it is rural. He said they would be allowed different housing types in that area which already exists and then behind it that would stay Rural Residential.

Mr. Pelkey said on that side it's problematic for building anyway because of the river.

Mr. Pimental said and because they have 380 acres of conservation land that sits right above that. He said there is no water or sewer out there so they figured that might be a good use and concentrate on these other areas.

ii). Section 30.1 Business Node Overlay District Standards-Site Plan Regulations- Mr. Pimental said he wanted to hear from everybody on what their thoughts were on the business node standards that exist today. He said some of the things that he pulled out as options that could be consolidated into the mixed-use districts or kept are the street frontage bonuses and the parking and design, making them in certain places more pedestrian friendly makes sense in the mixed-use areas not necessarily on Rt. 11 in the commercial areas.

He said there is some pretty good language in there about the parking design that would allow for that and the same with some of the landscaping standards. He said whether you need it stamped and signed by a licensed landscape architect he didn't think they need that level of detail but as of right now that's what they require in the TIF District.

Mr. Pimental said there are other things about screening in here and some of that is good- where there's existing growth to maintain that and incorporate that into the landscape design, ensuring that you're not planting invasive species those are all good ideas and they don't have to scrap all of them. He said but some of the other ones it's just too much and they're not being applied now and he looked at it as more of a barrier.

He said again, the parking lot designs, the walkability in the mixed-use zones he thinks there are some opportunities there they could give to the consultants to work with. He said whether or not they need all of those green space requirements but there are some things that could be transferable. He said but when you get into the building designs and the angled roofs at 35-40 degrees, the facades, the glazing, the colors, the type of material, we already have a sign ordinance, as part of our site plan we require certain fencing and shielding so a lot of that seems like overkill.

Mr. Henry asked if this has ever been enforced.

Mr. Pimental said not since he has been here, now they haven't had a ton in the TIF District but some.

Mr. Henry said the propane tanks don't have a 30-45 degrees roof over them.

Mr. Pimental said in that case it's not applicable so they wouldn't apply it to those. He said they already have a lighting plan in their site plan that they have to be facing down, there's a certain height where they should be and he didn't know if dark sky compliance is in the site plan but they could do that if there was a safety concern.

He said in the zoning again a lot of it is just overkill and there's another whole section on permitted uses and asked why would you treat the business node differently than the rest of the commercial corridor.

Mr. Pelkey asked if there was something in here that's different from what the commercial corridor has. He said nothing jumped out at him as being different other than the underlying base zoning.

Mr. Pimental said he didn't think it captures everything.

Mr. Henry said the goal to bring water and sewer. He said the TIF is there to bring water and sewer out to those parcels and that would be the difference.

Mr. Pimental said to answer Mr. Pelkey's question he gave the example that under agricultural uses in the commercial and industrial zones it lists aquaculture and the sale of locally produced farm goods as the only 2 and in the commercial and industrial business they allow for a lot more than that-all kinds of different agricultural uses are allowed by right that are not listed here. He said they also added a lot of uses to the table that have never been addressed here-all of the medical facilities, all of those other uses they have in the commercial and industrial none of those referenced are here. He read a list of the uses they added in last year that included hospitals, healthcare and detoxification facilities, group homes and recreation facilities and asked why they were treating area that's already part of your commercial area differently. He said unless there's a reason, and a lot of this area as proposed is going to be converted to mixed use so this would go away anyway. He said the mixed-use area is going to have the types of uses that you want which are going to be the different commercial uses as well as a mix of residential.

Mr. Pelkey said the whole overlay may be supplanted by the mixed use they're talking about.

Mr. Henry asked if a TIF District doesn't require an overlay.

Mr. Pimental said he thought their development and finance plan is going to take care of a lot of that and he didn't think they necessarily need an overlay in their zoning that treats it differently than the underlying zoning. He said he tried to find another example of another community that has a TIF District that is an overlay and he couldn't find one.

He said typically how you use the TIF to raise funding is very different and it can be used for different things but he has not seen it as an example of we're going to treat the TIF totally different in terms of uses and conditional uses.

