

**FARMINGTON PLANNING BOARD**  
**153 Farmington Falls Road**  
**July 13, 2015**  
**Minutes**

Planning Board members present were Clayton King, William Marceau, Lloyd Smith, Donna Tracy, Gloria McGraw, Craig Jordan, and alternate member, Jeff Wright. Thomas Eastler was unable to attend.

Others present were Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Planning Assistant, Cindy Gelinias; and applicants Nathan Morin and Nathan Paling; Erik Johnson; George Jarrett. Members of the public included Nate Noles, Michael Otley, Munroe Hawkins, Karen Schuler, Doug Saunders, and several others, as well as Ben Hanstein from the Daily Bulldog.

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

Mr. King designated Jeff Wright as a voting member.

**2. Election of Officers**

Mrs. Tracy made a motion to nominate Mr. King as Chairman.

Mr. Smith seconded the motion.

VOTE: 6 – Affirmative 1 – Abstention  
Motion carried.

Mr. King made a motion to nominate Mr. Marceau as Vice Chairman.

Mr. Wright seconded the motion.

VOTE: 6 – Affirmative 1 – Abstention  
Motion carried.

**3. Review minutes of June 6, 2015**

Mrs. Tracy made a motion to approve the minutes of June 6, 2015 as submitted.

Mr. Jordan seconded the motion.

VOTE: 7 – Affirmative  
Motion carried.

#### **4. Nathan Morin & Nathan Paling – “Tuck’s Ale House”**

Proposal to open a small pub  
160 Main Street  
Map U15- Lot 007  
Site Review Application #15-SR-07

Mr. Jordan excused himself because he is an abutter.

Mr. Morin submitted photos of the current and proposed façade, and a sketch of the revised floorplan. He said the pub design and decorations has evolved to incorporate the local history of the downtown, and they were trying to be compatible with the other building styles. Mr. Morin asked the Board to approve a change to the hours of operation, which they originally proposed to be 3-11 PM. They would rather not have a specific closing hour.

Mr. King said they'd have to comply with the State regulations of 1:00 AM closing.

Mr. Wright asked what the capacity was.

Mr. Morin said it was 60-70 maximum, with 50 being more likely with the 18" per person requirement at the bar.

Mrs. McGraw asked if the building was 20' x 50'.

Mr. Morin said yes, but the active bar area was 20' x 35' once you subtracted the bathrooms and other spaces.

Mrs. McGraw said that's 700 SF then.

Mr. Smith said they have started renovations by installing an accessible handicapped bathroom, and he understood construction couldn't begin until the Planning Board has approved a project.

Mr. Kaiser said you can renovate an existing building at any time, and what they are really here for is use approval. He said he discussed this with them, and they knew the renovations were at their own risk until use approval.

Mr. Morin said they still needed bathrooms anyway, whatever the use ended up being.

Mr. Smith stated he was concerned about smoking in front of building.

Mr. Morin said he agreed and will discourage people congregating to smoke out front.

Mr. Marceau expressed his concern about people possibly hanging out in the back alley which could be a fire hazard

Mr. Morin said the back door will be an alarmed door for emergency exit only.

Mr. King said he didn't want people congregating outside on the sidewalk which could result in the police being called. He said your staff will have to be cognizant of these concerns.

Mr. Morin said it should be similar to the Homestead Restaurant in this regard, he doesn't like smoking, and he'll encourage anyone outside the bar to be considerate as noise will impact the neighbors.

Mr. King suggested providing a butt container outside, and asked about the outside lighting.

Mr. Morin said there will be lighting on both sides of the door and on the sign.

Mr. Marceau asked if there were any apartments upstairs.

Mr. Morin said there is a two bedroom unit.

Mrs. McGraw asked about the façade requirements in the Comprehensive Plan.

Mr. Kaiser said the performance standards in the Zoning and Site Review Ordinances give guidance on being compatible with neighboring buildings and the downtown in general.

Mr. Morin said the façade will be a very realistic cobblestone replication made of vinyl which will blend in with different aspects of the downtown while still being unique.

Mrs. McGraw made a motion to approve the application as presented.

Mr. Marceau seconded the motion.

