

**FARMINGTON PLANNING BOARD**  
**153 Farmington Falls Road**  
**August 12, 2013**  
**Minutes**

Planning Board members present were Clayton King, Donna Tracy, Lloyd Smith, Gloria McGraw, Tom Eastler, and Bill Marceau. Craig Jordan was unable to attend. Alternate members, Matt Smith and Stephan Bunker were present as well.

Others present were Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Code Enforcement Assistant, Jane Ford; Licensed Professional Forester and member of the Conservation Committee, Peter Tracy; applicants, Byron and Taffy Davis; abutters, Dr. and Mrs. Patterson; and three members of the public.

**1. Designate alternate members, if needed**

In Mr. Jordan's absence, Mr. King designated Matt Smith as a voting member for this meeting.

**2. Review minutes of July 8, 2013**

Mr. L. Smith made a motion to approve the minutes of July 8, 2013 as submitted.

Dr. Eastler seconded the motion.

VOTE: 8 – Affirmative 1 – Absent  
Motion carried.

**3. Byron Davis – Conversion and improvements to existing building**

**(six to eight units)**

**109 Court Street**

**Map U16 – Lot 035**

**Site Review Application #13-SR-14**

Mr. Marceau asked the Board members if they feel he should abstain from participation on this application due to the fact that he and Mr. Davis are business partners, but not in regards to this particular project.

Dr. Eastler said as long as Mr. Marceau does not have a pecuniary interest in this project, he should be allowed to participate.

Mr. Marceau said this is solely Mr. B. Davis' project and he is not involved at all.

Mr. King polled the Board and everyone agreed Mr. Marceau should not have to recuse himself.

Mr. King asked what the Board thought of his participation in this review due to the fact that if this project is approved he will be bidding on the appliances and heating systems, and he added that it doesn't mean he will be awarded the bids. Mr. King said he thinks he can remain impartial.

Dr. Eastler said right now there is no conflict or financial gain, but there may be if Mr. King gets the contracts.

Mr. R. Davis said it's perception of conflict vs. reality and anyone can appeal any decision at any time, it's a judgment call.

It was suggested that Mr. Marceau poll the Board.

Mrs. McGraw asked if the Board can reconsider the outcome of the polling if there is a tie vote.

Mr. L. Smith said that we have an extra alternate and Mr. King could run the meeting, but he should not vote so as to avoid trouble down the road.

Mr. King designated Mr. Bunker as a voting member for this agenda item.

Mr. King left the Board table and joined the audience.

As Vice Chairman, Mr. Marceau took over and asked if anyone had any issues regarding the Planning Board check-off list.

Dr. Eastler asked Mr. Kaiser if he had any concerns regarding the performance standards on the check-off list.

Mr. Kaiser reviewed both the Planning Board Site Review check-off list and the Supplemental Information list.

Mr. Kaiser said he went to look at the property with Lt. T.D. Hardy of Farmington Fire Rescue and they found no safety issues with the building. Mr. Kaiser said, as with any apartment building, parking can be an issue with the one space per bedroom requirement, but there is sufficient parking in this case. He said this property has been fallow for several years and this is an opportunity for it to be rehabilitated and put back into productive use. He said Mr. B. Davis manages his other properties very well and this building is well suited for this proposed use. He said though this was a single family house, the building is already compartmentalized and will lend itself well to this conversion. He added that any outdoor lighting installed will have to meet the performance standards as well. Traffic impact, drainage, and sewage disposal were also discussed. Mr. Kaiser said no landscaping is required in this zone [Village Residential] per the Zoning Ordinance.

Mrs. Tracy asked if the Board conducted a site walk-over years ago on this property, and Mr. Kaiser said, yes, and nothing has changed since then other than some cosmetic deterioration.

Dr. Eastler said regarding traffic impact, neighbors may be concerned that too many cars will be coming and going from this site.

Mr. Kaiser said we need to compare this to other similar downtown rental unit properties, and added that any traffic issues are up to the Board to discuss, with input from abutters.

Mr. L. Smith said not too long ago a traffic impact study was required for a project under review, and the results were geared more toward cities like Portland and Boston and did not really pertain to a rural area like this. He added he felt the Board should be able to handle this issue without such a study.

Mr. Marceau said the Board should go over the comments written by Steve Moore [Wastewater Superintendent] and asked Mrs. McGraw to read his letter of review.