He said there's a whole different set of dimensional standards that are in this and the one thing that may be useful to be carried forward and he mentioned the street frontage bonus, but also the planned business development and they may be something to get their thoughts on how potentially that may be used especially if someone wants to do something over time.

Mr. Pelkey read the Planned Business Development is limited to lots of least 4 acres.

Mr. Pimental said the intent of a PBD may have some merit but he would want to know a little bit more about it and how it could benefit the town because as of now it's not being used.

Mr. Pelkey said it's not specific about what the different uses that wouldn't be allowed under the current zoning would be. He said it says that the reason for it is it would allow uses that are not ordinarily allowed under the current zoning as part of the PBD but it doesn't specifically go into what any of those might be. He asked if it would be simpler to have the base zoning uses defined. He said he wasn't here so he didn't why this got put in place and he is not sure what the purpose for it was and asked Mr. King if he knew what the purpose of the business node was because the PBD goes into the business node overlay district.

Mr. King said there were a lot of good intentions of what they'd like to see out there and they didn't come with that stuff on their own they had some help. He said he didn't remember if they had some outside consultants or they adopted somebody else's district node overlay and he was okay with scrapping it and taking this stuff and adding it to our site plan requirements or to say this is what we need.

Mr. Pelkey said he would like to simplify it.

Mr. King said if there needs to be something specific in that node why can't they just put it in their site plan regulations and not even have that. He said the site plan regulations could have a section on the differences that apply to this node.

Mr. Pimental said that's probably the way to do that and he also looked at the access management in section 320 and the landscaping in section 321 which he didn't include in their packets because he just did it on his own. He said there are things in there that are worthwhile to look at like a clear guidance when a traffic impact study is needed and that's called out specifically and that's good to have.

Mr. Pelkey said access management applies throughout the document.

Mr. Pimental said yes but just for Rt. 11. He said there are parts of the access management that has been problematic especially the distance between driveways because the driveways are permitted thru the NH DOT the distance that has been set there is not realistic in some cases. He said with the speed limit at 50 or 55 mph it's 275 ft and if you look at certain places there's driveways well within 275 ft. of each other and asked if the Town wanted to continue to try and enforce that or rely on the state as part of their driveway permit or if they want to have more control over that. That's something we need to look at as well he said.

Mr. Pimental said the shared access and shared parking they've talked about that as trying to link some of these properties together to try to limit the number of curb cuts on Rt. 11 and the frontage roads and the rear access roads are good ideas.

Mr. Pelkey said if they have an issue with access during site plan and they think that's a safety hazard they can question it during site plan without having specific requirements just by saying they don't like the distance between driveways.

Mr. Pimental said they did that with the Torr excavation and they asked them to look at the

ASHTO standards and they did. He said the way that it's written now on Rt. 11 it's potentially conflicting with how the DOT reviews their driveway permits and if they're saying it's safe sight distance but we're saying no, it's not then that's a little bit problematic.

Mr. Pelkey said we're allowed to be more restrictive than the state if we choose to.

Mr. Pimental said yes if they choose to.

Mr. Henry asked if they have to put that in the regulations not just decide it at a meeting.

Mr. Pimental said right now it's in their access management for Rt. 11 not for everything.

Mr. Henry asked if it has to be in their regs they can't at a meeting just decide for this project we're going to say it's this.

Mr. Pimental said right but they can ask the applicant if they would be willing to do this but if they say no, it's a little harder to force them to do it if it's not in their regs. He said sometimes you can work with them and say we think this is a good idea and we'd like you to do this, we think it's a better project and a lot of the time they would be willing to do that.

Mrs. Patton-Sanderson asked why they would want to be more restrictive than what the state has.

Mr. Pelkey said it was just saying that his understanding of the rules is that if they choose to be more restrictive we could be.

Mr. King said for instance if you take out there by the Farmer's Kitchen, Aroma Joe's, all that area you could have somebody that wants to develop the adjacent parcel and with that access management you could say it tends to push or migrate the development to an interior road to use the existing access point to minimize the number of curb cuts which drivers driving by have to deal with. He said that's a good case right there where you have a lot of access points right there which if they were combined or a secondary access out to Meetinghouse Hill Rd. to access those so you can manage that traffic a little bit better and that might be one of the reasons to say we're a little bit stricter than the NH DOT because their regulations have to do with when the lot existed and how much frontage they have so they could get qualified for 2 access points because of the lot itself where we would say we really want you to have one coming and going. He said if you're coming up Rt. 11 and you look at the hotel, the gas station and there's the Mexican restaurant, the Mexican restaurant shares an access point off Rt. 11 with the gas station and you can't pull into the Holiday Inn off Rt. 11 so there's 2 for 3 businesses.