VOTE: 7 – Affirmative 1 – Absent  
Motion carried.

## **5. Erik Johnson**

Revised parking and safety plans for retail ice cream  
561 Farmington Falls Road  
Map R06- Lot 005  
(RE: Site Review Application #15-SR-04)

Mr. Marceau said putting up safety caution tape is not permanent and is only a temporary fix.

Mr. Johnson said the retail ice cream will just be in the summer, the tape idea was in response to Mr. Smith's concerns for safety, and he can't restrict Mr. York's access to the equipment area of the building.

Mr. Marceau said then it's going to be seasonal?

Mr. Johnson said yes, ice cream scoop sales seasonal, and production year-round.

Mr. Smith said his opinion was that tape wasn't enough, and maybe snow fencing should be run perpendicular from the building to the driveway.

Mr. Johnson said the issue would still be Mr. York's access to shed.

Mr. Smith said he was just thinking of a way to save you from having to put up tape all the time.

Mr. Johnson said that's the best way to maintain Mr. York's access.

Mr. Smith said he was then ok with that.

Mrs. Tracy asked if Mr. York kept equipment stored in the bays.

Mr. Johnson said hay and equipment, noting that any children on site will be with their parents.

Mrs. Tracy suggested that hay and equipment are a temptation to kids.

Mr. Johnson said that any children on site will be with their parents.

Mr. Jordan said our job here is just to decide on the parking and basic safety, and Mr. Johnson's insurance company will address any liability issues.

Mrs. McGraw said she agreed with Mr. Jordan, but she would have liked more details on whether we're approving seasonal or year-round.

Mr. King said we already ok'd the manufacturing at the last meeting, this is just for retail ice cream - which he could do year-round.

Mr. Johnson said he favors just doing production, but others want to add retail this summer.

Mrs. McGraw said she doesn't know what she's voting on.

Mr. King said it's up to him when he sells.

Mr. Wright asked Mr. Johnson what he's done so far.

Mr. Johnson said just the framing on the front, adding that we originally started scooping ice cream in the store, but it became a problem for other patrons and that's why they're thinking of doing it here.

Mr. Jordan made a motion to approve the application.

Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative 1 - Absent  
Motion carried.

## **6. Munro Muffler – Tire Warehouse**

Renovation the old Rite Aid building for tire sales

131 Wilton Road

Map U31 – Lot 017

Site Review Application #15-SR- 06

Mr. Jarrett said he is the Director of Development for Munro Muffler and Brake Inc., and we operate the Tire Warehouse brand. He said we are seeking permission to convert the old Rite Aid into a Tire Warehouse facility.

Mr. King asked if it is a do-it-yourself facility like the one in Scarborough.

Mr. Jarrett said, no, none are anymore because of liability.

Mr. King asked if they would be mounting and balancing large truck tires.

Mr. Jarrett said, no.

Mr. King asked if the work would be performed inside because of noise concerns.

Mr. Jarrett said, yes, in closed bays.

Mr. King asked if they would be keeping the existing lighting.

Mr. Jarrett said, yes.

Mr. Wright asked about tire disposal and storage.

Mr. Jarrett said the site plan shows the tire storage trailer owned by the tire haulers on the right side of the building. He said we call the haulers when the trailer is full and they drop off an empty trailer.

Mr. Jordan asked if the facility was tires only, or does it also include mechanic work such as mufflers and brakes.

Mr. Kaiser said he consulted with Attorney Underkuffler, who agreed that it was his determination to make that it is a retail and service business, allowable in the Village Business district, vs car repair which is not.

Mr. King asked if Tire Warehouse does anything but tires.

Mr. Jarrett said the parent company is Munro Muffler and Brake, Inc. that owns the Tire Warehouse brand. He said the Tire Warehouse format doesn't work on mechanical repairs like mufflers, it only does tires and alignments.

Mr. King asked if a vehicle needs mechanical repairs, would they send them somewhere else to be repaired.

Mr. Jarrett said, yes.

Mr. Smith said he was confused about the parking.

Mr. Kaiser said he did the analysis in his memo on the issue to see how the proposal stacked up against the existing parking. He credited bay space inside as parking, and the proposal met the standards.