Mrs. McGraw read Mr. Moore's comments, and in summary, Mr. Moore stated #109 should install a pump and connect to Court Street where there is a stub provided. He said this will satisfy the Sewer Ordinance which states that every building should have its own service.

Mr. B. Davis said this issue has been resolved by raising the drains one level and they can connect right out on Court Street by gravity.

Mr. Kaiser said Mr. B. Davis will have to contact sewer clerk, Mavis Gensel, to calculate the total fee for hooking up all units, and Mr. Moore for mechanical details regarding connection.

Dr. Eastler made a motion to accept both lists as having been completed subject to approval by Steve Moore.

Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative 1 – Abstention 1 – Absent

Mr. Bunker asked if we need an updated report from Steve Moore.

Mr. R. Davis said Mr. Moore will need to review and approve the new plan.

Dr. Eastler said by having the drains moved up one floor higher, it should work.

Mr. Marceau asked if there were any abutters present.

Abutter, Dr. Patterson, stated that he lived on Court Street for 15 years, across the street from the subject project. He said basically there are single family homes mixed with a few rentals on the street, and it is a fairly quiet community, except when there are funerals in the winter which creates a parking problem. He said there is no place to park now, and we are talking about adding the traffic from 14 more cars which would have a definite impact. He said snow removal is a problem and he and the funeral home owner have had to help by snow blowing the area. Dr. Patterson said he is concerned about students drinking beer and causing loud commotions. He said he doesn't want this building turning into a dormitory. He added that he would be in favor if the building were to be converted into two or three family units.

Mrs. Patterson expressed concern regarding noise problems from drinking parties and resulting beer can litter, and mentioned the drainage problems in the area. She also asked if the parking lot would be paved.

Dr. Eastler asked regarding sound pressure, could we restrict the number of occupants and add some kind of restriction on noise from parties.

Mr. Kaiser said that excessively loud parties are considered a public nuisance which is a police matter. He said these types of situations occur when there is insufficient management by the owner.

Mr. Kaiser said he thinks the Patterson's primary concern is public safety, snow removal, and traffic.

Dr. Eastler said he didn't think we can require a study at this point.

Mr. Kaiser said we have to rely on nuisance law enforcement for any loud party problem.

Mr. Bunker asked if the Board can hear from Mr. B. Davis.

Mr. B. Davis then discussed his project and said he talked to Scott and Dan Adams, trustees of 109 Court Street, and it was then that he became aware of earlier plans for renovation submitted by Brian Demshar [2004]. He said he looked at the property, studied the plans [previously submitted by Mr. Demshar] and thought the floor plans were very good. He said he liked the way it was laid out when he looked at the property, it appeared that it was intended for multi-family use but never was developed that way, and it has ample parking. He added it's a shame that the building is rotting and falling apart.

Mr. B. Davis said that there is a need for more housing in this area and he has had to turn down many inquiries due to the lack of vacancies and he needs more apartments. Regarding student rentals, he said he rents to them because things have changed and the rowdy student problem doesn't exist anymore. He said you can confirm this with the police department. Mr. B. Davis said he would like to transform this into a very safe and efficient building. He said the two-car garage may be used for storage, and they have room for another parking lot on the other side of the building.

Mrs. Patterson said Friday and Saturday nights can become a problem at 2:00 – 3:00 A.M. because the tenants have company and they also have cars, which adds to the noise.

Mr. B. Davis said there will be six 2-bedroom units and one 1-bedroom unit instead of eight.

Mrs. Patterson said, so it will be 13 cars instead of 14.

Mr. B. Davis said this will not be a dormitory, it will be a professionally managed building, I can rent to students, and I think it's discriminatory to single them out.

Mrs. Patterson asked what the criteria was for renting to students.

Mr. Marceau said he won't argue that there can be some issues, but it's all in the management. He said if it's not managed well you will have problems.

Mr. Kaiser said you have to stay on top of things to keep them running smoothly, and this is up to the integrity of the developer and subsequent management. He said to rectify problems in the past, the college and landlords rode hard on the students to straighten things out.

Mrs. McGraw said we shouldn't dwell on past problems, and made a motion to approve the project with Steve Moore's approval of the sewer connection plan.