Mrs. Patton-Sanderson said that would all be covered in their access study.

Mr. Pimental said when he read through the access management it seemed like there are components that probably make more sense in their site plan review to keep things here as opposed to requiring relief from the Zoning Board. He said for example, the propane distribution center needed a new driveway permit but there was already an existing cut-out there and if they had strictly gone by that 200 ft.-he didn't know if they have 200 ft. the entire length of the frontage so it wouldn't have worked.

He said if the access management language had been more specific in the site plan, they could have maybe required that they weren't going to give them access off Rt. 11 but that could have

opened themselves up to some sort of suit potentially and force them to go take it off an existing curb cut or maybe thru the gas station. If you had some of that language in your site plan, maybe we could have worked that out as opposed to it being in zoning where they could have done that a little bit differently he said.

He said in his review, he thought there are pieces they could pull out of these sections and make it more streamlined. It's very duplicative in a lot of places he said.

Mr. Henry said using the propane tank property as an example they need the ability to look at the use and say that's not going to generate the kind of traffic that a convenience store or a lot of other businesses are going to generate. He said there are probably days when there is no traffic in and out of there and on days that there is traffic it's probably a handful of trucks. We need to look at it and say we can't have the same requirements for that use that they would have even for a machine shop which is going to see traffic in and out even if it's 6 cars he said.

Mr. Pelkey said that's part of their application they give us an estimate of what the vehicle traffic is going to be to the business so they have that input when they do their site plan reviews.

Mr. Pimental said he thought Mr. Henry's point was a good one because it gives the board more flexibility when it's in zoning it is pretty cut and dry but when you say this is a different use and we don't have to apply 250 ft. to this we understand you have more flexibility with your site plan regs than you do with zoning. He said zoning is out of their control so if it doesn't meet the compliance of the zoning, they have to get a variance and if they don't get a variance, you're not even going to see the project. If it's in site plan there's a little more wiggle room to make that work and I think we should still codify it in some way but it's a little easier to navigate that he said.

Mr. Henry asked if it just becomes a waiver at that point that they can grant.

Mr. Pimental said it could be but for example with the Torr excavation they worked through having them move the driveway back a little bit and that wasn't in the zoning or in their site plan it was just the board felt it was a safety concern and it was a back and forth where both sides said we're going to shift this over 20 ft. or whatever to make the project better. He said that would not have happened if they had strictly that it has to be here because the zoning says it is and you have to get a variance or you don't get it. He said in that case the board has some leeway with an applicant to make a project better.

Mr. Pelkey said one of the things they have to look at is the safety of the public so if they have a safety concern it's always a valid thing to bring up and try to address. He said if it is easier to do by putting flexibility in the site plan regs that's where it should be.

Mr. Pimental said he would like to hear what folks thought and if they had a chance to look through both of those sections. He asked if he was on the right track and if other folks feel differently and said he was looking for some general guidance.

Mr. Squires said he was on the right track.

Mr. King agreed and said they should take what they want out of these and put them in our appropriate locations and then get rid of them.

Mr. Pelkey said he saw a lot of heads going up and down on that and that he agreed with Mr. King that if they simplify and streamline the process and put it in their site plan as much as possible it will benefit the public.

Mr. Henry said he generally likes to see less regulation and red tape. He said he struggled to see walkability standards way out here near Rt. 11 when there's not clear walkability standards or desire for such in the downtown. He said it should be up to the developer and the landowner to decide whether they want to make it appealing to pedestrians or not. Sometimes when things are too appealing to pedestrians it turns into a park that people may not want, he said.