Mr. Smith said he didn't agree with bay spaces being counted as parking.

Mr. Kaiser said this is an existing developed site, they only need 20 spaces for this size store to work, and the decision on parking acceptability is up to the Board.

Mrs. McGraw said the bay spaces should be backed out of the base building's SF total for parking calculations.

Mr. Kaiser said he did so in his analysis.

Mr. Marceau asked if they were going to do oil changes.

Mr. Jarrett said no.

Mr. King asked when they anticipated opening.

Mr. Jarrett said the lease expires next summer and they will then begin renovations.

Nathan Noles asked why this area was originally zoned for no auto sales and repairs.

Mr. Kaiser said back when we designed zoning, we broke areas up into districts, and this is a transitional area between general purpose and the downtown, noting we didn't have zoning when Rite Aid was built in 1995 and didn't adopt town wide zoning until 1999. He said it is the CEO's job to determine if a business fits the table of use criteria for a given district, and he determined here that changing tires and doing alignments is a retail & service activity and not auto repair and therefore allowable.

Mr. Noles said he is glad they are coming to town, but he disagreed with it being determined as repair and sales v. auto repair, adding alignment is repair. He suggested a variance be issued or have the area rezoned to allow other repair businesses to operate in this area.

Mr. Kaiser disagreed, stating that alignment is an adjustment and therefore a service vs. a repair. He added that items such as installing ball joints, tie rods/ends, struts, shocks, brakes, mufflers, were repairs, but not tire mounting, balancing, and alignment of tires.

Mr. R. Davis suggested looking at tire changing as performing normal maintenance rather than repair.

Mr. Wright made a motion to approve the project as presented.

Mr. King seconded the motion.

Mr. Jordan asked if the area should be rezoned which could be done before they begin construction next year. He said we have several businesses that don't fit.

Mr. Kaiser said this situation was simply a matter of zoning interpretation which he has done, adding that rezoning is a long process that requires vetting through public hearings and a Town Meeting vote. He said making zoning changes should change the use landscape of an area and in this case it would only accommodate businesses already in existence, many of which are grandfathered.

6 – Approved 1 – Abstained 1 - Absent  
Motion carried.

## **7. Town of Farmington - Church Street Parking Lot**

Demolition of house/barn and construction of 28 space parking lot

112 Church Street

Map U15 – Lot 084

Site Review Application #15-SR-08

Soil Erosion Control/Storm Water Management #15-SS-09

Mr. Davis said we are seeking approval for constructing a 28 space parking lot once the property has been purchased and the building demolished. He said they would hire an engineer for the drainage design and to control water flow so it doesn't affect the abutters. Mr. Davis said this would be a public parking facility and any issues or time limits would be decided by the Selectmen, and the Transportation Advisory Committee would review any proposals in accordance with the Traffic Ordinance. He stated the Town has until July 15<sup>th</sup> to exercise the purchase option. Mr. Davis said there will be some landscaping and granite curbing, adding that the abutters have requested a stockade type fence for privacy, lights, and noise.

Mr. Marceau asked about time limits and overnight parking.

Mr. Davis said that would have to be discussed with the Selectmen and any leasing would require Town Meeting approval. He said many people voiced their objection to overnight parking at the Special Town Meeting. Mr. Davis said the Town would own and maintain the lot which includes snow removal.

Mrs. Tracy said Public Works Director Denis Castonguay had concerns about the drainage.

Mr. Davis said they would hire an engineer to deal with drainage issues and make sure there isn't an adverse effect on the abutters.

Mrs. McGraw stated the County lot on Anson Street is never full.

Mr. Davis said the intent is for the Town to provide convenient parking to benefit all the businesses, and the Anson Street parking lot isn't perceived to be convenient to downtown. He said we are considering installing signage for public parking and directions to stores and businesses.

Mrs. McGraw stated the downtown needs public bathrooms.

Mr. Davis said this was discussed at the Downtown TIF Advisory Committee meeting, and this area has a designated parking spot for bus tours which would make a good location for the bathrooms. He said we could look into this as we accumulate funds in the Downtown TIF, but it would mean sacrificing some parking spaces.