Mr. M. Smith seconded the motion.

Mr. R. Davis asked Mr. B. Davis if he ever considered a two or three unit building.

Mr. B. Davis said he wants this to be a win-win for everyone. While he could do 2-3 units, he wants to follow the market which indicates the need for spacious, 2-bedroom, professional-grade units, with amenities like dishwashers and coin-operated laundry rooms.

Dr. Eastler said he understood the cost/benefit analysis basis for this decision.

Mr. King asked about exterior lighting.

Mr. B. Davis said any exterior lighting will comply with the Zoning Ordinance he will clean up the landscaping.

Mr. King encouraged Mr. B. Davis to go toward the higher end of the market and not skimp on quality, adding that he has rented to students and you can have either good or bad luck with them.

Mr. Tracy suggested limiting parking to one side of the street to allow for emergency vehicles.

Mr. M. Smith wanted clarification that this building is not targeted just for college students.

Mr. Davis said it will be on a first come, first serve basis. He said problems arrive when you make a bad decision. He added that there is a 17 unit building up the road and it works very well, it's clean, affordable, and close to town.

Getting back to the drainage issues raised earlier by Mrs. Patterson, Mr. Kaiser explained the drainage system installed by the Town, and how it extended to and serviced the subject property and where parking may be added.

Mr. R. Davis said that since paving increasing the amount of impervious surface, he wants to make sure that this system is sized adequately to handle any additional runoff from any added impervious surface.

Mr. Kaiser said that the Zoning Ordinance no longer requires the paving of parking areas, so Mr. B. Davis can leave it as gravel.

Mr. Kaiser said any additional parking to be built is exempt from the setbacks, and this will allow

flexibility with drainage.

Mr. B. Davis said there maybe some sort of retention if needed regarding surface water flow.

VOTE: 7 – Affirmative 1 – Abstention 1 - Absent  
Motion carried.

**4. Whittier Road Bank Stabilization – Modified Plans**  
**Map R02 – Lot 018-A**  
**Shoreland Zoning Application #11-SZ-02**  
**Floodplain Management Application #11-FP-04**

Mr. King returned to the Board table and began review of the above applications.

Mrs. Ford said those applications had been previously approved.

Mr. Kaiser said the past applications were listed as reference and that additional information had been sent which consisted of Plan A and Plan B. He said the only unknown is whether the clay soils will withstand the excavation for and/or driving of wood pilings. He said if there is slope failure, Plan B (more rock) would be initiated. He added that he was impressed with all the work that went into the revised plans.

Mr. King asked Mr. Kaiser if the Board needed to vote on the additional information.

Mr. Kaiser said the information was given to the Board for their acknowledgement and acceptance of what's been modified from the originally approved plans. He said the goal remains, which is to save the Whittier Road.

Dr. Eastler made a motion to accept the additional information submitted regarding the Whittier Road project.

Mr. King seconded the motion.

Mr. R. Davis said that in a nutshell, the original plan called for more rock and root wads to be driven into the riverbank. He said the modified plan is similar to achieve the same purpose, but USFW was more concerned about habitat. He said the modified plan uses a little less rock, and the environmental consultant has some concern whether that is going to work. He said many agencies have been involved, such as the U.S. Forest Service, DEP, the Army Corp of Engineers, and FEMA.

Mr. Tracy said Mr. R. Davis asked him to look at it from a Conservation Commission perspective and said he recommends using only native tree species, such as silver maple vs. non native species. Discussion followed regarding the salmon issue.

VOTE: 8 – Affirmative 1 – Absent  
Motion carried.

## 5. Comprehensive Plan – Discussion – Population Section

Mr. Kaiser said that the “Income, Poverty, Occupation, Unemployment” table on page 1-7 needs additional work. He also said he worked on the original “Vision Statement” and added some historic background. He asked to Board for their input and whether they felt it was too much information.

Mr. King said that he wasn’t able to look at what was sent beforehand, and Mr. Marceau, Dr. Eastler, and Mrs. McGraw said they also did not have the time to read the information, but said that they would before the next meeting.

It was decided that the Comp Plan would be placed first on every agenda so the Board could work on it for at least ½ hour before taking up other business.

There being no further business the meeting adjourned at 8:00 P.M.

Minutes respectfully submitted by Jane Ford.

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Planning Board

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Date