Mr. Pimental said the reason he would advocate for that especially in the small mixed-use zones is that those areas that could potentially be developed it's a short walk to the downtown area and he could see it not being as applicable in the larger mixed-use node. He said the Planning Commission is trying to put forth a project that would extend sidewalks from Canal St. all the way to Rt. 11 so that area could potentially be open for more walkability in the future.

He said across Rt. 11 in that larger portion that's on the south side probably not so much but the area that's closer to Rt. 153 may offer some opportunities. I think if it's in your site plan regs, if someone says this doesn't make sense the board can always waive it, he said.

He said that would be something he would advocate for because it's important to at least try to do that but when it doesn't sense-you don't want to build a sidewalk or something to nowhere but if it does make sense, you could put it on a developer to sort of...

Mrs. Patton-Sanderson said she liked the walkability thing especially since they are trying to encourage the development of the rail trail and bring more people in. But the flexibility is important there's no sense building it if it's not something that's going to be useful, she said.

Mr. Pelkey said he would like to see the rail trail go all the way through town and make it functional from end to end.

Mr. Fisher advised them not to build bridges to nowhere like Dover did on Washington St.

B). Update and Discussion on Next Steps to Rectify Abbey Lane Subdivision- Mr. Pimental said at the last meeting several folks had asked to get the deeds to both of these properties because they wanted to see whether or not that cul-de-sac, road or whatever they want to call it was called out specifically so he provided them both to them for lot 9-2 and lot 9. He said both of the deeds contain this language and read aloud the following: "also conveyed here by ownership of the cul-de-sac for the purpose of ingress and egress to Lot 9 and Lot 2 referred to as the proposed road as shown on the above-entitled survey. Ownership shall be held with the owners of Lot 9-2, their heirs assigned or successors of perpetuity. In addition, the owners of both Lot 9 and Lot 9-2 will be responsible for their respective ownership to maintain said cul-de-sac for access and egress to Ten Rod Road and agree to share any cost thereof".

He said that was something they wanted to know whether or not that was the case so he wanted to make sure that the board was aware before they give the staff guidance on what the options are which they talked about as being either voluntary or they could take some enforcement action. He said in an ideal world, they could reach out to them and they would

voluntarily come in and they would amend the subdivision plan to correct this, but he didn't know if they could make them without taking some enforcement action.

Mr. King said on the 2nd page of Bernard and Cindy Hamann's deed which they've owned since 2016 it says Lot 2 and 9 referred to as proposed road and it was a proposed road on an approved subdivision that basically never was put in.

Mr. Pelkey said the thing he read there was that Lot 9 has ownership of the road and Lot 2 has the right to pass. He read that the ownership shall be held with the owners of Lot 9 so it's not like there's a line right down the middle of this proposed road which was his biggest concern. He said if there was a line out there, the owners of Lot 9-2 could come back someday and say they have to put the road on their property to Lot 9.

Mr. Fisher said on the second page it's almost exactly the same and it says the above-entitled survey owners shall be held with the owners of Lot 9-2. He said they both share ownership Lot 9 and Lot 9-2.

Mr. Pelkey said for the purpose of ingress and egress that's the wording.

Mr. King said he thinks that cul-de-sac is on 1 lot more than the other.

Mr. Fisher said it's the exact same paragraph on both deeds but one says Lot 9 and the other one says Lot 9-2.

Mr. Henry said so they both own it.

Mr. Pelkey said to him that seems contradictory.

Mr. Pimental said he read it similar to the way that Mr. Fisher did and it says ownership shall be held with the owners of Lot 9-2, their heirs or assigned successors but it also says in the other deed the exact same thing but it says Lot 9.

Mrs. Patton-Sanderson said maybe they mean "with" like "in conjunction with".

Mr. Pelkey said the one for Hodgerney says that the ownership of the cu-de-sac for purposes of ingress and egress that is they can go in and out. He read the ownership will be held with the owners of Lot 9, their heirs, assigns or successors in perpetuity and in addition the owners of both Lot 9 and 9-2 will be responsible for their respective ownership to maintain said cul-de-sac.

Mr. Squires said so they both own it and asked how that changes anything and they don't have to argue over that part anymore.

Mr. Henry said the claim that they didn't know or how would they know that road was supposed to be there is moot because it's very clear on both of these deeds that that road is supposed to be there, they're responsible to maintain it, it was part of the subdivision that was approved, it's in the deeds and it's not there.