Mr. Wright said the Historical Society is very excited for having this parking lot constructed.

Mr. Marceau said this is the highest and best use for the property and it will be beneficial for the downtown and for instance will help Mr. Morin's new business. He asked how long it will take to complete.

Mr. Davis said it would be demolished late this fall and completed next year.

Mr. Doug Saunders, from the Franklin County Children's Task, stated they have issues with the noise and language of the skateboarders who use Church Street, and he is concerned that the parking lot will attract more of them.

Mr. Davis said the Town has a Skateboard Ordinance prohibiting it on certain streets and any Town owned or leased property, and it then becomes a police matter.

Mr. Saunders suggested signage be posted on the property prohibiting skateboarding. He said his other concern was the demolition phase because it is a one-way street.

Mr. Davis said we can work around it as we did seven years ago when we rebuilt Church Street.

Mr. Hawkins said he is not satisfied with the answers to his questions and he had reservations about the parking lot project, even though he voted in favor of it. He voiced past concerns regarding flooding issues over many years. Mr. Hawkins stated he wanted to purchase a piece of the property for parking if the price was right.

Mr. Davis assured him that his concerns, including drainage, would be addressed and that is why we hire engineers. He said the purchase of a piece of the property would have to be negotiated later.

Mr. Otley asked why the engineering wasn't done first.

Mr. Davis said we cannot expend funds until approved.

Mr. Hawkins asked where the idea originated.

Mr. Davis said the TIF committee determined it would be a good expenditure of public funds.

Mrs. Schuler asked that the Town keep the abutters informed of the process.

Mr. Davis said, absolutely.

Mr. Jordan made a motion to approve the Site Review application as presented.

Mr. Wright seconded the motion.

Discussion followed regarding the ongoing need for public bathrooms, the benefits of Cony Street lighting, and maintenance of the Anson Street parking lot.

7 – Affirmed 1 - Absent  
Motion carried.

Mr. King made a motion to accept the Soil Erosion Control/Storm Water Management application.

Mr. Smith seconded the motion.

Mrs. McGraw requested the application be tabled until the engineering plans have been submitted.

Mr. King rescinded his motion.

Mr. Smith rescinded his second.

Mrs. McGraw made a motion to approve the demolition and preparation of the lot but to table approval of the Soil Erosion Control/Storm Water Management application pending submittal of the engineering design for the drainage and landscaping.

Mr. King seconded the motion.

6 – Affirmed 1 – Opposed 1 - Absent  
Motion carried.

## **8. Addressing the Town of Farmington Wireless Telecommunications Facility Ordinance**

Mr. King stated he put this on the agenda for discussion, but since an appeal is pending deliberation on this matter must be delayed until all appeal opportunities have passed.

Mrs. McGraw made a motion to table the discussion.

Mrs. Tracy seconded the motion.

Mr. Jordan said we have a concerned citizen here, and asked when can we advise him the matter will be discussed.

Mr. King said we can't address the matter until the appeal process has been exhausted. If it is remanded back to the Board, we will review all pertinent data and take another vote. If not, we have to wait and see if the appellant goes to Superior Court.

7 – Affirmed 1 - Absent  
Motion carried.

## 9. Other Business

Mrs. McGraw asked about the letter regarding the Ice Cream Shoppe and what happens to the second driveway.

Mr. Kaiser stated he spoke with Mr. Gardner on the site and made him fully aware that the second driveway can only be used for farm access and couldn't be used for his business as documented in the Planning Board's condition of approval notice. He said Mr. Gardner defied the conditions of approval, so he will submit documents in this regard to Attorney Underkuffler for court remedy. Mr. Kaiser said we will give the owner a deadline to stop business use of the driveway, and if he continues to defy the conditions, we can seek fines per day and rescind Planning Board approval down.

Mrs. Tracy asked can he use the driveway if he plants corn in the back field.

Mr. Kaiser said he can only use it for agricultural purposes.

Discussion followed regarding changes and additions to the original plans.

Mr. Kaiser said we will address those issues separately.

There being no further business, the meeting adjourned at 7:36 p.m.

Minutes respectfully submitted by Cindy Gelinis

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Planning Board

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Date