Mrs. Patton-Sanderson said they could agree that they both knew that road was there.

Mr. King disagreed and it was not there when they bought it. He said it was on paper and it wasn't implemented.

Mrs. Patton-Sanderson said but they were aware of it.

Mr. King said they were aware of the language he was sure but when they bought it that cul-de-sac wasn't there. It was never fully put in he said.

Mr. Fisher said they should have been aware but they couldn't say that they did know. He said their deeds say they own it but did they read their deeds that they don't know.

Mrs. Patton-Sanderson said she didn't know that it matters.

Mr. Fisher said it has been so many years he thought they could ask them to come before the board voluntarily and get an amended site plan.

Mr. Squires asked if they have told them anything like they said they were going to.

Mr. Henry asked if they don't know they're talking about them.

Mr. Pelkey said he thought that was the answer.

Mr. Fisher in the long run it isn't going to make a darn.

Mr. Henry said he thought it was fair to let them know they're talking about them. I'd be bothered if you have multiple meetings talking about me and I didn't know he said.

Mr. Pelkey asked if he took a straw poll the last time they were here with a show of hands on the board members who felt they should come before them for an amended site plan and it was all except for one.

Mr. Squires corrected that it was 2 and both ends of the table said no.

Mr. Pelkey said he knew they wanted to see the deeds but at the same time he thought they took a vote that said that's what they wanted them to do and they had a majority who said that. He said they could do it again if they would like but he still thinks that's the case.

Mr. Pimental said that is to voluntarily come before the board for an amended subdivision.

Mr. Pelkey said so they have on paper what they have on the ground and they don't hand this problem to the next set of landowners.

Mr. Fisher said he believes the Board of Selectmen said at no cost to them.

Mr. Pelkey said he agreed at no cost to them.

Mr. Fisher said they want to make sure they understand there's no cost involved with the board.

Mrs. Patton-Sanderson said she was okay with requesting them to do that because it would clear up the deeds and property lineage so to speak going forward, she just didn't want to penalize them or mandate.

Mr. Pelkey said he thought it was in their best interest to come and ask for an amended subdivision.

Mr. Henry said if they watch the meetings and the board is wishy-washy and saying that our approved subdivisions don't really matter they're going to ask nicely but if they don't come they're not going to do anything you're never going to see me. He said they approved a subdivision that hasn't been met so either the approved subdivision has to change or they have to meet the approved subdivision and you don't have good justification to say they didn't know there was supposed to be a road there.

Mr. King asked if they were going to go back and review every subdivision that was improperly implemented over the last 20 years and do the same thing to all of those people who are in non-compliance.

Mr. Pelkey said if the Town didn't do its due diligence to ensure it was done in accordance with

the site plan and then puppies got handed off to the next people the Town fell down and failed to do its due diligence here.

Mr. Fisher said the Code Enforcement Officer issued a letter of occupancy and the plans weren't followed so it does fall back on the Town's problem. He said asking them to come before the board at no cost and get an amended site plan in this case is not unwarranted.

Mr. Pelkey said if somebody came to him and said the Town did all of these things in the process of when these houses were built to make sure they did this and they didn't do it maybe he would have a different attitude but he didn't think that's what happened and nobody has shown that to him.

Mr. Squires said he agreed with his statement moving forward for things that are still open and for things in the future.

Mr. Pelkey said he agreed with Mr. Henry that they shouldn't just ignore it and that they need to come before the board because if they just ignored it that would be a bigger problem.

Mrs. Patton-Sanderson said especially where they're giving them the opportunity to get it free.

Mr. Henry said they can't and the Selectmen may say no that's not going to be.

Mr. King said it's not going to be free, nothing is for free. He said it may be free of the application fees, but if the deeds need to be written, the survey plans need to be revised and it needs to be recorded this has costs.

Mr. Day asked if those are 3 acre lots.

Mr. King said he believed they were 5 acre lots.

Mr. Pelkey said they just don't have the frontage on Ten Rod Rd. that they needed which is why they wanted to put the road in.

Mr. Henry said to answer Mr. King's question should they go look at everything from the past 20 years no and they didn't go looking for this one but they encountered it. He said if they encounter something else and they say the rules weren't followed, it's clear that this was supposed to be there. He asked if they know the road was never built and just failed to be maintained.

Mr. Day said it was never built and he has been up there for 16 years and he has never seen that road in there.

Mr. Henry asked when this subdivision was done.

Mr. Pelkey said in 2005.

Mr. King said he pulls out across from it every day and it was not completed to any substantial level that would qualify as a road in the time that these people owned it but there may have been some resemblance to pass the occupancy permit requirement signed by the Code Enforcement Officer in 2005-06.

Mr. Henry said so it wasn't maintained.

Mr. King said it may not even have been fully implemented. He said it probably resembled enough of the plan at one time to have the CEO sign off on it and then reverted to what it is today. He said what year that happened he wasn't writing it down but it was certainly pretty

much within a few years after that second residence was built and these current people that own it had nothing to do with it.

Motion: (Pelkey, second Patton-Sanderson) that the Planning Board is requesting that the property owners come before us to seek an amended subdivision that will reflect the actual conditions they currently have on the ground without the road that was in the original subdivision;

Discussion: Mr. Pelkey said that's a request not a demand on his part. He said he talked to Mr. King about having the Selectmen waive the fees since that's not something they can do. Mr. King said he can bring it to the board and take the board's motion.

Mr. Pimental clarified that it would only be for certain fees there are somethings they can't waive like the abutters' notices and the public notification but they can waive the application fees.

Mr. Pelkey asked why he wouldn't want to waive the abutters' notification.

Mr. Pimental said there's a cost to that that the Town would now be paying.

Mr. Pelkey said he thought that that's okay because he didn't think the Town did its job in this so he didn't have an issue with the Town absorbing that fee.

Mr. Henry said he would agree with him on that portion.

Mr. Pimental said that's a Selectmen's decision and they can let the Planning staff know.

Mr. Henry said that a request is an unnecessary motion because it's just a request and they can ignore it.

Mr. King said they can but it is a formal motion of the board for a decision by the board so it is important to have as a matter of record not a consensus. He said the motion is going to task the staff to do something so it should be clear what that is.

Vote: the motion passed 4-1-2 (Pelkey, Squires, Patton-Sanderson, Day in favor; Henry-opposed; Fisher, King abstained).

Mr. King said this does put it on record that the board had a path to deal with it.

Mr. Squires said this could be the first step of many or the first and last step they don't know.

Mr. Pimental said to Mr. King's point about guiding the staff on what they would like them to do, recognizing that this is a voluntary effort, they will point out exactly what the issues are because they're likely not aware of all this so they're going to put this together for them to explain what it is. He asked if they wanted them to go as far as recommending that they come in as opposed to just asking them. I think there's a little bit of difference he said.

Mr. Pelkey said he recommends that they come in because he would like to make sure what they have. He asked what other word he could use and if requesting and recommending are different.

Mr. Pimental said recommending is a little stronger but if he thinks they're the same he was fine with saying they think it is in their best interest to come in and do this if that's the intent.

Mrs. Patton-Sanderson said she wanted them to know they are mandating it and there's no action against them should they choose not to incur that. Maybe they can't afford that cost we

don't know she said.

Mr. King said as part of Mr. Pimental's job he will explain the situation to fill in what they not understand and if they don't feel the need based on straightening out the documentation going forward with their property ownership and sale of that then they've made an informed decision. He said he could feel free to recommend them just like he would recommend them as the board is in agreement that it would be nice for the record to be straight. But if they don't want to do that, if they don't feel it's necessary that's their option he said.

Mr. Pelkey said then they've made an attempt to do what the Town should do.

Mr. Henry it might be worth pointing out that if the Town is not going to require the road to be built there's a chunk of land that he thinks they could say that they both have claim to and whoever builds their shed first wins.

Mrs. Patton-Sanderson said it gives them the opportunity if they're going to have to get it surveyed to come back to them they can put the middle lot line wherever they want to put it.

Mr. Henry said each of these deeds grants both parcels rights to that land that the Town is potentially saying they don't have to build a road on so have at it.

Mr. Pelkey said they don't know exactly where that line is.

Mr. Henry said he sees that as another potential flaw in the deeds.

6). New Business: None

7). Member Comments:

Grondin Drive-Mr. Pelkey said he signed the Grondin Drive plans today. He said it came back with all of the changes they needed to the drawings and legal looked at the road agreement and there are a couple of little things they're still tweaking on it but we have that too. He said they got their state permits that they needed so he signed all of the plans today.

Cartwright Property- Mr. Fisher asked if the Board of Selectmen would like to talk about the Cartwright property on Bay Rd. and that they talked about it Monday night at the Selectmen's meeting.

Mr. King said Mr. Pimental was there and they talked about the 4 additional lots and board gave him direction to work with Town Administrator Ken Dickie and the auctioneer the Town hired to come up with a plan of when and how to sell those and they talked about putting that money aside. He said he mentioned that the Town should develop a punch list as far as some cleanup on the property potentially through some volunteers in town, do a study of what's on the ground now, some logging debris that should be part of the initial cleanup and then work down towards trying to put in place a subcommittee of volunteers to work on it in conjunction with other boards because he didn't think the Conservation Commission could take it on its own and will need some additional manpower.

Mr. Fisher said the Con Com will need some help. He said he feels the Con Com should be in charge of it but a committee of volunteers be put together and the Con Com would guide them along so they can work with the Planning Dept. also and lawyers if needed to do anything. He

said a volunteer to go out there and cleanup is a good idea but there are a couple of cars out there and it's going to take more than a couple of volunteers because there are trees growing through them and volunteers may not have the equipment to do that.

He said he didn't mind going out there with his trailer to pick up about 20 or 30 tires, some buckets and just general garbage out there and taking it to the Transfer Station to get rid of it. Whether I'm still a member of the Con Com or not I'll probably volunteer to get that underway. It's still my town and whether I'm on the boards or not I can still volunteer to help he said.

Mr. Pelkey asked if they would earmark the properties so when they sell them the money would be used for improving the property.

Mr. Pimental said there was a verbal agreement that the money that would be raised from selling those 4 house lots would go directly back into the property.

Mr. King said there may be some costs that need to be reimbursed to the Town.

Mr. Pimental added that they did get that \$7,500 grant last year that's a reimbursable. He said the Town has already paid all the legal fees and there were substantial legal fees to do all the title searches and help move this forward. He said there were a lot of challenges with the different ownership and there was a lot that went into this and they are waiting to close out the Feb. invoice from the Town's legal counsel and they will then submit all of that documentation to be reimbursed up to \$7,500.

Mr. King asked for the total cost.

Mr. Pimental said he didn't know and he would have to ask the Finance Administrator when they get the Feb. invoice. He guessed it was about \$8,000 or \$9,000 and that he would get the final number for them.

Mr. Henry asked not knowing the value of the lots or what it's going to cost to get the property where they want it if the intent was for the money to go to the Con Com for them to use to manage all of their things or to specifically to stay for the Cartwright property.

Mr. Pimental and Mr. Fisher said for the Cartwright property only.

Mr. King said that's what the intent is but it hasn't been formalized yet. He said they've taken ownership of the property; they had some basic guidelines of how they took it and they took it without partnering with anybody at this point. He said Mr. Pimental brought up that it may behoove us after we get our initial assessment and cleanup that they may look at partnering with other people in the future based on what their proposals are but at this point they wanted just to secure the property which they have been successful in doing and then migrate to the next phase which is selling off some of the property that was designated to be subdivided with covenants based on what they felt was necessary for those 4 lots, setting that aside for development of this parcel.

He said there's going to be potentially as Mr. Pimental recommended surveying with delineation of wetlands and they discussed trying to get as much of that information that the prior owners paid for at no or low cost to the Town so we only have to pay for filling in the blanks not redoing everything because it's a large parcel. He said if they had to start from scratch with that it could

be in excess of \$50,000 but based on what they may be able to get from the prior owners, their engineers and potential new engineers they may be able to get most of that and only have to fill in the blanks as far as finishing the surveying and the wetlands delineations.

Mr. King said Mr. Pimental makes a good point about the wetlands delineations because when they start looking at any infrastructure, trails and paths we want to be cognizant of that because there may already be conditions out there now that some have been violated because of the logging and may not be readily visible to the average person. So, we want to at least get an assessment, get this stuff cleaned up, do some posting for the parking areas, no dumping or whatever we need to do to make sure we get it to a state and then we can monitor it from there because if we don't we won't know if that's new debris or old debris.

Mrs. Patton-Sanderson asked if there was a map somewhere or if they were just going by the tax maps.

Mr. Fisher said they are just going by the tax maps right now and there is a lot of work that has to begin that couldn't start until it was ours. He said it might be worthwhile to have somebody like Moose Mountains Regional Greenways or Southeast Land Trust come in and partner with us because they have the expertise to start designs but when we talked to them in the past, they said it may take 5-10 years to get started on it and the Con Com wants to start now.

He said they have some funds so they can start some of this stuff and selling these 4 pieces of property and putting that money back in to it could very well, he didn't know what the properties would go for, it could be a substantial amount of money to pay for all of this.

Solar Supports-Mrs. Patton-Sanderson said she noticed they were putting up some new solar supports over by Aroma Joe's and the last she heard was they had applied for 6 more and asked what happened with that.

Mr. Squires said he saw 4 more posts erected today doubling what he had there.

Mr. Pelkey said that is not an accessory use.

Mr. Henry said according to the state it is right now.

Mrs. Patton-Sanderson asked if something came back for that and wouldn't they go to legal to decide that accessory portion.

Mr. Pimental said without a solar ordinance the state's coverage of what is accessory is less than-if you have a principal structure on there and you're generating power less than 1 megawatt they consider that accessory. He said for now that application was deemed as accessory which is why on this year's docket, they will be looking at a solar ordinance.

Mr. Pelkey said he has been working on drafting an ordinance based on 5 different towns' solar ordinances and the document that Att. Roman gave him and he is probably another 3 or 4 days of work it would be ready to show it to anybody and then they can talk about the concepts in it. He said there are a lot of different things in there and he didn't think the definition of accessory is 1 MW. I think accessory is you're making enough power to offset your energy costs he said.

Mrs. Patton-Sanderson said that little Aroma Joe's doesn't need that much electricity.

Mr. Pelkey said if they are selling power that's a business and he is okay with businesses making money but tell him that's an accessory-they're doing it to make money and that's their business.

8). Any Other Business Before the Board:

Mr. Pimental said Mr. Fisher's last meeting is the March 20th meeting and Mrs. Patton-Sanderson is going to be out the 20th and on April 3rd so they know it's down to 5 members for the next 2 meetings. He asked the members to be cognizant of that and to let him or Mr. Pelkey know if they can't make it to those meetings so they will know if they are going to have a quorum. He said they will also reach out to alternate member Roger Mains to make sure that he can fill in. He said it does get to a larger issue with Mr. Fisher stepping down to try to fill this position as soon as they can.

Mr. Pelkey said it's not just that position Mr. Fisher is doing a lot of things in town-the Zoning Board, he's our rep to the Regional Planning Commission and he's on Con Com so there are a lot of holes to fill so hopefully we get some volunteers.

Mrs. Patton-Sanderson asked when the Strafford Regional Planning Commission meets.

Mr. Fisher said on the 3rd Friday of every month at 9 a.m. He said he was also on their Executive Committee which meets at 8 a.m. and the meetings usually last until 10:30 – 11 a.m. He said it's very worthwhile because you learn what is going on in the other communities and you can bring that back to Farmington and try to get some of that going towards us.

Mrs. Patton-Sanderson said she will look at that and it just depends on the Friday as she works on Fridays but has every other Friday off. She then asked Mr. Pimental to send her some information and how much homework there is.

Mr. Fisher said on a bad month maybe 5-10 hours for that month and that happens maybe once or twice a year. He said he is going to miss working here too and it has been his honor to work with each and every one of them and joked except for Mr. Henry.

9). Adjournment:

Motion: (Day, second Henry) to adjourn the meeting passed 7-0 at 7:55 p.m.

Kathleen Magoon
Recording Secretary


Richard "Rick" Pelkey, Chairman